

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 638

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/8/13
PROPOSED HOUSE COMMITTEE SUBSTITUTE S638-PCS85241-TQ-46

Short Title: NC Farm Act of 2013.

(Public)

Sponsors:

Referred to:

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE NORTH CAROLINA FARM ACT OF 2013 TO (1) LIMIT THE
3 LIABILITY OF NORTH CAROLINA COMMODITY PRODUCERS ARISING FROM
4 FOOD SAFETY ISSUES RELATED TO THEIR PRODUCTS; (2) LIMIT THE
5 LIABILITY OF FARM ANIMAL ACTIVITY SPONSORS AND PROFESSIONALS AS
6 A RESULT OF INHERENT RISKS OF FARM ANIMAL ACTIVITIES; (3) ALLOW
7 THE COMMISSIONER OF AGRICULTURE TO ASSESS NONMONETARY
8 PENALTIES TO ADDRESS VIOLATIONS WHEN APPROPRIATE; (4) DECREASE
9 THE FREQUENCY OF THE AGRICULTURAL WATER USE SURVEY; (5) LIMIT
10 THE PERSONALLY IDENTIFYING INFORMATION THAT THE DEPARTMENT OF
11 AGRICULTURE AND CONSUMER SERVICES MAY DISCLOSE ABOUT ITS
12 ANIMAL HEALTH PROGRAMS; (6) MAKE CONFORMING CHANGES TO THE
13 NAME OF THE STRUCTURAL PEST CONTROL AND PESTICIDES DIVISION AND
14 CLARIFY THE RESPONSIBILITIES OF THE DIVISION; (7) AMEND CERTAIN EGG
15 LABELING REQUIREMENTS; (8) REPEAL THE INTERSTATE PEST CONTROL
16 COMPACT; (9) REPEAL CERTAIN CLEANLINESS STANDARDS FOR
17 CREAMERIES AND DAIRY FACILITIES THAT ARE ADDRESSED BY THE NC
18 FOOD, DRUG, AND COSMETIC ACT; (10) CHANGE SETBACK DISTANCES AND
19 BURN TIMES FOR FLAMMABLE MATERIALS RESULTING FROM GROUND
20 CLEARING ACTIVITIES; (11) REPEAL THE STATE SULFUR CONTENT
21 STANDARDS FOR GASOLINE; (12) EXEMPT FORESTRY AND SILVICULTURE
22 OPERATIONS FROM TEMPORARY DRIVEWAY PERMITTING; (13) ALLOW A
23 FARM BUILDING THAT IS USED FOR PUBLIC OR PRIVATE EVENTS TO
24 MAINTAIN ITS FARM BUILDING STATUS FOR PURPOSES OF THE STATE
25 BUILDING CODE; (14) EXEMPT CERTAIN STRUCTURES FROM THE SPRINKLER
26 SYSTEM REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE; (15)
27 ALLOW RETAILERS TO DISPLAY MORE THAN 400 SQUARE FEET OF NURSERY
28 STOCK FOR SALE IN THEIR PARKING LOTS; (16) PROVIDE THAT A WATER
29 QUALITY PERMIT IS NOT REQUIRED FOR ACTIVITIES IN WETLANDS THAT
30 ARE NOT WATERS OF THE UNITED STATES; (17) EXPAND THE
31 AGRICULTURAL DAM EXEMPTION TO THE DAM SAFETY ACT; (18) ALLOW A
32 LANDOWNER TO WITHDRAW WATER FOR AGRICULTURAL USE DURING
33 WATER SHORTAGE EMERGENCIES UNDER CERTAIN CONDITIONS; (19)
34 DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
35 AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE



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1 WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF
2 ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO
3 PERFORM STREAM AND WETLANDS MITIGATION BEYOND THE IMMEDIATE
4 WATERSHED WHERE DEVELOPMENT WILL OCCUR; AND (20) ACCELERATE
5 THE SUNSET DATE OF THE PETROLEUM DISPLACEMENT PLAN AS A RESULT
6 OF THE STATE HAVING SUBSTANTIALLY ACHIEVED ITS TWENTY PERCENT
7 REDUCTION GOAL OF THE USE OF PETROLEUM PRODUCTS.

8 The General Assembly of North Carolina enacts:

9
10 **PART I. TITLE**

11 **SECTION 1.** This act shall be known and may be cited as the "North Carolina
12 Farm Act of 2013."
13

14 **PART II. LIMIT THE LIABILITY OF NORTH CAROLINA COMMODITY**
15 **PRODUCERS ARISING FROM FOOD SAFETY ISSUES RELATED TO THEIR**
16 **PRODUCTS**

17 **SECTION 2.** Chapter 99B of the General Statutes is amended by adding a new
18 section to read:

19 **"§ 99B-12. Burden of proof in certain cases.**

20 (a) A commodity producer who is certified by the United States Department of
21 Agriculture Agricultural Marketing Service Good Agricultural Practices and Good Handling
22 Practices Audit Verification Program or other third-party certification program designated by
23 the Commissioner for purposes of this section shall be entitled to a rebuttable presumption that
24 the commodity producer was not negligent when death or injury is proximately caused by the
25 consumption of the producer's raw agricultural commodity. This presumption may be overcome
26 only by clear and convincing evidence.

27 (b) As used in this section:

28 (1) "Commodity producer" means a producer of raw agricultural commodities.

29 (2) "Raw agricultural commodity" means any food in its raw or natural state,
30 including all fruits that are washed, colored, or otherwise treated in their
31 unpeeled natural form prior to marketing, and which is covered by the
32 United States Department of Agriculture Agricultural Marketing Service
33 Good Agricultural Practices and Good Handling Practices Audit Verification
34 Program."
35

36 **PART III. LIMIT THE LIABILITY OF FARM ANIMAL ACTIVITY SPONSORS AND**
37 **PROFESSIONALS AS A RESULT OF INHERENT RISKS OF FARM ANIMAL**
38 **ACTIVITIES**

39 **SECTION 3.** Article 1 of Chapter 99E of the General Statutes reads as rewritten:

40 "Article 1.

41 "Equine and Farm Animal Activity Liability.

42 "Part 1. Equine Activity Liability.

43 **"§ 99E-1. Definitions.**

44 As used in this ~~Article, Part,~~ the term:

45 (1) "Engage in an equine activity" means participate in an equine activity, assist
46 a participant in an equine activity, or assist an equine activity sponsor or
47 equine professional. The term "engage in an equine activity" does not
48 include being a spectator at an equine activity, except in cases in which the
49 spectator places himself in an unauthorized area and in immediate proximity
50 to the equine activity.

51 (2) "Equine" means a horse, pony, mule, donkey, or hinny.

- 1 (3) "Equine activity" means any activity involving an equine.
- 2 (4) "Equine activity sponsor" means an individual, group, club, partnership, or
3 corporation, whether the sponsor is operating for profit or nonprofit, which
4 sponsors, organizes, or provides the facilities for an equine activity. The
5 term includes operators and promoters of equine facilities.
- 6 (5) "Equine professional" means a person engaged for compensation in any one
7 or more of the following:
- 8 a. Instructing a participant.
- 9 b. Renting an equine to a participant for the purpose of riding, driving,
10 or being a passenger upon the equine.
- 11 c. Renting equipment or tack to a participant.
- 12 d. Examining or administering medical treatment to an equine.
- 13 e. Hooftrimming or placing or replacing horseshoes on an equine.
- 14 (6) "Inherent risks of equine activities" means those dangers or conditions that
15 are an integral part of engaging in an equine activity, including any of the
16 following:
- 17 a. The possibility of an equine behaving in ways that may result in
18 injury, harm, or death to persons on or around them.
- 19 b. The unpredictability of an equine's reaction to such things as sounds,
20 sudden movement, unfamiliar objects, persons, or other animals.
- 21 Inherent risks of equine activities does not include a collision or accident
22 involving a motor vehicle.
- 23 (7) "Participant" means any person, whether amateur or professional, who
24 engages in an equine activity, whether or not a fee is paid to participate in
25 the equine activity.

26 **"§ 99E-2. Liability.**

- 27 (a) Except as provided in subsection (b) of this section, an equine activity sponsor, an
28 equine professional, or any other person engaged in an equine activity, including a corporation
29 or partnership, shall not be liable for an injury to or the death of a participant resulting from the
30 inherent risks of equine activities and, except as provided in subsection (b) of this section, no
31 participant or participant's representative shall maintain an action against or recover from an
32 equine activity sponsor, an equine professional, or any other person engaged in an equine
33 activity for injury, loss, damage, or death of the participant resulting exclusively from any of
34 the inherent risks of equine activities.
- 35 (b) Nothing in subsection (a) of this section shall prevent or limit the liability of an
36 equine activity sponsor, an equine professional, or any other person engaged in an equine
37 activity if the equine activity sponsor, equine professional, or person engaged in an equine
38 activity does any one or more of the following:
- 39 (1) Provides the equipment or tack, and knew or should have known that the
40 equipment or tack was faulty, and such faulty equipment or tack proximately
41 caused the injury, damage, or death.
- 42 (2) Provides the equine and failed to make reasonable and prudent efforts to
43 determine the ability of the participant to engage safely in the equine activity
44 or to safely manage the particular equine.
- 45 (3) Commits an act or omission that constitutes willful or wanton disregard for
46 the safety of the participant, and that act or omission proximately caused the
47 injury, damage, or death.
- 48 (4) ~~Commits any other act of negligence or omission that proximately caused
49 the injury, damage, or death.~~

1 (c) Nothing in subsection (a) of this section shall prevent or limit the liability of an
2 equine activity sponsor, an equine professional, or any other person engaged in an equine
3 activity under liability provisions as set forth in the products liability laws.

4 **"§ 99E-3. Warning required.**

5 (a) Every equine professional and every equine activity sponsor shall post and maintain
6 signs which contain the warning notice specified in subsection (b) of this section. The signs
7 required by this section shall be placed in a clearly visible location on or near stables, corrals,
8 or arenas where the equine professional or the equine activity sponsor conducts equine
9 activities. The warning notice specified in subsection (b) of this section shall be designed by the
10 Department of Agriculture and Consumer Services and shall consist of a sign in black letters,
11 with each letter to be a minimum of one inch in height. Every written contract entered into by
12 an equine professional or by an equine activity sponsor for the providing of professional
13 services, instruction, or the rental of equipment or tack or an equine to a participant, whether or
14 not the contract involves equine activities on or off the location or site of the equine
15 professional's or the equine activity sponsor's business, shall contain in clearly readable print
16 the warning notice specified in subsection (b) of this section.

17 (b) The signs and contracts described in subsection (a) of this section shall contain the
18 following warning notice:

19 **"WARNING**

20
21 Under North Carolina law, an equine activity sponsor or equine professional is not liable
22 for an injury to or the death of a participant in equine activities resulting exclusively from the
23 inherent risks of equine activities. Chapter 99E of the North Carolina General Statutes."

24 (c) Failure to comply with the requirements concerning warning signs and notices
25 provided in this ~~Article Part~~ shall prevent an equine activity sponsor or equine professional from
26 invoking the privileges of immunity provided by this ~~Article Part~~.

27 "Part 2. Farm Animal Activity Liability.

28 **"§ 99E-4. Definitions.**

29 As used in this Part, the term:

- 30 (1) "Engage in a farm animal activity" means participate in a farm animal
31 activity, assist a participant in a farm animal activity, or assist a farm animal
32 activity sponsor or farm animal activity professional. The term "engage in a
33 farm animal activity" does not include being a spectator at a farm animal
34 activity, except in cases in which the spectator voluntarily places himself or
35 herself in an unauthorized area and in immediate proximity to the farm
36 animal activity.
- 37 (2) "Equine" means a horse, pony, mule, donkey, or hinny.
- 38 (3) "Equine activity" means a farm animal activity involving only equines.
- 39 (4) "Farm animal" means one or more of the following domesticated animals:
40 cattle, oxen, bison, sheep, swine, goats, horses, ponies, mules, donkeys,
41 hinnies, llamas, alpacas, lagomorphs, ratites, and poultry.
- 42 (5) "Farm animal activity" means an activity in which participants observe,
43 engage with, or learn about one or more farm animals, including, but not
44 limited to, all of the following:
- 45 a. Shows, fairs, exhibits, competitions, performances, or parades that
46 involve farm animals.
- 47 b. Training or teaching activities, or both, involving farm animals.
- 48 c. Boarding farm animals, including normal daily care.
- 49 d. Rides, trips, shows, clinics, hunts, parades, games, exhibitions, or
50 other activities of any kind, that are sponsored by a farm animal
51 activity sponsor.

- 1 e. Testing, riding, inspecting, or evaluating a farm animal belonging to
2 another, whether or not the owner has received some monetary
3 consideration or other thing of value for the use of the farm animal or
4 is permitting a prospective purchaser of the farm animal to ride,
5 inspect, or evaluate the farm animal.
- 6 f. Placing or repairing horseshoes, trimming the hooves on a farm
7 animal, or otherwise providing farrier services.
- 8 g. Examining or administering medical treatment to a farm animal by a
9 veterinarian.
- 10 (6) "Farm animal activity sponsor" means an individual, group, club,
11 partnership, corporation, educational organization, or other legally
12 constituted entity, whether the sponsor is operating for profit or nonprofit,
13 which sponsors, organizes, allows, or provides the facilities for a farm
14 animal activity, including, but not limited to, pony clubs; 4-H clubs; Future
15 Farmers of America organizations; hunt clubs; riding clubs; polo clubs;
16 school- and college-sponsored classes, programs, and activities; therapeutic
17 riding programs; and operators, instructors, and promoters of farm animal
18 facilities, including, but not limited to, stables, clubhouses, ponyride strings,
19 fairs, exhibitions, and arenas at which the activity is held.
- 20 (7) "Farm animal facility" means any area used for any farm animal activity,
21 including, but not limited to, farms, ranches, riding arenas, training stables or
22 barns, pastures, riding trails, show rings, polo fields, petting zoos, and other
23 areas or facilities used or provided by farm animal activity sponsors or
24 where participants engage in farm animal activities.
- 25 (8) "Farm animal professional" means a person engaged for compensation in
26 any of the following:
- 27 a. Instructing a participant.
- 28 b. Renting a farm animal to a participant for the purpose of riding,
29 driving, or being a passenger upon the farm animal.
- 30 c. Providing daily care of farm animals boarded at a farm animal
31 facility.
- 32 d. Renting equipment or tack to a participant.
- 33 e. Training a farm animal.
- 34 f. Examining or administering medical treatment to a farm animal.
- 35 g. Providing farrier services to a farm animal.
- 36 h. Hooftrimming or placing or replacing horseshoes on a farm animal.
- 37 (9) "Inherent risks of farm animal activities" means those dangers or conditions
38 that are an integral part of engaging in a farm animal activity, including any
39 of the following:
- 40 a. The possibility of a farm animal behaving in ways that may result in
41 injury, harm, or death to persons on or around them.
- 42 b. The unpredictability of a farm animal's reaction to such things as
43 sounds, sudden movement, unfamiliar objects, persons, or other
44 animals.
- 45 c. The risk of contracting an illness due to coming into contact with
46 animals, animal feed, animal waste, or surfaces that have been in
47 contact with animal waste.
- 48 Inherent risks of farm animal activities does not include a collision or
49 accident involving a motor vehicle.

1 **SECTION 6.** G.S. 106-24 reads as rewritten:

2 "**§ 106-24. Collection and publication of information relating to agriculture; cooperation.**

3 (a) The Department of Agriculture and Consumer Services shall collect, compile,
4 systematize, tabulate, and publish statistical information relating to agriculture. The
5 Department is authorized to use sample surveys to collect primary data relating to agriculture.
6 The Department is authorized to cooperate with the United States Department of Agriculture
7 and the several boards of county commissioners of the State, to accomplish the purpose of this
8 Part.

9 (b) The Department of Agriculture and Consumer Services shall ~~annually~~biennially
10 collect information on water use by persons who withdraw 10,000 gallons per day or more of
11 water from the surface or groundwater sources of the State for activities directly related or
12 incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy
13 products, livestock, poultry, and other agricultural products. The information shall be collected
14 by survey conducted pursuant to subsection (a) of this section and in accordance with Title 7
15 United States Code Section 2276 (Confidential Information Protection and Statistical
16 Efficiency Act). The Department shall develop the survey form in consultation with the
17 Department of Environment and Natural Resources. The Department shall report the results of
18 the water use survey to the Environmental Review Commission no later than July 1 of each
19 year in which the survey was collected and shall provide a copy of the report to the Department
20 of Environment and Natural Resources. The report shall include recommendations about
21 modifications to the survey, including changes in the gallons per day threshold for water use
22 data collection. The report shall provide agricultural water use data by county. If the county is
23 located in more than one river basin, the report shall separate the county data to show
24 agricultural water use by river basin within the county. If publication of county or watershed
25 data would result in disclosure of an individual operation's water use, the data will be combined
26 with data from another county or watershed."
27

28 **PART VI. LIMIT THE PERSONALLY IDENTIFYING INFORMATION THAT THE**
29 **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES MAY DISCLOSE**
30 **ABOUT ITS ANIMAL HEALTH PROGRAMS**

31 **SECTION 7.** G.S. 106-24.1 reads as rewritten:

32 "**§ 106-24.1. Confidentiality of information collected and published.**

33 All information published by the Department of Agriculture and Consumer Services
34 pursuant to this Part shall be classified so as to prevent the identification of information
35 received from individual farm operators. All information received pursuant to this Part from
36 individual farm operators shall be held confidential by the Department and its employees.
37 ~~Information~~All information collected by the Department from individual farm operators for the
38 purposes of its animal health ~~programs may be disclosed by the State Veterinarian when, in his~~
39 ~~judgment, the disclosure will assist in the implementation of these programs. Animal disease~~
40 ~~diagnostic tests that identify the owner of the animal programs, including, but not limited to,~~
41 ~~certificates of veterinary inspection, animal medical records, laboratory reports, or other~~
42 ~~records that may be used to identify a person or private business entity subject to regulation by~~
43 ~~the Department shall not be disclosed without the permission of the owner unless the State~~
44 ~~Veterinarian determines that disclosure is necessary to prevent the spread of an animal disease~~
45 ~~or to protect the public health, health, or the disclosure is necessary in the implementation of~~
46 ~~these animal health programs.~~"
47

48 **PART VII. MAKE CONFORMING CHANGES TO THE NAME OF THE**
49 **STRUCTURAL PEST CONTROL AND PESTICIDES DIVISION AND CLARIFY THE**
50 **RESPONSIBILITIES OF THE DIVISION**

51 **SECTION 8.** G.S. 106-65.23 reads as rewritten:

1 "§ 106-65.23. **Structural Pest Control and Pesticides Division of Department of**
 2 **Agriculture and Consumer Services recreated; Director; powers and duties of**
 3 **Commissioner; Structural Pest Control Committee created; appointment;**
 4 **terms; powers and duties; quorum.**

5 (a) There is recreated, within the North Carolina Department of Agriculture and
 6 Consumer Services, a Division to be known as the Structural Pest Control and Pesticides
 7 Division. The Commissioner of Agriculture may appoint a Director of the Division, chosen
 8 from a list of nominees submitted to him or her by the Structural Pest Control Committee
 9 created in this section, whose duties and authority shall be determined by the Commissioner in
 10 consultation with the Committee. The Director shall be responsible for and answerable to the
 11 Commissioner of Agriculture and the Structural Pest Control Committee as to the operation and
 12 conduct of the Structural Pest Control and Pesticides Division. The Director shall act as
 13 secretary to the Structural Pest Control Committee.

14 (b) The Commissioner shall have the following powers and duties under this Article:

- 15 (1) To administer and enforce the provisions of this Article and the rules
 16 adopted thereunder by the Structural Pest Control Committee. In order to
 17 carry out these powers and duties, the Commissioner may delegate to the
 18 Director of the Structural Pest Control and Pesticides Division the powers
 19 and duties assigned to him or her under this Article.
- 20 (2) To assign the administrative and enforcement duties assigned to him or her
 21 in this Article.
- 22 (3) To direct, in consultation with the Structural Pest Control Committee, the
 23 work of the personnel employed by the Structural Pest Control Committee
 24 and the work of the personnel of the Department assigned to perform the
 25 administrative and enforcement functions of this Article.
- 26 (4) To develop, for the Structural Pest Control Committee's consideration for
 27 adoption, proposed rules, policies, new programs, and revisions of existing
 28 programs under this Article.
- 29 (5) To monitor existing enforcement programs and to provide evaluations of
 30 these programs to the Structural Pest Control Committee.
- 31 (6) To attend all meetings of the Structural Pest Control Committee, but without
 32 the power to vote unless the Commissioner attends as the designee on the
 33 Committee from the Department of Agriculture and Consumer Services.
- 34 (7) To keep an accurate and complete record of all meetings of the Structural
 35 Pest Control Committee and to have legal custody of all books, papers,
 36 documents, and other records of the Committee.
- 37 (8) To perform such other duties as may be assigned to him or her by the
 38 Structural Pest Control Committee.

39 ...
 40 (d) The Structural Pest Control Committee shall have the following powers and duties:

- 41 (1) To adopt rules and make policies as provided in this Article.
- 42 (2) To issue, deny, suspend, revoke, modify, or restrict licenses, certified
 43 applicator cards, and registered technician cards under the provisions of this
 44 Article. In all matters affecting licensure, the decision of the Committee
 45 shall constitute the final agency decision.
- 46 ~~(3) To report annually to the Board of Agriculture the action taken in the~~
 47 ~~Committee's final decisions and the financial status of the Structural Pest~~
 48 ~~Control Division.~~

49"

50 **SECTION 9.** G.S. 106-65.24 reads as rewritten:

51 "§ 106-65.24. **Definitions.**

1 As used in this Article:

2 ...
3 (8a) "Director" means the Director of the Structural Pest Control and Pesticides
4 Division of the Department of Agriculture and Consumer Services.

5 ...
6 (9a) "Enforcement agency" means the Structural Pest Control and Pesticides
7 Division of the Department of Agriculture and Consumer Services.

8 ...
9 (19a) "Registered technician" means any individual who is required to be
10 registered with the Structural Pest Control and Pesticides Division under
11 G.S. 106-65.31.

12"

13 **SECTION 10.** G.S. 106-65.30 reads as rewritten:

14 **"§ 106-65.30. Inspectors; inspections and reports of violations; designation of resident**
15 **agent.**

16 ...
17 (c) The Commissioner shall have authority to appoint personnel of the Structural Pest
18 Control and Pesticides Division as special inspectors and said special inspectors are hereby
19 vested with the authority to arrest with a warrant, or to arrest without a warrant when a
20 violation of this Article is being committed in their presence or they have reasonable grounds to
21 believe that a violation of this Article is being committed in their presence. Said special
22 inspectors shall take offenders before the several courts of this State for prosecution or other
23 proceedings. The provisions of this section do not apply to any person holding a valid structural
24 pest control license, or a certified applicator's identification card, or a registered technician's
25 identification card as issued under the provisions of this Article. Special inspectors shall not be
26 entitled to the benefits of the Law Enforcement Officers' Benefit and Retirement Fund or the
27 benefits of the Law Enforcement Officers' and Others Death Benefit Act as provided for in
28 Articles 12 and 12A of Chapter 143 of the General Statutes, respectively."
29

30 **PART VIII. AMEND CERTAIN EGG LABELING REQUIREMENTS**

31 **SECTION 11.** G.S. 106-245.20 reads as rewritten:

32 **"§ 106-245.20. Advertisements.**

33 No person shall advertise eggs for sale at a given price unless the unabbreviated grade or
34 quality and size-weight are conspicuously designated in block letters at least half as high as the
35 tallest letter in the word "eggs" or the tallest figure in the price, whichever is larger. The
36 provisions of this section shall not apply to retailers who (i) display egg prices in the same
37 manner as other products sold by the retailer at the retail establishment, excluding any items on
38 sale or subject to a promotion, and (ii) comply with G.S. 106-245.15."
39

40 **PART IX. REPEAL THE INTERSTATE PEST CONTROL COMPACT AND** 41 **CERTAIN CLEANLINESS STANDARDS FOR CREAMERIES, AND DAIRY** 42 **FACILITIES THAT ARE ADDRESSED BY THE NC FOOD, DRUG, AND COSMETIC** 43 **ACT**

44 **SECTION 12.** Article 4E of Chapter 106 of the General Statutes is repealed.

45 **SECTION 13.** G.S. 106-246 is repealed.

46 **SECTION 14.** G.S. 106-248 is repealed.

47 48 **PART X. CHANGE SETBACK DISTANCES AND BURN TIMES FOR FLAMMABLE** 49 **MATERIALS RESULTING FROM GROUND CLEARING ACTIVITIES**

50 **SECTION 15.** G.S. 106-942 reads as rewritten:

51 **"§ 106-942. High hazard counties; permits required; standards.**

1 ...
2 (c) It is unlawful for any person to willfully burn any debris, stumps, brush or other
3 flammable materials resulting from ground clearing activities and involving more than five
4 contiguous acres, regardless of the proximity of the burning to woodland and on which such
5 materials are placed in piles or windrows without first having obtained a special permit from
6 the Department. Areas less than five acres in size will require a regular permit in accordance
7 with G.S. 106-942(b).

8 ...
9 (2) The location of the burning must be at least ~~1,000~~500 feet from any dwelling
10 or structure located in a predominately residential area other than a dwelling
11 or structure located on the property on which the burning is conducted unless
12 permission is granted by the occupants.

13 ...
14 (6) Initial burning may be commenced only between the hours of ~~9:00~~8:00 A.M.
15 and ~~3:00~~4:00 P.M. and no combustible material may be added to the fire
16 between ~~3:00~~4:00 P.M. on one day and ~~9:00~~8:00 A.M. on the following day,
17 except that when favorable meteorological conditions exist, any forest ranger
18 authorized to issue the permit may authorize in writing a deviation from the
19 restrictions."
20

21 **PART XI. REPEAL THE STATE SULFUR CONTENT STANDARDS FOR GASOLINE**
22 **SECTION 16.** G.S. 119-26.2 is repealed.

23
24 **PART XII. EXEMPT FORESTRY AND SILVICULTURE OPERATIONS FROM**
25 **TEMPORARY DRIVEWAY PERMITTING**

26 **SECTION 17.** Article 7 of Chapter 136 of the General Statutes is amended by
27 adding a new section to read:

28 "**§ 136-92.1. Exemption from temporary driveway permitting for forestry operations.**

29 Forestry operations and silviculture operations, including the harvesting of timber, and
30 other related management activities that require temporary ingress from a property to State
31 roads shall be exempt from the temporary driveway permit process of the Department for State
32 roads, except for controlled access facilities, if the operator of the temporary driveway has
33 attended an educational course on timbering access and obtained a safety certification.
34 Driveway access points covered by this section shall be temporary and shall be removed upon
35 the earlier of six months or the end of forestry or silviculture operations on the property."
36

37 **PART XIII. EXEMPT CERTAIN STRUCTURES FROM THE SPRINKLER SYSTEM**
38 **REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE AND ALLOW**
39 **FARM BUILDINGS THAT ARE USED FOR PUBLIC OR PRIVATE EVENTS TO**
40 **MAINTAIN THEIR FARM BUILDING STATUS FOR PURPOSES OF THE STATE**
41 **BUILDING CODE**

42 **SECTION 18.** G.S. 143-138, as amended by S.L. 2013-75, reads as rewritten:

43 "**§ 143-138. North Carolina State Building Code.**

44 ...
45 (b) Contents of the Code. – The North Carolina State Building Code, as adopted by the
46 Building Code Council, may include reasonable and suitable classifications of buildings and
47 structures, both as to use and occupancy; general building restrictions as to location, height, and
48 floor areas; rules for the lighting and ventilation of buildings and structures; requirements
49 concerning means of egress from buildings and structures; requirements concerning means of
50 ingress in buildings and structures; rules governing construction and precautions to be taken
51 during construction; rules as to permissible materials, loads, and stresses; rules governing

1 chimneys, heating appliances, elevators, and other facilities connected with the buildings and
2 structures; rules governing plumbing, heating, air conditioning for the purpose of comfort
3 cooling by the lowering of temperature, and electrical systems; and such other reasonable rules
4 pertaining to the construction of buildings and structures and the installation of particular
5 facilities therein as may be found reasonably necessary for the protection of the occupants of
6 the building or structure, its neighbors, and members of the public at large.

7 (b1) Fire Protection; Smoke Detectors. – The Code may regulate activities and
8 conditions in buildings, structures, and premises that pose dangers of fire, explosion, or related
9 hazards. Such fire prevention code provisions shall be considered the minimum standards
10 necessary to preserve and protect public health and safety, subject to approval by the Council of
11 more stringent provisions proposed by a municipality or county as provided in G.S. 143-138(e).
12 These provisions may include regulations requiring the installation of either battery-operated or
13 electrical smoke detectors in every dwelling unit used as rental property, regardless of the date
14 of construction of the rental property. For dwelling units used as rental property constructed
15 prior to 1975, smoke detectors shall have an Underwriters' Laboratories, Inc., listing or other
16 equivalent national testing laboratory approval, and shall be installed in accordance with either
17 the standard of the National Fire Protection Association or the minimum protection designated
18 in the manufacturer's instructions, which the property owner shall retain or provide as proof of
19 compliance.

20 (b2) Carbon Monoxide Detectors. – The Code may contain provisions requiring the
21 installation of either battery-operated or electrical carbon monoxide detectors in every dwelling
22 unit having a fossil-fuel burning heater, appliance, or fireplace, and in any dwelling unit having
23 an attached garage. Carbon monoxide detectors shall be those listed by a nationally recognized
24 testing laboratory that is OSHA-approved to test and certify to American National Standards
25 Institute/Underwriters Laboratories Standards ANSI/UL2034 or ANSI/UL2075 and shall be
26 installed in accordance with either the standard of the National Fire Protection Association or
27 the minimum protection designated in the manufacturer's instructions, which the property
28 owner shall retain or provide as proof of compliance. A carbon monoxide detector may be
29 combined with smoke detectors if the combined detector does both of the following: (i)
30 complies with ANSI/UL2034 or ANSI/UL2075 for carbon monoxide alarms and ANSI/UL217
31 for smoke detectors; and (ii) emits an alarm in a manner that clearly differentiates between
32 detecting the presence of carbon monoxide and the presence of smoke.

33 (b3) Applicability of the Code. – Except as provided by subsections (b4) and (c1) of this
34 section, the Code may contain provisions regulating every type of building or structure,
35 wherever it might be situated in the State.

36 (b4) Exclusion for Certain Farm Buildings. – Building rules do not apply to (i) farm
37 buildings that are located outside the building-rules jurisdiction of any municipality, (ii) farm
38 buildings that are located inside the building-rules jurisdiction of any municipality if the farm
39 buildings are greenhouses, (iii) a primitive camp, or (iv) a primitive farm building. For the
40 purposes of this subsection:

- 41 (1) A "farm building" shall include any structure used or associated with equine
42 activities, including, but not limited to, the care, management, boarding, or
43 training of horses and the instruction and training of riders. Structures that
44 are associated with equine activities include, but are not limited to, free
45 standing or attached sheds, barns, or other structures that are utilized to store
46 any equipment, tools, commodities, or other items that are maintained or
47 used in conjunction with equine activities. The specific types of equine
48 activities, structures, and uses set forth in this subdivision are for illustrative
49 purposes, and should not be construed to limit, in any manner, the types of
50 activities, structures, or uses that may be considered under this subsection as
51 exempted from building rules. A farm building that might otherwise qualify

1 for exemption from building rules shall remain subject only to an annual
2 safety inspection by the applicable city or county building inspection
3 department of any grandstand, bleachers, or other spectator-seating
4 structures in the farm building. An annual safety inspection shall include an
5 evaluation of the overall safety of spectator-seating structures as well as
6 ensuring the spectator-seating structure's compliance with any building
7 codes related to the construction of spectator-seating structures in effect at
8 the time of the construction of the spectator-seating.

9 (2) A "greenhouse" is a structure that has a glass or plastic roof, has one or more
10 glass or plastic walls, has an area over ninety-five percent (95%) of which is
11 used to grow or cultivate plants, is built in accordance with the National
12 Greenhouse Manufacturers Association Structural Design manual, and is not
13 used for retail sales. Additional provisions addressing distinct life safety
14 hazards shall be approved by the local building-rules jurisdiction.

15 (3) A "farm building" shall include any structure used for the display and sale of
16 produce, no more than 1,000 square feet in size, open to the public for no
17 more than 180 days per year, and certified by the Department of Agriculture
18 and Consumer Services as a Certified Roadside Farm Market.

19 (4) A "primitive camp" shall include any structure primarily used or associated
20 with outdoor camping activities, including structures used for educational,
21 instructional, or recreational purposes for campers and for management
22 training, that are (i) not greater than 4,000 square feet in size and (ii) are not
23 intended to be occupied for more than 24 hours consecutively. "Structures
24 primarily used or associated with outdoor camping activities" include, but
25 are not limited to, shelters, tree stands, outhouses, sheds, rustic cabins,
26 campfire shelters, picnic shelters, tents, tepees or other indigenous huts,
27 support buildings used only for administrative functions and not for
28 activities involving campers or program participants, and any other
29 structures that are utilized to store any equipment, tools, commodities, or
30 other items that are maintained or used in conjunction with outdoor camping
31 activities such as hiking, fishing, hunting, or nature appreciation, regardless
32 of material used for construction. The specific types of primitive camping
33 activities, structures, and uses set forth in this subdivision are for illustrative
34 purposes and should not be construed to limit, in any manner, the types of
35 activities, structures, or uses that are exempted from building rules.

36 (5) A "primitive farm building" shall include any structure used for activities,
37 instruction, training, or reenactment of traditional or heritage farming
38 practices. "Primitive farm buildings" include, but are not limited to, sheds,
39 barns, outhouses, doghouses, or other structures that are utilized to store any
40 equipment, tools, commodities, livestock, or other items supporting farm
41 management. These specific types of farming activities, structures, and uses
42 set forth by this subdivision are for illustrative purposes and should not be
43 construed to limit in any manner the types of activities, structures, or uses
44 that are exempted from building rules.

45 (6) A "farm building" shall not lose its status as a farm building because it is
46 used for public or private events, including, but not limited to, weddings,
47 receptions, meetings, demonstrations of farm activities, meals, and other
48 events that are taking place on the farm because of its farm or rural setting.

49 (b5) Exclusion for Certain Minor Activities in Residential and Farm Structures. – No
50 building permit shall be required under the Code or any local variance thereof approved under
51 subsection (e) for any construction, installation, repair, replacement, or alteration costing five

1 thousand dollars (\$5,000) or less in any single family residence or farm building unless the
2 work involves: the addition, repair, or replacement of load bearing structures; the addition
3 (excluding replacement of same capacity) or change in the design of plumbing; the addition,
4 replacement or change in the design of heating, air conditioning, or electrical wiring, devices,
5 fixtures (excluding repair or replacement of electrical lighting devices and fixtures of the same
6 type), appliances (excluding replacement of water heaters, provided that the energy use rate or
7 thermal input is not greater than that of the water heater which is being replaced, and there is no
8 change in fuel, energy source, location, capacity, or routing or sizing of venting and piping), or
9 equipment, the use of materials not permitted by the North Carolina Uniform Residential
10 Building Code; or the addition (excluding replacement of like grade of fire resistance) of
11 roofing. The exclusions from building permit requirements set forth in this paragraph for
12 electrical lighting devices and fixtures and water heaters shall apply only to work performed on
13 a one- or two-family dwelling. In addition, exclusions for electrical lighting devices and
14 fixtures and electric water heaters shall apply only to work performed by a person licensed
15 under G.S. 87-43 and exclusions for water heaters, generally, to work performed by a person
16 licensed under G.S. 87-21.

17 (b6) No State Agency Permit. – No building permit shall be required under such Code
18 from any State agency for the construction of any building or structure, the total cost of which
19 is less than twenty thousand dollars (\$20,000), except public or institutional buildings.

20 (b7) Appendices. – For the information of users thereof, the Code shall include as
21 appendices the following:

- 22 (1) Any rules governing boilers adopted by the Board of Boiler and Pressure
23 Vessels Rules,
- 24 (2) Any rules relating to the safe operation of elevators adopted by the
25 Commissioner of Labor, and
- 26 (3) Any rules relating to sanitation adopted by the Commission for Public
27 Health which the Building Code Council believes pertinent.

28 ~~(b7)~~ The Code may include references to such other rules of special types, such as those
29 of the Medical Care Commission and the Department of Public Instruction as may be useful to
30 persons using the Code. No rule issued by any agency other than the Building Code Council
31 shall be construed as a part of the Code, nor supersede that Code, it being intended that they be
32 presented with the Code for information only.

33 (b8) Exclusion for Certain Utilities. – Nothing in this Article shall extend to or be
34 construed as being applicable to the regulation of the design, construction, location, installation,
35 or operation of (1) equipment for storing, handling, transporting, and utilizing liquefied
36 petroleum gases for fuel purposes or anhydrous ammonia or other liquid fertilizers, except for
37 liquefied petroleum gas from the outlet of the first stage pressure regulator to and including
38 each liquefied petroleum gas utilization device within a building or structure covered by the
39 Code, or (2) equipment or facilities, other than buildings, of a public utility, as defined in
40 G.S. 62-3, or an electric or telephone membership corporation, including without limitation
41 poles, towers, and other structures supporting electric or communication lines.

42 (b9) Exclusion for Industrial Machinery. – Nothing in this Article shall extend to or be
43 construed as being applicable to the regulation of the design, construction, location, installation,
44 or operation of industrial machinery. However, if during the building code inspection process,
45 an electrical inspector has any concerns about the electrical safety of a piece of industrial
46 machinery, the electrical inspector may refer that concern to the Occupational Safety and
47 Health Division in the North Carolina Department of Labor but shall not withhold the
48 certificate of occupancy nor mandate third-party testing of the industrial machinery based
49 solely on this concern. For the purposes of this paragraph, "industrial machinery" means
50 equipment and machinery used in a system of operations for the explicit purpose of producing a
51 product or acquired by a State-supported center providing testing, research, and development

1 services to manufacturing clients. The term does not include equipment that is permanently
2 attached to or a component part of a building and related to general building services such as
3 ventilation, heating and cooling, plumbing, fire suppression or prevention, and general
4 electrical transmission.

5 (b10) Replacement Water Heaters. – The Code may contain rules concerning minimum
6 efficiency requirements for replacement water heaters, which shall consider reasonable
7 availability from manufacturers to meet installation space requirements and may contain rules
8 concerning energy efficiency that require all hot water plumbing pipes that are larger than
9 one-fourth of an inch to be insulated.

10 (b11) School Seclusion Rooms. – No State, county, or local building code or regulation
11 shall prohibit the use of special locking mechanisms for seclusion rooms in the public schools
12 approved under G.S. 115C-391.1(e)(1)e., provided that the special locking mechanism shall be
13 constructed so that it will engage only when a key, knob, handle, button, or other similar device
14 is being held in position by a person, and provided further that, if the mechanism is electrically
15 or electronically controlled, it automatically disengages when the building's fire alarm is
16 activated. Upon release of the locking mechanism by a supervising adult, the door must be able
17 to be opened readily.

18 (b12) Cisterns. – The Code may include rules pertaining to the construction or renovation
19 of residential or commercial buildings and structures that permit the use of cisterns to provide
20 water for flushing toilets and for outdoor irrigation. No State, county, or local building code or
21 regulation shall prohibit the use of cisterns to provide water for flushing toilets and for outdoor
22 irrigation. As used in this subsection, "cistern" means a storage tank that is watertight; has
23 smooth interior surfaces and enclosed lids; is fabricated from nonreactive materials such as
24 reinforced concrete, galvanized steel, or plastic; is designed to collect rainfall from a catchment
25 area; may be installed indoors or outdoors; and is located underground, at ground level, or on
26 elevated stands.

27 (b13) Migrant Housing. – The Council shall provide for an exemption from any
28 requirements in the fire prevention code for installation of an automatic sprinkler system
29 applicable to buildings meeting all of the following:

30 (1) Has one floor.

31 (2) Meets all requirements of 29 C.F.R. § 1910.142, as amended.

32 (3) Meets all requirements of Article 19 of Chapter 95 of the General Statutes
33 and rules implementing that Article.

34 For purposes of this subsection, "migrant housing" and "migrant" shall be defined as in
35 G.S. 95-223.

36"

37
38 **PART XIV. ALLOW RETAILERS TO DISPLAY MORE THAN 400 SQUARE FEET**
39 **OF NURSERY STOCK FOR SALE IN THEIR PARKING LOTS**

40 **SECTION 19.** G.S. 143-214.7(d1) is repealed.

41
42 **PART XV. WATER QUALITY PERMIT IS NOT REQUIRED FOR ACTIVITIES IN**
43 **WETLANDS THAT ARE NOT WATERS OF THE UNITED STATES**

44 **SECTION 20.1.** G.S. 143-212 reads as rewritten:

45 **"§ 143-212. Definitions.**

46 ...

47 (6) "Waters" means any stream, river, brook, swamp, lake, sound, tidal estuary,
48 bay, creek, reservoir, waterway, or other body or accumulation of water,
49 whether surface or underground, public or private, or natural or artificial,
50 that is contained in, flows through, or borders upon any portion of this State,
51 including any portion of the Atlantic Ocean over which the State has

jurisdiction. Wetlands classified as waters are restricted to waters of the United States."

SECTION 20.2. G.S. 143-215.1 reads as rewritten:

"§ 143-215.1. Control of sources of water pollution; permits required.

(a) Activities for Which Permits Required. – Except as provided in ~~subsection (a6)~~ subsections (a6) and (a7) of this section, no person shall do any of the following things or carry out any of the following activities unless that person has received a permit from the Commission and has complied with all conditions set forth in the permit:

- (1) Make any outlets into the waters of the State.
- (2) Construct or operate any sewer system, treatment works, or disposal system within the State.
- (3) Alter, extend, or change the construction or method of operation of any sewer system, treatment works, or disposal system within the State.
- (4) Increase the quantity of waste discharged through any outlet or processed in any treatment works or disposal system to any extent that would result in any violation of the effluent standards or limitations established for any point source or that would adversely affect the condition of the receiving waters to the extent of violating any applicable standard.
- (5) Change the nature of the waste discharged through any disposal system in any way that would exceed the effluent standards or limitations established for any point source or that would adversely affect the condition of the receiving waters in relation to any applicable standards.
- (6) Cause or permit any waste, directly or indirectly, to be discharged to or in any manner intermixed with the waters of the State in violation of the water quality standards applicable to the assigned classifications or in violation of any effluent standards or limitations established for any point source, unless allowed as a condition of any permit, special order or other appropriate instrument issued or entered into by the Commission under the provisions of this Article.
- (7) Cause or permit any wastes for which pretreatment is required by pretreatment standards to be discharged, directly or indirectly, from a pretreatment facility to any disposal system or to alter, extend or change the construction or method of operation or increase the quantity or change the nature of the waste discharged from or processed in that facility.
- (8) Enter into a contract for the construction and installation of any outlet, sewer system, treatment works, pretreatment facility or disposal system or for the alteration or extension of any such facility.
- (9) Dispose of sludge resulting from the operation of a treatment works, including the removal of in-place sewage sludge from one location and its deposit at another location, consistent with the requirement of the Resource Conservation and Recovery Act and regulations promulgated pursuant thereto.
- (10) Cause or permit any pollutant to enter into a defined managed area of the State's waters for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals.
- (11) Cause or permit discharges regulated under G.S. 143-214.7 that result in water pollution.
- (12) Construct or operate an animal waste management system, as defined in G.S. 143-215.10B, without obtaining a permit under either this Part or Part 1A of this Article.

...

1 (a7) No permit shall be required under this section for activities in wetlands that are not
2 waters of the United States.

3 "

4
5 **PART XVI. EXPAND THE AGRICULTURAL DAM EXEMPTION TO THE DAM**
6 **SAFETY ACT**

7 **SECTION 21.** G.S. 143-215.25A reads as rewritten:

8 **"§ 143-215.25A. Exempt dams.**

9 (a) Except as otherwise provided in this Part, this Part does not apply to any dam:

- 10 (1) Constructed by the United States Army Corps of Engineers, the Tennessee
11 Valley Authority, or another agency of the United States government, when
12 the agency designed or approved plans for the dam and supervised its
13 construction.
14 (2) Constructed with financial assistance from the United States ~~Soil~~Natural
15 Resources Conservation Service, when that agency designed or approved
16 plans for the dam and supervised its construction.
17 (3) Licensed by the Federal Energy Regulatory Commission, or for which a
18 license application is pending with the Federal Energy Regulatory
19 Commission.
20 (4) For use in connection with electric generating facilities regulated by the
21 Nuclear Regulatory Commission.
22 (5) Under a single private ownership that provides protection only to land or
23 other property under the same ownership and that does not pose a threat to
24 human life or property below the dam.
25 (6) That is less than 25 feet in height or that has an impoundment capacity of
26 less than 50 acre-feet, unless the Department determines that failure of the
27 dam could result in loss of human life or significant damage to property
28 below the dam.
29 (7) Constructed for and maintains the purpose of providing water for
30 agricultural use, when a person who is licensed as a professional engineer or
31 is employed by the Natural Resources Conservation Service, county, or local
32 Soil and Water Conservation District, and has federal engineering job
33 approval authority under Chapter 89C of the General Statutes designed or
34 approved plans for the dam, supervised its construction, and registered the
35 dam with the Division of Energy, Mineral, and Land Resources of the
36 ~~Department.~~Department prior to construction of the dam. This exemption
37 shall not apply to dams that are determined to be high-hazard by the
38 Department.

39 "

40
41 **PART XVII. ALLOW A LANDOWNER TO WITHDRAW WATER FOR**
42 **AGRICULTURAL USE DURING WATER SHORTAGE EMERGENCIES UNDER**
43 **CERTAIN CONDITIONS**

44 **SECTION 22.** G.S. 143-355.3 reads as rewritten:

45 **"§ 143-355.3. Water shortage emergency powers.**

46 (a) Declaration of Water Shortage Emergency. – If, after consultation with the affected
47 water system and the unit of local government with jurisdiction over the area served by the
48 water system, the Secretary determines that the needs of human consumption, necessary
49 sanitation, and public safety require emergency action, the Secretary shall provide the Governor
50 with written findings setting out the basis for declaration of a water shortage emergency. The
51 Governor shall have the authority to declare a water shortage emergency in the area affected by

1 the water shortage emergency, which may include both the water system experiencing a water
2 shortage emergency and the area served by a water system required under subdivision (1) of
3 subsection (b) of this section to provide water in response to the water shortage emergency. No
4 emergency period shall exceed 30 days, but the Governor may declare successive emergencies
5 based upon the written findings of the Secretary.

6 ...

7 (f) Nothing in this section shall limit a landowner from withdrawing water for use in
8 agricultural activities, as described in G.S. 106-581.1, when the water is withdrawn from any of
9 the following:

10 (1) Surface water sources located wholly on the landowner's property, including,
11 but not limited to, impoundments constructed by or owned by the landowner
12 and captured stormwater.

13 (2) Groundwater sources, including, but not limited to, wells constructed on the
14 landowner's property, springs, and artesian wells."

15
16 **PART XVIII. DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL**
17 **RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY**
18 **PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY**
19 **CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND**
20 **OPPORTUNITY TO PERFORM STREAM AND WETLANDS MITIGATION**
21 **BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL**
22 **OCCUR**

23 **SECTION 23.1.** No later than October 1, 2013, the Department of Environment
24 and Natural Resources and the Department of Transportation shall jointly petition the
25 Wilmington District of the United States Army Corps of Engineers (Wilmington District) to
26 allow for greater flexibility and opportunity to perform stream and wetlands mitigation outside
27 of the eight-digit Hydrologic Unit Code (HUC) where development will occur. The
28 Departments shall seek this greater flexibility and opportunity for mitigation for both public
29 and private development. The Departments shall request that the Wilmington District review
30 the flexibility and opportunities for mitigation allowed by other Districts of the United States
31 Army Corps of Engineers.

32 **SECTION 23.2.** The Departments shall jointly report on their progress in
33 petitioning the Wilmington District as required by Section 23.1 of this act to the Environmental
34 Review Commission no later than January 1, 2014.

35
36 **PART XIX. ACCELERATE SUNSET DATE OF PETROLEUM DISPLACEMENT**
37 **PLAN AS A RESULT OF THE STATE HAVING SUBSTANTIALLY ACHIEVED ITS**
38 **TWENTY PERCENT REDUCTION GOAL OF THE USE OF PETROLEUM**
39 **PRODUCTS**

40 **SECTION 24.** Section 19.5(a) of S.L. 2005-276, as amended by Section 14.14(a)
41 of S.L. 2009-451 and Section 14.2B(a) of S.L. 2011-145, reads as rewritten:

42 **"SECTION 19.5.(a)** All State agencies, universities, and community colleges that have
43 State-owned vehicle fleets shall continue to develop and implement petroleum displacement
44 plans to improve the State's use of alternative fuels, synthetic lubricants, and efficient vehicles.
45 The plans shall achieve a twenty percent (20%) reduction or displacement of the current
46 petroleum products consumed by July 1, 2016. Before implementation of any plan, all affected
47 agencies shall report their plan to the State Energy Office within the Department of Commerce.
48 The State Energy Office shall compile a report on the plans submitted and report to the Joint
49 Legislative Commission on Governmental Operations. Agencies shall implement their plans by
50 January 1, 2006. Reductions may be met by petroleum or oils displaced through Such efforts
51 shall include the use of biodiesel, ethanol, synthetic oils or lubricants, and other alternative

1 ~~fuels, fuels; the use of hybrid electric vehicles, vehicles or other fuel-efficient or low-emission~~
2 ~~vehicles, or additional methods as may be approved by the State Energy Office, thereby~~
3 ~~reducing the amount of harmful emissions. The plan shall not impede mission fulfillment of the~~
4 ~~agency and shall specifically address a long term cost benefit analysis, allowances for changes~~
5 ~~in vehicle usage, total miles driven, and exceptions due to technology, budgetary limitations,~~
6 ~~and emergencies. vehicles; and the use of advanced technology to manage and reduce the~~
7 ~~consumption of petroleum products."~~

8
9 **PART XX. EFFECTIVE DATE**

10 **SECTION 25.** Sections 2, 3, and 4 of this act become effective July 1, 2013, and
11 apply to claims arising on or after that date. The remainder of this act is effective when it
12 becomes law.