

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 112*

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S112-ASB-77 [v.1]

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Comm. Sub. [YES]
Amends Title [NO]
Fifth Edition

Date _____, 2013

Representative Moffitt

1 moves to amend the bill on page 2, line 43, by deleting the phrase "three million dollars
2 (\$3,000,000)" and by substituting the phrase "one million dollars (\$1,000,000)";
3

4 and on 4, line 17, by rewriting the line to read:

5 "(b) Automatic Expiration. – Except as provided in subsection (d1) of this section, any
6 rule for which the agency that adopted the rule has not";
7

8 and on page 5, lines 34 – 43, by rewriting the lines to read:
9

10 "(d) Timetable. – The Commission shall establish a schedule for the review of existing
11 rules in accordance with this section on a decennial basis by assigning each Title of the
12 Administrative Code a date by which the review required by this section must be completed. In
13 establishing the schedule, the Commission shall consider the scope and complexity of rules
14 subject to this section and the resources required to conduct the review required by this section.
15 The Commission shall have broad authority to modify the schedule and extend the time for
16 review in appropriate circumstances. Except as provided in subsection (d1) of this section, if
17 the agency fails to conduct the review by the date set by the Commission, the rules contained in
18 that Title which have not been reviewed will expire. The Commission may exempt rules that
19 have been adopted or amended within the previous 10 years from the review required by this
20 section. However, any rule exempted on this basis must be reviewed in accordance with this
21 section no more than 10 years following the last time the rule was amended.

22 "(d1) Rules to Conform to or Implement Federal Law. – Rules adopted to conform to or
23 implement federal law shall not expire as provided by this section. The Commission shall
24 report annually to the Committee on any rules that do not expire pursuant to this subsection.";
25

26 and on page 7, line 27, by rewriting the line to read:

27 "applies to all allegations of violations beginning on or after that date."
28

29 And on page 9, line 22, by rewriting the line to read:

30 "§ 160A-204. Transportation impact mitigation ordinances prohibited.";
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1 and on page 10, lines 4 through 40, by rewriting the lines to read:

2 "(5a) The ordinance regulates a field that is also regulated by a State or federal
3 statute enforced by an environmental agency and the ordinance is more
4 stringent than the State or federal statute;

5 (5b) The ordinance regulates a field that is also regulated by a rule adopted by an
6 environmental agency and the ordinance is more stringent than the rule;

7 (6) The elements of an offense defined by a city ordinance are identical to the
8 elements of an offense defined by State or federal law.

9 ~~The~~ Except as provided in subdivisions (5a) and (5b) of this subsection, the fact that a State or
10 federal law, standing alone, makes a given act, omission, or condition unlawful shall not
11 preclude city ordinances requiring a higher standard of conduct or condition.

12 (c) The limitations set forth in subdivisions (5a) and (5b) of subsection (b) of this
13 section do not apply to any ordinance if adoption of the ordinance was and continues to be
14 required by one of the following:

15 (1) A serious threat to the public health, safety, or welfare that is related to local
16 conditions and not adequately addressed in statewide statutes and rules
17 adopted or enforced by an environmental agency.

18 (2) An act of the General Assembly or United States Congress that expressly
19 requires the city to adopt an ordinance.

20 (3) A provision in federal or State budgetary policy.

21 (4) A federal regulation required by an act of the United States Congress to be
22 adopted or administered by the State.

23 (5) A court order.

24 (6) A unique geographic, meteorological, or environmental condition and the
25 city complies with the requirements of subsection (d) of this section.

26 (7) A condition necessary to achieve discounted flood insurance rates under the
27 National Flood Insurance Program.

28 (d) Notwithstanding subdivisions (5a) and (5b) of subsection (b) of this section, a city
29 may adopt an ordinance which is more stringent than a State or federal statute or rule only if the
30 city satisfies all of the following requirements:

31 (1) The ordinance addresses a unique geographic, meteorological, or
32 environmental condition that the city can demonstrate by substantial
33 evidence is not adequately met by the less stringent State or federal statute or
34 rule.

35 (2) The city adopted the ordinance by a three-fourths vote of the council
36 members present and voting.

37 (3) Before the ordinance becomes effective, the city demonstrates to the
38 satisfaction of the environmental agency that regulates the subject of the
39 ordinance that a more stringent requirement is necessary and in the best
40 interest of the public health or safety. The ordinance shall not become
41 effective unless the environmental agency approves it within 60 days of
42 receipt from the city. ";
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1 and on page 11, line 20 through page 12, line 6, by rewriting the line to read:

2 "(6) The ordinance regulates a field that is also regulated by a State or federal
3 statute enforced by an environmental agency and the ordinance is more
4 stringent than the State or federal statute;

5 (7) The ordinance regulates a field that is also regulated by a rule adopted by an
6 environmental agency and the ordinance is more stringent than the rule;

7 (8) The elements of an offense defined by a county ordinance are identical to the
8 elements of an offense defined by State or federal law.

9 Except as provided in subdivisions (6) and (7) of this subsection, the fact that a State or
10 federal law, standing alone, makes a given act, omission, or condition unlawful shall not
11 preclude county ordinances requiring a higher standard of conduct or condition.

12 (a2) The limitations set forth in subdivisions (6) and (7) of subsection (a1) of this section
13 do not apply to any ordinance if adoption of the ordinance was and continues to be required by
14 one of the following:

15 (1) A serious threat to the public health, safety, or welfare that is related to local
16 conditions and not adequately addressed in statewide statutes and regulations
17 adopted or enforced by an environmental agency.

18 (2) An act of the General Assembly or United States Congress that expressly
19 requires the county to adopt an ordinance.

20 (3) A provision in federal or State budgetary policy.

21 (4) A federal regulation required by an act of the United States Congress to be
22 adopted or administered by the State.

23 (5) A court order.

24 (6) A unique geographic, meteorological, or environmental condition and the
25 county complies with the requirements of subsection (a3) of this section.

26 (7) A condition necessary to achieve discounted flood insurance rates under the
27 National Flood Insurance Program.

28 (a3) Notwithstanding subdivisions (6) and (7) of subsection (a1) of this section, a county
29 may adopt an ordinance which is more stringent than a State or federal statute or rule only if the
30 county satisfies all of the following requirements:

31 (1) The ordinance addresses a unique geographic, meteorological, or
32 environmental condition that the county can demonstrate by substantial
33 evidence is not adequately met by the less stringent State or federal statute or
34 rule.

35 (2) The county adopted the ordinance by a three-fourths vote of the board of
36 commissioners present and voting.

37 (3) Before the ordinance becomes effective, the county demonstrates to the
38 satisfaction of the environmental agency that regulates the subject of the
39 ordinance that a more stringent requirement is necessary and in the best
40 interest of the public health or safety. The ordinance shall not become
41 effective unless the environmental agency approves it within 60 days of
42 receipt from the county.";
43

NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT
enact Bill 112*

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and on page 12, line 24, by rewriting the line to read:

"SECTION 13.3.(a) G.S. 160A-385(a) and G.S. 160A-386 are repealed. 

SECTION 13.3.(b) This section is effective when it becomes law. ~~The repeal of~~

~~This~~ section does not invalidate or otherwise affect any protest pending on the effective date of this section.";

and on page 16, lines 19 through 22, by deleting the lines;

and on page 17, lines 5 through 8, by deleting the lines;

and on page 21, line 31, by rewriting the line to read:

"causes of action arising on or after that date.";

and on page 22, line 30, by rewriting the line to read:

"SECTION 26.(a) G.S. 143-138 reads as rewritten:";

and on page 23, line 24 by rewriting that line to read:

"SECTION 26.(b) G.S. 130A-248 reads as rewritten:

"§ 130A-248. Regulation of food and lodging establishments.

...
(b) No establishment shall commence or continue operation without a permit or transitional permit issued by the Department. The permit or transitional permit shall be issued to the owner or operator of the establishment and shall not be transferable. If the establishment is leased, the permit or transitional permit shall be issued to the lessee and shall not be transferable. If the location of an establishment changes, a new permit shall be obtained for the establishment. A permit shall be issued only when the establishment satisfies all of the requirements of the ~~rules~~ rules and the requirements of subsection (g) of this section. The Commission shall adopt rules establishing the requirements that must be met before a transitional permit may be issued, and the period for which a transitional permit may be issued. The Department may also impose conditions on the issuance of a permit or transitional permit in accordance with rules adopted by the Commission. A permit or transitional permit shall be immediately revoked in accordance with G.S. 130A-23(d) for failure of the establishment to maintain a minimum grade of C. A permit or transitional permit may otherwise be suspended or revoked in accordance with G.S. 130A-23.

...
(g) All hotels, motels, tourist homes, and other establishments that provide lodging for pay shall have carbon monoxide detectors installed in every enclosed space having a fossil fuel burning heater, appliance, or fireplace and in any enclosed space, including a sleeping room, that shares a common wall, floor, or ceiling with an enclosed space having a fossil fuel burning heater, appliance, or fireplace. Carbon monoxide detectors shall be (i) listed by a nationally

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1 recognized testing laboratory that is OSHA-approved to test and certify to American National
2 Standards Institute/Underwriters Laboratories Standards ANSI/UL2034 or ANSI/UL2075, (ii)
3 installed in accordance with either the standard of the National Fire Protection Association or
4 the minimum protection designated in the manufacturer's instructions, which the establishment
5 shall retain or provide as proof of compliance, (iii) receive primary power from the building's
6 wiring, where such wiring is served from a commercial source, and (iv) receive power from a
7 battery when primary power is interrupted. A carbon monoxide detector may be combined with
8 smoke detectors if the combined detector complies with the requirements of this subdivision for
9 carbon monoxide alarms and ANSI/UL217 for smoke detectors."

10 **SECTION 26.(c)** Section 26.(b) of this act becomes effective October 1, 2013.";

11
12 and on page 25, lines 34 and 35, by inserting between the lines:

13
14 **"SECTION 31.(a)** The Environmental Review Commission shall study the
15 statutory models for establishing, operating, and financing certain organizations that provide
16 water and sewer services in the State. The Commission shall specifically consider the statutory
17 models for the following:

- 18 (1) Sanitary Districts (Part 2 of Article 2 of Chapter 130A of the General
19 Statutes).
- 20 (2) Water and Sewer Authorities (Article 1 of Chapter 162A of the General
21 Statutes).
- 22 (3) Metropolitan Water Districts (Article 4 of Chapter 162A of the General
23 Statutes).
- 24 (4) Metropolitan Sewerage Districts (Article 5 of Chapter 162A of the General
25 Statutes).
- 26 (5) County Water and Sewer Districts (Article 6 of Chapter 162A of the General
27 Statutes).
- 28 (6) Any other similar organizations that provide water or sewer service in the
29 State.

30 **SECTION 31.(b)** The Commission shall determine whether, how, and to what
31 extent the number of statutory models should be reduced and consolidated. In making these
32 determinations, the Commission shall consider and address any impacts such reduction and
33 consolidation would have on the ongoing operations and financing of existing organizations for
34 the provision of water and sewer services.

35 **SECTION 31.(c)** The Commission shall report its findings and recommendations,
36 if any, to the 2014 Regular Session of the 2013 General Assembly upon its convening."

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38 and by renumbering sections and making other conforming changes as necessary.
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NORTH CAROLINA GENERAL ASSEMBLY

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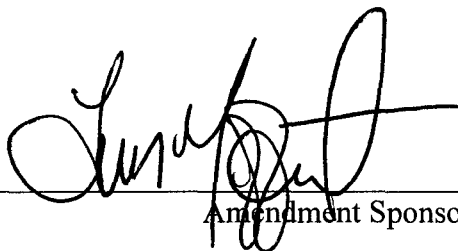
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SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED

**The official copy of this document, with signatures
and vote information, is available in the
House Principal Clerk's Office**