GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SENATE BILL 553
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/23/19

Short Title: Regulatory Reform Act of 2019. (Public)

Sponsors:

Referred to:

April 3, 2019

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

The General Assembly of North Carolina enacts:

PART I. STATE AND LOCAL GOVERNMENT REGULATION

INCREASE LIMITS ON PUBLIC EMPLOYEES BENEFITTING FROM PUBLIC CONTRACTS

SECTION 1. (a) G.S. 14-234 reads as rewritten:

”§ 14-234. Public officers or employees benefiting from public contracts; exceptions.

Subdivision (a)(1) of this section does not apply to (i) any elected official or person appointed to fill an elective office of a village, town, or city having a population of no more than 15,000 according to the most recent official federal census, (ii) any elected official or person appointed to fill an elective office of a county within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, (iii) any elected official or person appointed to fill an elective office on a city board of education in a city having a population of no more than 15,000 according to the most recent official federal census, (iv) any elected official or person appointed to fill an elective office as a member of a county board of education in a county within which there is located no village, town or city with a population of more than 15,000 according to the most recent official federal census, (v) any physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social services board, local health board, or area mental health, developmental disabilities, and substance abuse board serving one or more counties within which there is located no village, town, or city with a population of more than 15,000 according to the most recent official federal census, and (vi) any member of the board of directors of a public hospital if all of the following apply:

(1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, developmental disabilities, and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does not exceed twenty thousand dollars ($20,000) for medically related services..."
and forty thousand dollars ($40,000)–sixty thousand dollars ($60,000) for
other goods or services within a 12-month period.

(2) The official entering into the contract with the unit or agency does not
participate in any way or vote.

(3) The total annual amount of contracts with each official, shall be specifically
noted in the audited annual financial statement of the village, town, city, or
county.

(4) The governing board of any village, town, city, county, county social services
board, county or city board of education, local health board, area mental
health, developmental disabilities, and substance abuse board, or public
hospital which contracts with any of the officials of their governmental unit
shall post in a conspicuous place in its village, town, or city hall, or
courthouse, as the case may be, a list of all such officials with whom such
contracts have been made, briefly describing the subject matter of the
undertakings or contracts and showing their total amounts; this list shall cover
the preceding 12 months and shall be brought up-to-date at least quarterly.

"...."

SECTION 1.(b) This section is effective when it becomes law and applies to
contracts executed on or after that date.

AMENDMENTS TO THE 2018 NORTH CAROLINA BUILDING CODE AND
PLUMBING CODE

SECTION 2.(a) Definitions. – As used in this section, "Council" means the Building
Code Council, "Building Code" means the 2018 North Carolina Building Code as adopted by the
Council, and "Plumbing Code" means the 2018 North Carolina Plumbing Code as adopted by
the Council.

SECTION 2.(b) Section 2902.6 of the Building Code and Table 403.1 of the
Plumbing Code. – Until the effective date of the revised permanent rules that the Building Code
Council is required to adopt pursuant to subsection (d) of this section, the Council shall
implement the applicable requirements of Section 2902.6 of the Building Code and Table 403.1
of the Plumbing Code, as provided in subsection (c) of this section.

SECTION 2.(c) Implementation. – The Council shall (i) not require drinking
fountains for an occupant load of 30 or fewer, (ii) only require one water closet for business
occupancies with an occupant load of 30 or fewer, and (iii) not require a service sink for business
and mercantile occupancies with an occupant load of 30 or fewer.

SECTION 2.(d) Additional Rule-Making Authority. – The Council shall adopt rules
to amend Section 2902.6 of the Building Code and Table 403.1 of the Plumbing Code consistent
with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the
Council, pursuant to this section, shall be substantively identical to the provisions of subsection
(c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A
of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become
effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been
received as provided by G.S. 150B-21.3(b2).

SECTION 2.(e) Sunset. – This section expires when permanent rules adopted as
required by subsection (d) of this section become effective.

MODIFY REAL ESTATE LICENSING REQUIREMENTS FOR TIME SHARE
SALESPERSON

SECTION 3. G.S. 93A-40(a) reads as rewritten:

"(a) It shall be unlawful for any person in this State to engage or assume to engage in the
business of a time share salesperson without first obtaining a real estate broker license issued by
the North Carolina Real Estate Commission under the provisions of Article 1 of this Chapter, and it shall be unlawful for a time share developer or time share salesperson to sell or offer to sell a time share located in this State without the time share developer first obtaining a certificate of registration for the time share project to be offered for sale issued by the North Carolina Real Estate Commission under the provisions of this Article. A time share salesperson shall be a licensed real estate broker subject to the provisions of this Chapter unless the time share salesperson meets the requirement for exemption set forth in G.S. 93A-2(c)(1) and their income is reported on IRS Form W-2."

STUDY ONLINE CONTINUING EDUCATION REQUIREMENTS

SECTION 4.(a) Every occupational licensing board as defined in Chapter 93B of the General Statutes shall study and report on any available options offered for online continuing education if continuing education is a requirement for licensure under the occupational licensing board’s applicable laws or regulations. The study and report shall include:

(1) A list and description of every option for continuing education made available to each licensee, including every traditional method, and every online method, if any are offered. If no online methods are offered, a detailed explanation as to why none are offered, which shall include any logistical, cost, legal, or other concerns.

(2) The approximate number of offerings made available for each method and the cost associated with each offering. The cost shall include a description of the fees charged to the licensee for the continuing education and the associated cost to the occupational licensing board for providing the continuing education offering.

(3) A description of how each method of continuing education offered is accessed by the licensee.

SECTION 4.(b) Each occupational licensing board required to study and report under subsection (a) of this section shall provide its report to the Joint Legislative Administrative Procedure Oversight Committee and the Program Evaluation Division no later than December 1, 2019.

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

REPEAL LANDFILL BANS FOR DISCARDED COMPUTERS AND TELEVISIONS

SECTION 5. G.S. 130A-309.10 reads as rewritten:

"§ 130A-309.10. Prohibited acts relating to packaging; coded labeling of plastic containers required; disposal of certain solid wastes in landfills or by incineration prohibited.

..."

(f) No person shall knowingly dispose of the following solid wastes in landfills:

(1) Repealed by Session Laws 1991, c. 375, s. 1.

(2) Used oil.

(3) Yard trash, except in landfills approved for the disposal of yard trash under rules adopted by the Commission. Yard trash that is source separated from solid waste may be accepted at a solid waste disposal area where the area provides and maintains separate yard trash composting facilities.

(4) White goods.

(5) Antifreeze (ethylene glycol).

(6) Aluminum cans.
Whole scrap tires, as provided in G.S. 130A-309.58(b). The prohibition on disposal of whole scrap tires in landfills applies to all whole pneumatic rubber coverings, but does not apply to whole solid rubber coverings.

Lead-acid batteries, as provided in G.S. 130A-309.70.

Repealed by Session Laws 2011-394, s. 4, effective July 1, 2011.

Motor vehicle oil filters.

Recyclable rigid plastic containers that are required to be labeled as provided in subsection (e) of this section, that have a neck smaller than the body of the container, and that accept a screw top, snap cap, or other closure. The prohibition on disposal of recyclable rigid plastic containers in landfills does not apply to rigid plastic containers that are intended for use in the sale or distribution of motor oil or pesticides.

Wooden pallets, except that wooden pallets may be disposed of in a landfill that is permitted to only accept construction and demolition debris.

Discarded computer equipment, as defined in G.S. 130A-309.131.

Discarded televisions, as defined in G.S. 130A-309.131.

No person shall knowingly dispose of the following solid wastes by incineration in an incinerator for which a permit is required under this Article:

Antifreeze (ethylene glycol) used solely in motor vehicles.

Aluminum cans.

Repealed by Session Laws 1995 (Regular Session, 1996), c. 594, s. 17.

White goods.

Lead-acid batteries, as provided in G.S. 130A-309.70.

Repealed by Session Laws 2011-394, s. 4, effective July 1, 2011.

Discarded computer equipment, as defined in G.S. 130A-309.131.

Discarded televisions, as defined in G.S. 130A-309.131.

REPURPOSE PRE-REGULATORY LANDFILL FUNDS

SECTION 6. Section 13.2 of S.L. 2018-5, as amended by Section 4.2 of S.L. 2018-97, reads as rewritten:

"SECTION 13.2. Notwithstanding G.S. 130A-310.11(b), up to two million dollars ($2,000,000) of the funds credited to the Inactive Hazardous Sites Cleanup Fund under G.S. 105-187.63 for the assessment and remediation of pre-1983 landfills shall instead be used by the Department of Environmental Quality's Division of Waste Management to provide a matching grant to Charlotte Motor Speedway, LLC, (CMS) for the purpose of remediation activities at the Charlotte Motor Speedway in Cabarrus County. The Division shall provide one dollar ($1.00) for every two non-State dollars ($2.00) provided in kind or otherwise, up to a maximum of two million dollars ($2,000,000) for the matching grant described in this section. CMS may allocate all or a portion of the grant provided by this section to an entity that controls CMS or an entity controlled by CMS. Entities receiving such an allocation shall be considered a subgrantee as defined in G.S. 143C-6-23."

CLARIFY LANDFILL LIFE-OF-SITE FRANCHISE REQUIREMENTS

SECTION 7. G.S. 130A-294(a4) reads as rewritten:

"(a4) In order to preserve long-term disposal capacity, a life-of-site permit issued for a sanitary landfill shall survive the expiration of a local government approval or franchise, and the local government shall allow the sanitary landfill to continue to operate until the term of the landfill's life-of-site permit expires provided that the owner or operator has complied is in substantial compliance with the terms of the local government approval or franchise agreement, and remains in compliance with those terms after expiration of the approval or agreement until
the life-of-site permit has expired. In order to preserve any economic benefits included in the franchise, the County may extend the franchise under the same terms and conditions for the term of the life-of-site permit. The extension of the franchise hereby shall not trigger the requirements for a new permit, a major permit modification, or a substantial amendment to the permit. This subsection only applies to valid and operative franchise agreements in effect on October 1, 2015.”

ALLOW FLOOD HAZARD AREA FILL FOR AGRICULTURAL USES WHEN IMPACT IS FLOOD STORAGE NEUTRAL

SECTION 8. G.S. 143-215.54 reads as rewritten:

“§ 143-215.54. Regulation of flood hazard areas; prohibited uses.

(a) A local government may adopt ordinances to regulate uses in flood hazard areas and grant permits for the use of flood hazard areas that are consistent with the requirements of this Part.

(b) The following uses may be made of flood hazard areas without a permit issued under this Part, provided that these uses comply with local land-use ordinances and any other applicable laws or regulations:

(1) General farming, pasture, outdoor plant nurseries, horticulture, forestry, mining, wildlife sanctuary, game farm, aquaculture, and other similar agricultural, wildlife and related uses.

(2) Ground level loading areas, parking areas, rotary aircraft ports and other similar ground level area uses.

(3) Lawns, gardens, play areas and other similar uses.

(4) Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses.

(5) Land application of waste at agronomic rates consistent with a permit issued under Part 1 or Part 1A of Article 21 of Chapter 143 of the General Statutes or an approved animal waste management plan.

(6) Land application of septage consistent with a permit issued under G.S. 130A-291.1.

(b1) A local government may not adopt ordinances or require permits to regulate uses allowed under subdivision (1) of subsection (b) of this section in flood hazard areas, if the loss of flood storage capacity in the flood hazard area caused by the new use is offset by the use of compensatory storage. If, however, the loss of flood storage capacity in the flood hazard area caused by the new use is not offset by the use of compensatory storage, a local government may adopt ordinances or require permits to regulate uses allowed under subdivision (1) of subsection (b) of this section in flood hazard areas. In the case of a permit required by a local government as allowed by this subsection, a local government is authorized to charge an application fee in an amount not to exceed one hundred dollars ($100.00).

(c) New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities are prohibited in the 100-year floodplain except as authorized under G.S. 143-215.54A(b).”

STUDY EXPRESS PERMITTING EXPANSION

SECTION 9. The Department of Environmental Quality shall study and report on additional positions and funding needed as well as any changes in State or federal laws and regulations necessary to expand the Department's express permitting programs to include additional types of permits typically required for job creating and real estate development or redevelopment activities. Additional permits considered in the study shall include, at a minimum, permits for facilities not discharging to the surface waters of the State under Article 21 of Chapter
1 143 of the General Statutes and permits to apply petroleum contaminated soil to land authorized
2 under G.S. 143-215.1. The Department shall provide its report and recommendations to the
3 Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture
5
6 AMEND SEPTIC TANK SITE SUITABILITY DETERMINATION PROCESS
7 SECTION 9.1. G.S. 130A-335 is amended by adding a new subsection to read:
8  
9 "(j) Notwithstanding any other provision of law, a local health department may determine site suitability for a ground absorption sewage treatment and disposal system under rules adopted by the Commission or based on written documentation, including engineering, hydrogeologic, geologic, or soil studies, that indicates all of the following:
10 (1) The system can be installed so that the effluent will be nonpathogenic, noninfectious, nontoxic, and nonhazardous.
11 (2) The effluent will not contaminate groundwater or surface water.
12 (3) The effluent will not be exposed on the ground surface or be discharged to surface waters where it could come into contact with people, animals, or vectors."
13
14 PART III. SEVERABILITY CLAUSE AND EFFECTIVE DATE
15 SECTION 10.(a) If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part declared to be unconstitutional or invalid.
16 SECTION 10.(b) Except as otherwise provided, this act is effective when it becomes law.