

1 PLANNING AND REGULATORY PROGRAMS AND RECOMMEND WHETHER
2 THOSE PROGRAMS SHOULD INCLUDE CONSIDERATION OF THE IMPACTS OF
3 GLOBAL CLIMATE CHANGE; (14) REQUIRE ALL PUBLIC AGENCIES TO
4 RECYCLE ALL SPENT FLUORESCENT LIGHTS AND MERCURY THERMOSTATS,
5 REQUIRE THE REMOVAL OF ALL FLUORESCENT LIGHTS AND MERCURY
6 THERMOSTATS FROM BUILDINGS PRIOR TO DEMOLITION, AND BAN
7 MERCURY-CONTAINING PRODUCTS FROM UNLINED LANDFILLS; (15)
8 AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE
9 PENALTIES APPLICABLE TO VIOLATIONS OF G.S. 130A-309.10 (PROHIBITED
10 ACTS RELATED TO PACKAGING; CODED LABELING OF PLASTIC CONTAINERS
11 REQUIRED; DISPOSAL OF CERTAIN SOLID WASTES IN LANDFILLS OR BY
12 INCINERATION PROHIBITED); (16) PROVIDE THAT LOCAL GOVERNMENTS
13 AND LARGE COMMUNITY WATER SYSTEMS ONLY REQUIRE SEPARATE
14 METERS FOR NEW IN-GROUND IRRIGATION SYSTEMS FOR LOTS PLATTED
15 AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AFTER JULY 1,
16 2009, THAT ARE CONNECTED TO THEIR SYSTEMS; (17) PROHIBIT THE USE OF
17 HIGH ARSENIC CONTENT GLASS BEADS WHEN MARKING STATE OR
18 MUNICIPAL ROADS OR PUBLIC VEHICULAR AREAS; (18) ENABLE
19 TRADITIONAL COUNTRY STORES TO SELL UNCOOKED SANDWICHES,
20 PREPARED ON PREMISES BY STORE EMPLOYEES; (19) REVISE THE SUNSET
21 PROVISION FOR NUTRIENT OFFSET PAYMENTS; (20) MAKE A TECHNICAL
22 CORRECTION TO THE DEFINITION OF "NOTEBOOK COMPUTER"; AND (21)
23 DELAY THE EFFECTIVE DATE OF THE CLEAN COASTAL WATER AND VESSEL
24 ACT FROM JULY 1, 2010, TO APRIL 1, 2011, TO LIMIT THE ACT'S APPLICATION
25 TO ONLY THOSE AREAS THAT ARE DESIGNATED AS NO DISCHARGE ZONES
26 BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; AND (22)
27 CLARIFY THE SCOPE OF RESEARCH FOR THE COASTAL WAVE ENERGY
28 RESEARCH AND PROTOTYPE PROJECT AUTHORIZED IN THE CURRENT
29 OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2010;
30 AND (23) TO AMEND THE NC SUSTAINABLE COMMUNITIES TASK FORCE.

31 The General Assembly of North Carolina enacts:

32 **SECTION 1.** G.S. 47-30(f)(9) reads as rewritten:

33 "(9) Where the plat is the result of a survey, one or more corners shall, by a
34 system of azimuths or courses and distances, be accurately tied to and
35 coordinated with a horizontal control monument of some United States or
36 State Agency survey system, such as the North Carolina Geodetic Survey
37 where the monument is within 2,000 feet of the subject property. Where the
38 North Carolina Grid System coordinates of the monument are on file in the
39 North Carolina Office of State Budget and Management, North Carolina
40 Geodetic Survey Section in the Division of Land Resources of the
41 Department of Environment and Natural Resources, the coordinates of both
42 the referenced corner and the monuments used shall be shown in X (easting)
43 and Y (northing) coordinates on the plat. The coordinates shall be identified
44 as based on "NAD 83," indicating North American Datum of 1983, or as
45 "NAD 27," indicating North American Datum of 1927. The tie lines to the
46 monuments shall also be sufficient to establish true north or grid north
47 bearings for the plat if the monuments exist in pairs. Within a previously
48 recorded subdivision that has been tied to grid control, control monuments
49 within the subdivision may be used in lieu of additional ties to grid control.
50 Within a previously recorded subdivision that has not been tied to grid
51 control, if horizontal control monuments are available within 2,000 feet, the

1 above requirements shall be met; but in the interest of bearing consistency
2 with previously recorded plats, existing bearing control should be used
3 where practical. In the absence of ~~Grid Control~~, grid control, other
4 appropriate natural monuments or landmarks shall be used. In all cases, the
5 tie lines shall be sufficient to accurately reproduce the subject lands from the
6 control or reference points used."

7 **SECTION 2.** G.S. 120-70.42(b) reads as rewritten:

8 "(b) The President Pro Tempore of the Senate shall designate one ~~Senator to serve as~~
9 ~~cochair or more Senators~~ and the Speaker of the House of Representatives shall designate one
10 ~~Representative to serve as cochair or more Representatives to serve as cochairs."~~

11 **SECTION 3.** G.S. 130A-310.4(b) reads as rewritten:

12 "(b) Before approving any remedial action plan, the Secretary shall make copies of the
13 proposed plan available for inspection as follows:

- 14 (1) A copy of the plan shall be provided to the local health director.
- 15 (2) ~~A copy of the proposed plan shall be filed with the register of deeds in the~~
16 ~~county or counties in which the site is located.~~
- 17 (3) A copy of the plan shall be provided to the each public library located in
18 closest proximity to the site in the county or counties in which the site is
19 located.
- 20 (4) The Secretary may place copies of the plan in other locations so as to assure
21 the availability thereof to the public.

22 In addition, copies of the plan shall be available for inspection and copying at cost by the
23 public during regular business hours in the offices of the agency within the Department with
24 responsibility for the administration of the remedial action program."

25 **SECTION 4.(a)** Part 1 of Article 21 of Chapter 143 of the General Statutes is
26 amended by adding a new section to read:

27 **"§ 143-214.25A. Riparian Buffer Protection Program: Surface Water Identification**
28 **Training and Certification Program.**

29 (a) The Division of Water Quality of the Department shall develop a program to train
30 and certify individuals to determine the presence of surface waters that would require the
31 application of rules adopted by the Commission for the protection of riparian buffers. The
32 Division may train and certify employees of the Division as determined by the Director of the
33 Division of Water Quality; employees of units of local government to whom responsibility for
34 the implementation and enforcement of the riparian buffer protection rules is delegated
35 pursuant to G.S. 143-214.23; and Registered Foresters under Chapter 89B of the General
36 Statutes who are employees of the Division of Forest Resources of the Department as
37 determined by the Director of the Division of Forest Resources. The Director of the Division of
38 Water Quality may review the determinations made by individuals who are certified pursuant
39 to this section, may override a determination made by an individual certified under this section,
40 and, if the Director of the Division of Water Quality determines that an individual is failing to
41 make correct determinations, revoke the certification of that individual.

42 (b) The Division of Water Quality shall develop standard forms for use in making and
43 reporting determinations. Each individual who is certified to make determinations under this
44 section shall prepare a written report of each determination and shall submit the report to the
45 agency that employs the individual. Each agency shall maintain reports of determinations made
46 by its employees, shall forward a copy of each report to the Director of the Division of Water
47 Quality, and shall maintain these reports and all other records related to determinations so that
48 they will be readily accessible to the public."

49 **SECTION 4.(b)** In implementing the Surface Water Identification Training and
50 Certification Program established by G.S. 143-214.25A, as enacted by Section 4(a) of this act,
51 the Division of Water Quality of the Department of Environment and Natural Resources shall

1 give priority to training and certifying the most highly qualified and experienced personnel in
2 each agency. The Division of Water Quality shall evaluate the effectiveness of the Surface
3 Water Identification Training and Certification Program and shall submit an annual report of its
4 findings and recommendations, if any, to the Environmental Review Commission on or before
5 October 1 of each year. The Division of Water Quality shall submit the first report required by
6 this section on or before October 1, 2011.

7 **SECTION 4.(c)** Sections 4(a), 4(b), and 4(c) of this act shall not be construed to
8 obligate the General Assembly to appropriate any funds to implement the provisions of this act.
9 Every agency to which this section applies shall implement the provisions of this act with funds
10 otherwise appropriated or available to the agency.

11 **SECTION 5.** G.S. 143-215.1C(a) reads as rewritten:

12 "(a) Report to Wastewater System Customers. – The owner or operator of any
13 wastewater collection or treatment works, the operation of which is primarily to collect or treat
14 municipal or domestic wastewater and for which a permit is issued under this ~~Part~~, Part and
15 having an average annual flow greater than 200,000 gallons per day, shall provide to the users
16 or customers of the collection system or treatment works and to the Department an annual
17 report that summarizes the performance of the collection system or treatment works and the
18 extent to which the collection system or treatment works has violated the permit or federal or
19 State laws, regulations, or rules related to the protection of water quality. The report shall be
20 prepared on either a calendar or fiscal year basis and shall be provided no later than 60 days
21 after the end of the calendar or fiscal year."

22 **SECTION 6.** G.S. 143-215.112(d)(1a) reads as rewritten:

23 "(1a) Each governing body, or its authorized agent, shall have the power to assess
24 civil penalties under G.S. 143-215.114A. Any person assessed shall be
25 notified of the assessment by registered or certified mail, and the notice shall
26 specify the reasons for the assessment. If the person assessed fails to pay the
27 amount of the assessment to the governing body or its authorized agent
28 within 30 days after receipt of notice, or such longer period not to exceed
29 180 days as the governing body or its authorized agent may specify, the
30 governing body may institute a civil action in the superior court of the
31 county in which the violation occurred, to recover the amount of the
32 assessment. If any action or failure to act for which a penalty may be
33 assessed under this section is continuous, the governing body or its
34 authorized agent may assess a penalty not to exceed ~~ten thousand dollars~~
35 ~~(\$10,000)~~ twenty-five thousand dollars (\$25,000) per day for so long as the
36 violation continues. In determining the amount of the penalty, the governing
37 body or its authorized agent shall consider the degree and extent of harm
38 caused by the violation, the cost of rectifying the damage, and the amount of
39 money the violator saved by not having made the necessary expenditures to
40 comply with the appropriate pollution control requirements."

41 **SECTION 7.(a)** The title of Part 17A of Article 7 of Chapter 143B of the General
42 Statutes reads as rewritten:

43 "~~Part 17A. North Carolina National Park, Parkway and Forests Development Council.~~ Western
44 North Carolina Public Lands Council."

45 **SECTION 7.(b)** G.S. 143B-324.1 reads as rewritten:

46 "**§ 143B-324.1. ~~North Carolina National Park, Parkway and Forests Development~~**
47 **~~Council;~~ Western North Carolina Public Lands Council creation; powers;**
48 **duties.**

49 The ~~North Carolina National Park, Parkway and Forests Development Council~~ Western
50 North Carolina Public Lands Council is created within the Department of Environment and
51 Natural Resources. The Council shall:

1 "

2 SECTION 7.(c) G.S. 143B-324.2 reads as rewritten:

3 "

4 "**§ 143B-324.2. ~~North Carolina National Park, Parkway and Forests Development~~**
5 **~~Council—Western North Carolina Public Lands Council~~ members; selection;**
6 **officers; removal; compensation; quorum; services.**

7 (a) Members; Selection; and Terms of Service. – ~~The North Carolina National Park,~~
8 ~~Parkway and Forests Development Council—Western North Carolina Public Lands Council~~
9 within the Department of Environment and Natural Resources shall consist of seven members
10 appointed by the Governor. The composition of the Council shall be as follows:

11 (1) ~~one~~One member shall be a resident of Buncombe ~~County, County.~~

12 (2) ~~one~~One member shall be a resident of Haywood ~~County, County.~~

13 (3) ~~one~~One member shall be a resident of Jackson ~~County, County.~~

14 (4) ~~one~~One member shall be a resident of Swain ~~County, County.~~

15 (5) One member shall be a resident of Cherokee County.

16 (6) ~~three~~Two members shall be residents of counties adjacent to the Blue Ridge
17 Parkway, the Great Smoky Mountains National Park or the Pisgah or
18 Nantahala national forests.

19 The appointment of members shall be for terms of four years, or until their successors are
20 appointed and qualify. Any appointment to fill a vacancy on the Council created by the
21 resignation, dismissal, death or disability of a member shall be for the balance of the unexpired
22 term.

23 (b) Officers. – The Council shall elect a ~~chairman, chair,~~ a ~~vice-chairman-vice-chair,~~ and
24 a secretary. The ~~chairman and the vice-chairman~~chair and vice-chair shall all be members of
25 the Council, but the secretary need not be a member of the Council. These officers shall
26 perform the duties usually pertaining to such offices and when elected shall serve for a period
27 of one year, but may be reelected. In case of vacancies by resignation or death, the office shall
28 be filled by the Council for the unexpired term of said officer.

29 (c) Removal. – The Governor shall have the power to remove any member of the
30 Council from office in accordance with the provisions of G.S. 143B-16 of the Executive
31 Organization Act of 1973.

32 (d) Compensation. – Members of the Council shall receive per diem and necessary
33 travel and subsistence expenses in accordance with the provisions of G.S. 138-5 and
34 G.S. 143B-15 of the Executive Organization Act of 1973.

35 (e) Quorum. – Five members of the Council shall constitute a quorum for the
36 transaction of business."

37 SECTION 7.(d) G.S. 143B-324.3 reads as rewritten:

38 "**§ 143B-324.3. ~~North Carolina National Park, Parkway and Forests Development~~**
39 **~~Council—Western North Carolina Public Lands Council~~ meetings.**

40 The ~~North Carolina National Park, Parkway and Forests Development Council—Western~~
41 ~~North Carolina Public Lands Council~~ shall meet monthly and may hold special meetings at any
42 time and place within the State at the call of the ~~chairman~~ chair or upon written request of at
43 least a majority of the members."

44 SECTION 7.(e) G.S. 143B-432(a) reads as rewritten:

45 "(a) The Division of Economic Development of the Department of Natural and
46 Economic Resources, the Science and Technology Committee of the Department of Natural
47 and Economic Resources, the Science and Technology Research Center of the Department of
48 Natural and Economic Resources, and the ~~North Carolina National Park, Parkway and Forests~~
49 ~~Development Council—Western North Carolina Public Lands Council~~ of the Department of
50 Natural and Economic Resources are each hereby transferred to the Department of Commerce
51 by a Type I transfer, as defined in G.S. 143A-6."

1 **SECTION 7.(f)** G.S. 143B-433 reads as rewritten:

2 "**§ 143B-433. Department of Commerce – organization.**

3 The Department of Commerce shall be organized to include:

4 (1) The following agencies:

5 ...

6 ~~p. — North Carolina National Park, Parkway and Forests Development~~
7 ~~Council.~~

8 "

9 **SECTION 7.(g)** G.S. 153B-3(d) reads as rewritten:

10 "(d) Membership. – The Commission shall consist of 17 members as follows:

11 ...

12 (4) One member to represent the ~~North Carolina National Parks, Parkway and~~
13 ~~Forests Development Council.~~ Western North Carolina Public Lands
14 Council.

15 "

16 **SECTION 8.** G.S. 143-355.2(h1) reads as rewritten:

17 "(h1) A trade or professional organization representing commercial car washes may
18 establish a voluntary water conservation and water use efficiency certification program to
19 encourage and promote the use of year-round water conservation and water use efficiency
20 ~~measures~~ measures. Implementation of a voluntary water conservation and water use efficiency
21 program shall be considered in determining compliance with local government water shortage
22 response plans as follows:

23 (1) A water conservation and water use efficiency certification may only be
24 issued to a person that demonstrates ~~that water use from its water consuming~~
25 ~~processes is reduced by and maintained at twenty percent (20%) or more~~
26 ~~below the yearly average water use for the calendar year preceding~~
27 ~~application for certification.~~ full implementation of a voluntary water
28 conservation and water use efficiency program that is approved pursuant to
29 subdivision (3) of this subsection. In order to receive and maintain
30 certification, a person must have its facility inspected on an annual basis by a
31 licensed plumbing contractor who will confirm that the applicant is in
32 compliance with the standards of the certification program.

33 (2) A unit of local government that provides public water service or a large
34 community water system shall recognize and credit a commercial car wash
35 that has met the standards of a certification program for at least six months
36 prior to the most recent extreme drought designation for water conservation
37 achieved under the program. To the extent that a tiered response stage in the
38 water shortage response plan requires commercial or industrial users to
39 implement a percentage reduction in use, a car wash certified under a
40 program shall be credited with the percentage reduction achieved by
41 measures implemented under the program. Car washes certified under a
42 program shall not be required to reduce consumption more than any other
43 class of commercial or industrial water users during a water shortage
44 emergency.

45 (3) To qualify as an approved water conservation and water use efficiency
46 certification program, the Department of Environment and Natural
47 Resources shall determine that the program ~~effectively utilizes industry best~~
48 ~~management practices for the efficient use of water and achieves year-round~~
49 ~~reductions in water use.~~ use and results in a reduction of twenty percent
50 (20%) or more in average water use per vehicle. Best management practices
51 may include, but are not limited to, recycling, reclaiming, or reusing a

1 portion of the water in the consuming processes. If a unit of local
2 government that provides public water service or a large community water
3 system determines that a person certified under such a program is not
4 complying with the terms and standards of the certification program, it may
5 refuse to recognize and credit the conservation measures."

6 **SECTION 9.** G.S. 143-355.6 reads as rewritten:

7 **"§ 143-355.6. Enforcement.**

8 (a) The Secretary may assess a civil penalty of not less than one hundred dollars
9 (\$100.00) nor more than five hundred dollars (\$500.00) against any person who:

- 10 (1) Fails to report water use or other information required under
11 G.S. 143-355(k).
12 (2) Fails to act in accordance with the terms, conditions, or requirements of an
13 order issued by the Secretary under G.S. 143-355.3.
14 (3) Violates any provision of this Article or any rule adopted by the
15 Commission, the Department, or the Secretary implementing this Article.

16 (b) For each willful action or failure to act for which a penalty may be assessed under
17 this section, the Secretary may consider each day the action or inaction continues after notice is
18 given of the violation as a separate violation. A separate penalty may be assessed for each
19 separate violation.

20 (c) The Secretary may assess a civil penalty of not more than ten thousand dollars
21 (\$10,000) per month against a unit of local government that provides public water service or a
22 large community water system that fails to implement the water conservation measures set out
23 in the water shortage response plan approved by the Department under G.S. 143-355.2,
24 measures required by the Department under subsections (b) and (d) of G.S. 143-355.2, or the
25 default measures required under rules adopted by the Commission under S.L. 2002-167. ~~The~~
26 ~~Secretary may remit a civil penalty based on the factors set out in G.S. 143B-282.1(e)(1).~~

27 (c1) The amount of the civil penalty shall be based on the factors set out in
28 G.S. 143B-282.1(b). The procedures set out in G.S. 143B-282.1 shall apply to civil penalty
29 assessments that are presented to the Commission for final agency decision.

30 (c2) Requests for remission of civil penalties shall be filed with the Secretary. Remission
31 requests shall not be considered unless made within 30 days of receipt of the notice of
32 assessment. Remission requests must be accompanied by a waiver of the right to a contested
33 case hearing pursuant to Chapter 150B of the General Statutes and a stipulation of the facts on
34 which the assessment was based. Consistent with the limitations in G.S. 143B-282.1(c) and (d),
35 remission requests may be resolved by the Secretary and the violator. If the Secretary and the
36 violator are unable to resolve the request, the Secretary shall deliver remission requests and the
37 Secretary's recommended action to the Committee on Civil Penalty Remissions of the
38 Commission appointed pursuant to G.S. 143B-282.1(c).

39 (c3) If any civil penalty has not been paid within 30 days after the notice of assessment
40 has been served on the violator, the Secretary shall request the Attorney General to institute a
41 civil action in the superior court of any county in which the violator resides or in which the
42 violator's principal place of business is located to recover the amount of the assessment, unless
43 the violator contests the assessment as provided in subsection (e) of this section, or requests
44 remission of the assessment in whole or in part as provided in subsection (c2) of this section. If
45 any civil penalty has not been paid within 30 days after the final agency decision or court order
46 has been served on the violator, the Secretary shall request the Attorney General to institute a
47 civil action in the superior court of any county in which the violator resides or in which the
48 violator's principal place of business is located to recover the amount of the assessment.

49 (d) The violation of emergency water conservation rules adopted by the Secretary
50 pursuant to G.S. 143-355.3(b) is a Class 1 misdemeanor.

1 (e) The Secretary shall notify any person assessed a civil penalty of the assessment and
2 the specific reasons for the assessment by registered or certified mail or by any means
3 authorized by G.S. 1A-1, Rule 4. Contested case petitions shall be filed within 30 days of
4 receipt of the notice of assessment.

5 (f) The clear proceeds of civil penalties assessed pursuant to this section shall be
6 remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

7 **SECTION 10.** G.S. 143B-299(a) reads as rewritten:

8 "(a) Creation; Membership. – There is hereby created in the Department of Environment
9 and Natural Resources the North Carolina Sedimentation Control Commission, which is
10 charged with the duty of developing and administering the sedimentation control program
11 provided for in this Article. The Commission shall consist of the following members:

- 12 (1) A person to be nominated jointly by the boards of the North Carolina League
13 of Municipalities and the North Carolina Association of County
14 ~~Commissioners;~~Commissioners.
- 15 (2) A person to be nominated by the Board of the North Carolina Home
16 Builders ~~Association;~~Association.
- 17 (3) A person to be nominated by the Carolinas Branch, Associated General
18 Contractors of ~~America;~~America.
- 19 (4) ~~The president, vice president, or general counsel;~~A representative of a North
20 Carolina public utility ~~company;~~company.
- 21 (5) The Director of the North Carolina Water Resources Research
22 ~~Institute;~~Institute.
- 23 (6) A member of the State Mining Commission who shall be a representative of
24 nongovernmental conservation interests, as required by
25 ~~G.S. 74-38(b);~~G.S. 74-38(b).
- 26 (7) A member of the State Soil and Water Conservation
27 ~~Commission;~~Commission.
- 28 (8) A member of the Environmental Management ~~Commission;~~Commission.
- 29 (9) A soil scientist from the faculty of North Carolina State
30 ~~University;~~University.
- 31 (10) Two persons who shall be representatives of nongovernmental conservation
32 ~~interests;~~ and interests.
- 33 (11) A professional engineer registered under the provisions of Chapter 89C of
34 the General Statutes nominated by the Professional Engineers of North
35 Carolina, Inc."

36 **SECTION 11.(a)** G.S. 153A-102.1 reads as rewritten:

37 "**§ 153A-102.1. ~~Electronic notice~~Notice of new fees and fee increases; public comment**
38 **period.**

39 (a) ~~If a county has a Web site maintained by one or more of its employees, the~~A county
40 shall provide notice to interested parties of the imposition of or increase in fees or charges
41 applicable solely to the construction of development subject to the provisions of Part 2 of
42 Article 18 of this Chapter ~~on the county's Web site~~ at least seven days prior to the first meeting
43 where the imposition of or increase in the fees or charges is on the agenda for consideration.
44 The county shall employ at least two of the following means of communication in order to
45 provide the notice required by this section:

- 46 (1) Notice of the meeting in a prominent location on a Web site managed or
47 maintained by the county.
- 48 (2) Notice of the meeting in a prominent physical location, including, but not
49 limited to, any government building, library, or courthouse within the
50 county.

1 (3) Notice of the meeting by electronic mail to a list of interested parties that is
2 created by the county for the purpose of notification as required by this
3 section.

4 (4) Notice of the meeting by facsimile to a list of interested parties that is
5 created by the county for the purpose of notification as required by this
6 section.

7 (a1) If a county manages or maintains a Web site, it may provide the notice required
8 pursuant to G.S. 160A-4.1, 130A-64.1, or 162A-9 on its Web site at the request of a city,
9 sanitary district, or water and sewer authority that does not manage or maintain a Web site of
10 its own. Any county that elects to provide such notice shall post the notice to its Web site
11 within seven days of the request made by the city, sanitary district, or water and sewer
12 authority.

13 (b) During the consideration of the imposition of or increase in fees or charges as
14 provided in subsection (a) of this section, the governing body of the county shall permit a
15 period of public comment.

16 (c) This section shall not apply if the imposition of or increase in fees or charges is
17 contained in a budget filed in accordance with the requirements of G.S. 159-12."

18 **SECTION 11.(b) G.S. 160A-4.1 reads as rewritten:**

19 "**§ 160A-4.1. ~~Electronic notice~~ Notice of new fees and fee increases; public comment**
20 **period.**

21 (a) ~~If a city has a Web site maintained by one or more of its employees, the~~A city shall
22 provide notice to interested parties of the imposition of or increase in fees or charges applicable
23 solely to the construction of development subject to the provisions of Part 2 of Article 19 of
24 this Chapter ~~on the city's Web site~~ at least seven days prior to the first meeting where the
25 imposition of or increase in the fees or charges is on the agenda for consideration. The city
26 shall employ at least two of the following means of communication in order to provide the
27 notice required by this section:

28 (1) Notice of the meeting in a prominent location on a Web site managed or
29 maintained by the city.

30 (2) Notice of the meeting in a prominent physical location, including, but not
31 limited to, any government building, library, or courthouse within the city.

32 (3) Notice of the meeting by electronic mail to a list of interested parties that is
33 created by the city for the purpose of notification as required by this section.

34 (4) Notice of the meeting by facsimile to a list of interested parties that is
35 created by the city for the purpose of notification as required by this section.

36 (a1) If a city does not maintain its own Web site, it may employ the notice option
37 provided by subdivision (1) of subsection (a) of this section by submitting a request to a county
38 or counties in which the city is located to post such notice in a prominent location on a Web
39 site that is maintained by the county or counties. Any city that elects to provide such notice
40 shall make its request to the county or counties at least 15 days prior to the date of the first
41 meeting where the imposition of or increase in the fees or charges is on the agenda for
42 consideration.

43 (b) During the consideration of the imposition of or increase in fees or charges as
44 provided in subsection (a) of this section, the governing body of the city shall permit a period
45 of public comment.

46 (c) This section shall not apply if the imposition of or increase in fees or charges is
47 contained in a budget filed in accordance with the requirements of G.S. 159-12."

48 **SECTION 11.(c) G.S. 130A-64.1 reads as rewritten:**

49 "**§ 130A-64.1. ~~Electronic notice~~ Notice of new or increased charges and rates; public**
50 **comment period.**

1 (a) ~~If a sanitary district has a Web site maintained by one or more of its employees,~~
2 ~~the~~A sanitary district shall provide notice to interested parties of the imposition of or increase
3 in service charges or rates applicable solely to the construction of development subject to Part 2
4 of Article 19 of Chapter 160A or Part 2 of Article 18 of Chapter 153A of the General Statutes
5 for any service provided by the sanitary district ~~on the sanitary district's Web site~~ at least seven
6 days prior to the first meeting where the imposition of or increase in the charges or rates is on
7 the agenda for consideration. The sanitary district shall employ at least two of the following
8 means of communication in order to provide the notice required by this section:

9 (1) Notice of the meeting in a prominent location on a Web site managed or
10 maintained by the sanitary district.

11 (2) Notice of the meeting in a prominent physical location, including, but not
12 limited to, the district's headquarters or any government building, library, or
13 courthouse located within the sanitary district.

14 (3) Notice of the meeting by electronic mail to a list of interested parties that is
15 created by the sanitary district for the purpose of notification as required by
16 this section.

17 (4) Notice of the meeting by facsimile to a list of interested parties that is
18 created by the sanitary district for the purpose of notification as required by
19 this section.

20 (a1) If a sanitary district does not maintain its own Web site, it may employ the notice
21 option provided by subdivision (1) of subsection (a) of this section by submitting a request to a
22 county or counties in which the district is located to post such notice in a prominent location on
23 a Web site that is maintained by the county or counties. Any sanitary district that elects to
24 provide such notice shall make its request to the county or counties at least 15 days prior to the
25 date of the first meeting where the imposition of or increase in the fees or charges is on the
26 agenda for consideration.

27 (b) During the consideration of the imposition of or increase in service charges or rates
28 as provided in subsection (a) of this section, the governing body of the sanitary district shall
29 permit a period of public comment.

30 (c) This section shall not apply if the imposition of or increase in service charges or
31 rates is contained in a budget filed in accordance with the requirements of G.S. 159-12."

32 **SECTION 11.(d)** G.S. 162A-9 reads as rewritten:

33 **"§ 162A-9. Rates and charges; ~~electronic notice~~; contracts for water or services; deposits;**
34 **delinquent charges.**

35 (a) An authority may establish and revise a schedule of rates, fees, and other charges for
36 the use of and for the services furnished or to be furnished by any water system or sewer
37 system or parts thereof owned or operated by the authority. The rates, fees, and charges
38 established under this subsection are not subject to supervision or regulation by any bureau,
39 board, commission, or other agency of the State or of any political subdivision.

40 Before an authority sets or revises rates, fees, or other charges for stormwater management
41 programs and structural or natural stormwater and drainage system service, the authority shall
42 hold a public hearing on the matter. At least seven days before the hearing, the authority shall
43 publish notice of the public hearing in a newspaper having general circulation in the area. An
44 authority may impose rates, fees, or other charges for stormwater management programs and
45 stormwater and drainage system service on a person even though the person has not entered
46 into a contract to receive the service.

47 Rates, fees, and charges shall be fixed and revised so that the revenues of the authority,
48 together with any other available funds, will be sufficient at all times:

49 (1) To pay the cost of maintaining, repairing, and operating the systems or parts
50 thereof owned or operated by the authority, including reserves for such
51 purposes, and including provision for the payment of principal of and

- 1 interest on indebtedness of a political subdivision or of political subdivisions
2 which payment shall have been assumed by the authority, and
3 (2) To pay the principal of and the interest on all bonds issued by the authority
4 under the provisions of this Article as the same shall become due and
5 payable and to provide reserves therefor.

6 The fees established under this subsection must be made applicable throughout the service
7 area. Schedules of rates, fees, charges, and penalties for providing stormwater management
8 programs and structural and natural stormwater and drainage system service may vary
9 according to whether the property served is residential, commercial, or industrial property, the
10 property's use, the size of the property, the area of impervious surfaces on the property, the
11 quantity and quality of the runoff from the property, the characteristics of the watershed into
12 which stormwater from the property drains, and other factors that affect the stormwater
13 drainage system. Rates, fees, and charges imposed under this subsection for stormwater
14 management programs and stormwater and drainage system service may not exceed the
15 authority's cost of providing a stormwater management program and a structural and natural
16 stormwater and drainage system. The authority's cost of providing a stormwater management
17 program and a structural and natural stormwater and drainage system includes any costs
18 necessary to assure that all aspects of stormwater quality and quantity are managed in
19 accordance with federal and State laws, regulations, and rules.

20 No stormwater utility fee may be levied under this subsection whenever two or more units
21 of local government operate separate stormwater management programs or separate structural
22 and natural stormwater and drainage system services in the same area within a county.
23 However, two or more units of local government may allocate among themselves the functions,
24 duties, powers, and responsibilities for jointly operating a stormwater management program
25 and structural and natural stormwater and drainage system service in the same area within a
26 county, provided that only one unit may levy a fee for the service within the joint service area.
27 For purposes of this subsection, a unit of local government shall include a regional authority
28 providing stormwater management programs and structural and natural stormwater and
29 drainage system services.

30 (a1) ~~If an authority has a Web site maintained by one or more of its employees, the An~~
31 authority shall provide notice to interested parties of the imposition of or increase in rates, fees,
32 and charges under subsection (a) of this section applicable solely to the construction of
33 development subject to Part 2 of Article 19 of Chapter 160A or Part 2 of Article 18 of Chapter
34 153A of the General Statutes on the authority's Web site at least seven days prior to the first
35 meeting where the imposition of or increase in the rates, fees, and charges is on the agenda for
36 consideration. The authority shall employ at least two of the following means of
37 communication in order to provide the notice required by this subsection:

- 38 (1) Notice of the meeting in a prominent location on a Web site managed or
39 maintained by the authority.
40 (2) Notice of the meeting in a prominent physical location, including, but not
41 limited to, the authority's headquarters or any government building, library,
42 or courthouse located within the authority's service area.
43 (3) Notice of the meeting by electronic mail to a list of interested parties that is
44 created by the authority for the purpose of notification as required by this
45 section.
46 (4) Notice of the meeting by facsimile to a list of interested parties that is
47 created by the authority for the purpose of notification as required by this
48 section.

49 (a2) If an authority does not maintain its own Web site, it may employ the notice option
50 provided by subdivision (1) of subsection (a1) of this section by submitting a request to a
51 county or counties in which the authority is located to post such notice in a prominent location

1 on a Web site that is maintained by the county or counties. Any authority that elects to provide
2 such notice shall make its request to the county or counties at least 15 days prior to the date of
3 the first meeting where the imposition of or increase in the fees or charges is on the agenda for
4 consideration.

5 (a3) During the consideration of the imposition of or increase in rates, fees, or charges
6 under this subsection, the authority shall permit a period of public comment.

7 (a4) ~~This subsection~~ The notice requirements in subsection (a1) of this section shall not
8 apply if the imposition of or increase in rates, fees, and charges is contained in a budget filed in
9 accordance with the requirements of G.S. 159-12.

10 (b) Notwithstanding any of the foregoing provisions of this section, the authority may
11 enter into contracts relating to the collection, treatment or disposal of sewage or the purchase or
12 sale of water which shall not be subject to revision except in accordance with their terms.

13 (c) In order to insure the payment of such rates, fees and charges as the same shall
14 become due and payable, the authority may do the following in addition to exercising any other
15 remedies which it may have:

- 16 (1) Require reasonable advance deposits to be made with it to be subject to
17 application to the payment of delinquent rates, fees and charges.
- 18 (2) At the expiration of 30 days after any rates, fees and charges become
19 delinquent, discontinue supplying water or the services and facilities of any
20 water system or sewer system of the authority.
- 21 (3) Specify the order in which partial payments are to be applied when a bill
22 covers more than one service."

23 **SECTION 12.** Section 4 of S.L. 2005-190, as amended by Section 31 of S.L.
24 2006-259, reads as rewritten:

25 **"SECTION 4. Other drinking water supply reservoirs.** – The Environmental
26 Management Commission shall not make any new or increased nutrient loading allocation to
27 any person who is required to obtain a permit under G.S. 143-215 for an individual wastewater
28 discharge directly or indirectly into any impaired drinking water supply reservoir for which the
29 Division of Water Quality of the Department of Environment and Natural Resources has
30 prepared or updated a calibrated nutrient response model since 1 July 2002 until permanent
31 rules adopted by the Commission to implement the nutrient management strategy for that
32 reservoir become effective. The Commission shall report its progress in developing and
33 implementing nutrient management strategies for reservoirs to which this section applies to the
34 Environmental Review Commission by 1 April of each year beginning 1 April 2006."

35 **SECTION 13.(a)** The Department of Administration, the Department of
36 Agriculture and Consumer Services, the Department of Commerce, the Department of Crime
37 Control and Public Safety, the Department of Environment and Natural Resources, the
38 Department of Health and Human Services, the Department of Insurance, and the Department
39 of Transportation shall:

- 40 (1) Review their respective planning and regulatory programs to determine
41 whether the programs currently consider the impacts of global climate
42 change, including adaptation and sea level rise.
- 43 (2) For those programs that currently consider the impacts of global climate
44 change, the agency shall describe how the program considers the impacts of
45 global climate change, including adaptation and sea level rise, and
46 recommend whether the consideration of the impacts of global climate
47 change should be modified or expanded.
- 48 (3) For those programs that do not currently consider the impacts of global
49 climate change, the agency shall recommend if and how the program should
50 consider the impacts of global climate change, including adaptation and sea
51 level rise.

1 **SECTION 13.(b)** No later than September 1, 2011, each State agency shall report
2 the results of its review and any recommendations to the Department of Environment and
3 Natural Resources. The Department shall compile the results and recommendations and report
4 them to the Environmental Review Commission and to any future legislative commission that
5 directly and primarily addresses issues concerning global climate change no later than
6 November 1, 2011

7 **SECTION 14.(a)** Article 9 of Chapter 130A of the General Statutes is amended by
8 adding a new Part to read:

9 'Part 7. Management of Certain Products That Contain Mercury.

10 **'§ 130A-310.60. Recycling required by public agencies.**

11 (a) Each State agency, including the General Assembly, the General Court of Justice,
12 universities, community colleges, public schools, and political subdivisions using State funds
13 for the construction or operation of public buildings shall establish a program in cooperation
14 with the Department of Environment and Natural Resources and the Department of
15 Administration for the collection and recycling of all spent fluorescent lights and thermostats
16 that contain mercury generated in public buildings owned by each respective entity. The
17 program shall include procedures for convenient collection, safe storage, and proper recycling
18 of spent fluorescent lights and thermostats that contain mercury and contractual or other
19 arrangements with buyers of the recyclable materials.

20 (b) Each State agency, including the General Assembly, the General Court of Justice,
21 universities, community colleges, the Department of Public Instruction on behalf of the public
22 schools, and political subdivisions shall submit a report on or before December 1, 2011, that
23 documents the entity's compliance with the requirements of subsection (a) of this section to the
24 Department of Environment and Natural Resources and the Department of Administration. The
25 Departments shall compile the information submitted and jointly shall submit a report to the
26 Environmental Review Commission on or before January 15, 2012, concerning the activities
27 required by subsection (a) of this section. The information provided shall also be included in
28 the report required by G.S. 130A-309.06(c).

29 **'§ 130A-310.61. Removal and recycling of mercury-containing products from structures**
30 **to be demolished.**

31 Prior to demolition of any building or structure in the State, the contractor responsible for
32 the demolition activity or the owner of the building or structure to be demolished shall remove
33 all fluorescent lights and thermostats that contain mercury from the building or structure to be
34 demolished.'

35 **SECTION 14.(b)** G.S. 130A-309.10 is amended by adding a new subsection to
36 read:

37 '(m) No person shall knowingly dispose of fluorescent lights and thermostats that contain
38 mercury in a sanitary landfill for the disposal of construction and demolition debris waste that
39 is unlined or in any other landfill that is unlined.'

40 **SECTION 14.(c)** G.S. 130A-22 reads as rewritten:

41 **'§ 130A-22. Administrative penalties.**

42 (a) The Secretary of Environment and Natural Resources may impose an administrative
43 penalty on a person who violates Article 9 of this Chapter, rules adopted by the Commission
44 pursuant to Article 9, or any term or condition of a permit or order issued under Article 9. Each
45 day of a continuing violation shall constitute a separate violation. The penalty shall not exceed
46 fifteen thousand dollars (\$15,000) per day in the case of a violation involving nonhazardous
47 waste. The penalty shall not exceed thirty-two thousand five hundred dollars (\$32,500) per day
48 in the case of a first violation involving hazardous waste as defined in G.S. 130A-290 or
49 involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a
50 manner that results in medical waste entering waters or lands of the State; and shall not exceed
51 fifty thousand dollars (\$50,000) per day for a second or further violation involving the disposal

1 of medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in
2 medical waste entering waters or lands of the State. The penalty shall not exceed thirty-two
3 thousand five hundred dollars (\$32,500) per day for a violation involving a voluntary remedial
4 action implemented pursuant to G.S. 130A-310.9(c) or a violation of the rules adopted pursuant
5 to G.S. 130A-310.12(b). The penalty shall not exceed one hundred dollars (\$100.00) for a first
6 violation; two hundred dollars (\$200.00) for a second violation within any 12-month period;
7 and five hundred dollars (\$500.00) for each additional violation within any 12-month period for
8 any violation of Part 2G of Article 9 of this Chapter. For violations of Part 7 of Article 9 of this
9 Chapter and G.S. 130A-309.10(m): (i) a warning shall be issued for a first violation; (ii) the
10 penalty shall not exceed two hundred dollars (\$200.00) for a second violation; and (iii) the
11 penalty shall not exceed five hundred dollars (\$500.00) for subsequent violations. If a person
12 fails to pay a civil penalty within 60 days after the final agency decision or court order has been
13 served on the violator, the Secretary of Environment and Natural Resources shall request the
14 Attorney General to institute a civil action in the superior court of any county in which the
15 violator resides or has his or its principal place of business to recover the amount of the
16 assessment. Such civil actions must be filed within three years of the date the final agency
17 decision or court order was served on the violator.'

18 **SECTION 14.(d)** G.S. 130A-25 reads as rewritten:

19 '**§ 130A-25. Misdemeanor.**

20 (a) ~~A~~Except as otherwise provided, a person who violates a provision of this Chapter
21 or the rules adopted by the Commission or a local board of health shall be guilty of a
22 misdemeanor.

23 ...

24 (d) A violation of Part 7 of Article 9 of this Chapter or G.S. 130A-309.10(m) shall be
25 punishable as a Class 3 misdemeanor.'

26 **SECTION 15.** The Environmental Review Commission may study the penalties
27 applicable to violations of G.S. 130A-309.10 (Prohibited acts related to packaging; coded
28 labeling of plastic containers required; disposal of certain solid wastes in landfills or by
29 incineration prohibited), and report its findings, together with any recommended legislation, to
30 the 2011 Regular Session of the 2011 General Assembly upon its convening.

31 **SECTION 16.** G.S. 143-355.4(a) reads as rewritten:

32 "(a) Local government water systems and large community water systems shall require
33 separate meters for new in-ground irrigation systems on lots platted and recorded in the office
34 of the register of deeds in the county or counties in which the real property is located after July
35 1, 2009, that are connected to their systems."

36 **SECTION 17.(a)** The General Assembly finds and declares that inorganic arsenic
37 is a hazardous substance and is recognized by the United States Environmental Protection
38 Agency and the United States Occupational Safety and Health Administration as a human
39 carcinogen; that release of this substance into the environment may lead to contamination of
40 soil and water; that the ingestion or inhalation of soil, water, plant material, or animal tissues
41 contaminated with inorganic arsenic may lead to lung cancer, damage to the nervous system,
42 or, in extreme cases, death from systemic poisoning; that reflective glass beads are used to
43 reflect light when applied to roadway markers; that glass beads that contain more than 75 parts
44 per million inorganic arsenic may represent a danger to workers who handle and apply them
45 and a contamination potential to soil and water surrounding roadways. The General Assembly
46 therefore determines that it is in the public interest to prohibit the use of glass beads containing
47 more than 75 parts per million inorganic arsenic used to reflect light when applied to markings
48 on roadways.

49 **SECTION 17.(b)** Chapter 136 of the General Statutes is amended by adding a new
50 section to read:

1 **§ 136-30.2. Prohibit the use of high content arsenic glass beads in paint used for**
2 **pavement marking.**

3 No pavement markings shall be placed on or along any road in the State highway system, in
4 any municipal street system, or on any public vehicular area, as defined in G.S. 20-4.01, that is
5 made from paint that has been mixed, in whole or in part, with reflective glass beads containing
6 more than 75 parts per million inorganic arsenic, as determined by the United States
7 Environmental Protection Agency Method 6010B in conjunction with the United States
8 Environmental Protection Agency Method 3052 modified.'

9 **SECTION 18.** G.S. 130A-250 is amended by adding a new subdivision to read:

10 "(13) Traditional country stores that sell uncooked sandwiches or similar food
11 items and that engage in minimal preparation such as slicing bananas,
12 spreading peanut butter, mixing and spreading pimiento cheese, and
13 assembling these items into sandwiches, when this minimal preparation is
14 the only activity that would otherwise subject these establishments to
15 regulation under this Part. For the purposes of this subsection, traditional
16 country stores means for-profit establishments that sell an assortment of
17 goods, including prepackaged foods and beverages, and have been in
18 continuous operation for at least 75 years."

19 **SECTION 19.** Section 5 of S.L. 2007-438, as amended by Section 3.(b) of S.L.
20 2009-438, reads as rewritten:

21 **"SECTION 5.** This act becomes effective 1 September 2007 and applies to all nutrient
22 offset payments, including those set out in 15A NCAC 2B .0240, as adopted by the
23 Environmental Management Commission on 12 January 2006. The fee schedule set out in
24 Section 1 of this act expires ~~1 September 2010.~~ 1 September 2011."

25 **SECTION 20.** If Senate Bill 887, 2009 Regular Session, becomes law, then G.S.
26 130A-309.131(11), as enacted by Section 2(a) of that act, reads as rewritten:

27 "(11) Notebook computer. – An electronic, magnetic, optical, electrochemical, or
28 other high-speed data processing device that has all of the following
29 features:

- 30 a. Performs logical, arithmetic, or storage functions for general purpose
31 needs that are met through interaction with a number of software
32 programs contained in the computer.
33 b. Is not designed to exclusively perform a specific type of limited or
34 specialized application.
35 c. Achieves human interface through a keyboard, video display greater
36 than four inches in size, and mouse or other pointing device, all of
37 which are contained within the construction of the unit that
38 comprises the computer.
39 d. Is able to be carried as one unit by an individual.
40 e. Is able to use external power, internal power, or batteries for a power
41 source.

42 Notebook computer includes those that have a supplemental stand-alone
43 interface device attached to the notebook computer. Notebook computer
44 does not include a portable handheld calculator, a PDA, or similar
45 specialized device. A notebook computer may also be referred to as a laptop
46 computer."

47 **SECTION 21.(a)** G.S. 77-131 reads as rewritten:

48 **"§ 77-131. Application of Article.**

49 The provisions of this Article apply only to the following:

- 50 (1) A large vessel marina that is located on coastal waters designated by the
51 Environmental Protection Agency as a no discharge zone or that is located in

- 1 a county or municipality that has adopted a resolution to petition the
2 Environmental Protection Agency for a no discharge zone designation.
- 3 (2) A vessel in coastal waters that ~~are either is~~ designated as a no discharge zone
4 ~~or are included in a petition to the Environmental Protection Agency to be~~
5 ~~designated as a no discharge zone unless the petition has been denied by the~~
6 Environmental Protection Agency."

7 **SECTION 21.(b)** Section 3 of S.L. 2009-345 reads as rewritten:

8 "SECTION 3. Section 1 of this act becomes effective ~~July 1, 2010, April 1, 2011,~~ and
9 applies to offenses committed on or after that date. The remainder of this act is effective when
10 it becomes law."

11 **SECTION 21.1** Section 9.10.(a) of S.L. 2010-31 reads as rewritten:

12 "SECTION 9.10.(a) The General Assembly finds that strengthening research and
13 development efforts on renewable energy sources is critical to North Carolina's environment
14 and economy, and that recent events resulting from the British Petroleum oil spill amplify the
15 need for North Carolina's innovators and scientists to enhance their efforts to develop
16 sustainable energy sources and technologies that do not threaten the health and well-being of
17 the State's waters, sensitive lands, and residents. In order to provide opportunities for research
18 into tidal, wave, and other ocean-based sources of alternative energy, the University of North
19 Carolina Coastal Studies Institute shall form a consortium with the Colleges of Engineering at
20 North Carolina State University, North Carolina Agricultural and Technical State University,
21 and the University of North Carolina at Charlotte to study the capture of energy from ocean
22 waves. The Coastal Studies Institute shall be designated the lead agency in coordinating these
23 efforts. Funding appropriated by this act shall be used by university scientists to conceptualize,
24 design, construct, operate, and market new and innovative technologies designed to harness and
25 maximize the energy of the ocean in order to provide substantial power generation for the State.
26 Funding may be used to leverage federal or private research funding for this purpose, but may
27 not be used to purchase and utilize technology that has already been developed by others unless
28 that technology is a critical component to North Carolina's research efforts. Wave energy
29 technologies developed and used for this research may be attached to or staged from an existing
30 State-owned structure located in the ocean waters of the State, and data generated by these
31 technologies shall be available at this structure for public education and awareness. It is the
32 intent of the General Assembly that North Carolina become the focal point for marine-based
33 ocean research collaborations involving the nation's public and private universities. This effort
34 to study wave and physical processes in the oceans and associated water bodies to develop
35 alternative energy resources shall be interdisciplinary and shall consider the health of the ocean
36 so that efforts to extract ecosystem services shall also consider ecosystem functions and health
37 of the ocean including, but not limited to, carbon budget, acidification, mercury, and nutrient
38 issues."

39 **SECTION 21.2.(a)** G.S. 143B-344.35, as enacted by Section 13.5.(a) of S.L.
40 2010-31, reads as rewritten:

41 "**§ 143B-344.35. North Carolina Sustainable Communities Task Force – creation;**
42 **purpose; duties.**

43 There is created within the Department of Environment and Natural Resources the North
44 Carolina Sustainable Communities Task Force to lead and support the State's sustainable
45 communities initiatives. The duties of the Task Force shall be as follows:

- 46 ...
- 47 (7) To develop a common local government sustainable practices scoring
48 system incorporating the principles set forth in G.S. 143B-344.34(b). In
49 developing the scoring system, the Task Force shall take into account the
50 resources and infrastructure in smaller communities and rural areas, as

1 compared to urban areas, in order to ensure that all communities and areas
2 may compete for grants on an equal basis.

3"

4 **SECTION 21.2.(b)** G.S. 143B-344.38, as enacted by Section 13.5.(a) of S.L.
5 2010-31, reads as rewritten:

6 "**§ 143B-344.38. North Carolina Sustainable Communities Task Force – reports.**

7 ...

8 (b) Prior to awarding any funding under G.S. 143B-344.37 and no later than February
9 1, 2011, the Task Force shall report to the House Commerce, Small Business, and
10 Entrepreneurship Committee and the Senate Commerce Committee regarding the sustainable
11 practices scoring system developed in accordance with G.S. 143B-344.35(7).

12 ~~(b)~~(c) For purposes of this section, "metro region of the State" includes the following
13 Statistical Areas defined by the United States Census Bureau:

- 14 (1) The Research Triangle region (made up of the Durham-Chapel Hill and the
15 Raleigh-Cary Metropolitan Statistical Areas).
- 16 (2) The North Carolina portion of the Charlotte-Gastonia-Concord Metropolitan
17 Statistical Area.
- 18 (3) The Greensboro-Winston-Salem-High Point Combined Statistical Area.
- 19 (4) The Asheville Metropolitan Statistical Area.
- 20 (5) The Hickory-Lenoir-Morganton Metropolitan Statistical Area.
- 21 (6) The Fayetteville Metropolitan Statistical Area.
- 22 (7) The Wilmington Metropolitan Statistical Area.
- 23 (8) The Greenville Metropolitan Statistical Area.
- 24 (9) The Jacksonville Metropolitan Statistical Area.
- 25 (10) The Rocky Mount Metropolitan Statistical Area.
- 26 (11) The Goldsboro Metropolitan Statistical Area.
- 27 (12) Any other Metropolitan Statistical Area that includes counties of the State
28 and that has a population of 100,000 or more within the State."

29 **SECTION 21.2.(c)** Section 13.5 of S.L. 2010-31 is amended by adding a new
30 subsection to read:

31 "**SECTION 13.5.(d1)** Limitation. – This section shall in no way be construed to grant the
32 Sustainable Communities Task Force created by Part 31 of Article 7 of Chapter 143B of the
33 General Statutes, as enacted by subsection (a) of this section, any authority to regulate or
34 supersede any action of any State agency or local government."

35 **SECTION 22.** Section 6 of this act becomes effective October 1, 2010, and applies
36 to violations that occur on or after that date. Section 9 of this act becomes effective October 1,
37 2010, and applies to penalties assessed on or after that date. Sections 11(a), 11(b), 11(c), and
38 11(d) of this act become effective February 1, 2011. Sections 14(a), 14(b), 14(c), and 14(d) of
39 this act become effective July 1, 2011. Sections 17(a) and 17(b) become effective October 1,
40 2010, and apply to any contracts for road projects entered into, or any pavement remarking that
41 takes place, on or after that date. Section 20 of this act becomes effective August 1, 2010. All
42 other sections of this act are effective when this act becomes law.