

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  
House Committee Substitute #2 Favorable 3/28/17  
Fifth Edition Engrossed 4/5/17

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, 97, and  
14 105 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 reads as rewritten:

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

(a) Mandatory Local Well Programs. – Each county, through the local health department that serves the county, shall implement a private drinking water well permitting, inspection, and testing program. The local health department shall be the exclusive authority for the permitting of wells and well systems as described in G.S. 143-138(b17)(2). Local health departments shall administer the program and enforce the minimum well construction,

1 permitting, inspection, repair, and testing requirements set out in this Article and rules adopted  
2 pursuant to this Article. No person shall unduly delay or refuse to permit a well that can be  
3 constructed or repaired and operated in compliance with the requirements set out in this Article  
4 and rules adopted pursuant to this Article.

5 (a1) Use of Standard Forms. – Local well programs shall use the standard forms created  
6 by the Department for all required submittals and shall not create their own forms.

7 (b) Permit Required. – Except for those wells required to be permitted by the  
8 Environmental Management Commission pursuant to G.S. 87-88, no person shall:

9 (1) Construct or assist in the construction of a private drinking water well unless  
10 a construction permit has been obtained from the local health department.

11 (2) Repair or assist in the repair of a private drinking water well unless a repair  
12 permit has been obtained from the local health department, except that a  
13 permit shall not be required for the repair or replacement of a pump or tank.

14 (b1) ~~Permit to Include Authorization for Piping and Electrical Inspections.~~ – When a  
15 permit is issued under this section, the local health department shall be responsible for  
16 notifying the appropriate building inspector of the issuance of the well permit. The appropriate  
17 building inspector may request from the local health department the opportunity to inspect the  
18 activities authorized by the permit. The inspection must be performed prior to the final  
19 inspection performed by the local health department, and the well contractor shall not be  
20 required to be onsite for the inspection by the building inspector. If an inspection by a building  
21 inspector after the final inspection has been performed by the local health department is  
22 determined to be necessary for the protection of public health, safety, or welfare, the local  
23 building inspections department shall be responsible for (i) the additional costs for the  
24 inspection and related activities necessary for the inspection and (ii) any damages to the well  
25 system caused during the inspection.

26 (b2) ~~Permit to Include Authorization for Piping and Electrical.~~ – A permit issued under  
27 this section shall also be deemed to include authorization for all of the following:

28 (1) The installation, construction, maintenance, or repair of electrical wiring,  
29 devices, appliances, or equipment by a person certified as a well contractor  
30 under Article 7A of this Chapter when running electrical wires from the well  
31 pump to the pressure switch.

32 (2) The installation, construction, maintenance, or repair of water pipes by a  
33 person certified as a well contractor under Article 7A of this Chapter when  
34 running water pipes from the well to the water tank.

35 (3) The installation of both water pipes and electrical wiring in a single ditch by  
36 a person certified as a well contractor under Article 7A of this Chapter when  
37 running electrical wires from the well pump to the pressure switch and water  
38 pipes from the well to the water tank. The ditch shall be as deep as the  
39 minimum cover requirements for either electrical wiring or water pipes,  
40 whichever is greater.

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

44 ...."

45 **SECTION 1.3.(b)** G.S. 143-138 is amended by adding a new subsection to read:  
46 "**§ 143-138. North Carolina State Building Code.**

47 ...

48 (b17) Exclusion for Private Drinking Water Well Installation, Construction, Maintenance,  
49 and Repair. – No permit shall be required under the Code or any local variant approved under  
50 subsection (e) of this section for the electrical and plumbing activities associated with the

1 installation, construction, maintenance, or repair of a private drinking water well when all of  
 2 the following apply:

3 (1) The work is performed by a contractor certified under Article 7A of Chapter  
 4 87 of the General Statutes under the terms of a permit issued by the local  
 5 health department pursuant to G.S. 87-97.

6 (2) The scope of work includes only the connection or disconnection of a well  
 7 system to either the plumbing served by the well system or the electrical  
 8 service that serves the well system. For purposes of this subsection, a well  
 9 system includes the well, the pressure tank, the pressure switch, and all  
 10 plumbing and electrical equipment in the well and between the well,  
 11 pressure tank, and pressure switch.

12 ...."

## 13 14 **EXEMPT CERTAIN BUILDING CODE CLASSIFICATIONS FROM ENERGY** 15 **EFFICIENCY STANDARDS**

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

17 "(b18) Exclusion From Energy Efficiency Code Requirements for Certain Use and  
 18 Occupancy Classifications. – The Council shall provide for an exemption from any  
 19 requirements in the energy efficiency standards pursuant to Chapter 13 of the 2012 North  
 20 Carolina Building Code and the 2012 Energy Conservation Code, and any subsequent  
 21 amendments to the Building Code and Energy Conservation Code, for the following use and  
 22 occupancy classifications pursuant to Chapter 3 of the 2012 North Carolina Building Code:  
 23 Section 306, Factory Group F; Section 311, Storage Group S; and Section 312, Utility and  
 24 Miscellaneous Group U. This exclusion shall apply to the entire floor area of any structure for  
 25 which the primary use or occupancy is listed herein."

## 26 27 **PART II. STATE AND LOCAL GOVERNMENT REGULATION**

### 28 29 **WILDLIFE RESOURCES COMMISSION, DIVISION OF MARINE FISHERIES, AND** 30 **UTILITIES COMMISSION PRIVATE IDENTIFYING INFORMATION**

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

32 "**§ 143-254.5. Disclosure of personal identifying information.**

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

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

38 "**§ 143B-289.52. Marine Fisheries Commission – powers and duties.**

39 ...

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

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

47 "**§ 132-1.14. Personally identifiable information of public utility customers.**

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

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

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

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

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

## 10 **WATER AND SEWER BILLING BY LESSORS**

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

### 12 **"§ 42-42.1. Water and electricity conservation.**

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

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

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

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

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

30               (1a) If the ~~contiguous leased~~ premises were are contiguous dwelling units built  
31 prior to 1989-1989, and the lessor determines that the measurement of the  
32 tenant's total water usage is impractical or not economical, the lessor may  
33 allocate the cost for water and sewer service to the tenant using equipment  
34 that measures the tenant's hot water usage. In that case, each tenant shall be  
35 billed a percentage of the landlord's water and sewer costs for water usage in  
36 the dwelling units based upon the hot water used in the tenant's dwelling  
37 unit. The percentage of total water usage allocated for each dwelling unit  
38 shall be equal to that dwelling unit's individually submetered hot water usage  
39 divided by all submetered hot water usage in all dwelling units. The  
40 following conditions apply to billing for water and sewer service under this  
41 subdivision:

42               a. A lessor shall not utilize a ratio utility billing system or other  
43 allocation billing system that does not rely on individually  
44 submetered hot water usage to determine the allocation of water and  
45 sewer costs.

46               b. The lessor shall not include in a tenant's bill the cost of water and  
47 sewer service used in common areas or water loss due to leaks in the  
48 lessor's water mains. A lessor shall not bill or attempt to collect for  
49 excess water usage resulting from a plumbing malfunction or other  
50 condition that is not known to the tenant or that has been reported to  
51 the lessor.

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

1 Commission has not issued an order disapproving a completed application  
2 within 30 days, the application shall be deemed approved.

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

- 13 a. The current schedule of the unit consumption rates charged by the  
14 provider.
- 15 b. The schedule of rates charged by the supplier to the provider that the  
16 provider proposes to pass through to the provider's customers.
- 17 c. The schedule of the unit consumption rates proposed to be charged  
18 by the provider.
- 19 d. The current administrative fee charged by the provider, if applicable.
- 20 e. The administrative fee proposed to be charged by the provider.

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

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

32 (9) A provider of water or sewer service under this subsection shall not be  
33 required to file annual reports pursuant to G.S. 62-36 or to furnish a bond  
34 pursuant to G.S. 62-110.3."  
35

### 36 **CLARIFY THAT RECYCLING PROGRAMS BY LOCAL SCHOOL BOARDS MUST** 37 **COMPLY WITH G.S. 160A-327**

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

39 "(41) To Encourage Recycling in Public Schools. – Local boards of education  
40 shall encourage recycling in public schools and may develop and implement  
41 recycling programs at public schools. Local boards of education shall  
42 comply with G.S. 160A-327."  
43

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

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

46 **"§ 153A-341. Purposes in view.**

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

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

50 (1) A statement approving the zoning amendment and describing whether its  
51 action is consistent its consistency with an adopted comprehensive plan and

1 explaining why ~~the board considers the action taken to be is~~ reasonable and  
 2 in the public interest. ~~That statement is not subject to judicial review. The~~

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

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

8 a. A declaration that the approval is also deemed an amendment to the  
 9 comprehensive plan. The governing board shall not require any  
 10 additional request or application for amendment to the  
 11 comprehensive plan.

12 b. An explanation of the change in conditions the governing board took  
 13 into account in amending the zoning ordinance to meet the  
 14 development needs of the community.

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

16 (c) Prior to consideration by the governing board of the proposed zoning amendment,  
 17 the planning board shall advise and comment on whether the proposed amendment is consistent  
 18 with any comprehensive plan that has been adopted and any other officially adopted plan that is  
 19 applicable. plan. The planning board shall provide a written recommendation to the governing  
 20 board of county commissioners that addresses plan consistency and other matters as deemed  
 21 appropriate by the planning board, but a comment by the planning board that a proposed  
 22 amendment is inconsistent with the comprehensive plan shall not preclude consideration or  
 23 approval of the proposed amendment by the governing board.

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

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

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

38 "**§ 153A-349.13. Relationship of agreement to building or housing code; code;**  
 39 **comprehensive plan amendment.**

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

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

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

48 "**§ 160A-383. Purposes in view.**

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



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

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

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

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

14        a. A declaration that the approval is also deemed an amendment to the  
15 comprehensive plan. The governing board shall not require any  
16 additional request or application for amendment to the  
17 comprehensive plan.

18        b. An explanation of the change in conditions the governing board took  
19 into account in amending the zoning ordinance to meet the  
20 development needs of the community.

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

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

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

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

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

42        **"§ 160A-400.32. Relationship of agreement to building or housing ~~code code;~~**  
43 **comprehensive plan amendment.**

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

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

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

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

6  
7 **PARENT PARCEL/SUBDIVISION CLARIFICATION**

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

9 **"§ 153A-335. "Subdivision" defined.**

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

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

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

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

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

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

47 **"§ 160A-376. Definition.**

48       (a) For the purpose of this Part, "subdivision" means all divisions of a tract or parcel of  
49 land into two or more lots, building sites, or other divisions when any one or more of those  
50 divisions is created for the purpose of sale or building development (whether immediate or  
51 future) and shall include all divisions of land involving the dedication of a new street or a

1 change in existing streets; but the following shall not be included within this definition nor be  
2 subject to the regulations authorized by this Part:

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

7 (2) The division of land into parcels greater than 10 acres where no street  
8 right-of-way dedication is involved.

9 (3) The public acquisition by purchase of strips of land for the widening or  
10 opening of streets or for public transportation system corridors.

11 (4) The division of a tract in single ownership whose entire area is no greater  
12 than two acres into not more than three lots, where no street right-of-way  
13 dedication is involved and where the resultant lots are equal to or exceed the  
14 standards of the municipality, as shown in its subdivision regulations.

15 (5) The division of a tract into parcels in accordance with the terms of a  
16 probated will or in accordance with intestate succession under Chapter 29 of  
17 the General Statutes.

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

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

21 (1) The tract or parcel to be divided is not exempted under subdivision (2) of  
22 subsection (a) of this section.

23 (2) No part of the tract or parcel to be divided has been divided under this  
24 subsection in the 10 years prior to division.

25 (3) The entire area of the tract or parcel to be divided is greater than five acres.

26 (4) After division, no more than three lots result from the division.

27 (5) After division, all resultant lots comply with all of the following:

28 a. Any lot dimension size requirements of the applicable land-use  
29 regulations, if any.

30 b. The use of the lots is in conformity with the applicable zoning  
31 requirements, if any.

32 c. A permanent means of ingress and egress is recorded for each lot."

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

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

35 **SECTION 2.6.(a)** The Joint Legislative Program Evaluation Oversight Committee  
36 may amend the 2016-2017 Program Evaluation Division work plan to direct the Division to  
37 study State law and internal agency policies and procedures for delivery of public services  
38 through State grants and contracts to nonprofit organizations. The study shall include, but not  
39 be limited to, how nonprofit organizations are compensated for actual, reasonable, documented  
40 indirect costs, and the extent to which any underpayment for indirect costs reduces the  
41 efficiency or effectiveness of the delivery of public services. The study shall propose  
42 improvements to State law and internal agency policies and procedures, if necessary, to remove  
43 unnecessary impediments to the efficient and effective delivery of public services, including,  
44 but not limited to, late execution of contracts, late payments, and late reimbursements. In  
45 conducting the study, the Division may require each State agency to provide data maintained  
46 by the agency to determine any of the following:

47 (1) The timeliness of delivery and execution of contracts.

48 (2) The timeliness of payment for services that have been delivered.

49 (3) The extent to which nonprofit contractors or grantees are reimbursed for  
50 their indirect costs.  
51

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

**SECTION 2.6.(b)** If the study is conducted, the Division shall submit a report on the results of the study to the Joint Legislative Program Evaluation Oversight Committee and the Joint Legislative Commission on Governmental Operations no later than September 1, 2018.

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

## RENAME AND AMEND THE BOARD OF REFRIGERATION EXAMINERS

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

"Article 5.

"Refrigeration Contractors.

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

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

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

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

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

(4) Two members who are licensed refrigeration contractors.

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

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

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

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

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

(1) Commercial refrigeration contractor. – All persons, ~~firms-firms,~~ or corporations engaged in the installation, maintenance, servicing and repairing of refrigerating machinery, equipment, devices and components relating thereto and within limits as set forth in the codes, laws and regulations governing refrigeration installation, maintenance, service and repairs within the State of North Carolina or any of its political subdivisions. The provisions of this Article shall not repeal any wording, phrase, or paragraph as set forth in Article 2 of Chapter 87 of the General Statutes.thereto.

- 1           (2)    Industrial refrigeration contractor. – All persons, firms, or corporations  
2           engaged in commercial refrigeration contracting with the use of ammonia as  
3           a refrigerant gas.
- 4           (3)    Refrigeration service contractor. – All persons, firms, or corporations  
5           engaged in the maintenance, servicing, and repairing of refrigerating  
6           machinery, equipment, devices, and components relating thereto.
- 7           (4)    Transport refrigeration contractor. – All persons, firms, or corporations  
8           engaged in the business of installation, maintenance, repairing, and servicing  
9           of transport refrigeration.
- 10        (a1)   This Article shall not apply to any of the following:
- 11           (1)    The installation of self-contained commercial refrigeration units equipped  
12           with an Original Equipment Manufacturer (OEM) molded plug that does not  
13           require the opening of service valves ~~or replacement of lamps, fuses, and~~  
14           ~~door gaskets.~~ valves.
- 15           (2)    The installation and servicing of domestic household self-contained  
16           refrigeration appliances equipped with an OEM molded plug connected to  
17           suitable receptacles which have been permanently installed and do not  
18           require the opening of service valves.
- 19           (3)    Employees of persons, firms, or corporations or persons, firms or  
20           corporations, not engaged in refrigeration contracting as herein defined, that  
21           install, maintain and service their own refrigerating machinery, equipment  
22           and devices.
- 23           (4)    Any person, firm or corporation engaged in the business of selling, repairing  
24           and installing any comfort cooling devices or systems.
- 25           (5)    The replacement of lamps, fuses, and door gaskets.
- 26        (b)    ~~The term "refrigeration contractor" means a person, firm or corporation engaged in~~  
27        ~~the business of refrigeration contracting.~~ The Board shall establish and issue the following  
28        licenses:
- 29           (1)    A Class I license shall be required for any person engaged in the business of  
30           commercial refrigeration contracting.
- 31           (2)    A Class II license shall be required for any person engaged in the business of  
32           industrial refrigeration contracting.
- 33           (3)    A Class III license shall be required for any person engaged in the business  
34           of refrigeration service contracting.
- 35           (4)    A Class IV license shall be required for any person engaged in the business  
36           of transport refrigeration contracting.
- 37        (b1)   ~~The term "transport refrigeration contractor" means a person, firm, or corporation~~  
38        ~~engaged in the business of installation, maintenance, servicing, and repairing of transport~~  
39        ~~refrigeration.~~
- 40        (c)    Any person, firm or corporation who for valuable consideration engages in the  
41        refrigeration business or trade as herein defined shall be deemed and held to be in the business  
42        of refrigeration contracting.
- 43        (d)    In order to protect the public health, comfort and safety, the Board shall prescribe  
44        the standard of experience to be required of an applicant for license and shall give an  
45        examination designed to ascertain the technical and practical knowledge of the applicant  
46        concerning the analysis of plans and specifications, estimating cost, fundamentals of  
47        installation and design as they pertain to refrigeration; and as a result of the examination, the  
48        Board shall issue a certificate of license in refrigeration to applicants who pass the required  
49        examination and a license shall be obtained in accordance with the provisions of this Article,  
50        before any person, firm or corporation shall engage in, or offer to engage in the business of  
51        refrigeration contracting. ~~The Board shall prescribe standards for and issue licenses for~~

1 ~~refrigeration contracting and for transport refrigeration contracting. A transport refrigeration~~  
2 ~~contractor license is a specialty license that authorizes the licensee to engage only in transport~~  
3 ~~refrigeration contracting. A refrigeration contractor licensee is authorized to engage in transport~~  
4 ~~refrigeration and all other aspects of refrigeration contracting.~~ all license classifications.

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

8 ...

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

13 ...

14 **"§ 87-64. Examination and license fees; annual renewal.**

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

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

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

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

42  
43 **AMEND DEFINITION OF ANTIQUE AUTOMOBILE**

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

45 **"§ 105-330.9. Antique automobiles.**

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

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

1 (3) It is used only occasionally for other purposes.

2 (4) It is owned by an ~~individual~~individual, or owned directly or indirectly  
3 through one or more pass-through entities, by an individual.

4 (5) It is used by the owner for a purpose other than the production of income  
5 and is not used in connection with a business.

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

## 10 11 COPIES OF CERTAIN PUBLIC RECORDS

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

13 "**§ 132-6.1. Electronic data-processing and computer databases as public records.**

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

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

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

32 State agencies by July 1, 1996;

33 Municipalities with populations of 10,000 or more, counties with populations of 25,000 or  
34 more, as determined by the 1990 U.S. Census, and public hospitals in those counties, by July 1,  
35 1997;

36 Municipalities with populations of less than 10,000, counties with populations of less than  
37 25,000, as determined by the 1990 U.S. Census, and public hospitals in those counties, by July  
38 1, 1998;

39 Political subdivisions and their agencies that are not otherwise covered by this schedule,  
40 after June 30, 1998. The index shall be a public record and shall include, at a minimum, the  
41 following information with respect to each database listed therein: a list of the data fields; a  
42 description of the format or record layout; information as to the frequency with which the  
43 database is updated; a list of any data fields to which public access is restricted; a description of  
44 each form in which the database can be copied or reproduced using the agency's computer  
45 facilities; and a schedule of fees for the production of copies in each available form. Electronic  
46 databases compiled or created prior to the date by which the index must be created in  
47 accordance with this subsection may be indexed at the public agency's option. The form,  
48 content, language, and guidelines for the index and the databases to be indexed shall be  
49 developed by the Office of Archives and History in consultation with officials at other public  
50 agencies.

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

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

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

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

12 (3) Computer program. – A series of instructions or statements that permit the  
13 storage, manipulation, and retrieval of data within an electronic  
14 data-processing system, together with any associated documentation. The  
15 term does not include the original data, or any analysis, compilation, or  
16 manipulated form of the original data produced by the use of the program or  
17 software.

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

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

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

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

28 "**§ 132-6. Inspection and Examination and Copies of Public Records.**

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

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

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

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

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

49 ~~Municipalities with populations of 10,000 or more, counties with populations of 25,000 or~~  
50 ~~more, as determined by the 1990 U.S. Census, and public hospitals in those counties, after June~~  
51 ~~30, 1997;~~



1 ~~Municipalities with populations of less than 10,000, counties with populations of less than~~  
2 ~~25,000, as determined by the 1990 U.S. Census, and public hospitals in those counties, after~~  
3 ~~June 30, 1998;~~

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

6 (d) Notwithstanding the provisions of subsections (a) and (b) of this section, public  
7 records relating to the proposed expansion or location of specific business or industrial projects  
8 may be withheld so long as their inspection, examination or copying would frustrate the  
9 purpose for which such public records were created; provided, however, that nothing herein  
10 shall be construed to permit the withholding of public records relating to general economic  
11 development policies or activities. Once the State, a local government, or the specific business  
12 has announced a commitment by the business to expand or locate a specific project in this State  
13 or the business has made a final decision not to do so, of which the State or local government  
14 agency involved with the project knows or should know, the provisions of this subsection  
15 allowing public records to be withheld by the agency no longer apply. Once the provisions of  
16 this subsection no longer apply, the agency shall disclose as soon as practicable, and within 25  
17 business days, public records requested for the announced project that are not otherwise made  
18 confidential by law. An announcement that a business or industrial project has committed to  
19 expand or locate in the State shall not require disclosure of local government records relating to  
20 the project if the business has not selected a specific location within the State for the project.  
21 Once a specific location for the project has been determined, local government records must be  
22 disclosed, upon request, in accordance with the provisions of this section. For purposes of this  
23 section, "local government records" include records maintained by the State that relate to a  
24 local government's efforts to attract the project.

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

- 28 (1) Unless controlled by another subdivision of this subsection, the records may  
29 be withheld if their inspection, examination, or copying would frustrate the  
30 purpose for which the records were created.
- 31 (2) If no discretionary incentives pursuant to Chapter 143B of the General  
32 Statutes are requested for a project and if the specific business decides to  
33 expand or locate the project in the State, then the records relating to the  
34 project shall not be disclosed.
- 35 (3) If the specific business has requested discretionary incentives for a project  
36 pursuant to Chapter 143B of the General Statutes and if either the business  
37 decides not to expand or locate the project in the State or the project does not  
38 receive the discretionary incentives, then the only records relating to the  
39 project that may be disclosed are the requests for discretionary incentives  
40 pursuant to Chapter 143B of the General Statutes and any information  
41 submitted to the Department by the contracted entity.
- 42 (4) If the specific business receives a discretionary incentive for a project  
43 pursuant to Chapter 143B of the General Statutes and the State or the  
44 specific business announces a commitment to expand or locate the project in  
45 this State, all records requested for the announced project, not otherwise  
46 made confidential by law, shall be disclosed as soon as practicable and  
47 within 25 days from the date of announcement.

48 (e) The application of this Chapter is subject to the provisions of Article 1 of Chapter  
49 121 of the General Statutes, the North Carolina Archives and History Act.

50 (f) Notwithstanding the provisions of ~~subsection (a)~~ subsections (a) and (a1) of this  
51 section, the inspection or copying of any public record which, because of its age or condition

1 could be damaged during inspection or copying, may be made subject to reasonable restrictions  
2 intended to preserve the particular record."

3 **SECTION 2.9.(c)** This section becomes effective July 1, 2017.  
4

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

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

7 "**§ 143A-5. Office of the Lieutenant Governor.**

8 The Lieutenant Governor shall maintain an office in ~~a State building~~ the Hawkins-Hartness  
9 House located at 310 North Blount Street in the City of Raleigh which office shall be open  
10 during normal working hours throughout the year. The Lieutenant Governor shall serve as  
11 President of the Senate and perform such additional duties as the Governor or General  
12 Assembly may assign to him. This section shall become effective January 1, 1973."  
13

#### 14 **CLARIFY THAT DOT STORMWATER REQUIREMENTS ARE APPLICABLE TO** 15 **STATE ROAD CONSTRUCTION UNDERTAKEN BY PRIVATE PARTIES**

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

18 "**§ 136-28.6B. Applicable stormwater regulation.**

19 For the purposes of stormwater regulation, any construction undertaken by a private party  
20 pursuant to the provisions of G.S. 136-18(17), 136-18(27), 136-18(29), 136-18(29a), 136-28.6,  
21 or 136-28.6A shall be considered to have been undertaken by the Department, and the  
22 stormwater law and rules applicable to the Department shall apply."  
23

#### 24 **DOT/PERMIT PROCESS REVISIONS & REIMBURSEMENT FOR MOVING** 25 **CERTAIN UTILITIES**

26 **SECTION 2.12.(a)** Uniform Process for Issuing Permits; Report. – For each type  
27 of permit issued by the Highway Divisions under Chapter 136 of the General Statutes, the  
28 Department of Transportation shall make uniform all processes and procedures followed by the  
29 Highway Divisions when issuing that type of permit. No later than June 30, 2017, the  
30 Department shall report to the following on the implementation of this subsection, including (i)  
31 what processes and procedures were adjusted, (ii) how were the identified processes and  
32 procedures adjusted, and (iii) a comparison of the average length of time for obtaining each  
33 type of permit before and after implementation of this section:

- 34 (1) If the General Assembly is in session at the time of the report, to the chairs  
35 of the House of Representatives Committee on Transportation  
36 Appropriations and the Senate Appropriations Committee on Department of  
37 Transportation.
- 38 (2) If the General Assembly is not in session at the time of the report, to the  
39 chairs of the Joint Legislative Transportation Oversight Committee.

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

42 "**§ 136-93.01. Electronic submission of permits authorized.**

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

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

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

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

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

5  
6 **AMENDMENTS TO GENERAL CONTRACTOR LICENSURE**

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

8 "**§ 87-10. Application for license; examination; certificate; renewal.**

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

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

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

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

16           (4) Submit the appropriate application fee.

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

44           (b) ~~The Board shall conduct an examination, either oral or written, of all applicants for~~  
45 ~~license to ascertain, for the classification of license for which the applicant has applied:~~ An  
46 applicant shall identify an individual who has successfully passed an examination approved by  
47 the Board who, for purposes of this section, shall be known as the "qualifier" or the "qualifying  
48 party" of the applicant. If the qualifier or the qualifying party seeks to take an examination, the  
49 examination shall establish (i) the ability of the applicant to make a practical application of the  
50 applicant's knowledge of the profession of contracting; (ii) the qualifications of the applicant in  
51 reading plans and specifications, knowledge of relevant matters contained in the North Carolina

1 State Building Code, knowledge of estimating costs, construction, ethics, and other similar  
2 matters pertaining to the contracting business; (iii) the knowledge of the applicant as to the  
3 responsibilities of a contractor to the public and of the requirements of the laws of the State of  
4 North Carolina relating to contractors, construction, and liens; and (iv) the applicant's  
5 knowledge of requirements of the Sedimentation Pollution Control Act of 1973, Article 4 of  
6 Chapter 113A of the General Statutes, and the rules adopted pursuant to that Article. If ~~the~~  
7 ~~results of the examination of the applicant shall be satisfactory to the Board, then the qualifier~~  
8 ~~or qualifying party passes the examination, upon review of the application and all relevant~~  
9 ~~information, the Board shall issue to the applicant a certificate to a license to the applicant to~~  
10 ~~engage as a in general contractor contracting in the State of North Carolina, as provided in said~~  
11 ~~certificate, which may be limited into five classifications as follows:~~

- 12 (1) Building contractor, which shall include private, public, commercial,  
13 industrial and residential buildings of all types.
- 14 (1a) Residential contractor, which shall include any general contractor  
15 constructing only residences which are required to conform to the residential  
16 building code adopted by the Building Code Council pursuant to  
17 G.S. 143-138.
- 18 (2) Highway contractor.
- 19 (3) Public utilities contractors, which shall include those whose operations are  
20 the performance of construction work on the following subclassifications of  
21 facilities:
  - 22 a. Water and sewer mains, water service lines, and house and building  
23 sewer lines as defined in the North Carolina State Building Code, and  
24 water storage tanks, lift stations, pumping stations, and  
25 appurtenances to water storage tanks, lift stations, and pumping  
26 stations.
  - 27 b. Water and wastewater treatment facilities and appurtenances thereto.
  - 28 c. Electrical power transmission facilities, and primary and secondary  
29 distribution facilities ahead of the point of delivery of electric service  
30 to the customer.
  - 31 d. Public communication distribution facilities.
  - 32 e. Natural gas and other petroleum products distribution facilities;  
33 provided the General Contractors Licensing Board may issue license  
34 to a public utilities contractor limited to any of the above  
35 subclassifications for which the general contractor qualifies.
- 36 (4) Specialty contractor, which shall include those whose operations as such are  
37 the performance of construction work requiring special skill and involving  
38 the use of specialized building trades or crafts, but which shall not include  
39 any operations now or hereafter under the jurisdiction, for the issuance of  
40 license, by any board or commission pursuant to the laws of the State of  
41 North Carolina.

42 (b1) Public utilities contractors constructing house and building sewer lines as provided  
43 in sub-subdivision a. of subdivision (3) of subsection (b) of this section shall, at the junction of  
44 the public sewer line and the house or building sewer line, install as an extension of the public  
45 sewer line a cleanout at or near the property line that terminates at or above the finished grade.  
46 Public utilities contractors constructing water service lines as provided in sub-subdivision a. of  
47 subdivision (3) of subsection (b) of this section shall terminate the water service lines at a  
48 valve, box, or meter at which the facilities from the building may be connected. Public utilities  
49 contractors constructing fire service mains for connection to fire sprinkler systems shall  
50 terminate those lines at a flange, cap, plug, or valve inside the building one foot above the  
51 finished floor. All fire service mains shall comply with the NFPA standards for fire service

1 mains as incorporated into and made applicable by Volume V of the North Carolina Building  
2 Code.

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

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

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

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

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

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

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

#### 44 **REPEAL CERTAIN EDUCATIONAL TESTING LAWS**

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

46 "(c) Local boards of education shall cooperate with the State Board of Education in  
47 implementing the provisions of this Article, including the regulations and policies established  
48 by the State Board of Education. Local school administrative units shall use the annual tests to  
49 fulfill the purposes set out in this Article. ~~Local school administrative units are encouraged to~~  
50 ~~continue to develop local testing programs designed to diagnose student needs."~~  
51

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

**SECTION 2.15.(a)** G.S. 1-51 is amended by adding a new subdivision to read:

**"§ 1-51. Five years.**

Within five years -

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

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

**SECTION 2.15.(b)** G.S. 1-49 is amended by adding a new subdivision to read:

**"§ 1-49. Seven years.**

Within seven years an action –

(3) 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 seven 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:

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

3 "...."

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

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

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

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

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

33 "SECTION 14.20.(f) This section becomes effective October 1, 2015.  
34 G.S. 130A-294(b1)(2), as amended by subsection (a) of this section, applies to franchise  
35 ~~agreements~~ agreements (i) executed on or after October 1, 2015, and (ii)  
36 executed on or before October 1, 2015, only if all parties to a valid and operative franchise  
37 agreement consent to modify the agreement for the purpose of extending the agreement's  
38 duration to the life-of-site of the landfill for which the agreement was executed, and public  
39 notice and hearing is provided for such modification in compliance with the requirements of  
40 G.S. 130A-294(b1)(3). The remainder of G.S. 130A-294, as amended by subsection (a) of this  
41 section, and G.S. 130A-295.8, as amended by subsection (c) of this section, apply to (i) existing  
42 sanitary landfills and transfer stations, with a valid permit issued before the date this act  
43 becomes effective, on July 1, 2016, at which point a permittee may choose to apply for a  
44 life-of-site permit pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this act,  
45 or may choose to apply for a life-of-site permit for the facility when the facility's permit is next  
46 subject to renewal after July 1, 2016, (ii) new sanitary landfills and transfer stations, for  
47 applications submitted on or after July 1, 2016, and (iii) applications for sanitary landfills or  
48 transfer stations submitted before July 1, 2015, and pending on the date this act becomes law  
49 shall be evaluated by the Department based on the applicable laws that were in effect on July 1,  
50 2015, and the Department shall not delay in processing such permit applications in  
51 consideration of changes made by this act, but such landfills and transfer stations shall be

1 eligible for issuance of life-of-site permits pursuant to G.S. 130A-294(a2), as amended by  
2 Section 14.20(b) of this act, on July 1, 2016, at which point a permittee may choose to apply for  
3 a life-of-site permit pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this act,  
4 or may choose to apply for a life-of-site permit for the facility when the facility's permit is next  
5 subject to renewal after July 1, 2016."

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

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

9 ...

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

- 19 a. A statement of the population to be served, including a description of  
20 the geographic area.  
21 b. A description of the volume and characteristics of the waste stream.  
22 c. A projection of the useful life of the sanitary landfill.  
23 d. Repealed by Session Laws 2013-409, s. 8, effective August 23, 2013.  
24 e. The procedures to be followed for governmental oversight and  
25 regulation of the fees and rates to be charged by facilities subject to  
26 the franchise for waste generated in the jurisdiction of the franchising  
27 entity.  
28 f. A facility plan for the sanitary landfill that shall include the  
29 boundaries of the proposed facility, proposed development of the  
30 facility site, the boundaries of all waste disposal units, final  
31 elevations and capacity of all waste disposal units, the amount of  
32 waste to be received per day in tons, the total waste disposal capacity  
33 of the sanitary landfill in tons, a description of environmental  
34 controls, and a description of any other waste management activities  
35 to be conducted at the facility. In addition, the facility plan shall  
36 show the proposed location of soil borrow areas, leachate facilities,  
37 and all other facilities and infrastructure, including ingress and egress  
38 to the facility.

39 (3) Prior to the award of a franchise for the construction or operation of a  
40 sanitary landfill, the board of commissioners of the county or counties in  
41 which the sanitary landfill is proposed to be located or is located or, if the  
42 sanitary landfill is proposed to be located or is located in a city, the  
43 governing board of the city shall conduct a public hearing. The board of  
44 commissioners of the county or counties in which the sanitary landfill is  
45 proposed to be located or is located or, if the sanitary landfill is proposed to  
46 be located or is located in a city, the governing board of the city shall  
47 provide at least 30 days' notice to the public of the public hearing. The notice  
48 shall include a summary of all the information required to be included in the  
49 franchise, and shall specify the procedure to be followed at the public  
50 hearing. The applicant for the franchise shall provide a copy of the  
51 application for the franchise that includes all of the information required to



1 be included in the franchise, to the public library closest to the proposed  
2 sanitary landfill site to be made available for inspection and copying by the  
3 public.

4 ...."

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

6 **"§ 160A-319. Utility franchises.**

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

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

18 **"§ 153A-136. Regulation of solid wastes.**

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

21 ...

- 22 (3) Grant a franchise to one or more persons for the exclusive right to  
23 commercially collect or dispose of solid wastes within all or a defined  
24 portion of the county and prohibit any other person from commercially  
25 collecting or disposing of solid wastes in that area. The board of  
26 commissioners may set the terms of any franchise, ~~except that no franchise~~  
27 may be granted for a period exceeding 30 years, nor may any franchise;  
28 provided, however, no franchise shall be granted for a period of more than  
29 30 years, except for a franchise granted to a sanitary landfill for the  
30 life-of-site of the landfill pursuant to G.S. 130A-294(b1), which may not  
31 exceed 60 years. No franchise by its terms may impair the authority of the  
32 board of commissioners to regulate fees as authorized by this section.

33 ...."

34 **SECTION 3.2.(e)** Subsection (a) of this section applies to franchise agreements (i)  
35 executed on or after October 1, 2015, and (ii) executed on or before October 1, 2015, only if all  
36 parties to a valid and operative agreement consent to modify the agreement for the purpose of  
37 extending the agreement's duration of the life-of-site of the landfill for which the agreement  
38 was executed, and public notice and hearing is provided for such modification in compliance  
39 with the requirements of G.S. 130A-294(b1)(3).

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

1           **SECTION 3.4.** Except as otherwise provided, Sections 3.1 and 3.2 of this act are  
2 effective retroactively to July 1, 2015. Sections 3.3 and 3.4 of this act are effective when this  
3 act becomes law.  
4

5 **MOTOR VEHICLE EMISSIONS INSPECTIONS**

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

7 "**§ 143-215.107A. Motor vehicle emissions testing and maintenance program.**

8           (a) General Provisions. –

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

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

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

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

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

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

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

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

36           (3) It is (i) a 1996 or later model vehicle with a model year within 20 years of  
37 the current year and older than the three most recent model years or (ii) a  
38 1996 or later model a vehicle with a model year within 20 years of the  
39 current year and has 70,000 miles or more on its odometer.

40           ...."

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

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

49           (1) October 1, 2017.

50           (2) The first day of a month that is 60 days after the Secretary of the Department  
51 of Environmental Quality certifies to the Revisor of Statutes that the United

1 States Environmental Protection Agency has approved an amendment to the  
2 North Carolina State Implementation Plan submitted as required by  
3 subsection (c) of this section. The Secretary shall provide this notice along  
4 with the effective date of this act on its Web site and by written or electronic  
5 notice to emissions inspection mechanic license holders, emissions  
6 inspection station licensees, and self-inspector licensees in the counties  
7 where motor vehicle emissions inspection requirements are removed by this  
8 section.

## 10 FARRIERS/HORSESHOEING

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

12 "§ 90-187.10. Necessity for license; certain practices exempted.

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

20 Nothing in this Article shall be construed to prohibit:

21 ...

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

## 26 DEQ TO STUDY RIPARIAN BUFFERS

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

30 SECTION 3.7.(b) The Department of Environmental Quality shall study under  
31 what circumstances units of local government should be allowed to exceed riparian buffer  
32 requirements mandated by the State and the federal government. The Department shall also  
33 consider measures to ensure that local governments do not exceed their statutory authority for  
34 establishing riparian buffer requirements. In conducting this study, the Department shall  
35 consult with property owners and other entities impacted by riparian buffer requirements as  
36 well as local governments.

37 SECTION 3.7.(c) The Department of Environmental Quality shall report the  
38 results of the studies required by this section, including any recommendations, to the  
39 Environmental Review Commission no later than December 1, 2017. For any recommendations  
40 made pursuant to the studies, the Department shall include specific draft language for any rule  
41 or statutory changes necessary to implement the recommendations.

## 43 ELIMINATE OUTDATED PROVISION OF THE COASTAL AREA MANAGEMENT 44 ACT

45 SECTION 3.8. G.S. 113A-109 is repealed.

## 47 REPEAL PASTURE POINTS PROVISION

48 SECTION 3.9. Section 4 of S.L. 2001-355 is repealed.

## 50 ELIMINATE REPORTS TO THE COMMISSIONER OF AGRICULTURE AS TO 51 MILK PURCHASED OR SOLD

1           **SECTION 3.10.** G.S. 106-261 is repealed.

2  
3           **PROHIBIT CERTAIN STORMWATER CONTROL MEASURES**

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

8           **SECTION 3.11.(b)** Notwithstanding 15A NCAC 02H .0506(b)(5) and 15A NCAC  
9 02H .0506(c)(5), the Director of the Division of Water Resources shall not require the use of  
10 on-site stormwater control measures to protect downstream water quality standards, except as  
11 required by State or federal law.

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

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

23  
24           **EXEMPT LANDSCAPING MATERIAL FROM STORMWATER MANAGEMENT**  
25 **REQUIREMENTS**

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

27           "(b2) For purposes of implementing stormwater programs, "built-upon area" means  
28 impervious surface and partially impervious surface to the extent that the partially impervious  
29 surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon  
30 area" does not include a slatted deck; the water area of a swimming pool; a surface of number  
31 57 stone, as designated by the American Society for Testing and Materials, laid at least four  
32 inches thick over a geotextile fabric; ~~or~~ a trail as defined in G.S. 113A-85 that is either unpaved  
33 or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001  
34 centimeters per second (1.41 inches per ~~hour~~-hour); or landscaping material, including, but not  
35 limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or  
36 bicycle traffic or on portions of driveways and parking areas that will not be compacted by the  
37 weight of a vehicle, such as the area between sections of pavement that support the weight of a  
38 vehicle. The owner or developer of a property may opt out of any of the exemptions from  
39 "built-upon area" set out in this subsection. For State stormwater programs and local  
40 stormwater programs approved pursuant to subsection (d) of this section, all of the following  
41 shall apply:

- 42           (1) The volume, velocity, and discharge rates of water associated with the  
43 one-year, 24-hour storm and the difference in stormwater runoff from the  
44 predevelopment and postdevelopment conditions for the one-year, 24-hour  
45 storm shall be calculated using any acceptable engineering hydrologic and  
46 hydraulic methods.
- 47           (2) Development may occur within the area that would otherwise be required to  
48 be placed within a vegetative buffer required by the Commission pursuant to  
49 G.S. 143-214.1 and G.S. 143-214.7 to protect classified shellfish waters,  
50 outstanding resource waters, and high-quality waters provided the  
51 stormwater runoff from the development is collected and treated from the

- 1 entire impervious area and discharged so that it passes through the  
2 vegetative buffer and is managed so that it otherwise complies with all  
3 applicable State and federal stormwater management requirements.  
4 (3) The requirements that apply to development activities within one-half mile  
5 of and draining to Class SA waters or within one-half mile of Class SA  
6 waters and draining to unnamed freshwater tributaries shall not apply to  
7 development activities and associated stormwater discharges that do not  
8 occur within one-half mile of and draining to Class SA waters or are not  
9 within one-half mile of Class SA waters and draining to unnamed freshwater  
10 tributaries."  
11

## 12 AMEND STREAM MITIGATION REQUIREMENTS

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

14 "§ 143-214.7C. **Prohibit the requirement of mitigation for impacts to intermittent**  
15 **streams; streams; establish threshold for mitigation of impacts to streams.**

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

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

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

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

29 SECTION 3.13.(c) The cochairs of the Environmental Review Commission shall  
30 examine the mitigation thresholds for losses of stream bed under the Regional Conditions  
31 adopted by the Norfolk, Charleston, and Savannah Districts of the United States Army Corps of  
32 Engineers and shall submit written comments to the Washington, D.C., Headquarters, the  
33 Wilmington District Office of the United States Army Corps of Engineers, and the North  
34 Carolina congressional delegation to encourage the Wilmington District to adopt Regional  
35 Conditions on the thresholds for losses of stream bed that are consistent with the Regional  
36 Conditions adopted by the Norfolk, Charleston, and Savannah Districts of the United States  
37 Army Corps of Engineers.  
38

## 39 COASTAL RESOURCES COMMISSION RULES ON TEMPORARY EROSION 40 CONTROL STRUCTURES

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

42 SECTION 3.14.(b) Notwithstanding G.S. 150B-21.1A(a), the Coastal Resources  
43 Commission may adopt an emergency rule for the use of temporary erosion control structures  
44 consistent with the amendments to the temporary erosion control structure rules adopted by the  
45 Commission as agenda item CRC-16-23 on May 11, 2016, with any further modifications in  
46 the Commission's discretion. The Commission shall also adopt temporary and permanent rules  
47 to implement this section.  
48

## 49 DIRECT THE COASTAL RESOURCES COMMISSION TO AMEND THE SEDIMENT 50 CRITERIA RULE TO EXEMPT SEDIMENT FROM CAPE SHOAL SYSTEMS

1           **SECTION 3.15.(a)** Definitions. – "Sediment Criteria Rule" means 15A NCAC  
2 07H .0312 (Technical Standards for Beach Fill Projects) for purposes of this section and its  
3 implementation.

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

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

13           **SECTION 3.15.(d)** Additional Rule-Making Authority. – The Commission shall  
14 adopt a rule to amend the Sediment Criteria Rule consistent with subsection (c) of this section.  
15 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission, pursuant to this  
16 section, shall be substantively identical to the provisions of subsection (c) of this section. Rules  
17 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the  
18 General Statutes. Rules adopted pursuant to this section shall become effective as provided in  
19 G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by  
20 G.S. 150B-21.3(b2).

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

## 23 24 **DIVISION OF COASTAL MANAGEMENT TO STUDY CURRENT LONG-TERM** 25 **EROSION RATES ADJACENT TO TERMINAL GROINS**

26           **SECTION 3.16.** The Division of Coastal Management of the Department of  
27 Environmental Quality, in consultation with the Coastal Resources Commission, shall study the  
28 change in erosion rates directly adjacent to existing and newly constructed terminal groins to  
29 determine whether long-term erosion rates, currently in effect in accordance with 15A NCAC  
30 07H .0304 (AECS Within Ocean Hazard Areas), should be adjusted to reflect any mitigation of  
31 shoreline erosion resulting from the installation of the terminal groins. The Division shall report  
32 on the results of the study to the Environmental Review Commission on or before March 1,  
33 2018.

## 34 35 **REGULATION AND DISPOSITION OF CERTAIN REPTILES**

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

37 **"§ 14-419. Investigation of suspected violations; seizure and examination of reptiles;**  
38 **disposition of reptiles.**

39           (a) In any case in which any law-enforcement officer or animal control officer has  
40 probable cause to believe that any of the provisions of this Article have been or are about to be  
41 violated, it shall be the duty of the officer and the officer is authorized, empowered, and  
42 directed to immediately investigate the violation or impending violation and to consult with  
43 representatives of the North Carolina Museum of Natural Sciences or the North Carolina  
44 Zoological Park or a designated representative of either the Museum or Zoological Park to  
45 identify appropriate and safe methods to seize the reptile or reptiles involved, to seize the  
46 reptile or reptiles involved, and the officer is authorized and directed to deliver: (i) a reptile  
47 believed to be venomous to the North Carolina State Museum of Natural Sciences or to its  
48 designated representative for examination for the purpose of ascertaining whether the reptile is  
49 regulated under this Article; and, (ii) a reptile believed to be a large constricting snake or  
50 crocodilian to the North Carolina Zoological Park or to its designated representative for the  
51 purpose of ascertaining whether the reptile is regulated under this Article. In any case in which

1 a law enforcement officer or animal control officer determines that there is an immediate risk to  
2 public safety, the officer shall not be required to consult with representatives of the North  
3 Carolina Museum of Natural Sciences or the North Carolina Zoological Park as provided by  
4 this ~~subsection~~-subsection and may kill the reptile.

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

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

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

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

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

## 42 43 **PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR PUBLIC WATER** 44 **SUPPLY SYSTEMS**

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

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

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

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

## 21           **ESTABLISH NORTH CAROLINA SENTINEL LANDSCAPES COMMITTEE**

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

24           **SECTION 3.19.(b)** Findings and Purpose. – The General Assembly finds that  
25 sentinel landscapes are places where preserving the working and rural character of the State's  
26 private lands is important for both national defense and conservation priorities. It is the intent  
27 of the General Assembly to direct the Committee to coordinate the overlapping priority areas in  
28 the vicinity of and where testing and training occur near or adjacent to major military  
29 installations, as that term is defined in G.S. 143-215.115, or other areas of strategic benefit to  
30 national defense. Further, the Committee shall assist landowners in improving their land to  
31 benefit their operations and enhance wildlife habitats while furthering the State's vested  
32 economic interest in preserving, maintaining, and sustaining land uses that are compatible with  
33 military activities at major military installations and National Guard facilities. In its work, the  
34 Committee shall develop and implement programs and strategies that (i) protect working lands  
35 in the vicinity of and where testing and training occur near or adjacent to major military  
36 installations or other areas of strategic benefit to national defense, (ii) address restrictions that  
37 inhibit military testing and training, and (iii) forestall incompatible development in the vicinity  
38 of and where testing and training occur near or adjacent to military installations or other areas  
39 of strategic benefit to national defense.

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

- 41           (1) Recognize all lands in the State as sentinel landscapes areas that are so  
42 designated by the United States Department of Defense.
- 43           (2) Identify and designate certain additional lands to be contained in the sentinel  
44 landscapes of this State that are of particular import to the nation's defense  
45 and in the vicinity of and where testing and training occur on, near, or  
46 adjacent to major military installations or are of other strategic benefit to the  
47 nation's defense. In this work, the Committee may seek advice and  
48 recommendations from stakeholders who have experience in this sort of  
49 identification and designation.
- 50



1 (3) In designating sentinel lands as directed by subdivision (1) of this  
2 subsection, the Committee shall evaluate all working or natural lands that the  
3 Committee identifies as contributing to the long-term sustainability of the  
4 military missions conducted in this State. In its evaluation of which lands to  
5 designate as sentinel lands, the Committee shall consult with and seek input  
6 from:

- 7 a. The United States Department of Defense.
- 8 b. The North Carolina Commander's Council.
- 9 c. The United States Department of Agriculture.
- 10 d. The United States Department of the Interior.
- 11 e. Elected officials from units of local government located in the  
12 vicinity of and where testing and training occur on the proposed  
13 sentinel lands.
- 14 f. Any other stakeholders that the Committee deems appropriate.

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

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

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

- 23 (1) The Commissioner of Agriculture, or the Commissioner's designee.
- 24 (2) The Secretary of the Department of Military and Veterans Affairs, or the  
25 Secretary's designee.
- 26 (3) The Secretary of Natural and Cultural Resources, or the Secretary's designee.
- 27 (4) The Executive Director of the Wildlife Resources Commission, or the  
28 Executive Director's designee.
- 29 (5) The Dean of the College of Natural Resources at North Carolina State  
30 University, or the Dean's designee.

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

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

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

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

48  
49 **PART IV. ELIMINATE, CONSOLIDATE, AND AMEND REPORTS TO THE**  
50 **ENVIRONMENTAL REVIEW COMMISSION**  
51

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

3 **SECTION 4.1.** G.S. 74-54.1(c) is repealed.  
4

5 **ELIMINATE ANNUAL REPORT ON THE IMPLEMENTATION OF THE**  
6 **SUSTAINABLE ENERGY EFFICIENT BUILDINGS PROGRAM BY THE**  
7 **DEPARTMENT OF ADMINISTRATION**

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

9 **SECTION 4.2.(b)** G.S. 143-135.40(b) is repealed.  
10

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

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

15 **"§ 143-215.9B. Systemwide municipal and domestic wastewater collection system permit**  
16 **program report.**

17 The Environmental Management Commission shall develop and implement a permit  
18 program for municipal and domestic wastewater collection systems on a systemwide basis. The  
19 collection system permit program shall provide for performance standards, minimum design  
20 and construction requirements, a capital improvement plan, operation and maintenance  
21 requirements, and minimum reporting requirements. In order to ensure an orderly and  
22 cost-effective phase-in of the collection system permit program, the Commission shall  
23 implement the permit program over a five-year period beginning 1 July 2000. The Commission  
24 shall issue permits for approximately twenty percent (20%) of municipal and domestic  
25 wastewater collection systems that are in operation on 1 July 2000 during each of the five  
26 calendar years beginning 1 July 2000 and shall give priority to those collection systems serving  
27 the largest populations, those under a moratorium imposed by the Commission under  
28 G.S. 143-215.67, and those for which the Department of Environmental Quality has issued a  
29 notice of violation for the discharge of untreated wastewater. ~~The Commission shall report on~~  
30 ~~its progress in developing and implementing the collection system permit program required by~~  
31 ~~this section as a part of each quarterly report the Environmental Management Commission~~  
32 ~~makes to the Environmental Review Commission pursuant to G.S. 143B-282(b)."~~  
33

34 **ELIMINATE ANNUAL REPORTS ON EMISSIONS FROM STATE EMPLOYEE AND**  
35 **PRIVATE SECTOR VEHICLES BY THE DEPARTMENT OF TRANSPORTATION**  
36 **AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

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

38 **SECTION 4.4.(b)** G.S. 143-215.107 is repealed.  
39

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

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

43 "2b. As used in this sub-sub-subdivision, "fuel economy" and  
44 "class of comparable automobiles" have the same meaning as  
45 in Part 600 of Title 40 of the Code of Federal Regulations  
46 (July 1, 2008 Edition). As used in this sub-sub-subdivision,  
47 "passenger motor vehicle" has the same meaning as "private  
48 passenger vehicle" as defined in G.S. 20-4.01.  
49 Notwithstanding the requirements of sub-sub-subdivision 2a.  
50 of this sub-sub-subdivision, every request for proposals for new  
51 passenger motor vehicles to be purchased by the Department

1 shall state a preference for vehicles that have a fuel economy  
2 for the new vehicle's model year that is in the top fifteen  
3 percent (15%) of its class of comparable automobiles. The  
4 award for every new passenger motor vehicle that is  
5 purchased by the Department shall be based on the  
6 Department's evaluation of the best value for the State, taking  
7 into account fuel economy ratings and life cycle cost that  
8 reasonably consider both projected fuel costs and acquisition  
9 costs. This sub-sub-subdivision does not apply to vehicles  
10 used in law enforcement, emergency medical response, and  
11 firefighting. ~~The Department shall report the number of new  
12 passenger motor vehicles that are purchased as required by  
13 this sub-sub-subdivision, the savings or costs for the purchase  
14 of vehicles to comply with this sub-sub-subdivision, and the  
15 quantity and cost of fuel saved for the previous fiscal year on  
16 or before October 1 of each year to the Joint Legislative  
17 Commission on Governmental Operations and the  
18 Environmental Review Commission."~~

19  
20 **ELIMINATE BIENNIAL STATE OF THE ENVIRONMENT REPORT BY THE**  
21 **DEPARTMENT OF ENVIRONMENTAL QUALITY**

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

23  
24 **ELIMINATE ANNUAL REPORT ON FISH KILL ACTIVITY BY THE**  
25 **DEPARTMENT OF ENVIRONMENTAL QUALITY**

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

27  
28 **ELIMINATE THE ENVIRONMENTAL MANAGEMENT COMMISSION**  
29 **QUARTERLY REPORT ON DEVELOPING ENGINEERING STANDARDS**  
30 **GOVERNING MUNICIPAL AND DOMESTIC SYSTEMS TO ALLOW REGIONAL**  
31 **INTERCONNECTION**

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

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

39  
40 **ELIMINATE BIENNIAL REPORT ON IMPLEMENTATION OF THE NORTH**  
41 **CAROLINA BEACH AND INLET MANAGEMENT PLAN BY THE DEPARTMENT**  
42 **OF ENVIRONMENTAL QUALITY**

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

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

49  
50 **ELIMINATE ANNUAL REPORT ON INFORMAL REVIEW PROCESS FOR**  
51 **AGENCY REVIEW OF ENGINEERING WORK**

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

2  
3           **CONSOLIDATE REPORTS ON THE COASTAL HABITAT PROTECTION PLAN**

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

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

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

13  
14           **CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS ON COST AND**  
15 **IMPLEMENTATION OF ENVIRONMENTAL PERMITTING PROGRAMS**

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

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

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

27           "**§ 143B-279.17. Tracking and report on permit processing times.**

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

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

42  
43           **CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS BY THE**  
44 **ENVIRONMENTAL MANAGEMENT COMMISSION**

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

46           "(b) The Environmental Management Commission shall submit ~~quarterly~~-written reports  
47 as to its operation, activities, programs, and progress to the Environmental Review  
48 ~~Commission~~ Commission by January 1 of each year. The Environmental Management  
49 Commission shall supplement the written reports required by this subsection with additional  
50 written and oral reports as may be requested by the Environmental Review Commission. ~~The~~

1 Environmental Management Commission shall submit the written reports required by this  
2 subsection whether or not the General Assembly is in session at the time the report is due."

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

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

14 **SECTION 4.13.(c)** The first combined report required by subsections (a) and (b) of  
15 this section shall be submitted to the Environmental Review Commission no later than January  
16 1, 2018.

## 17 18 **CONSOLIDATE WASTE MANAGEMENT REPORTS BY THE DEPARTMENT OF** 19 **ENVIRONMENTAL QUALITY**

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

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

- 24 (1) A comprehensive analysis, to be updated in each report, of solid waste  
25 generation and disposal in the State projected for the 20-year period  
26 beginning on ~~1 July~~ July 1, 1991.
- 27 (2) The total amounts of solid waste recycled and disposed of and the methods  
28 of solid waste recycling and disposal used during the calendar year prior to  
29 the year in which the report is published.
- 30 (3) An evaluation of the development and implementation of local solid waste  
31 management programs and county and municipal recycling programs.
- 32 (4) An evaluation of the success of each county or group of counties in meeting  
33 the municipal solid waste reduction goal established in G.S. 130A-309.04.
- 34 (5) Recommendations concerning existing and potential programs for solid  
35 waste reduction and recycling that would be appropriate for units of local  
36 government and State agencies to implement to meet the requirements of  
37 this Part.
- 38 (6) An evaluation of the recycling industry, the markets for recycled materials,  
39 the recycling of polystyrene, and the success of State, local, and private  
40 industry efforts to enhance the markets for these materials.
- 41 (7) Recommendations to the Governor and the Environmental Review  
42 Commission to improve the management and recycling of solid waste in the  
43 State, including any proposed legislation to implement the  
44 recommendations.
- 45 (8) A description of the condition of the Solid Waste Management Trust Fund  
46 and the use of all funds allocated from the Solid Waste Management Trust  
47 Fund, as required by G.S. 130A-309.12(c).
- 48 (9) A description of the review and revision of bid procedures and the purchase  
49 and use of reusable, refillable, repairable, more durable, and less toxic  
50 supplies and products by both the Department of Administration and the  
51 Department of Transportation, as required by G.S. 130A-309.14(a1)(3).

- 1 (10) A description of the implementation of the North Carolina Scrap Tire  
2 Disposal Act that includes the amount of revenue used for grants and to  
3 clean up nuisance tire collection under the provisions of G.S 130A-309.64.  
4 (11) A description of the management of white goods in the State, as required by  
5 G.S. 130A-309.85.  
6 (12) A summary of the report by the Department of Transportation on the  
7 amounts and types of recycled materials that were specified or used in  
8 contracts that were entered into by the Department of Transportation during  
9 the previous fiscal year, as required by G.S. 136-28.8(g).  
10 (13) Repealed by Session Laws 2010-142, s. 1, effective July 22, 2010.  
11 (14) (Expiring October 1, 2023) A description of the activities related to the  
12 management of abandoned manufactured homes in the State in accordance  
13 with G.S. 130A-117, the beginning and ending balances in the Solid Waste  
14 Management Trust Fund for the reporting period and the amount of funds  
15 used, itemized by county, for grants made under Part 2F of Article 9 of  
16 Chapter 130A of the General Statutes.  
17 (15) A report on the recycling of discarded computer equipment and televisions  
18 in the State pursuant to G.S. 130A-309.140(a).  
19 (16) An evaluation of the Brownfields Property Reuse Act pursuant to  
20 G.S. 130A-310.40.  
21 (17) A report on the Inactive Hazardous Waste Response Act of 1987 pursuant to  
22 G.S. 130A-310.10(a).  
23 (18) A report on the Dry-Cleaning Solvent Cleanup Act of 1997 pursuant to  
24 G.S. 143-215.104U(a) until such time as the Act expires pursuant to Part 6  
25 of Article 21A of Chapter 143 of the General Statutes.  
26 (19) A report on the implementation and cost of the hazardous waste  
27 management program pursuant to G.S. 130A-294(i)."

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

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

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

39 **"§ 130A-310.40. Legislative reports.**

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

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

50 "(a) The Secretary shall include in the status of solid waste management report required  
51 to be submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c) a report

1 on inactive hazardous sites to the ~~Joint Legislative Commission on Governmental Operations,~~  
 2 ~~the Environmental Review Commission, and the Fiscal Research Division on or before October~~  
 3 ~~1 of each year. The report shall include that includes~~ at least the following:

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

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

30 "**§ 143-215.104U. Reporting requirements.**

31 (a) The Secretary shall ~~present an annual report to the Environmental Review~~  
 32 ~~Commission that shall include~~ 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 at least the following:

- 35 (1) A list of all dry-cleaning solvent contamination reported to the Department.
- 36 (2) A list of all facilities and abandoned sites certified by the Commission and  
37 the status of contamination associated with each facility or abandoned site.
- 38 (3) An estimate of the cost of assessment and remediation required in  
39 connection with facilities or abandoned sites certified by the Commission  
40 and an estimate of assessment and remediation costs expected to be paid  
41 from the Fund.
- 42 (4) A statement of receipts and disbursements for the Fund.
- 43 (5) A statement of all claims against the Fund, including claims paid, claims  
44 denied, pending claims, anticipated claims, and any other obligations.
- 45 (6) The adequacy of the Fund to carry out the purposes of this Part together with  
46 any recommendations as to measures that may be necessary to assure the  
47 continued solvency of the Fund.

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

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

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

- 26       (1) A detailed description of the mercury recovery performance ratio achieved  
27       by the mercury switch removal program.
- 28       (2) A detailed description of the mercury switch collection system developed  
29       and implemented by vehicle manufacturers in accordance with the  
30       NVMSRP.
- 31       (3) In the event that a mercury recovery performance ratio of at least 0.90 of the  
32       national mercury recovery performance ratio as reported by the NVMSRP is  
33       not achieved, a description of additional or alternative actions that may be  
34       implemented to improve the mercury switch removal program.
- 35       (4) The number of mercury switches collected and a description of how the  
36       mercury switches were managed.
- 37       (5) A statement that details the costs required to implement the mercury switch  
38       removal program, including a summary of receipts and disbursements from  
39       the Mercury Switch Removal Account."

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

## 43 44 **CONSOLIDATE SEDIMENTATION POLLUTION CONTROL ACT AND** 45 **STORMWATER REPORTS**

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

### 47 **"§ 113A-67. Annual Report.**

48       The Department shall report to the Environmental Review Commission on the  
49 implementation of this Article on or before ~~4 October~~ October 1 of each year. The Department  
50 shall include in the report an analysis of how the implementation of the Sedimentation  
51 Pollution Control Act of 1973 is affecting activities that contribute to the sedimentation of



1 streams, rivers, lakes, and other waters of the State. The report shall also include a review of  
2 the effectiveness of local erosion and sedimentation control programs. The report shall be  
3 submitted to the Environmental Review Commission with the report required by  
4 G.S. 143-214.7(e) as a single report."

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

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

13 **SECTION 4.15.(c)** The first combined report required by subsections (a) and (b) of  
14 this section shall be submitted to the Environmental Review Commission no later than October  
15 1, 2017.

## 17 **CONSOLIDATE VARIOUS WATER RESOURCES AND WATER QUALITY** 18 **REPORTS BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

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

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

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

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

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

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

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

## 42 **CONSOLIDATE REPORTS BY THE DIVISION OF WATER INFRASTRUCTURE OF** 43 **THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE STATE WATER** 44 **INFRASTRUCTURE AUTHORITY**

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

46 "(a) Requirement. – The Department ~~must~~ shall publish a report each year on the  
47 accounts in the Water Infrastructure Fund that are administered by the Division of Water  
48 Infrastructure. The report ~~must~~ shall be published by ~~1 November~~ 1 of each year and cover the  
49 preceding fiscal year. The Department ~~must~~ shall make the report available to the public and  
50 ~~must~~ shall give a copy of the report to the Environmental Review ~~Commission and the~~  
51 Commission, the Joint Legislative Oversight Committee on Agriculture and Natural and

1 ~~Economic Resources, and the Fiscal Research Division of the Legislative Services~~  
2 ~~Commission.~~ Division with the report required by G.S. 159G-72 as a single report."

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

4 "**§ 159G-72. State Water Infrastructure Authority; reports.**

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

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

16  
17 **CONSOLIDATE REPORTS BY SOIL AND WATER CONSERVATION**  
18 **COMMISSION AND THE DIVISION OF SOIL AND WATER CONSERVATION OF**  
19 **THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

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

21 "(e) The Soil and Water Conservation Commission shall report on or before ~~31~~ January  
22 31 of each year to the Environmental Review Commission, the Department of Agriculture and  
23 Consumer Services, and the Fiscal Research Division. This report shall include a list of projects  
24 that received State funding pursuant to the program, the results of the evaluations conducted  
25 pursuant to subdivision (7) of subsection (b) of this section, findings regarding the effectiveness  
26 of each of these projects to accomplish its primary purpose, and any recommendations to assure  
27 that State funding is used in the most cost-effective manner and accomplishes the greatest  
28 improvement in water quality. This report shall be submitted to the Environmental Review  
29 Commission and the Fiscal Research Division with the reports required by G.S. 106-860(e) and  
30 G.S. 139-60(d) as a single report."

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

32 "(e) Report. – The Soil and Water Conservation Commission shall report no later than  
33 ~~31~~ January 31 of each year to the Environmental Review Commission, the Department of  
34 Agriculture and Consumer Services, and the Fiscal Research Division. The report shall include  
35 a summary of projects that received State funding pursuant to the Program, the results of the  
36 evaluation conducted pursuant to subdivision (5) of subsection (b) of this section, findings  
37 regarding the effectiveness of each project to accomplish its primary purpose, and any  
38 recommendations to assure that State funding is used in the most cost-effective manner and  
39 accomplishes the greatest improvement in water quality. This report shall be submitted to the  
40 Environmental Review Commission and the Fiscal Research Division as a part of the report  
41 required by G.S. 106-850(e)."

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

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

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

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

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

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

- 11 (1) The findings of the Commission required pursuant to subsection (f) of this  
12 section.
- 13 (2) The status of construction and maintenance of the terminal groin and its  
14 accompanying beach fill project, including the status of the implementation  
15 of the plan for construction and maintenance and the inlet management plan.
- 16 (3) A description and assessment of the benefits of the terminal groin and its  
17 accompanying beach fill project, if any.
- 18 (4) A description and assessment of the adverse impacts of the terminal groin  
19 and its accompanying beach fill project, if any, including a description and  
20 assessment of any mitigation measures implemented to address adverse  
21 impacts."  
22

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

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

26 "(d) No later than ~~October 1 of each year,~~ October 1, 2018, and every five years  
27 thereafter, the Department shall submit electronically the State Parks System Plan to the  
28 Environmental Review Commission, ~~the Senate and the House of Representatives~~  
29 ~~appropriations committees with jurisdiction over natural and cultural resources,~~ the Joint  
30 Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the  
31 Fiscal Research Division. Concurrently, the Department shall submit a summary of each  
32 change to the Plan that was made during the previous ~~fiscal year,~~ five fiscal years."  
33

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

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

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

44 "Section 15.6.(b) The Department of ~~Environment and Natural Resources~~ Environmental  
45 Quality and the Office of State Budget and Management shall report to the ~~Environmental~~  
46 ~~Review Commission and the Joint Legislative Commission on Governmental Operations~~ Joint  
47 Legislative Oversight Committee on Agriculture and Natural and Economic Resources the  
48 amount and the source of the funds used pursuant to subsection (a) of this section within 30  
49 days of the expenditure of these funds."  
50

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

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

4 "(e) The Department, in consultation with the Commission for Public Health and local  
5 health departments, shall report no later than October 1 of each year to the ~~Environmental~~  
6 ~~Review Commission, the House of Representatives and Senate Appropriations Subcommittees~~  
7 ~~on Natural~~ Joint Legislative Oversight Committee on Agriculture and Natural and Economic  
8 Resources and the Fiscal Research Division of the General Assembly on the implementation of  
9 this section. The report shall include the purpose and amount of all expenditures from the Fund  
10 during the prior fiscal year, a discussion of the benefits and deficiencies realized as a result of  
11 the section, and may also include recommendations for any legislative action."  
12

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

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

16 "(f) Reports. – The North Carolina Parks and Recreation Authority shall report no later  
17 than October 1 of each year to the Joint Legislative ~~Commission on Governmental Operations,~~  
18 ~~the House and Senate Appropriations Subcommittees on Natural and Economic Resources,~~  
19 Oversight Committee on Agriculture and Natural and Economic Resources, the Fiscal Research  
20 Division, and the Environmental Review Commission on allocations from the Trust Fund from  
21 the prior fiscal year. For funds allocated from the Trust Fund under subsection (c) of this  
22 section, this report shall include the operating expenses determined under subdivisions (1) and  
23 (2) of subsection (e) of this section."  
24

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

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

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