

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 131
Agriculture/Environment/Natural Resources Committee Substitute Adopted 3/2/17
House Committee Substitute Favorable 3/23/17

Short Title: Regulatory Reform Act of 2016-2017.

(Public)

Sponsors:

Referred to:

February 27, 2017

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

4 The General Assembly of North Carolina enacts:

5
6 **PART I. BUSINESS REGULATION**

7
8 **EMPLOYMENT STATUS OF FRANCHISES**

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

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

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

16
17 **STREAMLINE MORTGAGE NOTICE REQUIREMENTS**

18 **SECTION 1.2.** G.S. 45-91 reads as rewritten:

19 **"§ 45-91. Assessment of fees; processing of payments; publication of statements.**

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

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

24 a. Assessed within 45 days of the date on which the fee was incurred.
25 Provided, however, that attorney or trustee fees and costs incurred as
26 a result of a foreclosure action shall be assessed within 45 days of the
27 date they are charged by either the attorney or trustee to the servicer.

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



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

CLARIFY PRIVATE DRINKING WATER WELL PERMITTING REQUIREMENTS

SECTION 1.3.(a) G.S. 87-97(b1) reads as rewritten:

"§ 87-97. Permitting, inspection, and testing of private drinking water wells.

...

(b1) Permit to Include Authorization for Piping and Electrical. – When a permit is issued under this section, the local health department shall be responsible for notifying the appropriate building inspector of the issuance of the well permit. A permit issued under this section shall also be deemed to include authorization for all of the following:

- 1 (1) The installation, construction, maintenance, or repair of electrical wiring,
- 2 devices, appliances, or equipment by a person certified as a well contractor
- 3 under Article 7A of this Chapter when running electrical wires from the well
- 4 pump to the pressure switch.
- 5 (2) The installation, construction, maintenance, or repair of water pipes by a
- 6 person certified as a well contractor under Article 7A of this Chapter when
- 7 running water pipes from the well to the water tank.
- 8 (3) The installation of both water pipes and electrical wiring in a single ditch by
- 9 a person certified as a well contractor under Article 7A of this Chapter when
- 10 running electrical wires from the well pump to the pressure switch and water
- 11 pipes from the well to the water tank. The ditch shall be as deep as the
- 12 minimum cover requirements for either electrical wiring or water pipes,
- 13 whichever is greater.
- 14 (4) The local health department is the exclusive authority for the permitting and
- 15 inspection of the well system. No person certified as a well contractor under
- 16 Article 7 of this Chapter shall be required to have a permit under
- 17 G.S. 143-138 for either (i) the connection or disconnection of a well system
- 18 to the plumbing served by the well system or (ii) the connection or
- 19 disconnection of the electrical wiring to the pump or pressure switch of a
- 20 well system to the electrical service that serves the well system. For
- 21 purposes of this subdivision, a well system includes the well, the pressure
- 22 tank, the pressure switch, and all plumbing and electrical equipment in the
- 23 well and between the well, pressure tank, and pressure switch.

24 This subsection shall not be interpreted to prohibit any person licensed by an independent
 25 occupational licensing board from performing any authorized services within the scope of
 26 practice of the person's license."

27 **SECTION 1.3.(b)** G.S. 143-138 is amended by adding a new subsection to read:
 28 "**§ 143-138. North Carolina State Building Code.**

29 ...

30 (b17) Exclusion for Private Drinking Water Well Installation, Construction, Maintenance,
 31 and Repair. – No permit shall be required under the Code or any local variant approved under
 32 subsection (e) of this section for the electrical and plumbing activities associated with the
 33 installation, construction, maintenance, or repair of a private drinking water well when all of
 34 the following apply:

- 35 (1) The work is performed by a contractor certified under Article 7A of Chapter
- 36 87 of the General Statutes under the terms of a permit issued by the local
- 37 health department pursuant to G.S. 87-97.
- 38 (2) The scope of work includes only the well system as defined in
- 39 G.S. 89-97(b1)(4) and the connection or disconnection of the well system to
- 40 either the plumbing served by the well system or the electrical service that
- 41 serves the well system.

42 "

43

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

46 **SECTION 1.4.** G.S. 143-138 is amended by adding a new subsection to read:

47 "(b18) Exclusion From Energy Efficiency Code Requirements for Certain Use and
 48 Occupancy Classifications. – The Council shall provide for an exemption from any
 49 requirements in the energy efficiency standards pursuant to Chapter 13 of the 2012 North
 50 Carolina Building Code and the 2012 Energy Conservation Code, and any subsequent
 51 amendments to the Building Code and Energy Conservation Code, for the following use and

1 occupancy classifications pursuant to Chapter 3 of the 2012 North Carolina Building Code:
2 Section 306, Factory Group F; Section 311, Storage Group S; and Section 312, Utility and
3 Miscellaneous Group U."
4

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

6 7 **WILDLIFE RESOURCES COMMISSION, DIVISION OF MARINE FISHERIES, AND** 8 **UTILITIES COMMISSION PRIVATE IDENTIFYING INFORMATION**

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

10 **"§ 143-254.5. Disclosure of personal identifying information.**

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

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

16 **"§ 143B-289.52. Marine Fisheries Commission – powers and duties.**

17 ...

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

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

25 **"§ 132-1.14. Personally identifiable information of public utility customers.**

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

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

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

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

37 **SECTION 2.1.(d)** This section becomes effective October 1, 2017.

38 39 **WATER AND SEWER BILLING BY LESSORS**

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

41 **"§ 42-42.1. Water and electricity conservation.**

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

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

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

50 "(g) In addition to the authority to issue a certificate of public convenience and necessity
51 and establish rates otherwise granted in this Chapter, for the purpose of encouraging water

1 conservation, the Commission may, consistent with the public interest, adopt procedures that
2 allow a lessor to charge for the costs of providing water or sewer service to persons who
3 occupy the ~~same contiguous leased~~ premises. The following provisions shall apply:

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

8 (1a) If the ~~contiguous leased~~ premises ~~were~~ are contiguous dwelling units built
9 prior to ~~1989~~ 1989, and the lessor determines that the measurement of the
10 tenant's total water usage is impractical or not economical, the lessor may
11 allocate the cost for water and sewer service to the tenant using equipment
12 that measures the tenant's hot water usage. In that case, each tenant shall be
13 billed a percentage of the landlord's water and sewer costs for water usage in
14 the dwelling units based upon the hot water used in the tenant's dwelling
15 unit. The percentage of total water usage allocated for each dwelling unit
16 shall be equal to that dwelling unit's individually submetered hot water usage
17 divided by all submetered hot water usage in all dwelling units. The
18 following conditions apply to billing for water and sewer service under this
19 subdivision:

20 a. A lessor shall not utilize a ratio utility billing system or other
21 allocation billing system that does not rely on individually
22 submetered hot water usage to determine the allocation of water and
23 sewer costs.

24 b. The lessor shall not include in a tenant's bill the cost of water and
25 sewer service used in common areas or water loss due to leaks in the
26 lessor's water mains. A lessor shall not bill or attempt to collect for
27 excess water usage resulting from a plumbing malfunction or other
28 condition that is not known to the tenant or that has been reported to
29 the lessor.

30 c. All equipment used to measure water usage shall comply with
31 guidelines promulgated by the American Water Works Association.

32 d. The lessor shall maintain records for a minimum of 12 months that
33 demonstrate how each tenant's allocated costs were calculated for
34 water and sewer service. Upon advanced written notice to the lessor,
35 a tenant may inspect the records during reasonable business hours.

36 e. Bills for water and sewer service sent by the lessor to the tenant shall
37 contain all the following information:

38 1. The amount of water and sewer services allocated to the
39 tenant during the billing period.

40 2. The method used to determine the amount of water and sewer
41 services allocated to the tenant.

42 3. Beginning and ending dates for the billing period.

43 4. The past-due date, which shall not be less than 25 days after
44 the bill is mailed.

45 5. A local or toll-free telephone number and address that the
46 tenant can use to obtain more information about the bill.

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

50 (3) The Commission shall ~~issue~~ adopt rules to ~~define contiguous premises and to~~
51 ~~implement this subsection. In issuing the rule to define contiguous premises,~~

- 1 ~~the Commission shall consider contiguous premises where manufactured~~
2 ~~homes, as defined in G.S. 143-145(7), or spaces for manufactured homes are~~
3 ~~rented.~~
- 4 (4) The Commission shall develop an application that lessors must submit for
5 authority to charge for water or sewer service. The form shall include all of
6 the following:
- 7 a. A description of the applicant and the property to be served.
8 b. A description of the proposed billing method and billing statements.
9 c. The schedule of rates charged to the applicant by the supplier.
10 d. The schedule of rates the applicant proposes to charge the applicant's
11 customers.
12 e. The administrative fee proposed to be charged by the applicant.
13 f. The name of and contact information for the applicant and its agents.
14 g. The name of and contact information for the supplying water or
15 sewer system.
16 h. Any additional information that the Commission may require.
- 17 (4a) The Commission shall develop an application that lessors must submit for
18 authority to charge for water or sewer service at single-family homes that
19 allows the applicant to serve multiple homes in the State subject to single
20 Commission approval. The form shall include all of the following:
- 21 a. A description of the applicant and a listing of the address of all the
22 properties to be served, which shall be updated annually with the
23 Commission.
24 b. A description of the proposed billing method and billing statements.
25 c. The administrative fee proposed to be charged by the applicant.
26 d. The name and contact information for the applicant and its agents.
27 e. Any additional information the Commission may require.
- 28 (5) The Commission shall approve or disapprove an application within 30 days
29 of the filing of a completed application with the Commission. If the
30 Commission has not issued an order disapproving a completed application
31 within 30 days, the application shall be deemed approved.
- 32 (6) A provider of water or sewer service under this subsection may increase the
33 rate for service so long as the rate does not exceed the unit consumption rate
34 charged by the supplier of the service. A provider of water or sewer service
35 under this subsection may change the administrative fee so long as the
36 administrative fee does not exceed the maximum administrative fee
37 authorized by the Commission. In order to change the rate or administrative
38 fee, the provider shall file a notice of revised schedule of rates and fees with
39 the Commission. The Commission may prescribe the form by which the
40 provider files a notice of a revised schedule of rates and fees under this
41 subsection. The form shall include all of the following:
- 42 a. The current schedule of the unit consumption rates charged by the
43 provider.
44 b. The schedule of rates charged by the supplier to the provider that the
45 provider proposes to pass through to the provider's customers.
46 c. The schedule of the unit consumption rates proposed to be charged
47 by the provider.
48 d. The current administrative fee charged by the provider, if applicable.
49 e. The administrative fee proposed to be charged by the provider.
- 50 (7) A notification of revised schedule of rates and fees shall be presumed valid
51 and shall be allowed to become effective upon 14 days notice to the

1 Commission, unless otherwise suspended or disapproved by order issued
2 within 14 days after filing.

3 (8) Notwithstanding any other provision of this Chapter, the Commission shall
4 determine the extent to which the services shall be regulated and, to the
5 extent necessary to protect the public interest, regulate the terms, conditions,
6 and rates that may be charged for the services. Nothing in this subsection
7 shall be construed to alter the rights, obligations, or remedies of persons
8 providing water or sewer services and their customers under any other
9 provision of law.

10 (9) A provider of water or sewer service under this subsection shall not be
11 required to file annual reports pursuant to G.S. 62-36 or to furnish a bond
12 pursuant to G.S. 62-110.3."
13

14 **CLARIFY THAT RECYCLING PROGRAMS BY LOCAL SCHOOL BOARDS MUST** 15 **COMPLY WITH G.S. 160A-327**

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

17 "(41) To Encourage Recycling in Public Schools. – Local boards of education
18 shall encourage recycling in public schools and may develop and implement
19 recycling programs at public schools. Local boards of education shall
20 comply with G.S. 160A-327."
21

22 **REZONING/SIMULTANEOUS COMPREHENSIVE PLAN AMENDMENT**

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

24 "**§ 153A-341. Purposes in view.**

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

26 (b) Prior to adopting or rejecting any zoning amendment, the governing board shall
27 ~~adopt a statement~~ one of the following statements which shall not be subject to judicial review:

28 (1) A statement approving the zoning amendment and describing whether its
29 action is consistent ~~its consistency~~ with an adopted comprehensive plan and
30 explaining why the board considers the action taken to be ~~is~~ reasonable and
31 in the public interest. ~~That statement is not subject to judicial review. The~~

32 (2) A statement rejecting the zoning amendment and describing its
33 inconsistency with an adopted comprehensive plan and explaining why the
34 action taken is reasonable and in the public interest.

35 (3) A statement approving the zoning amendment and containing at least all of
36 the following:

37 a. A declaration that the approval is also deemed an amendment to the
38 comprehensive plan. The governing board shall not require any
39 additional request or application for amendment to the
40 comprehensive plan.

41 b. An explanation of the change in conditions the governing board took
42 into account in amending the zoning ordinance to meet the
43 development needs of the community.

44 c. Why the action was reasonable and in the public interest.

45 (c) Prior to consideration by the governing board of the proposed zoning amendment,
46 the planning board shall advise and comment on whether the proposed amendment is consistent
47 with any comprehensive plan that has been adopted and any other officially adopted plan that is
48 applicable. ~~plan.~~ The planning board shall provide a written recommendation to the governing
49 board of county commissioners that addresses plan consistency and other matters as deemed
50 appropriate by the planning board, but a comment by the planning board that a proposed

1 amendment is inconsistent with the comprehensive plan shall not preclude consideration or
2 approval of the proposed amendment by the governing board.

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

14 (e) As used in this section, "comprehensive plan" includes a unified development
15 ordinance and any other officially adopted plan that is applicable."

16 **SECTION 2.4.(b)** G.S. 153A-349.13 reads as rewritten:

17 "**§ 153A-349.13. Relationship of agreement to building or housing ~~code~~code;**
18 **comprehensive plan amendment.**

19 (a) A development agreement adopted pursuant to this Chapter shall not exempt the
20 property owner or developer from compliance with the State Building Code or State or local
21 housing codes that are not part of the local government's planning, zoning, or subdivision
22 regulations.

23 (b) When the governing board approves the rezoning of any property associated with a
24 development agreement adopted pursuant to this Chapter, the provisions of G.S. 153A-341
25 apply."

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

27 "**§ 160A-383. Purposes in view.**

28 (a) Zoning regulations shall be made in accordance with a comprehensive plan. ~~When~~

29 (b) Prior to adopting or rejecting any zoning amendment, the governing board shall also
30 approve a statement adopt one of the following statements which shall not be subject to judicial
31 review:

32 (1) A statement approving the zoning amendment and describing whether its
33 action is consistent its consistency with an adopted comprehensive plan and
34 any other officially adopted plan that is applicable, and briefly explaining
35 why the board considers the action taken to be is reasonable and in the
36 public interest. That statement is not subject to judicial review. The

37 (2) A statement rejecting the zoning amendment and describing its
38 inconsistency with an adopted comprehensive plan and explaining why the
39 action taken is reasonable and in the public interest.

40 (3) A statement approving the zoning amendment and containing at least all of
41 the following:

42 a. A declaration that the approval is also deemed an amendment to the
43 comprehensive plan. The governing board shall not require any
44 additional request or application for amendment to the
45 comprehensive plan.

46 b. An explanation of the change in conditions the governing board took
47 into account in amending the zoning ordinance to meet the
48 development needs of the community.

49 c. Why the action was reasonable and in the public interest.

50 (c) Prior to consideration by the governing board of the proposed zoning amendment,
51 the planning board shall advise and comment on whether the proposed amendment is consistent

1 with any comprehensive plan that has been adopted and any other officially adopted plan that is
2 applicable. plan. The planning board shall provide a written recommendation to the governing
3 board that addresses plan consistency and other matters as deemed appropriate by the planning
4 board, but a comment by the planning board that a proposed amendment is inconsistent with
5 the comprehensive plan shall not preclude consideration or approval of the proposed
6 amendment by the governing board.

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

16 (e) As used in this section, "comprehensive plan" includes a unified development
17 ordinance and any other officially adopted plan that is applicable."

18 **SECTION 2.4.(d)** G.S. 160A-400.32 reads as rewritten:

19 "**§ 160A-400.32. Relationship of agreement to building or housing code code;**
20 **comprehensive plan amendment.**

21 (a) A development agreement adopted pursuant to this Chapter shall not exempt the
22 property owner or developer from compliance with the State Building Code or State or local
23 housing codes that are not part of the local government's planning, zoning, or subdivision
24 regulations.

25 (b) When the governing board approves the rezoning of any property associated with a
26 development agreement adopted pursuant to this Chapter, the provisions of G.S. 160A-383
27 apply."

28 **SECTION 2.4.(e)** Nothing in this section shall repeal, modify, or amend any prior
29 or subsequent local act giving authority to a governing board to delegate zoning decisions to a
30 planning board, planning agency, or planning commission.

31 **SECTION 2.4.(f)** This section becomes effective October 1, 2017, and applies to
32 proposed zoning amendment applications filed on or after that date.

33 **PARENT PARCEL/SUBDIVISION CLARIFICATION**

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

35 "**§ 153A-335. "Subdivision" defined.**

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

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

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

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

24 **"§ 160A-376. Definition.**

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

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

- 1 (2) No part of the tract or parcel to be divided has been divided under this
- 2 subsection in the 10 years prior to division.
- 3 (3) The entire area of the tract or parcel to be divided is greater than five acres.
- 4 (4) After division, no more than three lots result from the division.
- 5 (5) After division, all resultant lots comply with all of the following:
- 6 a. Any lot dimension size requirements of the applicable land-use
- 7 regulations, if any.
- 8 b. The use of the lots is in conformity with the applicable zoning
- 9 requirements, if any.
- 10 c. A permanent means of ingress and egress is recorded for each lot."
- 11 **SECTION 2.5.(c)** This section becomes effective July 1, 2017.

PROGRAM EVALUATION TO STUDY NONPROFIT CONTRACTING

12

13 **SECTION 2.6.(a)** The Joint Legislative Program Evaluation Oversight Committee

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

15 study State law and internal agency policies and procedures for delivery of public services

16 through State grants and contracts to nonprofit organizations. The study shall include, but not

17 be limited to, how nonprofit organizations are compensated for actual, reasonable, documented

18 indirect costs, and the extent to which any underpayment for indirect costs reduces the

19 efficiency or effectiveness of the delivery of public services. The study shall propose

20 improvements to State law and internal agency policies and procedures, if necessary, to remove

21 unnecessary impediments to the efficient and effective delivery of public services, including,

22 but not limited to, late execution of contracts, late payments, and late reimbursements. In

23 conducting the study, the Division may require each State agency to provide data maintained

24 by the agency to determine any of the following:

25

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

31 **SECTION 2.6.(b)** If the study is conducted, the Division shall submit a report on

32 the results of the study to the Joint Legislative Program Evaluation Oversight Committee and

33 the Joint Legislative Commission on Governmental Operations no later than September 1,

34 2018.

35 **SECTION 2.6.(c)** This section becomes effective September 1, 2017.

RENAME AND AMEND THE BOARD OF REFRIGERATION EXAMINERS

36

37 **SECTION 2.7.(a)** Article 5 of Chapter 87 of the General Statutes reads as

38 rewritten:

"Article 5.
"Refrigeration Contractors.

39

40 **"§ 87-52. State Board of Refrigeration ~~Examiners; Contractors;~~ appointment; term of**

41 **office.**

42 (a) For the purpose of carrying out the provisions of this Article, the State Board of

43 Refrigeration ~~Examiners-Contractors~~ is created, consisting of seven members appointed by the

44 Governor to serve seven-year staggered terms. The Board shall consist ~~of one member who is a~~

45 ~~wholesaler or a manufacturer of refrigeration equipment;~~ ~~one member from an engineering~~

46 ~~school of The University of North Carolina;~~ ~~one member from the Division of Public Health of~~

47 ~~The University of North Carolina;~~ ~~two licensed refrigeration contractors;~~ ~~one member who has~~

48 ~~no ties with the construction industry to represent the interest of the public at large;~~ ~~and one~~

49 ~~member with an engineering background in refrigeration of:~~

50

51

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

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

15 ...
 16 **"§ 87-58. Definitions; contractors licensed by Board; examinations.**

17 (a) ~~As applied~~ The provisions of this Article shall not repeal any wording, phrase, or
 18 paragraph as set forth in Article 2 of this Chapter. The following definitions apply in this
 19 Article, "refrigeration trade or business" is defined to include all Article:

- 20 (1) Commercial refrigeration contractor. – All persons, ~~firms~~—firms, or
 21 corporations engaged in the installation, maintenance, servicing and
 22 repairing of refrigerating machinery, equipment, devices and components
 23 relating thereto and within limits as set forth in the codes, laws and
 24 regulations governing refrigeration installation, maintenance, service and
 25 repairs within the State of North Carolina or any of its political subdivisions.
 26 The provisions of this Article shall not repeal any wording, phrase, or
 27 paragraph as set forth in Article 2 of Chapter 87 of the General
 28 Statutes:thereto.
 29 (2) Industrial refrigeration contractor. – All persons, firms, or corporations
 30 engaged in commercial refrigeration contracting with the use of ammonia as
 31 a refrigerant gas.
 32 (3) Refrigeration service contractor. – All persons, firms, or corporations
 33 engaged in the maintenance, servicing, and repairing of refrigerating
 34 machinery, equipment, devices, and components relating thereto.
 35 (4) Transport refrigeration contractor. – All persons, firms, or corporations
 36 engaged in the business of installation, maintenance, repairing, and servicing
 37 of transport refrigeration.

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

- 39 (1) The installation of self-contained commercial refrigeration units equipped
 40 with an Original Equipment Manufacturer (OEM) molded plug that does not
 41 require the opening of service valves or replacement of lamps, fuses, and
 42 ~~door gaskets.~~ valves.
 43 (2) The installation and servicing of domestic household self-contained
 44 refrigeration appliances equipped with an OEM molded plug connected to
 45 suitable receptacles which have been permanently installed and do not
 46 require the opening of service valves.
 47 (3) Employees of persons, firms, or corporations or persons, firms or
 48 corporations, not engaged in refrigeration contracting as herein defined, that
 49 install, maintain and service their own refrigerating machinery, equipment
 50 and devices.

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

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

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

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

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

11 (3) A Class III license shall be required for any person engaged in the business
12 of refrigeration service contracting.

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

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

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

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

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

37 ...

38 (k) Upon application and payment of the fee for license renewal provided in G.S. 87-64,
39 the Board shall issue a certificate of license to any licensee whose business activities require a
40 Class I or Class II license if that licensee had an established place of business and was licensed
41 pursuant to this Article prior to January 1, 2018.

42 ...

43 **"§ 87-64. Examination and license fees; annual renewal.**

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

50 (b) The license of every person licensed under the provisions of this statute shall be
51 annually renewed. Effective January 1, 2012, the Board may require, as a prerequisite to the

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

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

18 **SECTION 2.7.(b)** This section becomes effective January 1, 2018, and applies to
19 applications submitted and Board membership appointments on or after that date.

20 21 **AMEND DEFINITION OF ANTIQUE AUTOMOBILE**

22 **SECTION 2.8.** G.S. 105-330.9 reads as rewritten:

23 **"§ 105-330.9. Antique automobiles.**

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

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

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

39 40 **COPIES OF CERTAIN PUBLIC RECORDS**

41 **SECTION 2.9.(a)** G.S. 132-6.1 reads as rewritten:

42 **"§ 132-6.1. Electronic data-processing and computer databases as public records.**

43 (a) ~~After June 30, 1996, no public agency shall purchase, lease, create, or otherwise~~
44 ~~acquire any electronic data-processing system for the storage, manipulation, or retrieval of~~
45 Databases purchased, leased, created, or otherwise acquired by every public agency containing
46 public records unless it first determines that the system will shall be designed and maintained in
47 a manner that does not impair or impede the public agency's ability to permit the public
48 inspection and examination, and to provide electronic examination of public records and
49 provides a means of obtaining copies of such records. Nothing in this subsection shall be
50 construed to require the retention by the public agency of obsolete hardware or software.

1 (a1) Notwithstanding G.S. 132-6.2(a), a public agency may satisfy the requirement under
2 G.S. 132-6 to provide access to public records in computer databases by making public records
3 in computer databases individually available online in a format that allows a person to view the
4 public record and print or save the public record to obtain a copy. A public agency that
5 provides access to public records under this subsection is not required to provide access to the
6 public records in the computer database in any other way; provided, however, that a public
7 agency that provides access to public records in computer databases shall also allow inspection
8 of any of such public records that the public agency also maintains in a nondigital medium.

9 ~~(b) Every public agency shall create an index of computer databases compiled or~~
10 ~~created by a public agency on the following schedule:~~

11 ~~State agencies by July 1, 1996;~~

12 ~~Municipalities with populations of 10,000 or more, counties with populations of 25,000 or~~
13 ~~more, as determined by the 1990 U.S. Census, and public hospitals in those counties, by July 1,~~
14 ~~1997;~~

15 ~~Municipalities with populations of less than 10,000, counties with populations of less than~~
16 ~~25,000, as determined by the 1990 U.S. Census, and public hospitals in those counties, by July~~
17 ~~1, 1998;~~

18 ~~Political subdivisions and their agencies that are not otherwise covered by this schedule,~~
19 ~~after June 30, 1998. The index shall be a public record and shall include, at a minimum, the~~
20 ~~following information with respect to each database listed therein: a list of the data fields; a~~
21 ~~description of the format or record layout; information as to the frequency with which the~~
22 ~~database is updated; a list of any data fields to which public access is restricted; a description of~~
23 ~~each form in which the database can be copied or reproduced using the agency's computer~~
24 ~~facilities; and a schedule of fees for the production of copies in each available form. Electronic~~
25 ~~databases compiled or created prior to the date by which the index must be created in~~
26 ~~accordance with this subsection may be indexed at the public agency's option. The form,~~
27 ~~content, language, and guidelines for the index and the databases to be indexed shall be~~
28 ~~developed by the Office of Archives and History in consultation with officials at other public~~
29 ~~agencies.~~

30 (c) Nothing in this section shall require a public agency to create a computer database
31 that the public agency has not otherwise created or is not otherwise required to be created.
32 Nothing in this section requires a public agency to disclose security features of its electronic
33 data processing systems, information technology systems, telecommunications networks, or
34 electronic security systems, including hardware or software security, passwords, or security
35 standards, procedures, processes, configurations, software, and codes.

36 (d) The following definitions apply in this section:

37 (1) Computer database. – A structured collection of data or documents residing
38 in a database management program or spreadsheet software.

39 (2) Computer hardware. – Any tangible machine or device utilized for the
40 electronic storage, manipulation, or retrieval of data.

41 (3) Computer program. – A series of instructions or statements that permit the
42 storage, manipulation, and retrieval of data within an electronic
43 data-processing system, together with any associated documentation. The
44 term does not include the original data, or any analysis, compilation, or
45 manipulated form of the original data produced by the use of the program or
46 software.

47 (4) Computer software. – Any set or combination of computer programs. The
48 term does not include the original data, or any analysis, compilation, or
49 manipulated form of the original data produced by the use of the program or
50 software.

1 (5) Electronic data-processing system. – Computer hardware, computer
2 software, or computer programs or any combination thereof, regardless of
3 kind or origin.

4 (6) Media or medium – The physical medium on which information is stored in
5 recoverable form."

6 **SECTION 2.9.(b)** G.S. 132-6 reads as rewritten:

7 "**§ 132-6. ~~Inspection and~~ Inspection, examination and copies of public records.**

8 (a) Every custodian of public records shall permit any record in the custodian's custody
9 to be inspected and examined at reasonable times and under reasonable supervision by any
10 person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as
11 may be prescribed by law. As used herein, "custodian" does not mean an agency that holds the
12 public records of other agencies solely for purposes of storage or safekeeping or solely to
13 provide data processing.

14 (a1) A public agency or custodian may satisfy the requirements in subsection (a) of this
15 section by making public records available online in a format that allows a person to view the
16 public record and print or save the public record to obtain a copy. If the public agency or
17 custodian maintains public records online in a format that allows a person to view and print or
18 save the public records to obtain a copy, the public agency or custodian is not required to
19 provide copies to these public records in any other way.

20 (b) No person requesting to inspect and examine public records, or to obtain copies
21 thereof, shall be required to disclose the purpose or motive for the request.

22 (c) No request to inspect, examine, or obtain copies of public records shall be denied on
23 the grounds that confidential information is commingled with the requested nonconfidential
24 information. If it is necessary to separate confidential from nonconfidential information in
25 order to permit the inspection, examination, or copying of the public records, the public agency
26 shall bear the cost of such ~~separation on the following schedule:~~ separation.

27 ~~State agencies after June 30, 1996;~~

28 ~~Municipalities with populations of 10,000 or more, counties with populations of 25,000 or~~
29 ~~more, as determined by the 1990 U.S. Census, and public hospitals in those counties, after June~~
30 ~~30, 1997;~~

31 ~~Municipalities with populations of less than 10,000, counties with populations of less than~~
32 ~~25,000, as determined by the 1990 U.S. Census, and public hospitals in those counties, after~~
33 ~~June 30, 1998;~~

34 ~~Political subdivisions and their agencies that are not otherwise covered by this schedule,~~
35 ~~after June 30, 1998.~~

36 (d) Notwithstanding the provisions of subsections (a) and (b) of this section, public
37 records relating to the proposed expansion or location of specific business or industrial projects
38 may be withheld so long as their inspection, examination or copying would frustrate the
39 purpose for which such public records were created; provided, however, that nothing herein
40 shall be construed to permit the withholding of public records relating to general economic
41 development policies or activities. Once the State, a local government, or the specific business
42 has announced a commitment by the business to expand or locate a specific project in this State
43 or the business has made a final decision not to do so, of which the State or local government
44 agency involved with the project knows or should know, the provisions of this subsection
45 allowing public records to be withheld by the agency no longer apply. Once the provisions of
46 this subsection no longer apply, the agency shall disclose as soon as practicable, and within 25
47 business days, public records requested for the announced project that are not otherwise made
48 confidential by law. An announcement that a business or industrial project has committed to
49 expand or locate in the State shall not require disclosure of local government records relating to
50 the project if the business has not selected a specific location within the State for the project.
51 Once a specific location for the project has been determined, local government records must be

1 disclosed, upon request, in accordance with the provisions of this section. For purposes of this
2 section, "local government records" include records maintained by the State that relate to a
3 local government's efforts to attract the project.

4 Records relating to the proposed expansion or location of specific business or industrial
5 projects that are in the custody of the Department of Commerce or an entity with which the
6 Department contracts pursuant to G.S. 143B-431.01 shall be treated as follows:

- 7 (1) Unless controlled by another subdivision of this subsection, the records may
8 be withheld if their inspection, examination, or copying would frustrate the
9 purpose for which the records were created.
- 10 (2) If no discretionary incentives pursuant to Chapter 143B of the General
11 Statutes are requested for a project and if the specific business decides to
12 expand or locate the project in the State, then the records relating to the
13 project shall not be disclosed.
- 14 (3) If the specific business has requested discretionary incentives for a project
15 pursuant to Chapter 143B of the General Statutes and if either the business
16 decides not to expand or locate the project in the State or the project does not
17 receive the discretionary incentives, then the only records relating to the
18 project that may be disclosed are the requests for discretionary incentives
19 pursuant to Chapter 143B of the General Statutes and any information
20 submitted to the Department by the contracted entity.
- 21 (4) If the specific business receives a discretionary incentive for a project
22 pursuant to Chapter 143B of the General Statutes and the State or the
23 specific business announces a commitment to expand or locate the project in
24 this State, all records requested for the announced project, not otherwise
25 made confidential by law, shall be disclosed as soon as practicable and
26 within 25 days from the date of announcement.

27 (e) The application of this Chapter is subject to the provisions of Article 1 of Chapter
28 121 of the General Statutes, the North Carolina Archives and History Act.

29 (f) Notwithstanding the provisions of ~~subsection (a)~~ subsections (a) and (a1) of this
30 section, the inspection or copying of any public record which, because of its age or condition
31 could be damaged during inspection or copying, may be made subject to reasonable restrictions
32 intended to preserve the particular record."

33 **SECTION 2.9.(c)** This section becomes effective July 1, 2017.

34 **SPECIFY LOCATION OF LIEUTENANT GOVERNOR'S OFFICE**

35 **SECTION 2.10.** G.S. 143A-5 reads as rewritten:

36 **"§ 143A-5. Office of the Lieutenant Governor.**

37 The Lieutenant Governor shall maintain an office in ~~a State building~~ the Hawkins-Hartness
38 House located at 310 North Blount Street in the City of Raleigh which office shall be open
39 during normal working hours throughout the year. The Lieutenant Governor shall serve as
40 President of the Senate and perform such additional duties as the Governor or General
41 Assembly may assign to him. This section shall become effective January 1, 1973."
42

43 **CLARIFY THAT DOT STORMWATER REQUIREMENTS ARE APPLICABLE TO** 44 **STATE ROAD CONSTRUCTION UNDERTAKEN BY PRIVATE PARTIES**

45 **SECTION 2.11.** Chapter 136 of the General Statutes is amended by adding a new
46 section to read:

47 **"§ 136-28.6B. Applicable stormwater regulation.**

48 For the purposes of stormwater regulation, any construction undertaken by a private party
49 pursuant to the provisions of G.S. 136-18(17), 136-18(27), 136-18(29), 136-18(29a), 136-28.6,
50

1 or 136-28.6A shall be considered to have been undertaken by the Department, and the
2 stormwater law and rules applicable to the Department shall apply."
3

4 **DOT/PERMIT PROCESS REVISIONS & REIMBURSEMENT FOR MOVING** 5 **CERTAIN UTILITIES**

6 **SECTION 2.12.(a)** Uniform Process for Issuing Permits; Report. – For each type
7 of permit issued by the Highway Divisions under Chapter 136 of the General Statutes, the
8 Department of Transportation shall make uniform all processes and procedures followed by the
9 Highway Divisions when issuing that type of permit. No later than February 1, 2017, the
10 Department shall report to the following on the implementation of this subsection, including (i)
11 what processes and procedures were adjusted, (ii) how were the identified processes and
12 procedures adjusted, and (iii) a comparison of the average length of time for obtaining each
13 type of permit before and after implementation of this section:

- 14 (1) If the General Assembly is in session at the time of the report, to the chairs
15 of the House of Representatives Committee on Transportation
16 Appropriations and the Senate Appropriations Committee on Department of
17 Transportation.
- 18 (2) If the General Assembly is not in session at the time of the report, to the
19 chairs of the Joint Legislative Transportation Oversight Committee.

20 **SECTION 2.12.(b)** Allow Electronic Submission of Permits. – Article 7 of
21 Chapter 136 of the General Statutes is amended by adding a new section to read:

22 **"§ 136-93.01. Electronic submission of permits authorized.**

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

27 **SECTION 2.12.(c)** G.S. 136-19.5(c) reads as rewritten:

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

32 **SECTION 2.12.(d)** Notwithstanding G.S. 150B-21.1(a), the Department of
33 Transportation may adopt temporary rules to implement the provisions of this section.

34 **SECTION 2.12.(e)** Subsection (b) of this section becomes effective July 1, 2017.
35 The remainder of this section is effective when it becomes law.
36

37 **AMENDMENTS TO GENERAL CONTRACTOR LICENSURE**

38 **SECTION 2.13.(a)** G.S. 87-10 reads as rewritten:

39 **"§ 87-10. Application for license; examination; certificate; renewal.**

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

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

48 (a1) The Board ~~may-shall~~ require ~~the-an~~ applicant to pay the Board or a provider
49 contracted by the Board an examination fee not to exceed one hundred dollars (~~\$100.00~~) and
50 pay to (\$100.00). In addition, the Board shall require an applicant to pay the Board a license-fee
51 not to exceed one hundred twenty-five dollars (\$125.00) if the application is for an unlimited

1 license, one hundred dollars (\$100.00) if the application is for an intermediate license, or
2 seventy-five dollars (\$75.00) if the application is for a limited license. The fees accompanying
3 any application or examination shall be nonrefundable. The holder of an unlimited license shall
4 be entitled to act as general contractor without restriction as to value of any single project; the
5 holder of an intermediate license shall be entitled to act as general contractor for any single
6 project with a value of up to one million dollars ~~(\$1,000,000);~~ (\$1,000,000), excluding the cost
7 of land and any ancillary costs to improve the land; the holder of a limited license shall be
8 entitled to act as general contractor for any single project with a value of up to five hundred
9 thousand dollars ~~(\$500,000); and the~~ (\$500,000), excluding the cost of land and any ancillary
10 costs to improve the land. The license certificate shall be classified in accordance with this
11 ~~section. Before being entitled to an examination an applicant must show to the satisfaction of~~
12 ~~the Board from the application and proofs furnished that the applicant is possessed of a good~~
13 ~~character and is otherwise qualified as to competency, ability, integrity, and financial~~
14 ~~responsibility, and that the applicant has not committed or done any act, which, if committed or~~
15 ~~done by any licensed contractor would be grounds under the provisions hereinafter set forth for~~
16 ~~the suspension or revocation of contractor's license, or that the applicant has not committed or~~
17 ~~done any act involving dishonesty, fraud, or deceit, or that the applicant has never been refused~~
18 ~~a license as a general contractor nor had such license revoked, either in this State or in another~~
19 ~~state, for reasons that should preclude the granting of the license applied for, and that the~~
20 ~~applicant has never been convicted of a felony involving moral turpitude, relating to building or~~
21 ~~contracting, or involving embezzlement or misappropriation of funds or property entrusted to~~
22 ~~the applicant: Provided, no applicant shall be refused the right to an examination, except in~~
23 ~~accordance with the provisions of Chapter 150B of the General Statutes.~~

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

- 43 (1) Building contractor, which shall include private, public, commercial,
44 industrial and residential buildings of all types.
- 45 (1a) Residential contractor, which shall include any general contractor
46 constructing only residences which are required to conform to the residential
47 building code adopted by the Building Code Council pursuant to
48 G.S. 143-138.
- 49 (2) Highway contractor.

- 1 (3) Public utilities contractors, which shall include those whose operations are
2 the performance of construction work on the following subclassifications of
3 facilities:
4 a. Water and sewer mains, water service lines, and house and building
5 sewer lines as defined in the North Carolina State Building Code, and
6 water storage tanks, lift stations, pumping stations, and
7 appurtenances to water storage tanks, lift stations, and pumping
8 stations.
9 b. Water and wastewater treatment facilities and appurtenances thereto.
10 c. Electrical power transmission facilities, and primary and secondary
11 distribution facilities ahead of the point of delivery of electric service
12 to the customer.
13 d. Public communication distribution facilities.
14 e. Natural gas and other petroleum products distribution facilities;
15 provided the General Contractors Licensing Board may issue license
16 to a public utilities contractor limited to any of the above
17 subclassifications for which the general contractor qualifies.
- 18 (4) Specialty contractor, which shall include those whose operations as such are
19 the performance of construction work requiring special skill and involving
20 the use of specialized building trades or crafts, but which shall not include
21 any operations now or hereafter under the jurisdiction, for the issuance of
22 license, by any board or commission pursuant to the laws of the State of
23 North Carolina.

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

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

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

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

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

7 (e) ~~A certificate of license shall expire on the thirty-first first day of December-January~~
 8 ~~following its issuance or renewal and shall become invalid 60 days from that date unless~~
 9 ~~renewed, subject to the approval of the Board. Renewals may be effected any time during the~~
 10 ~~month of January without reexamination, by the payment of a fee to the secretary of the Board.~~
 11 ~~The fee shall~~ Renewal applications shall be submitted with a fee not to exceed one hundred
 12 twenty-five dollars (\$125.00) for an unlimited license, one hundred dollars (\$100.00) for an
 13 intermediate license, and seventy-five dollars (\$75.00) for a limited license. No later than
 14 November 30 of each year, the Board shall mail written notice of the amount of the renewal
 15 fees for the upcoming year to the last address of record for each general contractor licensed
 16 pursuant to this Article. Renewal applications shall be accompanied by evidence of continued
 17 financial responsibility satisfactory to the Board. Renewal applications received by the Board
 18 on or after the first day of January shall be accompanied by a late payment of ten dollars
 19 (\$10.00) for each month or part after January.

20 (f) ~~After a lapse of four years no renewal shall be effected and the applicant license has~~
 21 ~~been inactive for four years, a licensee shall not be permitted to renew the license, and the~~
 22 ~~license shall be deemed archived. If a licensee wishes to be relicensed subsequent to the~~
 23 ~~archival of the license, the licensee shall fulfill all requirements of a new applicant as set forth~~
 24 ~~in this section. Archived licensed numbers shall not be renewed."~~

25 **SECTION 2.13.(b)** This section becomes effective October 1, 2017, and applies to
 26 applications for licensure submitted on or after that date.

27 **REPEAL CERTAIN EDUCATIONAL TESTING LAWS**

28 **SECTION 2.14.** G.S. 115C-174.12(c) reads as rewritten:

29 "(c) Local boards of education shall cooperate with the State Board of Education in
 30 implementing the provisions of this Article, including the regulations and policies established
 31 by the State Board of Education. Local school administrative units shall use the annual tests to
 32 fulfill the purposes set out in this Article. ~~Local school administrative units are encouraged to~~
 33 ~~continue to develop local testing programs designed to diagnose student needs."~~

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

35 **SECTION 2.15.(a)** G.S. 1-52 is amended by adding a new subdivision to read:

36 "**§ 1-52. Three years.**

37 Within three years an action –

38 ...

39 (21) Against the owner of an interest in real property by a unit of local
 40 government for a violation of a land-use statute, ordinance, or permit or any
 41 other official action concerning land use carrying the effect of law. This
 42 subdivision does not limit the remedy of injunction for conditions that are
 43 actually injurious or dangerous to the public health or safety. The claim for
 44 relief accrues upon the occurrence of the earlier of any of the following:

45 a. The facts constituting the violation are known to the governing body,
 46 an agent, or an employee of the unit of local government.

47 b. The violation can be determined from the public record of the unit of
 48 local government."

49 **SECTION 2.15.(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 2.15.(c) This section becomes effective October 1, 2018, and applies to actions commenced on or after that date.

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

"SECTION 4.9.(d) Section 14.20(f) 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), G.S. 130A-295.8(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

1 ~~G.S. 130A-295.8A(d1),~~ G.S. 130A-295.8(d1), as enacted by Section
2 14.20(c) of this act, during the cycle of the facility's permit in effect on July
3 1, 2016.

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

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

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

12 "**SECTION 14.20.(f)** This section becomes effective October 1, 2015.
13 G.S. 130A-294(b1)(2), as amended by subsection (a) of this section, applies to franchise
14 ~~agreements~~ agreements (i) executed on or after October 1, 2015–October 1, 2015, and (ii)
15 executed on or before October 1, 2015, only if all parties to a valid and operative franchise
16 agreement consent to modify the agreement for the purpose of extending the agreement's
17 duration to the life-of-site of the landfill for which the agreement was executed, and public
18 notice and hearing is provided for such modification in compliance with the requirements of
19 G.S. 130A-294(b1)(3). The remainder of G.S. 130A-294, as amended by subsection (a) of this
20 section, and G.S. 130A-295.8, as amended by subsection (c) of this section, apply to (i) existing
21 sanitary landfills and transfer stations, with a valid permit issued before the date this act
22 becomes effective, on July 1, 2016, at which point a permittee may choose to apply for a
23 life-of-site permit pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this act,
24 or may choose to apply for a life-of-site permit for the facility when the facility's permit is next
25 subject to renewal after July 1, 2016, (ii) new sanitary landfills and transfer stations, for
26 applications submitted on or after July 1, 2016, and (iii) applications for sanitary landfills or
27 transfer stations submitted before July 1, 2015, and pending on the date this act becomes law
28 shall be evaluated by the Department based on the applicable laws that were in effect on July 1,
29 2015, and the Department shall not delay in processing such permit applications in
30 consideration of changes made by this act, but such landfills and transfer stations shall be
31 eligible for issuance of life-of-site permits pursuant to G.S. 130A-294(a2), as amended by
32 Section 14.20(b) of this act, on July 1, 2016, at which point a permittee may choose to apply for
33 a life-of-site permit pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this act,
34 or may choose to apply for a life-of-site permit for the facility when the facility's permit is next
35 subject to renewal after July 1, 2016."

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

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

- 39 ...
- 40 (2) A person who intends to apply for a new permit for a sanitary landfill shall
41 obtain, prior to applying for a permit, a franchise for the operation of the
42 sanitary landfill from each local government having jurisdiction over any
43 part of the land on which the sanitary landfill and its appurtenances are
44 located or to be located. A local government may adopt a franchise
45 ordinance under G.S. 153A-136 or G.S. 160A-319. A franchise granted for a
46 sanitary landfill ~~shall~~ shall (i) be granted for the life-of-site of the landfill
47 and shall landfill, but for a period not to exceed 60 years, and (ii) include all
48 of the following:
49 a. A statement of the population to be served, including a description of
50 the geographic area.
51 b. A description of the volume and characteristics of the waste stream.

- 1 c. A projection of the useful life of the sanitary landfill.
- 2 d. Repealed by Session Laws 2013-409, s. 8, effective August 23, 2013.
- 3 e. The procedures to be followed for governmental oversight and
- 4 regulation of the fees and rates to be charged by facilities subject to
- 5 the franchise for waste generated in the jurisdiction of the franchising
- 6 entity.
- 7 f. A facility plan for the sanitary landfill that shall include the
- 8 boundaries of the proposed facility, proposed development of the
- 9 facility site, the boundaries of all waste disposal units, final
- 10 elevations and capacity of all waste disposal units, the amount of
- 11 waste to be received per day in tons, the total waste disposal capacity
- 12 of the sanitary landfill in tons, a description of environmental
- 13 controls, and a description of any other waste management activities
- 14 to be conducted at the facility. In addition, the facility plan shall
- 15 show the proposed location of soil borrow areas, leachate facilities,
- 16 and all other facilities and infrastructure, including ingress and egress
- 17 to the facility.
- 18 (3) Prior to the award of a franchise for the construction or operation of a
- 19 sanitary landfill, the board of commissioners of the county or counties in
- 20 which the sanitary landfill is proposed to be located or is located or, if the
- 21 sanitary landfill is proposed to be located or is located in a city, the
- 22 governing board of the city shall conduct a public hearing. The board of
- 23 commissioners of the county or counties in which the sanitary landfill is
- 24 proposed to be located or is located or, if the sanitary landfill is proposed to
- 25 be located or is located in a city, the governing board of the city shall
- 26 provide at least 30 days' notice to the public of the public hearing. The notice
- 27 shall include a summary of all the information required to be included in the
- 28 franchise, and shall specify the procedure to be followed at the public
- 29 hearing. The applicant for the franchise shall provide a copy of the
- 30 application for the franchise that includes all of the information required to
- 31 be included in the franchise, to the public library closest to the proposed
- 32 sanitary landfill site to be made available for inspection and copying by the
- 33 public. The requirements of this subdivision shall not apply to franchises
- 34 amended by agreement of the parties to extend the duration of the franchise
- 35 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:

"§ 160A-319. Utility franchises.

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

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

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

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

3 ...

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

15"

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

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

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

36 37 **MOTOR VEHICLE EMISSIONS INSPECTIONS**

38 **SECTION 3.5.(a)** G.S. 143-215.107A reads as rewritten:

39 **"§ 143-215.107A. Motor vehicle emissions testing and maintenance program.**

40 (a) General Provisions. –

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

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

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

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

9 **SECTION 3.5.(b)** G.S. 20-183.2(b) reads as rewritten:

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

- 12 (1) It is subject to registration with the Division under Article 3 of this Chapter,
13 except for motor vehicles operated on a federal installation as provided in
14 sub-subdivision e. of subdivision (5) of this subsection.
- 15 (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house
16 trailer, or a motorcycle.
- 17 (3) It is (i) a 1996 or later model vehicle with a model year within 20 years of
18 the current year and older than the three most recent model years or (ii) a
19 1996 or later model a vehicle with a model year within 20 years of the
20 current year and has 70,000 miles or more on its odometer.

21"

22 **SECTION 3.5.(c)** No later than September 30, 2017, the Department of
23 Environmental Quality shall prepare and submit to the United States Environmental Protection
24 Agency for approval by that agency a proposed North Carolina State Implementation Plan
25 amendment based on the change to the motor vehicle emissions testing program provided in
26 this section.

27 **SECTION 3.5.(d)** Subsections (a) and (b) of this section become effective on the
28 later of the following dates and apply to motor vehicles inspected, or due to be inspected, on or
29 after that effective date:

- 30 (1) October 1, 2017.
- 31 (2) The first day of a month that is 60 days after the Secretary of the Department
32 of Environmental Quality certifies to the Revisor of Statutes that the United
33 States Environmental Protection Agency has approved an amendment to the
34 North Carolina State Implementation Plan submitted as required by
35 subsection (c) of this section. The Secretary shall provide this notice along
36 with the effective date of this act on its Web site and by written or electronic
37 notice to emissions inspection mechanic license holders, emissions
38 inspection station licensees, and self-inspector licensees in the counties
39 where motor vehicle emissions inspection requirements are removed by this
40 section.

41 **FARRIERS/HORSESHOEING**

42 **SECTION 3.6.** G.S. 90-187.10 is amended by adding a new subdivision to read:

43 "**§ 90-187.10. Necessity for license; certain practices exempted.**

44 No person shall engage in the practice of veterinary medicine or own all or part interest in a
45 veterinary medical practice in this State or attempt to do so without having first applied for and
46 obtained a license for such purpose from the North Carolina Veterinary Medical Board, or
47 without having first obtained from the Board a certificate of renewal of license for the calendar
48 year in which the person proposes to practice and until the person shall have been first licensed
49 and registered for such practice in the manner provided in this Article and the rules and
50 regulations of the Board.
51

1 Nothing in this Article shall be construed to prohibit:

2 ...
3 (11) Any farrier or person actively engaged in the activity or profession of
4 shoeing hooved animals as long as his or her actions are limited to the art of
5 shoeing hooved animals or trimming, clipping, or maintaining hooves."
6

7 **DEQ TO STUDY RIPARIAN BUFFERS**

8 **SECTION 3.7.(a)** The Department of Environmental Quality shall study whether
9 the size of riparian buffers required for intermittent streams should be adjusted and whether the
10 allowable activities within the buffers should be modified.

11 **SECTION 3.7.(b)** The Department of Environmental Quality shall study under
12 what circumstances units of local government should be allowed to exceed riparian buffer
13 requirements mandated by the State and the federal government. The Department shall also
14 consider measures to ensure that local governments do not exceed their statutory authority for
15 establishing riparian buffer requirements. In conducting this study, the Department shall
16 consult with property owners and other entities impacted by riparian buffer requirements as
17 well as local governments.

18 **SECTION 3.7.(c)** The Department of Environmental Quality shall report the
19 results of the studies required by this section, including any recommendations, to the
20 Environmental Review Commission no later than December 1, 2017. For any recommendations
21 made pursuant to the studies, the Department shall include specific draft language for any rule
22 or statutory changes necessary to implement the recommendations.
23

24 **ELIMINATE OUTDATED PROVISION OF THE COASTAL AREA MANAGEMENT** 25 **ACT**

26 **SECTION 3.8.** G.S. 113A-109 is repealed.
27

28 **REPEAL PASTURE POINTS PROVISION**

29 **SECTION 3.9.** Section 4 of S.L. 2001-355 is repealed.
30

31 **ELIMINATE REPORTS TO THE COMMISSIONER OF AGRICULTURE AS TO** 32 **MILK PURCHASED OR SOLD**

33 **SECTION 3.10.** G.S. 106-261 is repealed.
34

35 **PROHIBIT CERTAIN STORMWATER CONTROL MEASURES**

36 **SECTION 3.11.(a)** Until the effective date of the revised permanent rule that the
37 Environmental Management Commission is required to adopt pursuant to subsection (c) of this
38 section, the Commission and the Department of Environmental Quality shall implement 15A
39 NCAC 02H .0506 (Review of Applications) as provided in subsection (b) of this section.

40 **SECTION 3.11.(b)** Notwithstanding 15A NCAC 02H .0506(b)(5) and 15A NCAC
41 02H .0506(c)(5), the Director of the Division of Water Resources shall not require the use of
42 on-site stormwater control measures to protect downstream water quality standards, except as
43 required by State or federal law.

44 **SECTION 3.11.(c)** The Environmental Management Commission shall adopt rules
45 to amend 15A NCAC 02H .0506 (Review of Applications) consistent with subsection (b) of
46 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to
47 this section shall be substantively identical to the provisions of subsection (b) of this section.
48 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B
49 of the General Statutes. Rules adopted pursuant to this section shall become effective as
50 provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as
51 provided by G.S. 150B-21.3(b2).

1 **SECTION 3.11.(d)** This section is effective when it becomes law. Subsection (b)
2 of this section expires on the date that rules adopted pursuant to subsection (c) of this section
3 become effective.
4

5 **EXEMPT LANDSCAPING MATERIAL FROM STORMWATER MANAGEMENT** 6 **REQUIREMENTS**

7 **SECTION 3.12.** G.S. 143-214.7(b2) reads as rewritten:

8 "(b2) For purposes of implementing stormwater programs, "built-upon area" means
9 impervious surface and partially impervious surface to the extent that the partially impervious
10 surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon
11 area" does not include a slatted deck; the water area of a swimming pool; a surface of number
12 57 stone, as designated by the American Society for Testing and Materials, laid at least four
13 inches thick over a geotextile fabric; ~~or~~ a trail as defined in G.S. 113A-85 that is either unpaved
14 or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001
15 centimeters per second (1.41 inches per ~~hour~~ hour); or landscaping material, including, but not
16 limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or
17 bicycle traffic or on portions of driveways and parking areas that will not be compacted by the
18 weight of a vehicle, such as the area between sections of pavement that support the weight of a
19 vehicle. The owner or developer of a property may opt out of any of the exemptions from
20 "built-upon area" set out in this subsection. For State stormwater programs and local
21 stormwater programs approved pursuant to subsection (d) of this section, all of the following
22 shall apply:

- 23 (1) The volume, velocity, and discharge rates of water associated with the
24 one-year, 24-hour storm and the difference in stormwater runoff from the
25 predevelopment and postdevelopment conditions for the one-year, 24-hour
26 storm shall be calculated using any acceptable engineering hydrologic and
27 hydraulic methods.
- 28 (2) Development may occur within the area that would otherwise be required to
29 be placed within a vegetative buffer required by the Commission pursuant to
30 G.S. 143-214.1 and G.S. 143-214.7 to protect classified shellfish waters,
31 outstanding resource waters, and high-quality waters provided the
32 stormwater runoff from the development is collected and treated from the
33 entire impervious area and discharged so that it passes through the
34 vegetative buffer and is managed so that it otherwise complies with all
35 applicable State and federal stormwater management requirements.
- 36 (3) The requirements that apply to development activities within one-half mile
37 of and draining to Class SA waters or within one-half mile of Class SA
38 waters and draining to unnamed freshwater tributaries shall not apply to
39 development activities and associated stormwater discharges that do not
40 occur within one-half mile of and draining to Class SA waters or are not
41 within one-half mile of Class SA waters and draining to unnamed freshwater
42 tributaries."
43

44 **AMEND STREAM MITIGATION REQUIREMENTS**

45 **SECTION 3.13.(a)** G.S. 143-214.7C reads as rewritten:

46 **"§ 143-214.7C. Prohibit the requirement of mitigation for impacts to intermittent**
47 **streams; streams; establish threshold for mitigation of impacts to streams.**

48 (a) Except as required by federal law, the Department of Environmental Quality shall
49 not require mitigation for impacts to an intermittent stream. For purposes of this section,
50 "intermittent stream" means a well-defined channel that has all of the following characteristics:

- 1 (1) It contains water for only part of the year, typically during winter and spring
- 2 when the aquatic bed is below the water table.
- 3 (2) The flow of water in the intermittent stream may be heavily supplemented
- 4 by stormwater runoff.
- 5 (3) It often lacks the biological and hydrological characteristics commonly
- 6 associated with the conveyance of water.

7 (b) Except as required by federal law, the Department of Environmental Quality shall
8 not require mitigation for losses of 300 linear feet or less of stream bed."

9 **SECTION 3.13.(b)** The Environmental Management Commission shall amend its
10 rules consistent with subsection (a) of this section.

11 **SECTION 3.13.(c)** The cochairs of the Environmental Review Commission shall
12 examine the mitigation thresholds for losses of stream bed under the Regional Conditions
13 adopted by the Norfolk, Charleston, and Savannah Districts of the United States Army Corps of
14 Engineers and shall submit written comments to the Washington, D.C., Headquarters, the
15 Wilmington District Office of the United States Army Corps of Engineers, and the North
16 Carolina congressional delegation to encourage the Wilmington District to adopt Regional
17 Conditions on the thresholds for losses of stream bed that are consistent with the Regional
18 Conditions adopted by the Norfolk, Charleston, and Savannah Districts of the United States
19 Army Corps of Engineers.

20 21 **COASTAL RESOURCES COMMISSION RULES ON TEMPORARY EROSION** 22 **CONTROL STRUCTURES**

23 **SECTION 3.14.(a)** Sections 14.6(p) and 14.6(q) of S.L. 2015-241 are repealed.

24 **SECTION 3.14.(b)** Notwithstanding G.S. 150B-21.1A(a), the Coastal Resources
25 Commission may adopt an emergency rule for the use of temporary erosion control structures
26 consistent with the amendments to the temporary erosion control structure rules adopted by the
27 Commission as agenda item CRC-16-23 on May 11, 2016, with any further modifications in
28 the Commission's discretion. The Commission shall also adopt temporary and permanent rules
29 to implement this section.

30 31 **DIRECT THE COASTAL RESOURCES COMMISSION TO AMEND THE SEDIMENT** 32 **CRITERIA RULE TO EXEMPT SEDIMENT FROM CAPE SHOAL SYSTEMS**

33 **SECTION 3.15.(a)** Definitions. – "Sediment Criteria Rule" means 15A NCAC
34 07H .0312 (Technical Standards for Beach Fill Projects) for purposes of this section and its
35 implementation.

36 **SECTION 3.15.(b)** Sediment Criteria Rule. – Until the effective date of the revised
37 permanent rule that the Coastal Resources Commission is required to adopt pursuant to
38 subsection (d) of this section, the Commission and the Department of Environmental Quality
39 shall implement the Sediment Criteria Rule, as provided in subsection (c) of this section.

40 **SECTION 3.15.(c)** Implementation. – The Commission shall exempt from the
41 permitting requirements of the Sediment Criteria Rule any sediment in the cape shoal systems
42 used as a borrow site and any portion of an oceanfront beach that receives sediment from the
43 cape shoal systems. For purposes of this section, "cape shoal systems" includes the Frying Pan
44 Shoals at Cape Fear, Lookout Shoals at Cape Lookout, and Diamond Shoals at Cape Hatteras.

45 **SECTION 3.15.(d)** Additional Rule-Making Authority. – The Commission shall
46 adopt a rule to amend the Sediment Criteria Rule consistent with subsection (c) of this section.
47 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission, pursuant to this
48 section, shall be substantively identical to the provisions of subsection (c) of this section. Rules
49 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
50 General Statutes. Rules adopted pursuant to this section shall become effective as provided in

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

3 **SECTION 3.15.(e)** Sunset. – This section expires when permanent rules adopted as
4 required by subsection (d) of this section become effective.
5

6 **DIVISION OF COASTAL MANAGEMENT TO STUDY CURRENT LONG-TERM** 7 **EROSION RATES ADJACENT TO TERMINAL GROINS**

8 **SECTION 3.16.** The Division of Coastal Management of the Department of
9 Environmental Quality, in consultation with the Coastal Resources Commission, shall study the
10 change in erosion rates directly adjacent to existing and newly constructed terminal groins to
11 determine whether long-term erosion rates, currently in effect in accordance with 15A NCAC
12 07H .0304 (AECS Within Ocean Hazard Areas), should be adjusted to reflect any mitigation of
13 shoreline erosion resulting from the installation of the terminal groins. The Division shall report
14 on the results of the study to the Environmental Review Commission on or before March 1,
15 2018.
16

17 **REGULATION AND DISPOSITION OF CERTAIN REPTILES**

18 **SECTION 3.17.(a)** G.S. 14-419 reads as rewritten:

19 "**§ 14-419. Investigation of suspected violations; seizure and examination of reptiles;**
20 **disposition of reptiles.**

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

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

50 (b1) Upon conviction of any offense contained in this Article, the court shall order a final
51 disposition of the confiscated venomous reptiles, large constricting snakes, or crocodilians,

1 which may include the transfer of title to the State of North Carolina and reimbursement for the
2 necessary expenses incurred in the seizure, delivery, and storage thereof.

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

10 **SECTION 3.17.(b)** The North Carolina Department of Natural and Cultural
11 Resources and the North Carolina Wildlife Resources Commission shall jointly study and
12 develop a list of potential designated representatives for the storage and safekeeping of
13 venomous reptiles, large constricting snakes, or crocodylians.

14 **SECTION 3.17.(c)** The North Carolina Department of Natural and Cultural
15 Resources and the North Carolina Wildlife Resources Commission shall jointly study and
16 develop recommendations for potential procedural and policy changes to improve the
17 regulation of certain reptiles pursuant to Article 55 of Chapter 14 of the General Statutes. The
18 Department and the Commission shall consider public health and safety risks, permitting
19 requirements, exemptions, notification of escape, investigation of suspected violations, seizure
20 and examination of reptiles, disposition of seized reptiles, and any other issues determined
21 relevant to the regulation of certain reptiles. The Department and the Commission shall submit
22 a report, including any legislative recommendations, to the Environmental Review Commission
23 no later than December 31, 2017.

24 25 **PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR PUBLIC WATER** 26 **SUPPLY SYSTEMS**

27 **SECTION 3.18.(a)** 15A NCAC 18C .0409(b)(1) (Daily Flow Requirements). –
28 Until the effective date of the revised permanent rule that the Commission for Public Health is
29 required to adopt pursuant to subsection (c) of this section, the Commission, the Department of
30 Environmental Quality, and any other political subdivision of the State shall implement 15A
31 NCAC 18C .0409(b)(1) (Daily Flow Requirements), as provided in subsection (b) of this
32 section.

33 **SECTION 3.18.(b)** Implementation. – Notwithstanding the Daily Flow
34 Requirements rates listed in Table No. 1 of 15A NCAC 18C .0409(b)(1) (Daily Flow
35 Requirements), a public water supply system shall be exempt from the Daily Flow
36 Requirements, and any other design flow standards established by the Department or the
37 Commission, provided the flow rates that are less than those required in Table No. 1 of 15A
38 NCAC 18C .0409(b)(1) (Daily Flow Requirements) (i) are achieved through an engineering
39 design that utilizes low-flow fixtures and low-flow reduction technologies and the design is
40 prepared, sealed, and signed by a professional engineer licensed pursuant to Chapter 89C of the
41 General Statutes and (ii) provide for a flow that is sufficient to sustain the water usage required
42 in the engineering design.

43 **SECTION 3.18.(c)** Additional Rule-Making Authority. – The Commission shall
44 adopt a rule to amend 15A NCAC 18C .0409(b)(1) (Daily Flow Requirements), consistent with
45 subsection (b) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
46 Commission pursuant to this section shall be substantively identical to the provisions of
47 subsection (b) of this section. Rules adopted pursuant to this section are not subject to
48 G.S. 150B-21.8 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become
49 effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been
50 received as provided by G.S. 150B-21.3(b2).

1 **SECTION 3.18.(d)** Sunset. – Subsection (b) of this section expires on the date that
2 rules adopted pursuant to subsection (c) of this section become effective.

3
4 **ESTABLISH NORTH CAROLINA SENTINEL LANDSCAPES COMMITTEE**

5 **SECTION 3.19.(a)** Committee Established. – There is established the North
6 Carolina Sentinel Landscape Committee (Committee).

7 **SECTION 3.19.(b)** Findings and Purpose. – The General Assembly finds that
8 sentinel landscapes are places where preserving the working and rural character of the State's
9 private lands is important for both national defense and conservation priorities. It is the intent
10 of the General Assembly to direct the Committee to coordinate the overlapping priority areas in
11 the vicinity of and where testing and training occur near or adjacent to major military
12 installations, as that term is defined in G.S. 143-215.115, or other areas of strategic benefit to
13 national defense. Further, the Committee shall assist landowners in improving their land to
14 benefit their operations and enhance wildlife habitats while furthering the State's vested
15 economic interest in preserving, maintaining, and sustaining land uses that are compatible with
16 military activities at major military installations and National Guard facilities. In its work, the
17 Committee shall develop and implement programs and strategies that (i) protect working lands
18 in the vicinity of and where testing and training occur near or adjacent to major military
19 installations or other areas of strategic benefit to national defense, (ii) address restrictions that
20 inhibit military testing and training, and (iii) forestall incompatible development in the vicinity
21 of and where testing and training occur near or adjacent to military installations or other areas
22 of strategic benefit to national defense.

23 **SECTION 3.19.(c)** Powers and Duties. – The Committee shall:

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

- 1 (5) Provide technical support services and assistance to landowners who
2 voluntarily participate in the sentinel landscape program.

3 **SECTION 3.19.(d) Membership.** – The Committee shall consist of at least the five
4 following members:

- 5 (1) The Commissioner of Agriculture, or the Commissioner's designee.
6 (2) The Secretary of the Department of Military and Veterans Affairs, or the
7 Secretary's designee.
8 (3) The Secretary of Natural and Cultural Resources, or the Secretary's designee.
9 (4) The Executive Director of the Wildlife Resources Commission, or the
10 Executive Director's designee.
11 (5) The Dean of the College of Natural Resources at North Carolina State
12 University, or the Dean's designee.

13 The Commissioner of Agriculture or the Commissioner's designee shall serve as
14 Committee chair for an initial two-year term. Thereafter, the Committee chair shall be one of
15 the five listed members above. The Committee chair may appoint members representing other
16 State agencies, local government officials, and nongovernmental organizations that are
17 experienced in land management activities within sentinel lands.

18 **SECTION 3.19.(e) Transaction of Business.** – The Committee shall meet, at a
19 minimum, at least once during each calendar quarter and at other times at the call of the chair.
20 A majority of members of the Committee shall constitute a quorum. The first Committee
21 meeting shall take place within 30 days of the effective date of this act.

22 **SECTION 3.19.(f) Reports.** – The Committee shall report on its activities
23 conducted to implement this section, including any findings, recommendations, and legislative
24 proposals, to the North Carolina Military Affairs Commission and the Agriculture and Forestry
25 Awareness Study Commission beginning September 1, 2017, and annually thereafter, until
26 such time as the Committee completes its work.

27 **SECTION 3.19.(g) Administrative Assistance.** – All clerical and other services
28 required by the Committee shall be supplied by the membership and shall be provided with
29 funds available.

30
31 **PART IV. ELIMINATE, CONSOLIDATE, AND AMEND REPORTS TO THE**
32 **ENVIRONMENTAL REVIEW COMMISSION**

33
34 **ELIMINATE ANNUAL REPORT ON MINING ACCOUNT PURSUANT TO THE**
35 **MINING ACT OF 1971 BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

36 **SECTION 4.1.** G.S. 74-54.1(c) is repealed.
37

38 **ELIMINATE ANNUAL REPORT ON THE IMPLEMENTATION OF THE**
39 **SUSTAINABLE ENERGY EFFICIENT BUILDINGS PROGRAM BY THE**
40 **DEPARTMENT OF ADMINISTRATION**

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

42 **SECTION 4.2.(b)** G.S. 143-135.40(b) is repealed.
43

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

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

48 **"§ 143-215.9B. Systemwide municipal and domestic wastewater collection system permit**
49 **program report.**

50 The Environmental Management Commission shall develop and implement a permit
51 program for municipal and domestic wastewater collection systems on a systemwide basis. The

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

15
16 **ELIMINATE ANNUAL REPORTS ON EMISSIONS FROM STATE EMPLOYEE AND
17 PRIVATE SECTOR VEHICLES BY THE DEPARTMENT OF TRANSPORTATION
18 AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

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

20 **SECTION 4.4.(b)** G.S. 143-215.107 is repealed.

21
22 **ELIMINATE ANNUAL REPORT ON PURCHASE OF NEW MOTOR VEHICLES
23 AND FUEL SAVINGS BY THE DEPARTMENT OF ADMINISTRATION**

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

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

1
2 **ELIMINATE BIENNIAL STATE OF THE ENVIRONMENT REPORT BY THE**
3 **DEPARTMENT OF ENVIRONMENTAL QUALITY**

4 **SECTION 4.6.** G.S. 143B-279.5 is repealed.
5

6 **ELIMINATE ANNUAL REPORT ON FISH KILL ACTIVITY BY THE**
7 **DEPARTMENT OF ENVIRONMENTAL QUALITY**

8 **SECTION 4.7.** G.S. 143B-279.7(c) is repealed.
9

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

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

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

21
22 **ELIMINATE BIENNIAL REPORT ON IMPLEMENTATION OF THE NORTH**
23 **CAROLINA BEACH AND INLET MANAGEMENT PLAN BY THE DEPARTMENT**
24 **OF ENVIRONMENTAL QUALITY**

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

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

31
32 **ELIMINATE ANNUAL REPORT ON INFORMAL REVIEW PROCESS FOR**
33 **AGENCY REVIEW OF ENGINEERING WORK**

34 **SECTION 4.10.** Sections 29(j) and 29(k) of S.L. 2014-120 are repealed.
35

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

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

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

45 **SECTION 4.11.(b)** G.S. 143B-279.8(f) is repealed.
46

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

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

50 "(c) The Department shall report to the Environmental Review Commission and the
51 Fiscal Research Division on the cost of the State's environmental permitting programs

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

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

9 "**§ 143B-279.17. Tracking and report on permit processing times.**

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

21 **SECTION 4.12.(c)** The first combined report required by subsections (a) and (b) of
22 this section shall be submitted to the Environmental Review Commission and the Fiscal
23 Research Division no later than January 1, 2019.

24 25 **CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS BY THE** 26 **ENVIRONMENTAL MANAGEMENT COMMISSION**

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

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

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

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

46 **SECTION 4.13.(c)** The first combined report required by subsections (a) and (b) of
47 this section shall be submitted to the Environmental Review Commission no later than January
48 1, 2018.

49 50 **CONSOLIDATE WASTE MANAGEMENT REPORTS BY THE DEPARTMENT OF** 51 **ENVIRONMENTAL QUALITY**

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

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

- 5 (1) A comprehensive analysis, to be updated in each report, of solid waste
6 generation and disposal in the State projected for the 20-year period
7 beginning on ~~1 July~~ July 1, 1991.
- 8 (2) The total amounts of solid waste recycled and disposed of and the methods
9 of solid waste recycling and disposal used during the calendar year prior to
10 the year in which the report is published.
- 11 (3) An evaluation of the development and implementation of local solid waste
12 management programs and county and municipal recycling programs.
- 13 (4) An evaluation of the success of each county or group of counties in meeting
14 the municipal solid waste reduction goal established in G.S. 130A-309.04.
- 15 (5) Recommendations concerning existing and potential programs for solid
16 waste reduction and recycling that would be appropriate for units of local
17 government and State agencies to implement to meet the requirements of
18 this Part.
- 19 (6) An evaluation of the recycling industry, the markets for recycled materials,
20 the recycling of polystyrene, and the success of State, local, and private
21 industry efforts to enhance the markets for these materials.
- 22 (7) Recommendations to the Governor and the Environmental Review
23 Commission to improve the management and recycling of solid waste in the
24 State, including any proposed legislation to implement the
25 recommendations.
- 26 (8) A description of the condition of the Solid Waste Management Trust Fund
27 and the use of all funds allocated from the Solid Waste Management Trust
28 Fund, as required by G.S. 130A-309.12(c).
- 29 (9) A description of the review and revision of bid procedures and the purchase
30 and use of reusable, refillable, repairable, more durable, and less toxic
31 supplies and products by both the Department of Administration and the
32 Department of Transportation, as required by G.S. 130A-309.14(a1)(3).
- 33 (10) A description of the implementation of the North Carolina Scrap Tire
34 Disposal Act that includes the amount of revenue used for grants and to
35 clean up nuisance tire collection under the provisions of G.S. 130A-309.64.
- 36 (11) A description of the management of white goods in the State, as required by
37 G.S. 130A-309.85.
- 38 (12) A summary of the report by the Department of Transportation on the
39 amounts and types of recycled materials that were specified or used in
40 contracts that were entered into by the Department of Transportation during
41 the previous fiscal year, as required by G.S. 136-28.8(g).
- 42 (13) Repealed by Session Laws 2010-142, s. 1, effective July 22, 2010.
- 43 (14) (Expiring October 1, 2023) A description of the activities related to the
44 management of abandoned manufactured homes in the State in accordance
45 with G.S. 130A-117, the beginning and ending balances in the Solid Waste
46 Management Trust Fund for the reporting period and the amount of funds
47 used, itemized by county, for grants made under Part 2F of Article 9 of
48 Chapter 130A of the General Statutes.
- 49 (15) A report on the recycling of discarded computer equipment and televisions
50 in the State pursuant to G.S. 130A-309.140(a).

1 (16) An evaluation of the Brownfields Property Reuse Act pursuant to
2 G.S. 130A-310.40.

3 (17) A report on the Inactive Hazardous Waste Response Act of 1987 pursuant to
4 G.S. 130A-310.10(a).

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

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

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

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

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

21 "**§ 130A-310.40. Legislative reports.**

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

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

32 "(a) The Secretary shall include in the status of solid waste management report required
33 to be submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c) a report
34 on inactive hazardous sites to the Joint Legislative Commission on Governmental Operations,
35 the Environmental Review Commission, and the Fiscal Research Division on or before October
36 1 of each year. The report shall include that includes at least the following:

37 (1) The Inactive Hazardous Waste Sites Priority List.

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

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

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

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

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

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

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

9 (8a) Repealed by Session Laws 2015-286, s. 4.7(f), effective October 22, 2015.

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

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

13 **"§ 143-215.104U. Reporting requirements.**

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

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

19 (2) A list of all facilities and abandoned sites certified by the Commission and
20 the status of contamination associated with each facility or abandoned site.

21 (3) An estimate of the cost of assessment and remediation required in
22 connection with facilities or abandoned sites certified by the Commission
23 and an estimate of assessment and remediation costs expected to be paid
24 from the Fund.

25 (4) A statement of receipts and disbursements for the Fund.

26 (5) A statement of all claims against the Fund, including claims paid, claims
27 denied, pending claims, anticipated claims, and any other obligations.

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

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

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

34 "(i) The Department shall ~~report to Fiscal Research Division of the General Assembly,~~
35 ~~the Senate Appropriations Subcommittee on Natural and Economic Resources, the House~~
36 ~~Appropriations Subcommittee on Natural and Economic Resources, and the Environmental~~
37 ~~Review Commission on or before January 1 of each year~~ include in the status of solid waste
38 management report required to be submitted on or before January 15 of each year pursuant to
39 G.S. 130A-309.06(c) a report on the implementation and cost of the hazardous waste
40 management program. The report shall include an evaluation of how well the State and private
41 parties are managing and cleaning up hazardous waste. The report shall also include
42 recommendations to the Governor, State agencies, and the General Assembly on ways to:
43 improve waste management; reduce the amount of waste generated; maximize resource
44 recovery, reuse, and conservation; and minimize the amount of hazardous waste which must be
45 disposed of. The report shall include beginning and ending balances in the Hazardous Waste
46 Management Account for the reporting period, total fees collected pursuant to
47 G.S. 130A-294.1, anticipated revenue from all sources, total expenditures by activities and
48 categories for the hazardous waste management program, any recommended adjustments in
49 annual and tonnage fees which may be necessary to assure the continued availability of funds
50 sufficient to pay the State's share of the cost of the hazardous waste management program, and
51 any other information requested by the General Assembly. In recommending adjustments in

1 annual and tonnage fees, the Department may propose fees for hazardous waste generators, and
2 for hazardous waste treatment facilities that treat waste generated on site, which are designed to
3 encourage reductions in the volume or quantity and toxicity of hazardous waste. The report
4 shall also include a description of activities undertaken to implement the resident inspectors
5 program established under G.S. 130A-295.02. In addition, the report shall include an annual
6 update on the mercury switch removal program that shall include, at a minimum, all of the
7 following:

- 8 (1) A detailed description of the mercury recovery performance ratio achieved
9 by the mercury switch removal program.
- 10 (2) A detailed description of the mercury switch collection system developed
11 and implemented by vehicle manufacturers in accordance with the
12 NVMSRP.
- 13 (3) In the event that a mercury recovery performance ratio of at least 0.90 of the
14 national mercury recovery performance ratio as reported by the NVMSRP is
15 not achieved, a description of additional or alternative actions that may be
16 implemented to improve the mercury switch removal program.
- 17 (4) The number of mercury switches collected and a description of how the
18 mercury switches were managed.
- 19 (5) A statement that details the costs required to implement the mercury switch
20 removal program, including a summary of receipts and disbursements from
21 the Mercury Switch Removal Account."

22 **SECTION 4.14.(g)** The first combined report required by subsections (a) through
23 (f) of this section shall be submitted to the Environmental Review Commission and the Fiscal
24 Research Division no later than January 15, 2018.

25 26 **CONSOLIDATE SEDIMENTATION POLLUTION CONTROL ACT AND** 27 **STORMWATER REPORTS**

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

29 **"§ 113A-67. Annual Report.**

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

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

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

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

49 50 **CONSOLIDATE VARIOUS WATER RESOURCES AND WATER QUALITY** 51 **REPORTS BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

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

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

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

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

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

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

20 **SECTION 4.16.(e)** The first combined report required by subsections (c) and (d) of
21 this section shall be submitted to the Environmental Review Commission no later than
22 November 1, 2017.

23
24 **CONSOLIDATE REPORTS BY THE DIVISION OF WATER INFRASTRUCTURE OF**
25 **THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE STATE WATER**
26 **INFRASTRUCTURE AUTHORITY**

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

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

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

37 "**§ 159G-72. State Water Infrastructure Authority; reports.**

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

45 **SECTION 4.17.(c)** The first combined report required by subsections (a) and (b) of
46 this section shall be submitted to the Environmental Review Commission, the Joint Legislative
47 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal
48 Research Division no later than November 1, 2017.

1 **CONSOLIDATE REPORTS BY SOIL AND WATER CONSERVATION**
2 **COMMISSION AND THE DIVISION OF SOIL AND WATER CONSERVATION OF**
3 **THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

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

5 "(e) The Soil and Water Conservation Commission shall report on or before ~~31~~January
6 31 of each year to the Environmental Review Commission, the Department of Agriculture and
7 Consumer Services, and the Fiscal Research Division. This report shall include a list of projects
8 that received State funding pursuant to the program, the results of the evaluations conducted
9 pursuant to subdivision (7) of subsection (b) of this section, findings regarding the effectiveness
10 of each of these projects to accomplish its primary purpose, and any recommendations to assure
11 that State funding is used in the most cost-effective manner and accomplishes the greatest
12 improvement in water quality. This report shall be submitted to the Environmental Review
13 Commission and the Fiscal Research Division with the reports required by G.S. 106-860(e) and
14 G.S. 139-60(d) as a single report."

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

16 "(e) Report. – The Soil and Water Conservation Commission shall report no later than
17 ~~31~~January 31 of each year to the Environmental Review Commission, the Department of
18 Agriculture and Consumer Services, and the Fiscal Research Division. The report shall include
19 a summary of projects that received State funding pursuant to the Program, the results of the
20 evaluation conducted pursuant to subdivision (5) of subsection (b) of this section, findings
21 regarding the effectiveness of each project to accomplish its primary purpose, and any
22 recommendations to assure that State funding is used in the most cost-effective manner and
23 accomplishes the greatest improvement in water quality. This report shall be submitted to the
24 Environmental Review Commission and the Fiscal Research Division as a part of the report
25 required by G.S. 106-850(e)."

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

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

32 **SECTION 4.18.(d)** The first combined report required by subsections (a) through
33 (c) of this section shall be submitted to the Environmental Review Commission and the Fiscal
34 Research Division no later than January 31, 2018.

35
36 **DECREASE REPORTING FREQUENCY ON TERMINAL GROINS PILOT PROJECT**
37 **BY THE COASTAL RESOURCES COMMISSION**

38 **SECTION 4.19.** G.S. 113A-115.1(i) reads as rewritten:

39 "(i) No later than ~~September 1 of each year, January 1, 2019, and every five years~~
40 thereafter, the Coastal Resources Commission shall report to the Environmental Review
41 Commission on the implementation of this section. The report shall provide a detailed
42 description of each proposed and permitted terminal groin and its accompanying beach fill
43 project, including the information required to be submitted pursuant to subsection (e) of this
44 section. For each permitted terminal groin and its accompanying beach fill project, the report
45 shall also provide all of the following:

- 46 (1) The findings of the Commission required pursuant to subsection (f) of this
47 section.
48 (2) The status of construction and maintenance of the terminal groin and its
49 accompanying beach fill project, including the status of the implementation
50 of the plan for construction and maintenance and the inlet management plan.

- 1 (3) A description and assessment of the benefits of the terminal groin and its
2 accompanying beach fill project, if any.
- 3 (4) A description and assessment of the adverse impacts of the terminal groin
4 and its accompanying beach fill project, if any, including a description and
5 assessment of any mitigation measures implemented to address adverse
6 impacts."
7

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

10 **SECTION 4.20.** G.S. 143B-135.48(d) reads as rewritten:

11 "(d) No later than ~~October 1 of each year, October 1, 2018,~~ and every five years
12 thereafter, the Department shall submit electronically the State Parks System Plan to the
13 Environmental Review Commission, ~~the Senate and the House of Representatives~~
14 ~~appropriations committees with jurisdiction over natural and cultural resources,~~ the Joint
15 Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the
16 Fiscal Research Division. Concurrently, the Department shall submit a summary of each
17 change to the Plan that was made during the previous ~~fiscal year~~ five fiscal years."
18

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

21 **SECTION 4.21.** Section 15.6 of S.L. 1999-237 reads as rewritten:

22 "Section 15.6.(a) The Department of ~~Environment and Natural Resources~~ Environmental
23 Quality may use available funds, with the approval of the Office of State Budget and
24 Management, to provide the ten percent (10%) cost share required for Superfund cleanups on
25 the National Priority List sites, to pay the operating and maintenance costs associated with
26 these Superfund cleanups, and for the cleanup of priority inactive hazardous substance or waste
27 disposal sites under Part 3 of Article 9 of Chapter 130A of the General Statutes. These funds
28 may be in addition to those appropriated for this purpose.

29 "Section 15.6.(b) The Department of ~~Environment and Natural Resources~~ Environmental
30 Quality and the Office of State Budget and Management shall report to the ~~Environmental~~
31 ~~Review Commission and the Joint Legislative Commission on Governmental Operations~~ Joint
32 Legislative Oversight Committee on Agriculture and Natural and Economic Resources the
33 amount and the source of the funds used pursuant to subsection (a) of this section within 30
34 days of the expenditure of these funds."
35

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

38 **SECTION 4.22.** G.S. 87-98(e) reads as rewritten:

39 "(e) The Department, in consultation with the Commission for Public Health and local
40 health departments, shall report no later than October 1 of each year to the ~~Environmental~~
41 ~~Review Commission, the House of Representatives and Senate Appropriations Subcommittees~~
42 ~~on Natural~~ Joint Legislative Oversight Committee on Agriculture and Natural and Economic
43 Resources and the Fiscal Research Division of the General Assembly on the implementation of
44 this section. The report shall include the purpose and amount of all expenditures from the Fund
45 during the prior fiscal year, a discussion of the benefits and deficiencies realized as a result of
46 the section, and may also include recommendations for any legislative action."
47

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

50 **SECTION 4.23.** G.S. 143B-135.56(f) reads as rewritten:

1 (f) Reports. – The North Carolina Parks and Recreation Authority shall report no later
2 than October 1 of each year to the Joint Legislative ~~Commission on Governmental Operations,~~
3 ~~the House and Senate Appropriations Subcommittees on Natural and Economic Resources,~~
4 Oversight Committee on Agriculture and Natural and Economic Resources, the Fiscal Research
5 Division, and the Environmental Review Commission on allocations from the Trust Fund from
6 the prior fiscal year. For funds allocated from the Trust Fund under subsection (c) of this
7 section, this report shall include the operating expenses determined under subdivisions (1) and
8 (2) of subsection (e) of this section."
9

10 **PART V. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

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

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