

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 374
Pensions and Retirement and Aging Committee Substitute Adopted 4/18/19
House Committee Substitute Favorable 6/17/20

Short Title: Regulatory Reform Act of 2020.

(Public)

Sponsors:

Referred to:

March 28, 2019

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

4 The General Assembly of North Carolina enacts:

5
6 **PART I. VARIOUS REGULATORY REFORM PROVISIONS**

7
8 **INCREASE LIMITS ON PUBLIC EMPLOYEES BENEFITTING FROM PUBLIC**
9 **CONTRACTS**

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

11 "**§ 14-234. Public officers or employees benefiting from public contracts; exceptions.**

12 ...

13 (d1) Subdivision (a)(1) of this section does not apply to (i) any elected official or person
14 appointed to fill an elective office of a village, town, or city having a population of no more than
15 15,000 according to the most recent official federal census, (ii) any elected official or person
16 appointed to fill an elective office of a county within which there is located no village, town, or
17 city with a population of more than 15,000 according to the most recent official federal census,
18 (iii) any elected official or person appointed to fill an elective office on a city board of education
19 in a city having a population of no more than 15,000 according to the most recent official federal
20 census, (iv) any elected official or person appointed to fill an elective office as a member of a
21 county board of education in a county within which there is located no village, town or city with
22 a population of more than 15,000 according to the most recent official federal census, (v) any
23 physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social
24 services board, local health board, or area mental health, developmental disabilities, and
25 substance abuse board serving one or more counties within which there is located no village,
26 town, or city with a population of more than 15,000 according to the most recent official federal
27 census, and (vi) any member of the board of directors of a public hospital if all of the following
28 apply:

- 29 (1) The undertaking or contract or series of undertakings or contracts between the
30 village, town, city, county, county social services board, county or city board
31 of education, local health board or area mental health, developmental
32 disabilities, and substance abuse board, or public hospital and one of its
33 officials is approved by specific resolution of the governing body adopted in
34 an open and public meeting, and recorded in its minutes and the amount does
35 not exceed twenty thousand dollars (\$20,000) for medically related services



1 and ~~forty thousand dollars (\$40,000)~~ sixty thousand dollars (\$60,000) for
2 other goods or services within a 12-month period.

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

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

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

17"

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

20 21 **AMENDMENTS TO THE 2018 NORTH CAROLINA BUILDING CODE AND** 22 **PLUMBING CODE**

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

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

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

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

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

46 47 **STUDY ONLINE CONTINUING EDUCATION REQUIREMENTS**

48 **SECTION 3.(a)** Every occupational licensing board as defined in Chapter 93B of
49 the General Statutes shall study and report on any available options offered for online continuing
50 education if continuing education is a requirement for licensure under the occupational licensing
51 board's applicable laws or regulations. The study and report shall include:

- 1 (1) A list and description of every option for continuing education made available
2 to each licensee, including every traditional method, and every online method,
3 if any are offered. If no online methods are offered, a detailed explanation as
4 to why none are offered, which shall include any logistical, cost, legal, or other
5 concerns.
- 6 (2) The approximate number of offerings made available for each method and the
7 cost associated with each offering. The cost shall include a description of the
8 fees charged to the licensee for the continuing education and the associated
9 cost to the occupational licensing board for providing the continuing
10 education offering.
- 11 (3) A description of how each method of continuing education offered is accessed
12 by the licensee.

13 **SECTION 3.(b)** Each occupational licensing board required to study and report
14 under subsection (a) of this section shall provide its report to the Joint Legislative Administrative
15 Procedure Oversight Committee and the Program Evaluation Division no later than December 1,
16 2020.

17 18 **TEMPORARY EVENT VENUES**

19 **SECTION 4.(a)** Part 3 of Article 18 of Chapter 153A of the General Statutes is
20 amended by adding a new section to read:

21 **"§ 153A-341.4 Temporary event venues authorized.**

22 A county may, by ordinance, establish a process to permit temporary event venues using the
23 procedure prescribed in G.S. 160A-383.6."

24 **SECTION 4.(b)** Part 3 of Article 19 of Chapter 160A of the General Statutes is
25 amended by adding a new section to read:

26 **"§ 160A-383.6. Temporary event venues authorized.**

27 (a) A city may, by ordinance, establish a process to permit temporary event venues as
28 provided in this section. A temporary event venue shall be defined as an existing publicly or
29 privately owned building or structure suitable for use as a site for public or private events relating
30 to entertainment, education, marketing, meetings, sales, trade shows, and any other activities or
31 occasions that the city may, by ordinance, authorize. A temporary event shall be one lasting no
32 longer than 72 hours.

33 (b) A city may consider a temporary event venue as a permitted accessory use in any of
34 its zoning districts. Enactment of a temporary event venue ordinance and issuance of a temporary
35 event permit under this section shall not be considered a zoning map amendment under this
36 Article.

37 (c) Only one temporary event venue shall be allowed on a lot or parcel of land. The
38 temporary event venue permitted under this section shall not require a special use permit or be
39 subjected to any other local zoning requirements beyond those imposed upon other authorized
40 accessory use structures, except as otherwise provided in this section. Except as provided in
41 subsection (h) of this section, for each temporary event venue issued a permit under this section,
42 no more than 24 temporary events may be conducted in a calendar year.

43 (d) An ordinance authorizing temporary event venues shall set forth the following:

- 44 (1) The zoning districts within which a temporary event venue may lie.
- 45 (2) The process a person seeking a temporary event venue permit, or its renewal,
46 must follow.
- 47 (3) The specific criteria to be considered by the city when determining whether
48 to issue a temporary event venue permit. The criteria shall include the
49 character of the district in which the permit is sought and the site's suitability
50 for use as a temporary event venue.

- 1 (4) The temporary events, not inconsistent with subsection (a) of this section,
2 authorized in the venue.
3 (5) The duration of the temporary event venue permit.
4 (6) Any capacity limitations of the temporary event venue.
5 (7) The fee structure for the fees authorized by this section.
6 (8) Any other relevant matters.

7 (e) Any person proposing to operate a temporary event venue shall first obtain a permit
8 from the city. The issuance of a temporary event venue permit shall not be considered a
9 quasi-judicial act. The city may charge a fee of up to one hundred dollars (\$100.00) for the initial
10 permit and an annual renewal fee of up to fifty dollars (\$50.00). Before issuing or renewing a
11 temporary event venue permit, a city shall conduct an inspection of the proposed temporary event
12 venue to ensure that the health, safety, and welfare of the public will not be impaired by
13 attendance at or participation in a temporary event. The inspection shall address the general
14 structural stability of the temporary event venue, its fire safety, and whether it has sufficient toilet
15 facilities taking into consideration its capacity.

16 (f) Subject to the provisions of this subsection, a city may require the permit applicant to
17 take reasonable measures to address any safety or public health concerns raised by the inspection
18 conducted under subsection (e) of this section. No permit shall be required under the North
19 Carolina State Building Code or any local variant approved under G.S. 143-138(e) for any
20 construction, installation, repair, replacement, or alteration of a temporary event venue either
21 required by the city as a result of the inspection conducted under subsection (e) of this section or
22 undertaken by the permittee to otherwise improve the temporary event venue. A city may require
23 use of temporary toilet facilities at temporary events. Nothing in this section shall be construed
24 to exempt a temporary event venue from compliance with federal laws, rules, or regulations.

25 (g) The Building Code Council shall create an inspection checklist that may be used by
26 counties and cities for inspections conducted under subsection (e) of this section. Nothing shall
27 prohibit counties and cities from conducting inspections and issuing temporary event venue
28 permits prior to promulgation by the Building Code Council of the checklist.

29 (h) Nothing shall preclude a permittee operating under a temporary event venue permit
30 from seeking a rezoning of the parcel to a zoning district that would allow a permitted use of the
31 venue for events of the type authorized by a temporary event permit. Any such rezoning
32 application would be subject to the requirements of this Article. If a rezoning application is
33 submitted in good faith, a city may authorize the temporary event venue to hold more than 24
34 temporary events in one calendar year while the rezoning is pending. If the temporary event
35 venue is rezoned, the temporary event venue permit shall become void and the venue shall
36 operate under all rules, regulations, and requirements of law, including the North Carolina State
37 Building Code, any local variant under G.S. 143-138(e), and city ordinances."

38 **SECTION 4.(c)** G.S. 143-138 reads as rewritten:

39 **"§ 143-138. North Carolina State Building Code.**

40 ...

41 (b21) Exclusion for Temporary Event Venues. – No permit shall be required under the
42 North Carolina State Building Code or any local variant approved under subsection (e) of this
43 section for any construction, installation, repair, replacement, or alteration of a temporary event
44 venue issued a temporary event venue permit under G.S. 160A-383.6.

45 "

46 **SECTION 4.(d)** G.S. 160A-383.1 is amended by adding a new subsection to read:

47 (b1) Exclusion for Temporary Event Venues. – No permit shall be required under the
48 North Carolina State Building Code or any local variant approved under subsection (e) of this
49 section for any construction, installation, repair, replacement, or alteration of a temporary event
50 venue issued a temporary event venue permit under G.S. 160A-383.6."

1 **SECTION 4.(e)** This section becomes effective October 1, 2020, and applies to
2 counties with a population larger than 250,000.

3 4 **NC PRE-K SCHOOL OPTIONS**

5 **SECTION 5.(a)** The Division of Childhood Development and Early Education of
6 the Department of Health and Human Services shall post the following information on its Web
7 site:

- 8 (1) The educational opportunities for kindergarten offered by local school
9 administrative units.
- 10 (2) The educational opportunities for kindergarten offered by charter schools.
- 11 (3) Scholarships for enrollment in nonpublic schools provided pursuant to Part
12 2A of Article 39 of Chapter 115C of the General Statutes, or any successor
13 program.

14 This information shall be indexed or searchable by county, and the Division shall
15 update the information on June 1 each year.

16 Facilities participating in the NC Pre-K program shall provide to all families the
17 address of the Web site where the information can be found and a brief description of the
18 information available. Upon request, a facility participating in the NC Pre-K program must
19 furnish to a family a list of the following educational opportunities located in the same county as
20 the NC Pre-K facility, or, if specified, any other county:

- 21 (1) The educational opportunities for kindergarten offered by local school
22 administrative units.
- 23 (2) The educational opportunities for kindergarten offered by charter schools.
- 24 (3) Scholarships for enrollment in nonpublic schools provided pursuant to Part
25 2A of Article 39 of Chapter 115C of the General Statutes, or any successor
26 program.

27 **SECTION 5.(b)** This section becomes effective January 1, 2021.

28 29 **PUBLIC APPROVAL FOR PRIVATE ACTIVITY BONDS**

30 **SECTION 5A.** Article 14A of Chapter 115C of the General Statutes is amended by
31 adding a new section to read:

32 **"§ 115C-218.37. Public approval for private activity bonds.**

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

- 34 (1) Charter school facility. – Real property, personal property, or both that is used
35 or intended for use in connection with the operation of a charter school.
- 36 (2) Applicable elected representative. – An elected official of a governmental unit
37 having jurisdiction over the area in which a charter school facility is located,
38 as defined in section 147(f)(2) of the Internal Revenue Code (26 U.S.C. §
39 147(f)(2)).

40 (b) The Superintendent of Public Instruction is hereby designated as an applicable elected
41 representative who may approve the issuance of one or more private activity bonds to finance or
42 refinance a charter school facility, after a public hearing following reasonable public notice, in
43 accordance with section 147(f) of the Internal Revenue Code (26 U.S.C. § 147(f)) and applicable
44 State and federal laws and regulations. Procedures for the public hearing shall be determined by
45 the Superintendent of Public Instruction, and the public hearing shall be conducted by the
46 Superintendent, or his or her designee, in the county where the charter school facility is or will
47 be located."

48 49 **CLARIFY LANDFILL LIFE-OF-SITE FRANCHISE REQUIREMENTS**

50 **SECTION 6.** G.S. 130A-294(a4) reads as rewritten:

1 "(a4) In order to preserve long-term disposal capacity, a life-of-site permit issued for a
 2 sanitary landfill shall survive the expiration of a local government approval or franchise, and the
 3 local government shall allow the sanitary landfill to continue to operate until the term of the
 4 landfill's life-of-site permit expires provided that the owner or operator ~~has complied is in~~
 5 substantial compliance with the terms of the local government approval or franchise ~~agreement,~~
 6 ~~and remains in compliance with those terms after expiration of the approval or agreement until~~
 7 ~~the life of site permit has expired.~~ agreement. In order to preserve any economic benefits
 8 included in the franchise, the County may extend the franchise under the same terms and
 9 conditions for the term of the life-of-site permit. The extension of the franchise hereby shall not
 10 trigger the requirements for a new permit, a major permit modification, or a substantial
 11 amendment to the permit. This subsection only applies to valid and operative franchise
 12 agreements in effect on October 1, 2015."
 13

14 **REPURPOSE PRE-REGULATORY LANDFILL FUNDS**

15 **SECTION 7.** Section 13.2 of S.L. 2018-5, as amended by Section 4.2 of S.L.
 16 2018-97, reads as rewritten:

17 "**SECTION 13.2.** Notwithstanding G.S. 130A-310.11(b), up to two million dollars
 18 (\$2,000,000) of the funds credited to the Inactive Hazardous Sites Cleanup Fund under
 19 G.S. 105-187.63 for the assessment and remediation of pre-1983 landfills shall instead be used
 20 by the Department of Environmental Quality's Division of Waste Management to provide a
 21 matching grant to Charlotte Motor Speedway, LLC, (CMS) for the purpose of remediation
 22 activities at the Charlotte Motor Speedway in Cabarrus County. The Division shall provide one
 23 dollar (\$1.00) for every ~~two one~~ non-State ~~dollars (\$2.00) dollar (\$1.00)~~ provided in kind or
 24 otherwise, up to a maximum of two million dollars (\$2,000,000) for the matching grant described
 25 in this section. CMS may allocate all or a portion of the grant provided by this section to an entity
 26 that controls CMS or an entity controlled by CMS. Entities receiving such an allocation shall be
 27 considered a subgrantee as defined in G.S. 143C-6-23."
 28

29 **STUDY EXPRESS PERMITTING EXPANSION**

30 **SECTION 8.** The Department of Environmental Quality shall study and report on
 31 additional positions and funding needed as well as any changes in State or federal laws and
 32 regulations necessary to expand the Department's express permitting programs to include
 33 additional types of permits typically required for job creating and real estate development or
 34 redevelopment activities. Additional permits considered in the study shall include, at a minimum,
 35 permits for facilities not discharging to the surface waters of the State under Article 21 of Chapter
 36 143 of the General Statutes and permits to apply petroleum-contaminated soil to land authorized
 37 under G.S. 143-215.1. The Department shall provide its report and recommendations to the
 38 Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture
 39 and Natural and Economic Resources, and the Fiscal Research Division no later than March 1,
 40 2021.
 41

42 **WASTEWATER RESERVE PRIORITY**

43 **SECTION 9.(a)** G.S. 159G-23 reads as rewritten:

44 "**§ 159G-23. Priority consideration for loan or grant from Wastewater Reserve or Drinking**
 45 **Water Reserve.**

46 The considerations for priority in this section apply to a loan or grant from the Wastewater
 47 Reserve or the Drinking Water Reserve. The Division of Water Infrastructure must consider the
 48 following items when evaluating applications:

49 ...

- 50 (2) Effect on impaired waters. – A project that improves designated impaired
 51 waters of the ~~State~~State, with greater priority given to projects that improve

designated impaired waters of the State that serve as a public water supply for a large public water system. For purposes of this subdivision, a large public water system is one serving more than 175,000 service connections.

...
 (11) ~~State water supply plan.~~ Improve regional coordination. – A project that addresses a potential conflict between local plans or implements a measure in which local water supply plans could be better ~~coordinated, as identified in the State water supply plan pursuant to G.S. 143-355(m).~~ coordinated.

...
 (14) Disproportionate burden to protect water supply of higher-wealth neighboring local government unit. – Wastewater system improvements made by a local government unit in order to protect or preserve the water supply of a neighboring local government unit that has a lower poverty rate, lower utility bills, higher population growth, higher median household incomes, and lower unemployment."

SECTION 9.(b) This section becomes effective July 1, 2020, and applies to applications for loans or grants from the Wastewater Reserve or the Drinking Water Reserve received by the Division of Water Infrastructure on or after that date.

ALLOW USE OF FLOOD HAZARD AREAS FOR AQUACULTURE IN CERTAIN CIRCUMSTANCES

SECTION 10. 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;uses.~~
- (2) Ground level loading areas, parking areas, rotary aircraft ports and other similar ground level area ~~uses;uses.~~
- (3) Lawns, gardens, play areas and other similar ~~uses;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.

(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)."

ARCHITECTURAL LICENSE EXCEPTION FOR SMALL PROJECTS

SECTION 11. G.S. 83A-13 reads as rewritten:

"§ 83A-13. Exemptions.

...

1 (c) Nothing in this Chapter shall be construed to require an architectural license for the
 2 preparation, sale, or furnishing of plans, specifications and related data, or for the supervision of
 3 construction pursuant thereto, where the building, buildings, or project involved is in one of the
 4 following categories:

5 ...

6 (3) An institutional or commercial building if it does not have a total value
 7 exceeding ~~ninety thousand dollars (\$90,000);~~ two hundred thousand dollars
 8 (\$200,000);

9 (4) An institutional or commercial building if the total building area does not
 10 exceed ~~2,500~~ 3,000 square feet in gross floor area;

11 ...

12 (c1) Notwithstanding subdivisions (c)(3) and (4) of this section, a commercial building
 13 project with a total value of less than ~~ninety thousand dollars (\$90,000)~~ two hundred thousand
 14 dollars (\$200,000) and a total project area of less than ~~2,500~~ 3,000 square feet shall be exempt
 15 from the requirement for a professional architectural seal.

16"

17 REVENUE LAWS STUDY

18 **SECTION 12.** The Department of Revenue shall provide to the Revenue Laws Study
 19 Committee information related to the property taxation of outdoor advertising signs. The
 20 information must include a review of the methods used to determine the fair market value of
 21 outdoor advertising signs in North Carolina, whether the Billboard Structures Valuation Guide
 22 published by the North Carolina Department of Revenue provides an accurate representation of
 23 the base costs for outdoor advertising structures in North Carolina, whether the Department
 24 should use data on actual costs attributed to structures constructed in North Carolina, the practices
 25 in other states, and any other issues the Department deems relevant.

26 The Department shall provide the requested information to the Committee no later
 27 than March 31, 2021.

28 BROADBAND EASEMENTS

29 **SECTION 13.** G.S. 117-28.1 reads as rewritten:

30 "**§ 117-28.1. Electric membership corporations; easements.**

31 (a) Any easement owned, held, or otherwise used by an electric membership corporation
 32 for the purpose of electrification, as stated in G.S. 117-10 may also be used by the corporation,
 33 or its wholly owned subsidiary, for the ancillary purpose of supplying high-speed broadband
 34 service, where such use does not require additional construction and is ancillary to the
 35 electrification purposes for which broadband fiber is or was installed. Nothing in this subsection
 36 shall affect, abrogate, or eliminate in any way any obligation of the corporation or its wholly
 37 owned subsidiary to comply with any applicable requirements related to notice, safety, or
 38 permitting when constructing or maintaining lines or broadband fiber on, over, under, or across
 39 property owned or operated by a railroad company.

40"

41 MANUFACTURED HOMES INSTALLATION

42 **SECTION 14.(a)** G.S. 160A-383.1 is amended by adding a new subsection to read:

43 "(g) A city may require by ordinance that manufactured homes be installed in accordance
 44 with the Set-Up and Installation Standards adopted by the Commissioner of Insurance; provided,
 45 however, a city shall not require a masonry curtain wall or masonry skirting for manufactured
 46 homes located on land leased to the homeowner."

47 **SECTION 14.(b)** This section becomes effective October 1, 2020.

LIMITED REGISTRATION PLATES/FINE COLLECTION

SECTION 15.(a) G.S. 20-54 reads as rewritten:

"§ 20-54. Authority for refusing registration or certificate of title.

The Division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

...

(6) The vehicle is not in compliance with the inspection requirements of Part 2 of Article 3A of this Chapter or a civil penalty assessed as a result of the failure of the vehicle to comply with that Part has not been paid. Notwithstanding this subdivision, a dealer licensed under Article 12 of this Chapter may, on behalf of a person purchasing a vehicle, obtain a limited registration plate pursuant to G.S. 20-79.1A.

...

(10) The North Carolina Turnpike Authority has notified the Division that the owner of the vehicle has not paid the amount of tolls, fees, and civil penalties the owner owes the Authority for use of a Turnpike project. Notwithstanding this subdivision, a dealer licensed under Article 12 of this Chapter may, on behalf of a person purchasing a vehicle, obtain a limited registration plate pursuant to G.S. 20-79.1A.

(11) The Division has been notified (i) pursuant to G.S. 20-217(g2) that the owner of the vehicle has failed to pay any fine imposed pursuant to G.S. 20-217 or (ii) pursuant to G.S. 153A-246(b)(14) that the owner of the vehicle has failed to pay a civil penalty due under G.S. 153A-246. Notwithstanding this subdivision, a dealer licensed under Article 12 of this Chapter may, on behalf of a person purchasing a vehicle, obtain a limited registration plate pursuant to G.S. 20-79.1A.

(12) The owner of the vehicle has failed to pay any penalty or fee imposed pursuant to G.S. 20-311. Notwithstanding this subdivision, a dealer licensed under Article 12 of this Chapter may, on behalf of a person purchasing a vehicle, obtain a limited registration plate pursuant to G.S. 20-79.1A.

(13) The Division has been notified by the State Highway Patrol that the owner of the vehicle has failed to pay any civil penalty and fees imposed by the State Highway Patrol for a violation of Part 9 of Article 3 of this Chapter. Notwithstanding this subdivision, a dealer licensed under Article 12 of this Chapter may, on behalf of a person purchasing a vehicle, obtain a limited registration plate pursuant to G.S. 20-79.1A."

SECTION 15.(b) G.S. 20-79.1A(a)(1) reads as rewritten:

"(a) Eligibility. – A limited registration plate is issuable to any of the following:

(1) A person who applies, either directly or through a dealer licensed under Article 12 of this Chapter, for a title to a motor vehicle and a registration plate for the vehicle and who submits payment for the applicable title and registration fees but does not submit payment for any municipal corporation property taxes on the vehicle. A person who submits payment for municipal corporation property taxes receives an annual registration plate. A dealer shall notify the person purchasing a vehicle of any outstanding civil penalties, fees, tolls, and obligations owed that are of record and that are known by the dealer at the time the dealer applies for a title to a motor vehicle and a registration plate for the vehicle under this section."

SALVAGE TITLE STUDY

1 **SECTION 16.(a)** The Division of Motor Vehicles shall, in consultation with the
2 Department of Insurance and interested parties, study whether the laws governing the title,
3 registration, and branding of salvage vehicles need to be revised to protect consumers from
4 vehicles that appear safe, which are actually unsafe because of flood damage or other severe
5 damage that makes a vehicle unsafe, but is concealed from the consumer. The study will include
6 the economic impact to the consumer of any proposed change in law recommended by the
7 Division. As part of the study, the Division shall consider any other issues determined to be
8 relevant to the title and registration of salvage vehicles.

9 **SECTION 16.(b)** No later than March 1, 2021, the Division of Motor Vehicles shall
10 report its findings, including any recommendations for legislation, to the chairs of the Joint
11 Legislative Transportation Oversight Committee, the House of Representatives Appropriations
12 Committee on Transportation, the Senate Appropriations Committee on the Department of
13 Transportation, and the Fiscal Research Division.

14 **DIVISION OF EMERGENCY MANAGEMENT STUDY**

15 **SECTION 17.(a)** Study. – The Division of Emergency Management of the
16 Department of Public Safety shall study the needs of law enforcement, emergency medical and
17 emergency management personnel, and firefighters to improve access to or within the interstate
18 system of this State for the benefit of public safety. In conducting the study, the Division may
19 consult with the Department of Transportation, the Office of State Fire Marshal of the
20 Department of Insurance, the Office of Emergency Medical Services of the Department of Health
21 and Human Services, and any other State or local government organizations the Division
22 determines may be of assistance in the course of the study. In performing the study, the Division
23 shall, at a minimum, take the following steps:
24

- 25 (1) Consult with county fire marshal divisions, emergency management offices,
26 and emergency medical service divisions to determine potential sites of
27 interest for construction or improvement relevant to the study.
- 28 (2) Establish criteria to prioritize sites of interest for either construction or
29 improvement.
- 30 (3) Review applicable federal and State laws, codes, standards, and studies
31 relevant to the study.
- 32 (4) Review (i) existing Department of Transportation planning, design, and
33 construction standards for interchanges, median crossovers, and access points
34 and (ii) how those standards consider the needs of law enforcement,
35 emergency medical and emergency management personnel, and firefighters.
- 36 (5) Consider the feasibility of providing opportunities for stakeholder input
37 during the planning of future interstate improvements that focus on the needs
38 of law enforcement, emergency medical and emergency management
39 personnel, and firefighters.
- 40 (6) Examine any other matters the Division deems relevant in the course of the
41 study.

42 **SECTION 17.(b)** Report. – The Division shall report the findings and
43 recommendations, including any legislative proposals, to the Joint Legislative Oversight
44 Committee on Justice and Public Safety, the Joint Legislative Emergency Management Oversight
45 Committee, and the Joint Legislative Transportation Oversight Committee no later than March
46 1, 2022.

47 **NORTH CAROLINA BOARD OF ARCHITECTURE MODIFICATIONS**

48 **SECTION 18.(a)** G.S. 83A-2 reads as rewritten:

49 "**§ 83A-2. North Carolina Board of Architecture; creation; appointment, terms and oath**
50 **of members; vacancies; officers; bond of treasurer; notice of meetings; quorum.**
51

1 (a) The North Carolina Board of Architecture shall have the power and responsibility to
2 administer the provisions of this Chapter in compliance with the Administrative Procedure Act.

3 (b) The Board shall consist of seven members appointed by the Governor. Five of the
4 members of the Board shall be licensed architects appointed for five year terms; the terms shall
5 be staggered so that the term of one architect member expires each year. No architect member
6 shall be eligible to serve more than two consecutive terms; if a vacancy occurs during a term, the
7 Governor shall appoint a person to fill the vacancy for the remainder of the unexpired term. Two
8 of the members of the Board shall be persons who are not licensed architects and who represent
9 the interest of the public at ~~large; the Governor shall appoint these members not later than July~~
10 ~~1, 1979.~~ large. The public members shall have full voting powers and shall serve at the pleasure
11 of the Governor. Each Board member shall file with the Secretary of State an oath faithfully to
12 perform duties as a member of the Board, and to uphold the Constitution of North Carolina and
13 the Constitution of the United States.

14 (c) Officers of the Board shall include a president, vice-president, secretary and treasurer
15 elected at the annual meeting for terms of one year. The treasurer shall give bond in such sum as
16 the Board shall determine, with such security as shall be approved by the Board, said bond to be
17 conditioned for the faithful performance of the duties of his office and for the faithful accounting
18 of all moneys and other property as shall come into his hands. Notice of the annual meeting, and
19 the time and place of the annual meeting shall be given each member by letter at least 10 days
20 prior to such meeting and public notice of annual meetings shall be published at least ~~once each~~
21 ~~week for two weeks preceding such meetings in one or more newspapers of general circulation~~
22 ~~in this State.~~ on the Web site of the Board. A majority of the members of the Board shall constitute
23 a quorum."

24 **SECTION 18.(b)** G.S. 83A-5 reads as rewritten:

25 **"§ 83A-5. Board records; rosters; seal.**

26 (a) The Board shall maintain records of board meetings, of applications for individual or
27 corporate registration and the action taken thereon, of the results of examinations, of all
28 disciplinary proceedings, and of such other information as deemed necessary by the Board or
29 required by the Administrative Procedure Act or other provisions of the General Statutes.

30 (b) A complete roster showing the name and last known address of all resident and
31 nonresident architects and architectural firms holding current licenses from the Board shall be
32 maintained and published by the Board at least once each year, Board, and shall include each
33 registrant's authorization or registration number. Copies of the roster shall be filed with the
34 Secretary of State and the Attorney ~~General, and other applicable State or local agencies, and~~
35 ~~upon request, may be distributed or sold to the public.~~ General, and may be made available on the
36 Web site of the Board.

37 (c) The Board shall adopt a seal containing the name of the Board for use on its official
38 records and reports."

39 **SECTION 18.(c)** G.S. 83A-7 reads as rewritten:

40 **"§ 83A-7. Qualifications and examination requirements.**

41 (a) Licensing by Examination. – Any individual who is at least 18 years of age and of
42 good moral character may make written application for examination by completion of a form
43 prescribed by the Board accompanied by the required application fee. Subject to qualification
44 requirements of this section, the applicant shall be entitled to an examination to determine ~~his~~
45 qualifications for licensure.

46 (1) The qualification requirements for registration-licensure by examination as a
47 duly licensed architect shall ~~be~~ be all of the following:

48 a. ~~Professional education and at least three years practical~~ Practical
49 training and experience as specified by rules of the Board.

50 b. The successful completion of a licensure examination in architecture
51 as specified by the rules of the Board.

1 c. The successful completion of an accredited master's or bachelor's
2 degree in architecture as specified by the rules of the Board.

3 (2) The Board shall adopt rules to set requirements for professional education,
4 practical training and experience, and examination which must be met by
5 applicants for licensure and which may be based on the published guidelines
6 of nationally recognized councils or agencies for the accreditation,
7 examination, and licensing for the architectural profession.

8 (b) Licensing by Reciprocity. – Any individual holding a current license for the practice
9 of architecture from another state or territory, and holding a ~~certificate of qualification~~ certified
10 record issued by the National Council of Architectural Registration Boards, NCARB, may upon
11 application and within the discretion of the Board be licensed without written examination. The
12 Board ~~may~~ may, in its discretion, waive the requirement for National Council of Architectural
13 Registration Boards (NCARB) registration-certified record if the qualifications, examination and
14 licensing requirements of the state in which the applicant is licensed are substantially equivalent
15 to those of this State and the applicant otherwise meets the requirements of this Chapter."

16 **SECTION 18.(d)** G.S. 83A-11 reads as rewritten:

17 "**§ 83A-11. Expirations and renewals.**

18 Certificates must be renewed on or before the first day of July in each year. No less than 30
19 days prior to the renewal date, a renewal application shall be ~~mailed-transmitted~~
20 individual and corporate licensee. The completed application together with the required renewal
21 fee shall be returned to the Board on or before the renewal date. When the Board is satisfied as
22 to the continuing competency of an architect, it shall issue a renewal of the certificate. Upon
23 failure to renew within 30 days after the date set for expiration, the license shall be automatically
24 revoked but such license may be renewed at any time within one year following the expiration
25 date upon proof of continuing competency and payment of the renewal fee plus a late renewal
26 fee. After one year from the date of revocation, reinstatement may be made by the Board, or in
27 its discretion, the application may be treated as new subject to reexamination and qualification
28 requirements as in the case of new applications."

30 **INSURANCE CANCELLATION PROOF OF MAILING**

31 **SECTION 19.(a)** G.S. 58-41-15 reads as rewritten:

32 "**§ 58-41-15. Certain policy cancellations prohibited.**

33 ...

34 (b) Any cancellation permitted by subsection (a) of this section is not effective unless
35 written notice of cancellation has been delivered or mailed to the insured, not less than 15 days
36 before the proposed effective date of cancellation. The notice must be given or mailed to the
37 insured, and any designated mortgagee or loss payee at their addresses shown in the policy or,
38 if not indicated in the policy, at their last known addresses. The notice must state the precise reason
39 for cancellation. ~~Proof of mailing is sufficient proof of notice.~~ Failure to send this notice to any
40 designated mortgagee or loss payee invalidates the cancellation only as to the mortgagee's or loss
41 payee's interest.

42 ...

43 (f) For purposes of this section, proof of mailing is sufficient proof of notice."

44 **SECTION 19.(b)** This section becomes effective October 1, 2020, and applies to
45 policies issued, amended, or renewed on or after that date.

47 **REQUIRE ADDITIONAL NOTICE BEFORE STATE OF EMERGENCY** 48 **DECLARATIONS TAKE EFFECT**

49 **SECTION 20.** G.S. 166A-19.31 reads as rewritten:

50 "**§ 166A-19.31. Power of municipalities and counties to enact ordinances to deal with states**
51 **of emergency.**

1 ...
2 (d) When Prohibitions and Restrictions Take Effect. – All prohibitions and restrictions
3 imposed by declaration pursuant to ordinances adopted under this section shall take effect in the
4 emergency area immediately upon publication of the declaration unless the declaration sets a
5 later time. ~~For the purpose of requiring compliance, publication~~ Publication shall include at least
6 (i) publication of a signed copy of the declaration conspicuously posted on the Web site of the
7 municipality or county and (ii) submittal of notice and a signed copy of the declaration to the
8 Department of Public Safety WebEOC critical incident management system. Publication may
9 also consist of reports of the substance of the prohibitions and restrictions in the mass
10 communications media serving the emergency area or other effective methods of disseminating
11 the necessary information quickly. As soon as practicable, however, appropriate distribution of
12 the full text of any declaration shall be made. This subsection shall not be governed by the
13 provisions of G.S. 1-597.

14"

15 16 **CONFIDENTIALITY CHANGES FOR CERTAIN DOCUMENTS IN SECURITIES** 17 **INVESTIGATIONS**

18 **SECTION 21.(a)** G.S. 78A-45 reads as rewritten:

19 **"§ 78A-45. Administration of Chapter.**

20 (a) This Chapter shall be administered by the Secretary of State. The Secretary of State
21 as Administrator may delegate all or part of the authority under this Chapter to the Deputy
22 Securities Administrator including, but not limited to, the authority to conduct hearings, make,
23 execute and issue final agency orders and decisions. The Secretary of State may appoint such
24 clerks and other assistants as may from time to time be needed. The Secretary of State may
25 designate one or more hearing officers for the purpose of conducting administrative hearings.

26 (b) It is unlawful for the Administrator or any of his officers or employees to use for
27 personal benefit any information which is filed with or obtained by the Administrator and which
28 is not made public. No provision of this Chapter authorizes the Administrator or any of his
29 officers or employees to disclose any such information except among themselves or when
30 necessary or appropriate in a proceeding or investigation under this Chapter. No provision of this
31 Chapter either creates or derogates from any privilege which exists at common law or otherwise
32 when documentary or other evidence is sought under a subpoena directed to the Administrator
33 or any of his officers or employees.

34 (b1) It is the policy of this State that an investor's financial information should be treated
35 as confidential and unavailable for inspection or examination by members of the public under
36 G.S. 132-6.

37 (c) All fees provided for under this Chapter shall be collected by the Administrator and
38 shall be paid over to the State Treasurer to go into the general fund."

39 **SECTION 21.(b)** G.S. 78A-50 reads as rewritten:

40 **"§ 78A-50. Administrative files and opinions.**

41 (a) A document is filed when it is received by the Administrator.

42 (b) The Administrator shall keep a register of all applications for registration and
43 registration statements which are or have been effective under this Chapter and all denial,
44 suspension, or revocation orders which have been entered under this Chapter. The register shall
45 be open for public inspection.

46 (c) The information contained in or filed with any registration statement, application, or
47 report may be made available to the public under such rules as the Administrator prescribes.

48 (c1) The files and records of the Administrator relating to criminal investigations and
49 enforcement proceedings undertaken pursuant to this Chapter are subject to the provisions of
50 G.S. 132-1.4.

1 (c2) The files and records of the Administrator relating to noncriminal investigations and
2 enforcement proceedings undertaken pursuant to this Chapter shall not be subject to inspection
3 and examination pursuant to G.S. 132-6 until the investigations and proceedings are completed
4 and cease to be active.

5 (c3) Any information obtained by the Administrator from any law enforcement agency,
6 administrative agency, or regulatory organization on a confidential or otherwise restricted basis
7 in the course of an investigation or proceeding undertaken pursuant to this Chapter shall be
8 confidential and exempt from G.S. 132-6 to the same extent that it is confidential in the
9 possession of the providing agency or organization.

10 (c4) Notwithstanding subsections (c1) and (c2) of this section, any records obtained by the
11 Administrator in connection with an examination under G.S. 78A-38(d), an investigation under
12 G.S. 78A-46, or an action under G.S. 78A-47 or G.S. 78A-39 shall not be a public record
13 available for public examination.

14 (c5) A record that is not required to be provided to the Administrator or filed under this
15 act and is provided to and accepted by the Administrator only on the condition that the
16 information will not be subject to public examination or disclosure is not a public record that is
17 available for public examination.

18 (c6) The Administrator may disclose a record obtained in connection with an examination
19 under G.S. 78A-38(d), an investigation under G.S. 78A-46, or an action under G.S. 78A-47 or
20 G.S. 78A-39 if disclosure is for the purpose of a civil, administrative, or criminal investigation,
21 action, or proceeding or to a securities regulator of one or more states, Canada or one or more of
22 its provinces or territories, one or more foreign countries; the United States Securities and
23 Exchange Commission, the United States Department of Justice, the Commodity Futures Trading
24 Commission, the Federal Trade Commission, the Securities Investor Protection Corporation, a
25 self-regulatory organization, a national or international organization of securities regulators,
26 federal or state banking and insurance regulators, and any governmental law enforcement agency,
27 in order to effectuate greater uniformity in securities matters among the federal government,
28 self-regulatory organizations, and state and foreign governments.

29 (d) Upon request and at such reasonable charges as the administrator prescribes, the
30 Administrator shall furnish to any person photostatic or other copies (certified under the seal of
31 office if requested) of any entry in the register or any document which is a matter of public record.
32 In any proceeding or prosecution under this Chapter, any copy so certified is prima facie evidence
33 of the contents of the entry or document certified.

34 (e) The Administrator may honor requests from interested persons for interpretative
35 opinions. When an exemption is claimed in writing, cites the section relied upon, and is
36 considered eligible upon the showing made, a "no action" letter will be furnished upon request
37 and upon the payment of a fee of one hundred fifty dollars (\$150.00)."

38 **SECTION 21.(c)** G.S. 78C-26 reads as rewritten:

39 **"§ 78C-26. Administration of Chapter.**

40 (a) This Chapter shall be administered by the Secretary of State. The Secretary of State
41 as Administrator may delegate all or part of the authority under this Chapter to the Deputy
42 Securities Administrator including, but not limited to, the authority to conduct hearings, and
43 make, execute and issue final agency orders and decisions. The Secretary of State may appoint
44 such clerks and other assistants as may from time to time be needed. The Secretary of State may
45 designate one or more hearing officers for the purpose of conducting administrative hearings.

46 (b) It is unlawful for the Administrator or any of his officers or employees to use for
47 personal benefit any information which is filed with or obtained by the Administrator and which
48 is not made public. No provision of this Chapter authorizes the Administrator or any of his
49 officers or employees to disclose any such information except among themselves or when
50 necessary or appropriate in a proceeding or investigation under this Chapter. No provision of this
51 Chapter either creates or derogates from any privilege which exists at common law or otherwise

1 when documentary or other evidence is sought under a subpoena directed to the Administrator
2 or any of his officers or employees.

3 (b1) It is the policy of this State that an investor's financial information should be treated
4 as confidential and unavailable for inspection or examination by members of the public under
5 G.S. 132-6.

6 (c) All fees provided for under this Chapter shall be collected by the Administrator and
7 shall be paid over to the State Treasurer to go into the General Fund."

8 **SECTION 21.(d)** G.S. 78C-31 reads as rewritten:

9 **"§ 78C-31. Administrative files and opinions.**

10 (a) A document is filed when it is received by the Administrator.

11 (b) The Administrator shall keep a register of all applications for registration which are
12 or have been effective under this Chapter and all denial, suspension, or revocation orders or
13 similar orders which have been entered under this Chapter. The register shall be open for public
14 inspection.

15 (c) The information contained in or filed with any registration, application, or report may
16 be made available to the public under such rules as the Administrator prescribes.

17 (c1) The files and records of the Administrator relating to criminal investigations and
18 enforcement proceedings undertaken pursuant to this Chapter are subject to the provisions of
19 G.S. 132-1.4.

20 (c2) The files and records of the Administrator relating to noncriminal investigations and
21 enforcement proceedings undertaken pursuant to this Chapter shall not be subject to inspection
22 and examination pursuant to G.S. 132-6 until the investigations and proceedings are completed
23 and cease to be active.

24 (c3) Any information obtained by the Administrator from any law enforcement agency,
25 administrative agency, or regulatory organization on a confidential or otherwise restricted basis
26 in the course of an investigation or proceeding undertaken pursuant to this Chapter shall be
27 confidential and exempt from G.S. 132-6 to the same extent that it is confidential in the
28 possession of the providing agency or organization.

29 (c4) Notwithstanding subsections (c1) and (c2) of this section, any records obtained by the
30 Administrator in connection with an examination under G.S. 78C-18(e), an investigation under
31 G.S. 78C-27, or an action under G.S. 78C-28 or G.S. 78C-19 shall not be a public record
32 available for public examination.

33 (c5) A record that is not required to be provided to the Administrator or filed under this
34 act and is provided to the Administrator only on the condition that the information will not be
35 subject to public examination or disclosure is not a public record that is available for public
36 examination.

37 (c6) The Administrator may disclose a record obtained in connection with an examination
38 under G.S. 78C-18(e), an investigation under G.S. 78C-27 or an action under G.S. 78C-28 or
39 G.S. 78C-19 if disclosure is for the purpose of a civil, administrative, or criminal investigation,
40 action, or proceeding or to a securities regulator of one or more states, Canada or one or more of
41 its provinces or territories, one or more foreign countries; the United States Securities and
42 Exchange Commission, the United States Department of Justice, the Commodity Futures Trading
43 Commission, the Federal Trade Commission, the Securities Investor Protection Corporation, a
44 self-regulatory organization, a national or international organization of securities regulators,
45 federal or state banking and insurance regulators, and any governmental law enforcement agency,
46 in order to effectuate greater uniformity in securities matters among the federal government,
47 self-regulatory organizations, and state and foreign governments.

48 (d) Upon request and at such reasonable charges as the Administrator prescribes, the
49 Administrator shall furnish to any person photostatic or other copies (certified under the seal of
50 office if requested) of any entry in the register or any document which is a matter of public record.

1 In any proceeding or prosecution under this Chapter, any copy so certified is prima facie evidence
2 of the contents of the entry or document certified.

3 (e) The Administrator may honor requests from interested persons for interpretative
4 opinions upon the payment of a fee of one hundred fifty dollars (\$150.00)."
5

6 **ALLOW SELF-INSURERS TO MAKE PAYMENTS FOR AN INITIAL ASSESSMENT** 7 **OVER A PERIOD**

8 **SECTION 22.** G.S. 97-133(a)(3a)c. reads as rewritten:

9 "c. Initial assessments. – An individual self-insurer ~~that becomes upon~~
10 receiving its license from the Commissioner is a member and does not
11 initially participate in of the Association Aggregate Security System
12 ~~shall and is required to~~ pay an initial assessment to the Association in
13 an amount and over a period as determined by the Board. A group
14 self-insurer, upon receiving its ~~initial~~ license from the Commissioner,
15 ~~shall is a member of the Association and is required to~~ pay an initial
16 assessment to the Association in an amount and over a period as
17 determined by the Board."
18

19 **AMEND CERTAIN CHARTER SCHOOL REPORT DATE**

20 **SECTION 23.** G.S. 115C-218.110 reads as rewritten:

21 "**§ 115C-218.110. Notice of the charter school process; review of charter schools.**

22 ...

23 (b) The State Board of Education shall review and evaluate the educational effectiveness
24 of the charter schools authorized under this Article and the effect of charter schools on the public
25 schools in the local school administrative unit in which the charter schools are located. The Board
26 shall report annually no later than ~~February 15~~ June 15 to the Joint Legislative Education
27 Oversight Committee on the following:

- 28 (1) The current and projected impact of charter schools on the delivery of services
29 by the public schools.
- 30 (2) Student academic progress in the charter schools as measured, where
31 available, against the academic year immediately preceding the first academic
32 year of the charter schools' operation.
- 33 (3) Best practices resulting from charter school operations.
- 34 (4) Other information the State Board considers appropriate."
35

36 **CLARIFICATION REGARDING SUBMISSION OF CERTAIN COMPONENT** 37 **DESIGNS OR PROPOSALS**

38 **SECTION 24.** G.S. 160D-1106(a) reads as rewritten:

39 "**§ 160D-1106. Alternate inspection method for component or element.**

40 (a) Notwithstanding the requirements of this Article, a city shall accept and approve,
41 without further responsibility to inspect, a design or other proposal for a component or element
42 in the construction of buildings from an architect licensed under Chapter 83A of the General
43 Statutes or professional engineer licensed under Chapter 89C of the General Statutes provided
44 all of the following apply:

- 45 (1) ~~The~~ When required by the North Carolina State Building Code, the
46 submission design or other proposal is completed under valid seal of the
47 licensed architect or licensed professional engineer.
- 48 (2) Field inspection of the installation or completion of a component or element
49 of the building is performed by a licensed architect or licensed professional
50 engineer or a person under the direct supervisory control of the licensed
51 architect or licensed professional engineer.

- 1 (3) The licensed architect or licensed professional engineer under subdivision (2)
2 of this subsection provides the city with a signed written document stating the
3 component or element of the building inspected under subdivision (2) of this
4 subsection is in compliance with the North Carolina State Building Code or
5 the North Carolina Residential Code for One- and Two-Family Dwellings.
6 The inspection certification required under this subdivision shall be provided
7 by electronic or physical delivery and its receipt shall be promptly
8 acknowledged by the city through reciprocal means."
9

10 **SECTION 24.5.(a)** Pursuant to G.S. 150B-21.3(b1), the following rules, as adopted
11 by the North Carolina Department of Health and Human Services on February 11, 2019, and
12 approved by the Rules Review Commission on April 18, 2019, are disapproved:

13 10A NCAC 14J .0301 (Classification System and Total Design Capacity)

14 10A NCAC 14J .1210 (Other Areas)

15 **SECTION 24.5.(b)** This section is effective when it becomes law.
16

17 **PART II. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL** 18 **RESOURCES REGULATORY REFORM PROVISIONS**

19 **ALLOW DIVISION OF COASTAL MANAGEMENT TO ACCEPT ELECTRONIC** 20 **PAYMENTS**

21 **SECTION 25.** G.S. 113A-119 reads as rewritten:

22 **"§ 113A-119. Permit applications generally.**

23 (a) Any person required to obtain a permit under this Part shall file with the Secretary
24 and (in the case of a permit sought from a city or county) with the designated local official an
25 application for a permit in accordance with the form and content designated by the Secretary and
26 approved by the Commission. The applicant must submit with the application a check ~~an~~
27 electronic payment, check, or money order payable to the Department or the city or county, as
28 the case may be, constituting a fee set by the Commission pursuant to G.S. 113A-119.1.
29

30"
31

32 **MINE RECLAMATION REPORTING DATE CHANGE**

33 **SECTION 26.** G.S. 74-55 reads as rewritten:

34 **"§ 74-55. Reclamation report.**

35 (a) By ~~July 1~~ September 1 of each year, the operator shall file a report of activities
36 completed during the preceding year on a form prescribed by the Department, which includes all
37 of the following:

38 (1) Identify the mine, the operator and the permit number.

39 (2) State acreage disturbed by mining in the last 12-month period.

40 (3) State and describe amount and type of reclamation carried out in the last
41 12-month period.

42 (4) Estimate acreage to be newly disturbed by mining in the next 12-month
43 period.

44 (5) Provide such maps as may be specifically requested by the Department.

45 (6) Include the annual operating fee pursuant to G.S. 74-54.1(a1).

46 (b) When filing the annual report, the permittee shall pay the annual operating fee for the
47 permit to the Department by September 1 of each year until the permit has been terminated by
48 the Department. The Department may assess and collect a monthly penalty for each annual report
49 or annual operating fee not filed by ~~July 31~~ September 30 of each year until the annual report
50 and annual operating fee are filed with the Department. If the required annual report and
51 operating fee, including any late payment penalties, are not filed by December 31 of each year,

1 the Department shall give written notice to the operator and shall then initiate permit revocation
2 proceedings in accordance with G.S. 74-58."
3

4 **DEQ REPORTS DATE CHANGE**

5 **SECTION 27.(a)** Section 15.6(b) of S.L. 1999-237, as amended by Section 4.21 of
6 S.L. 2017-10, reads as rewritten:

7 "Section 15.6.(b) The Department of Environmental Quality and the Office of State Budget
8 and Management shall report to the Joint Legislative Oversight Committee on Agriculture and
9 Natural and Economic Resources the amount and the source of the funds used pursuant to
10 subsection (a) of this section ~~within 30 days of the expenditure of these funds on or before April~~
11 15 of each year and shall include this information in the status of solid waste management report
12 required to be submitted pursuant to G.S. 130A-309.06(c)."

13 **SECTION 27.(b)** G.S. 130A-309.06(c) reads as rewritten:

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

17 ...

18 (17) ~~A report~~ Reports on the Inactive Hazardous Waste Response Act of 1987
19 pursuant to ~~G.S. 130A-310.10(a)~~ G.S. 130A-310.10.

20 ...

21 (20) A report on the use of funds for Superfund cleanups and inactive hazardous
22 site cleanups."

23 **SECTION 27.(c)** G.S. 130A-294(i) reads as rewritten:

24 "(i) The Department shall include in the status of solid waste management report required
25 to be submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) a report
26 on the implementation and cost of the hazardous waste management program. The report shall
27 include an evaluation of how well the State and private parties are managing and cleaning up
28 hazardous waste. The report shall also include recommendations to the Governor, State agencies,
29 and the General Assembly on ways to: improve waste management; reduce the amount of waste
30 generated; maximize resource recovery, reuse, and conservation; and minimize the amount of
31 hazardous waste which must be disposed of. The report shall include beginning and ending
32 balances in the Hazardous Waste Management Account for the reporting period, total fees
33 collected pursuant to G.S. 130A-294.1, anticipated revenue from all sources, total expenditures
34 by activities and categories for the hazardous waste management program, any recommended
35 adjustments in annual and tonnage fees which may be necessary to assure the continued
36 availability of funds sufficient to pay the State's share of the cost of the hazardous waste
37 management program, and any other information requested by the General Assembly. In
38 recommending adjustments in annual and tonnage fees, the Department may propose fees for
39 hazardous waste generators, and for hazardous waste treatment facilities that treat waste
40 generated on site, which are designed to encourage reductions in the volume or quantity and
41 toxicity of hazardous waste. The report shall also include a description of activities undertaken
42 to implement the resident inspectors program established under G.S. 130A-295.02. In addition,
43 the report shall include an annual update on the mercury switch removal program that shall
44 include, at a minimum, all of the following:

45"

46 **SECTION 27.(d)** G.S. 130A-309.64(e) reads as rewritten:

47 "(e) The Department shall include in the report to be delivered to the Environmental
48 Review Commission ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) a
49 description of the implementation of the North Carolina Scrap Tire Disposal Act under this Part
50 for the fiscal year ending the preceding June 30. The description of the implementation of the
51 North Carolina Scrap Tire Disposal Act shall include a list of the recipients of grants under

1 subsection (a) of this section and the amount of each grant for the previous 12-month period. The
2 report also shall include the amount of funds used to clean up nuisance sites under subsection (d)
3 of this section."

4 **SECTION 27.(e)** G.S. 130A-309.85 reads as rewritten:

5 "**§ 130A-309.85. Reporting on the management of white goods.**

6 The Department shall include in the report to be delivered to the Environmental Review
7 Commission ~~on or before 15 January of each year~~ pursuant to G.S. 130A-309.06(c) a description
8 of the management of white goods in the State for the fiscal year ending the preceding 30 June.
9 The description of the management of white goods shall include the following information:

10"

11 **SECTION 27.(f)** G.S. 130A-309.140(a) reads as rewritten:

12 "(a) The Department shall include in the status of solid waste management report required
13 to be submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) a report
14 on the recycling of discarded computer equipment and televisions in the State under this Part.
15 The report must include an evaluation of the recycling rates in the State for discarded computer
16 equipment and televisions, a discussion of compliance and enforcement related to the
17 requirements of this Part, and any recommendations for any changes to the system of collection
18 and recycling of discarded computer equipment, televisions, or other electronic devices."

19 **SECTION 27.(g)** G.S. 130A-310.10 reads as rewritten:

20 "**§ 130A-310.10. Annual reports.**

21 (a) The Secretary shall include in the status of solid waste management report required
22 to be submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) a report
23 on inactive hazardous sites that includes at least the following:

- 24 (1) The Inactive Hazardous Waste Sites Priority List.
- 25 (2) A list of remedial action plans requiring State funding through the Inactive
26 Hazardous Sites Cleanup Fund.
- 27 (3) A comprehensive budget to implement these remedial action plans and the
28 adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the cost of
29 ~~said~~ these plans.
- 30 (4) A prioritized list of sites that are eligible for remedial action under
31 CERCLA/SARA together with recommended remedial action plans and a
32 comprehensive budget to implement ~~such~~ these plans. The budget for
33 implementing a remedial action plan under CERCLA/SARA shall include a
34 statement as to any appropriation that may be necessary to pay the State's share
35 of ~~such~~ the plan.
- 36 (5) A list of sites and remedial action plans undergoing voluntary cleanup with
37 Departmental approval.
- 38 (6) A list of sites and remedial action plans that may require State funding, a
39 comprehensive budget if implementation of these possible remedial action
40 plans is required, and the adequacy of the Inactive Hazardous Sites Cleanup
41 Fund to fund the possible costs of ~~said~~ these plans.
- 42 (7) A list of sites that pose an imminent hazard.
- 43 (8) A comprehensive budget to develop and implement remedial action plans for
44 sites that pose imminent hazards and that may require State funding, and the
45 adequacy of the Inactive Hazardous Sites Cleanup Fund.
- 46 (8a) Repealed by Session Laws 2015-286, s. 4.7(f), effective October 22, 2015.
- 47 (9) Any other information requested by the General Assembly or the
48 Environmental Review Commission.

49 (a1) On or before ~~October 1~~ April 15 of each year, the Department shall report to each
50 member of the General Assembly who has an inactive hazardous substance or waste disposal site
51 in the member's district. This report shall include the location of each inactive hazardous

1 substance or waste disposal site in the member's district, the type and amount of hazardous
2 substances or waste known or believed to be located on each of these sites, the last action taken
3 at each of these sites, and the date of that last action. The Department shall include this
4 information in the status of solid waste management report required to be submitted pursuant to
5 G.S. 130A-309.06(c).

6 (b) Repealed by Session Laws 2001-452, s. 2.3, effective October 28, 2001."

7 **SECTION 27.(h)** G.S. 130A-310.40 reads as rewritten:

8 "**§ 130A-310.40. Legislative reports.**

9 The Department shall include in the status of solid waste management report required to be
10 submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) an evaluation
11 of the effectiveness of this Part in facilitating the remediation and reuse of existing industrial and
12 commercial properties. This evaluation shall include any recommendations for additional
13 incentives or changes, if needed, to improve the effectiveness of this Part in addressing ~~such these~~
14 properties. This evaluation shall also include a report on receipts by and expenditures from the
15 Brownfields Property Reuse Act Implementation Account."

16 **SECTION 27.(i)** G.S. 143-215.104U(a) reads as rewritten:

17 "(a) The Secretary shall include in the status of solid waste management report required
18 to be submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) a report
19 on at least the following:

20"

21 **SECTION 27.(j)** Section 14.22(j) of S.L. 2013-360 reads as rewritten:

22 "**SECTION 14.22.(j)** This section authorizes a Long Term Dredging Memorandum of
23 Agreement with the U.S. Army Corps of Engineers which may last beyond the current fiscal
24 biennium and which shall provide for all of the following:

- 25 (1) Prioritization of projects through joint consultation with the State, applicable
26 units of local government, and the U.S. Army Corps of Engineers.
- 27 (2) Compliance with G.S. 143-215.73F. Funds in the Shallow Draft Navigation
28 Channel Dredging Fund shall be used in accordance with that section.
- 29 (3) Annual reporting by the Department on the use of funds provided to the U.S.
30 Army Corps of Engineers under the Long Term Dredging Memorandum of
31 Agreement. These reports shall be made to the ~~Joint Legislative Commission~~
32 ~~on Governmental Operations, Joint Legislative Oversight Committee on~~
33 Agriculture and Natural and Economic Resources, the Fiscal Research
34 Division, and the Office of State Budget and Management and shall include
35 all of the following:
 - 36 a. A list of all projects commenced.
 - 37 b. The estimated cost of each project.
 - 38 c. The date that work on each project commenced or is expected to
39 commence.
 - 40 d. The date that work on each project was completed or is expected to be
41 completed.
 - 42 e. The actual cost of each project."

44 **TECHNICAL AND CONFORMING CHANGES TO SOLID WASTE STATUTES**

45 **SECTION 28.(a)** G.S. 130A-4(c) reads as rewritten:

46 "(c) The Secretary of Environmental Quality shall administer and enforce the provisions
47 of Articles 9 and 10 of this Chapter and the rules of the ~~Commission~~ Commission and the
48 Environmental Management Commission adopted thereunder."

49 **SECTION 28.(b)** G.S. 130A-22 reads as rewritten:

50 "**§ 130A-22. Administrative penalties.**

1 (a) The Secretary of Environmental Quality may impose an administrative penalty on a
 2 person who violates Article 9 of this Chapter, rules adopted by the Environmental Management
 3 Commission pursuant to Article 9, or any term or condition of a permit or order issued under
 4 Article 9. Each day of a continuing violation shall constitute a separate violation. The penalty
 5 shall not exceed fifteen thousand dollars (\$15,000) per day in the case of a violation involving
 6 nonhazardous waste. The penalty shall not exceed thirty-two thousand five hundred dollars
 7 (\$32,500) per day in the case of a first violation involving hazardous waste as defined in
 8 G.S. 130A-290 or involving the disposal of medical waste as defined in G.S. 130A-290 in or
 9 upon water in a manner that results in medical waste entering waters or lands of the State; and
 10 shall not exceed fifty thousand dollars (\$50,000) per day for a second or further violation
 11 involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a manner
 12 that results in medical waste entering waters or lands of the State. The penalty shall not exceed
 13 thirty-two thousand five hundred dollars (\$32,500) per day for a violation involving a voluntary
 14 remedial action implemented pursuant to G.S. 130A-310.9(c) or a violation of the rules adopted
 15 pursuant to G.S. 130A-310.12(b). For violations of Part 7 of Article 9 of this Chapter and
 16 G.S. 130A-309.10(m): (i) a warning shall be issued for a first violation; (ii) the penalty shall not
 17 exceed two hundred dollars (\$200.00) for a second violation; and (iii) the penalty shall not exceed
 18 five hundred dollars (\$500.00) for subsequent violations. If a person fails to pay a civil penalty
 19 within 60 days after the final agency decision or court order has been served on the violator, the
 20 Secretary of Environmental Quality shall request the Attorney General to institute a civil action
 21 in the superior court of any county in which the violator resides or has his or its principal place
 22 of business to recover the amount of the assessment. Such civil actions must be filed within three
 23 years of the date the final agency decision or court order was served on the violator.

24 ...

25 (f) The Commission shall adopt rules concerning the imposition of administrative
 26 penalties ~~under pursuant to this section~~ section that are under authority of the Secretary, and the
 27 Environmental Management Commission shall adopt rules concerning the imposition of
 28 administrative penalties pursuant to this section that are under authority of the Secretary of
 29 Environmental Quality.

30"

31 **SECTION 29.** G.S. 130A-295.6 reads as rewritten:

32 "**§ 130A-295.6. Additional requirements for sanitary landfills.**

33 (a) The applicant for a proposed sanitary landfill shall contract with a qualified third
 34 party, approved by the Department, to conduct a study of the environmental impacts of any
 35 proposed sanitary landfill, in conjunction with its application for a new permit as defined in
 36 ~~sub-subdivisions a. through d. of subdivision (1a) of subsection (b) of G.S. 130A-295.8.~~
 37 G.S. 130A-294(a3). The study shall meet all of the requirements set forth in G.S. 113A-4 and
 38 rules adopted pursuant to G.S. 113A-4. If an environmental impact statement is required, the
 39 Department shall publish notice of the draft environmental impact statement and shall hold a
 40 public hearing in the county where the landfill will be located no sooner than 30 days following
 41 the public notice. The Department shall consider the study of environmental impacts and any
 42 mitigation measures proposed by the applicant in deciding whether to issue or deny a permit. An
 43 applicant for a permit for a sanitary landfill shall pay all costs incurred by the Department to
 44 comply with the public notice and public hearing requirements of this subsection.

45"

47 **CONSOLIDATE RIVER BASIN ADVISORY COMMISSION REPORTS**

48 **SECTION 30.(a)** G.S. 77-96(c) reads as rewritten:

49 "(c) The accounts and records of the Commission showing the receipt and disbursement
 50 of funds from whatever source derived shall be in the form that the North Carolina Auditor and
 51 the Virginia Auditor of Public Accounts prescribe, provided that the accounts shall correspond

1 as nearly as possible to the accounts and records for such matters maintained by similar
 2 enterprises. The accounts and records of the Commission shall be subject to an annual audit by
 3 the North Carolina Auditor and the Virginia Auditor of Public Accounts or their legal
 4 representatives, and the costs of the audit services shall be borne by the Commission. The results
 5 of the audits shall be delivered as part of the annual report required in G.S. 77-98 by March 1
 6 October 1 of each year to the Joint Legislative Oversight Committee on Agriculture and Natural
 7 and Economic ~~Resources and Resources~~, the Fiscal Research Division of the General Assembly
 8 of North ~~Carolina~~-Carolina, and as provided by the Commonwealth of Virginia."

9 **SECTION 30.(b)** G.S. 77-98 reads as rewritten:

10 "**§ 77-98. Annual report.**

11 The Commission shall submit an annual report, including the annual audit required by
 12 G.S. 77-96 and any recommendations, on or before 1 October of each year to the Governor of
 13 North Carolina, the Environmental Review Commission of the General Assembly of North
 14 Carolina, the Governor of Virginia, and the General Assembly of Virginia~~the Joint Legislative~~
 15 Oversight Committee on Agriculture and Natural and Economic Resources, the Fiscal Research
 16 Division of the General Assembly of North Carolina, and as provided by the Commonwealth of
 17 Virginia."

18 **SECTION 30.(c)** G.S. 77-115(b) reads as rewritten:

19 "(b) The accounts and records of each commission showing the receipt and disbursement
 20 of funds from whatever source derived shall be in the form that the Auditor of North Carolina
 21 and the State Auditor of South Carolina prescribe. The accounts and records of each commission
 22 shall be subject to an annual audit by the Auditor of North Carolina and the State Auditor of
 23 South Carolina or their legal representatives. The cost of the annual audits shall be borne by each
 24 commission. The results of the audits shall be delivered as part of the annual report required by
 25 G.S. 77-117 by March 1 October 1 of each year to the Joint Legislative Oversight Committee on
 26 Agriculture and Natural and Economic ~~Resources and Resources~~, the Fiscal Research Division
 27 of the General Assembly of North ~~Carolina~~-Carolina, and ~~to the General Assembly of South~~
 28 ~~Carolina as the General Assembly of South Carolina shall provide~~as provided by the State of
 29 South Carolina."

30 **SECTION 30.(d)** G.S. 77-117 reads as rewritten:

31 "**§ 77-117. Annual report.**

32 The commissions shall submit annual reports, including the annual audit required by
 33 G.S. 77-115 and any recommendations, on or before 1 October October 1 of each year to ~~the~~
 34 ~~Governor of North Carolina, the Environmental Review Commission of the General Assembly~~
 35 ~~of North Carolina, the Governor of South Carolina, and the General Assembly of South Carolina,~~
 36 ~~as the Governor, the General Assembly of South Carolina, or the Commissioner of the South~~
 37 ~~Carolina Department of Health and Environmental Control shall provide~~Joint Legislative
 38 Oversight Committee on Agriculture and Natural and Economic Resources, the Fiscal Research
 39 Division of the General Assembly of North Carolina, and as provided by the State of South
 40 Carolina."

41
 42 **ELECTRONIC PERMITTING CLARIFICATION**

43 **SECTION 31.** G.S. 143-215.1(b) reads as rewritten:

44 "(b) Commission's Power as to Permits. –

45 ...

46 (4) The Commission shall have the power:

47 ...

48 f. To issue a permit, certification, authorization, or other approval by
 49 electronic delivery, registered or certified mail, or any other means
 50 authorized by G.S. 1A-1, Rule 4.

51"

1
2 **NONBETTERMENT COST RECOVERY FOR CERTAIN PRIVATE WATER AND**
3 **SEWER SYSTEMS**

4 **SECTION 32.(a)** G.S. 136-27.1 reads as rewritten:

5 "**§ 136-27.1. Relocation of water and sewer lines of municipalities, nonprofit water or sewer**
6 **corporations or associations, and ~~local boards of education, education, and~~**
7 **certain private water or sewer utilities.**

8 (a) The Department of Transportation shall pay the nonbetterment cost for the relocation
9 of water and sewer lines, located within the existing State transportation project right-of-way,
10 that are necessary to be relocated for a State transportation improvement project and that are
11 owned by: (i) a municipality with a population of 10,000 or less according to the latest decennial
12 census; (ii) a nonprofit water or sewer association or corporation; (iii) any water or sewer system
13 organized pursuant to Chapter 162A of the General Statutes; (iv) a rural water system operated
14 by a County as an enterprise system; (v) any sanitary district organized pursuant to Part 2 of
15 Article 2 of Chapter 130A of the General Statutes; (vi) constructed by a water or sewer system
16 organized pursuant to Chapter 162A of the General Statutes and then sold or transferred to a
17 municipality with a population of greater than 10,000 according to the latest decennial census;
18 ~~or~~ (vii) a local board of ~~education~~-education; or (viii) a private water or sewer utility organized
19 pursuant to Chapter 62 of the General Statutes serving 10,000 or fewer customers.

20 (b) A municipality with a population of greater than 10,000 shall pay a percentage of the
21 nonbetterment cost for relocation of water and sewer lines owned by the municipality and located
22 within the existing State transportation project right-of-way that are necessary to be relocated for
23 a State transportation improvement project. The percentage shall be based on the municipality's
24 population, with the Department paying the remaining costs, as follows:

- 25 (1) A municipality with a population of greater than 10,000, but less than 50,000,
26 shall pay twenty-five percent (25%) of the cost.
27 (2) A municipality with a population of 50,000 or greater, but less than 100,000,
28 shall pay fifty percent (50%) of the cost.
29 (3) A municipality with a population of 100,000 or greater shall pay one hundred
30 percent (100%) of the cost."

31 **SECTION 32.(b)** This section is effective retroactively to March 1, 2020, and shall
32 apply to nonbetterment costs for State transportation improvement projects incurred on or after
33 that date. The Department of Transportation shall reimburse any nonbetterment costs for State
34 transportation improvement projects collected from a private water or sewer utility organized
35 pursuant to Chapter 62 of the General Statutes serving 10,000 or fewer customers after March 1,
36 2020.
37

38 **UNDERGROUND STORAGE TANK SPILL BUCKET RULE CHANGE**

39 **SECTION 33.(a)** Definitions. – For purposes of this section and its implementation,
40 "UST Spill Bucket General Requirement Rule" means 15A NCAC 02N .0901 (General
41 Requirements).

42 **SECTION 33.(b)** UST Spill Bucket General Requirement Rule. – Until the effective
43 date of the revised permanent rule that the Environmental Management Commission is required
44 to adopt pursuant to subsection (d) of this section, the Commission shall implement the UST
45 Spill Bucket General Requirement Rule as provided in subsection (c) of this section.

46 **SECTION 33.(c)** Implementation. – Spill buckets replaced on tanks installed prior
47 to November 1, 2007, may use mechanical liquid detecting sensors for interstitial leak detection
48 monitoring instead of electronic liquid detecting sensors. If a mechanical liquid detecting sensor
49 is used, then a spill bucket shall comply with all spill bucket requirements of 15A NCAC 02N
50 .0906 except that Subparagraphs (i)(7) and (8) of 15A NCAC 02N .0901 do not apply. In
51 addition, all of the following specific requirements shall be met:

- 1 (1) Mechanical liquid detecting sensors shall be located at the lowest point in the
2 interstitial space.
- 3 (2) Mechanical liquid detecting sensors shall detect the presence of any liquid in
4 the interstitial space. The presence of liquid shall register on a gauge that can
5 be viewed from within the spill bucket.
- 6 (3) Spill buckets shall be monitored every 30 days. The interstitial leak detection
7 monitoring results shall be documented for each month.
- 8 (4) Any liquid detected in the interstitial space shall be removed within 48 hours
9 of discovery.
- 10 (5) Spill buckets shall be integrity tested every three years in accordance with
11 15A NCAC 02N .0906(e).

12 **SECTION 33.(d)** Additional Rule-Making Authority. – The Commission shall adopt
13 a rule to amend the UST Spill Bucket General Requirement Rule consistent with subsection (c)
14 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant
15 to this section shall be substantively identical to the provisions of subsection (c) of this section.
16 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
17 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
18 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
19 in G.S. 150B-21.3(b2).

20 **SECTION 33.(e)** Applicability and Sunset. – This section and rules adopted pursuant
21 to this section apply to all spill buckets replaced on or after June 1, 2020. This section expires
22 when permanent rules adopted as required by subsection (d) of this section become effective.
23

24 **PREVENT FROM BECOMING EFFECTIVE RULES MODIFYING THE NORTH** 25 **CAROLINA BUILDING CODE**

26 **SECTION 34.** Notwithstanding G.S. 150B-21.3(b1), the following rules, as adopted
27 by the North Carolina Building Code Council on March 10, 2020, and approved by the Rules
28 Review Commission on May 21, 2020, shall not become effective:

- 29 1102.7 (2018 NC Plumbing Code/Fittings).
- 30 1102.2 (2018 NC Plumbing Code/Inside Storm Drainage Conductors).
- 31 702.4 (2018 NC Plumbing Code/Fittings).
- 32 702.1 (2018 NC Plumbing Code/Above-Ground Sanitary Drainage and Vent Pipe).

33 **LIBRARY STATUTE CHANGES**

34 **SECTION 35.(a)** G.S. 143B-68 reads as rewritten:

35 **"§ 143B-68. Public Librarian Certification Commission – members; selection; quorum;**
36 **compensation.**

37
38 The Public Librarian Certification Commission of the Department of Natural and Cultural
39 Resources shall consist of five members as follows: (i) the chairman of the public libraries section
40 of the North Carolina Library Association, (ii) two individuals named by the Governor upon the
41 nomination of the North Carolina Library Association, (iii) the ~~dean~~ dean, department chair,
42 program director, or equivalent of a State or regionally accredited graduate school of librarianship
43 in North Carolina appointed by the Governor, and (iv) one member at large appointed by the
44 Governor.

45 The members shall serve four-year terms or while holding the appropriate chairmanship. Any
46 appointment to fill a vacancy created by the resignation, dismissal, death or disability of a
47 member shall be for the balance of the unexpired term.

48 The Governor shall have the power to remove any member of the Commission from office
49 for misfeasance, malfeasance, and nonfeasance according to the provisions of G.S. 143B-13 of
50 the Executive Organization Act of 1973.

1 The members of the Commission shall receive per diem, and necessary travel expenses in
2 accordance with the provisions of G.S. 138-5.

3 A majority of the Commission shall constitute a quorum for the transaction of business.

4 All clerical and other services required by the Commission shall be supplied by the Secretary
5 of the Department through the regular staff of the Department."

6 **SECTION 35.(b)** G.S. 143B-91 reads as rewritten:

7 "**§ 143B-91. State Library Commission – members; selection; quorum; compensation.**

8 ...

9 (b) There ~~shall be standing~~ may be committees established to advise the Secretary of
10 Natural and Cultural Resources, the Commission, and the State Librarian. ~~These committees shall~~
11 ~~be: Public Library Development; Interlibrary Cooperation; State Government Information~~
12 ~~Services; State Library Development; and any other committee deemed appropriate.~~ Each
13 committee shall be composed of a committee chairperson and at least ~~six~~ four persons appointed
14 ~~annually~~ by the ~~Secretary of Natural and Cultural Resources~~ chair with the approval of the
15 Commission. At least one of the members of each committee shall be a member of the
16 Commission. Each committee shall report to the Commission at least once a year."

17 **SECTION 35.(c)** G.S. 125-11.13 is repealed.

18 19 **ABANDONED AND DERELICT VESSELS**

20 **SECTION 36.** Subdivision (10) of Section 2.1 of S.L. 2019-224 reads as rewritten:

21 "(10) \$1,000,000 to the Wildlife Resource Commission (WRC) to inspect,
22 investigate, and remove ~~derelict and abandoned water~~ abandoned and derelict
23 vessels. Notwithstanding any provision of law in Chapter 75A of the General
24 Statutes, the WRC is authorized to use these and other available funds to
25 inspect, investigate, ~~and remove~~ remove, and dispose of abandoned and
26 derelict vessels. Prior to removing and disposing of a vessel under this
27 subdivision, the WRC shall (i) send written notice to the last known owner of
28 the status of the vessel if an owner can be determined and (ii) post a notice on
29 the vessel advising that the vessel is abandoned. If no response to the written
30 notice to owner or the notice posted on the vessel is received within 30 days
31 indicating intent to recover while taking specific acts to remove the vessel,
32 then the WRC may proceed with removal and disposal of the vessel. The
33 WRC may remove and dispose of abandoned and derelict vessels on private
34 property after receiving written permission from the property owner and
35 following the other procedures set forth in this section. The WRC shall
36 prioritize the use of State funds for the removal of abandoned and derelict
37 vessels located on public waters and lands. As used in this subdivision, the
38 phrase "abandoned and derelict vessel" means a water going craft located in
39 a canal or the Intracoastal Waterway that has been damaged or destroyed by
40 weather related events and that is impeding water traffic. The phrase does not
41 apply to a vessel that is moored to a dock or otherwise not located in an area
42 of normal water traffic. WRC may also remove and dispose of vessels
43 identified by the Marine Patrol of the Division of Marine Fisheries a vessel,
44 as defined in G.S. 75A-2(5), that is left or stored for more than 30 days in one
45 of the following states:

- 46 a. In a wrecked, junked, or substantially damaged or dismantled
47 condition upon any public waters and lands of the State.
48 b. At a harbor or anchorage within public waters of the State without the
49 consent of the public agency having jurisdiction thereof.
50 c. Docked, grounded, or beached upon the property of another without
51 the consent of the owner of the property."

1
2 **LOCAL PLANNING AND DEVELOPMENT REGULATION CONFORMING**
3 **CHANGE**

4 **SECTION 37.(a)** G.S. 160D-903(a) reads as rewritten:

5 "(a) Bona Fide Farming Exempt From County Zoning. – County zoning regulations may
6 not affect property used for bona fide farm purposes; provided, however, that this section does
7 not limit zoning regulation with respect to the use of farm property for nonfarm purposes. Except
8 as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under
9 G.S. 106-743.2, bona fide farm purposes include the production and activities relating or
10 incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants,
11 dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1.
12 Activities incident to the farm include existing or new residences constructed to the applicable
13 residential building code situated on the farm occupied by the owner, lessee, or operator of the
14 farm and other buildings or structures sheltering or supporting the farm use and operation. For
15 purposes of this section, "when performed on the farm" in G.S. 106-581.1(6) shall include the
16 farm within the jurisdiction of the county and any other farm owned or leased to or from others
17 by the bona fide farm operator, no matter where located. For purposes of this section, the
18 production of a nonfarm product that the Department of Agriculture and Consumer Services
19 recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject
20 to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes of
21 determining whether a property is being used for bona fide farm purposes, any of the following
22 shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- 23 (1) A farm sales tax exemption certificate issued by the Department of Revenue.
24 (2) A copy of the property tax listing showing that the property is eligible for
25 participation in the present-use value program pursuant to G.S. 105-277.3.
26 (3) A copy of the farm owner's or operator's Schedule F from the owner's or
27 operator's most recent federal income tax return.
28 (4) A forest management plan.

29 A building or structure that is used for agritourism is a bona fide farm purpose if the building
30 or structure is located on a property that (i) is owned by a person who holds a qualifying farm
31 sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a)
32 or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to
33 maintain the requirements of this subsection for a period of three years after the date the building
34 or structure was originally classified as a bona fide farm purpose pursuant to this subsection shall
35 subject the building or structure to applicable zoning and development regulation ordinances
36 adopted by a county pursuant to ~~subsection (a) of this section~~ G.S. 160D-702 in effect on the date
37 the property no longer meets the requirements of this subsection. For purposes of this section,
38 "agritourism" means any activity carried out on a farm or ranch that allows members of the
39 general public, for recreational, entertainment, or educational purposes, to view or enjoy rural
40 activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting,
41 fishing, equestrian activities, or natural activities and attractions. A building or structure used for
42 agritourism includes any building or structure used for public or private events, including, but
43 not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and
44 other events that are taking place on the farm because of its farm or rural setting."

45 **SECTION 37.(b)** This section is effective when Chapter 160D of the General
46 Statutes becomes effective.

47 **SECTION 38.(a)** G.S. 153A-145.8, as enacted by S.L. 2020-18, reads as rewritten:

48 "**§ 153A-145.8. Limitations on regulation of catering by bona fide farms.**

49 Notwithstanding any other provision of law, no county may require a business located on a
50 property used for bona fide farm purposes, as provided in ~~G.S. 153A-340(b),~~ G.S. 160D-903(a),
51 that provides on- and off-site catering services, to obtain a permit to provide catering services

1 within the county. This section shall not be construed to exempt the business from any health and
2 safety rules adopted by a local health department, the Department of Health and Human Services,
3 or the Commission for Public Health."

4 **SECTION 38.(b)** G.S. 160A-203.2, as enacted by S.L. 2020-18, reads as rewritten:
5 "**§ 160A-203.2. Limitations on regulation of catering by bona fide farms.**

6 Notwithstanding any other provision of law, no city may require a business located on a
7 property used for bona fide farm purposes, as provided in ~~G.S. 153A-340(b)~~, G.S. 160D-903(a),
8 that provides on- and off-site catering services, to obtain a permit to provide catering services
9 within the city. This section shall not be construed to exempt the business from any health and
10 safety rules adopted by a local health department, the Department of Health and Human Services,
11 or the Commission for Public Health."

12 **SECTION 38.(c)** This section is effective when Chapter 160D of the General
13 Statutes becomes effective.

14
15 **EFFECTIVE DATE**

16 **SECTION 39.** Except as otherwise provided, this act is effective when it becomes
17 law.