

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

S

D

SENATE BILL 303
Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/22/15
Third Edition Engrossed 4/23/15
PROPOSED HOUSE COMMITTEE SUBSTITUTE S303-PCS15387-SB-20

Short Title: Regulatory Reform Act of 2016.

(Public)

Sponsors:

Referred to:

March 18, 2015

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. BUSINESS REGULATION**

7
8 **EMPLOYMENT STATUS OF FRANCHISES**

9 **SECTION 1.1.** Article 2A of Chapter 95 of the General Statutes is amended by
10 adding a new section to read:

11 **"§ 95-25.24A. Franchisee status.**

12 Neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the
13 franchisor for any purposes, including, but not limited to, this Article and Chapters 96 and 97 of
14 the General Statutes. For purposes of this section, "franchisee" and "franchisor" have the same
15 definitions as set out in 16 C.F.R. § 436.1."

16
17 **PART II. STATE AND LOCAL GOVERNMENT REGULATION**

18
19 **PERSONALLY IDENTIFIABLE INFORMATION OF PUBLIC UTILITY CUSTOMERS**

20 **SECTION 2.1.** Chapter 132 of the General Statutes is amended by adding a new
21 section to read:

22 **"§ 132-1.14. Personally identifiable information of public utility customers.**

23 (a) Except as otherwise provided in this section, a public record, as defined by G.S. 132-1,
24 does not include personally identifiable information obtained by the Public Staff of the Utilities
25 Commission from customers requesting assistance from the Public Staff regarding rate or service
26 disputes with a public utility, as defined by G.S. 62-3(23).

27 (b) The Public Staff may disclose personally identifiable information of a customer to the
28 public utility involved in the matter for the purpose of investigating such disputes.

29 (c) Such personally identifiable information is a public record to the extent disclosed by
30 the customer in a complaint filed with the Commission pursuant to G.S. 62-73.

31 (d) For purposes of this section, "personally identifiable information" means the customer's
32 name, physical address, e-mail address, telephone number, and public utility account number."

33
34 **WATER AND SEWER BILLING BY LESSORS**



* S 3 0 3 - P C S 1 5 3 8 7 - S B - 2 0 *

1 **SECTION 2.2.(a)** G.S. 42-42.1 reads as rewritten:

2 "**§ 42-42.1. Water and electricity conservation.**

3 (a) For the purpose of encouraging water and electricity conservation, pursuant to a written
4 rental agreement, a landlord may charge for the cost of providing water or sewer service to tenants
5 ~~who occupy the same contiguous premises~~ pursuant to G.S. 62-110(g) or electric service pursuant
6 to G.S. 62-110(h).

7 (b) The landlord may not disconnect or terminate the tenant's electric service or water or
8 sewer services due to the tenant's nonpayment of the amount due for electric service or water or
9 sewer services."

10 **SECTION 2.2.(b)** G.S. 62-110(g) reads as rewritten:

11 (g) In addition to the authority to issue a certificate of public convenience and necessity
12 and establish rates otherwise granted in this Chapter, for the purpose of encouraging water
13 conservation, the Commission may, consistent with the public interest, adopt procedures that
14 allow a lessor to charge for the costs of providing water or sewer service to persons who occupy
15 ~~the same contiguous leased~~ premises. The following provisions shall apply:

16 (1) All charges for water or sewer service shall be based on the user's metered
17 consumption of water, which shall be determined by metered measurement of
18 all water consumed. The rate charged by the lessor shall not exceed the unit
19 consumption rate charged by the supplier of the service.

20 (1a) If the ~~contiguous leased~~ premises ~~were~~ are contiguous dwelling units built prior
21 to ~~1989-1989~~, and the lessor determines that the measurement of the tenant's
22 total water usage is impractical or not economical, the lessor may allocate the
23 cost for water and sewer service to the tenant using equipment that measures
24 the tenant's hot water usage. In that case, each tenant shall be billed a
25 percentage of the landlord's water and sewer costs for water usage in the
26 dwelling units based upon the hot water used in the tenant's dwelling unit. The
27 percentage of total water usage allocated for each dwelling unit shall be equal
28 to that dwelling unit's individually submetered hot water usage divided by all
29 submetered hot water usage in all dwelling units. The following conditions
30 apply to billing for water and sewer service under this subdivision:

31 a. A lessor shall not utilize a ratio utility billing system or other allocation
32 billing system that does not rely on individually submetered hot water
33 usage to determine the allocation of water and sewer costs.

34 b. The lessor shall not include in a tenant's bill the cost of water and sewer
35 service used in common areas or water loss due to leaks in the lessor's
36 water mains. A lessor shall not bill or attempt to collect for excess water
37 usage resulting from a plumbing malfunction or other condition that is
38 not known to the tenant or that has been reported to the lessor.

39 c. All equipment used to measure water usage shall comply with
40 guidelines promulgated by the American Water Works Association.

41 d. The lessor shall maintain records for a minimum of 12 months that
42 demonstrate how each tenant's allocated costs were calculated for water
43 and sewer service. Upon advanced written notice to the lessor, a tenant
44 may inspect the records during reasonable business hours.

45 e. Bills for water and sewer service sent by the lessor to the tenant shall
46 contain all the following information:

47 1. The amount of water and sewer services allocated to the tenant
48 during the billing period.

49 2. The method used to determine the amount of water and sewer
50 services allocated to the tenant.

51 3. Beginning and ending dates for the billing period.

- 1 4. The past-due date, which shall not be less than 25 days after the
2 bill is mailed.
- 3 5. A local or toll-free telephone number and address that the tenant
4 can use to obtain more information about the bill.
- 5 (2) The lessor may charge a reasonable administrative fee for providing water or
6 sewer service not to exceed the maximum administrative fee authorized by the
7 Commission.
- 8 (3) The Commission shall ~~issue~~ adopt rules to ~~define contiguous premises and to~~
9 ~~implement this subsection. In issuing the rule to define contiguous premises, the~~
10 ~~Commission shall consider contiguous premises where manufactured homes, as~~
11 ~~defined in G.S. 143-145(7), or spaces for manufactured homes are rented.~~
- 12 (4) The Commission shall develop an application that lessors must submit for
13 authority to charge for water or sewer service. The form shall include all of the
14 following:
- 15 a. A description of the applicant and the property to be served.
16 b. A description of the proposed billing method and billing statements.
17 c. The schedule of rates charged to the applicant by the supplier.
18 d. The schedule of rates the applicant proposes to charge the applicant's
19 customers.
20 e. The administrative fee proposed to be charged by the applicant.
21 f. The name of and contact information for the applicant and its agents.
22 g. The name of and contact information for the supplying water or sewer
23 system.
24 h. Any additional information that the Commission may require.
- 25 (4a) The Commission shall develop an application that lessors must submit for
26 authority to charge for water or sewer service at single-family homes that
27 allows the applicant to serve multiple homes in the State subject to single
28 Commission approval. The form shall include all of the following:
- 29 a. A description of the applicant and a listing of the address of all the
30 properties to be served, which shall be updated annually with the
31 Commission.
- 32 b. A description of the proposed billing method and billing statements.
33 c. The administrative fee proposed to be charged by the applicant.
34 d. The name and contact information for the applicant and its agents.
35 e. Any additional information the Commission may require.
- 36 (5) The Commission shall approve or disapprove an application within 30 days of
37 the filing of a completed application with the Commission. If the Commission
38 has not issued an order disapproving a completed application within 30 days,
39 the application shall be deemed approved.
- 40 (6) A provider of water or sewer service under this subsection may increase the rate
41 for service so long as the rate does not exceed the unit consumption rate
42 charged by the supplier of the service. A provider of water or sewer service
43 under this subsection may change the administrative fee so long as the
44 administrative fee does not exceed the maximum administrative fee authorized
45 by the Commission. In order to change the rate or administrative fee, the
46 provider shall file a notice of revised schedule of rates and fees with the
47 Commission. The Commission may prescribe the form by which the provider
48 files a notice of a revised schedule of rates and fees under this subsection. The
49 form shall include all of the following:
- 50 a. The current schedule of the unit consumption rates charged by the
51 provider.

- 1 b. The schedule of rates charged by the supplier to the provider that the
2 provider proposes to pass through to the provider's customers.
3 c. The schedule of the unit consumption rates proposed to be charged by
4 the provider.
5 d. The current administrative fee charged by the provider, if applicable.
6 e. The administrative fee proposed to be charged by the provider.
7 (7) A notification of revised schedule of rates and fees shall be presumed valid and
8 shall be allowed to become effective upon 14 days notice to the Commission,
9 unless otherwise suspended or disapproved by order issued within 14 days after
10 filing.
11 (8) Notwithstanding any other provision of this Chapter, the Commission shall
12 determine the extent to which the services shall be regulated and, to the extent
13 necessary to protect the public interest, regulate the terms, conditions, and rates
14 that may be charged for the services. Nothing in this subsection shall be
15 construed to alter the rights, obligations, or remedies of persons providing water
16 or sewer services and their customers under any other provision of law.
17 (9) A provider of water or sewer service under this subsection shall not be required
18 to file annual reports pursuant to G.S. 62-36 or to furnish a bond pursuant to
19 G.S. 62-110.3."
20

21 **REZONING/SIMULTANEOUS COMPREHENSIVE PLAN AMENDMENT**

22 **SECTION 2.4.(a)** G.S. 153A-340 is amended by adding a new subsection to read:

23 "(o) The county shall deem an affirmative vote to amend the zoning ordinance as a
24 simultaneous amendment to the comprehensive plan. If a county has adopted a unified
25 development ordinance, the county shall deem an affirmative vote to amend the zoning ordinance
26 a simultaneous amendment to the unified development ordinance."

27 **SECTION 2.4.(b)** G.S. 160A-381 is amended by adding a new subsection to read:

28 "(k) The city shall deem an affirmative vote to amend the zoning ordinance as a
29 simultaneous amendment to the comprehensive plan. If a city has adopted a unified development
30 ordinance, the city shall deem an affirmative vote to amend the zoning ordinance a simultaneous
31 amendment to the unified development ordinance."

32 **SECTION 2.4.(c)** This section becomes effective October 1, 2016.
33

34 **PARENT PARCEL/SUBDIVISION CLARIFICATION**

35 **SECTION 2.5.(a)** G.S. 153A-335 reads as rewritten:

36 "**§ 153A-335. "Subdivision" defined.**

37 (a) For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land
38 into two or more lots, building sites, or other divisions when any one or more of those divisions
39 are created for the purpose of sale or building development (whether immediate or future) and
40 includes all division of land involving the dedication of a new street or a change in existing streets;
41 however, the following is not included within this definition and is not subject to any regulations
42 enacted pursuant to this Part:

- 43 (1) The combination or recombination of portions of previously subdivided and
44 recorded lots if the total number of lots is not increased and the resultant lots
45 are equal to or exceed the standards of the county as shown in its subdivision
46 regulations.
47 (2) The division of land into parcels greater than 10 acres if no street right-of-way
48 dedication is involved.
49 (3) The public acquisition by purchase of strips of land for widening or opening
50 streets or for public transportation system corridors.

1 (4) The division of a tract in single ownership the entire area of which is no greater
 2 than two acres into not more than three lots, if no street right-of-way dedication
 3 is involved and if the resultant lots are equal to or exceed the standards of the
 4 county as shown by its subdivision regulations.

5 (5) The division of a tract into parcels in accordance with the terms of a probated
 6 will or in accordance with intestate succession under Chapter 29 of the General
 7 Statutes.

8 (b) A county may provide for expedited review of specified classes of subdivisions.

9 (c) For the division of a tract or parcel of land in single ownership the entire area of which
 10 is greater than five acres into not more than three lots, if not exempted under subdivision (a)(2) of
 11 this section and a dedicated means of ingress and egress is provided to all resultant lots, the county
 12 may require only a plat for recordation."

13 **SECTION 2.5.(b)** G.S. 160A-376 reads as rewritten:

14 "**§ 160A-376. Definition.**

15 (a) For the purpose of this Part, "subdivision" means all divisions of a tract or parcel of
 16 land into two or more lots, building sites, or other divisions when any one or more of those
 17 divisions is created for the purpose of sale or building development (whether immediate or future)
 18 and shall include all divisions of land involving the dedication of a new street or a change in
 19 existing streets; but the following shall not be included within this definition nor be subject to the
 20 regulations authorized by this Part:

21 (1) The combination or recombination of portions of previously subdivided and
 22 recorded lots where the total number of lots is not increased and the resultant
 23 lots are equal to or exceed the standards of the municipality as shown in its
 24 subdivision regulations.

25 (2) The division of land into parcels greater than 10 acres where no street
 26 right-of-way dedication is involved.

27 (3) The public acquisition by purchase of strips of land for the widening or opening
 28 of streets or for public transportation system corridors.

29 (4) The division of a tract in single ownership whose entire area is no greater than
 30 two acres into not more than three lots, where no street right-of-way dedication
 31 is involved and where the resultant lots are equal to or exceed the standards of
 32 the municipality, as shown in its subdivision regulations.

33 (5) The division of a tract into parcels in accordance with the terms of a probated
 34 will or in accordance with intestate succession under Chapter 29 of the General
 35 Statutes.

36 (b) A city may provide for expedited review of specified classes of subdivisions."

37 (c) For the division of a tract or parcel of land in single ownership the entire area of which
 38 is greater than five acres into not more than three lots, if not exempted under subdivision (a)(2) of
 39 this section and a dedicated means of ingress and egress is provided to all resultant lots, the city
 40 may require only a plat for recordation."

41 **SECTION 2.5.(c)** This section becomes effective October 1, 2016.

43 STATUTE OF LIMITATIONS/LAND-USE VIOLATIONS

44 **SECTION 2.6.(a)** G.S. 1-52 is amended by adding a new subdivision to read:

45 "**§ 1-52. Three years.**

46 Within three years an action -

47 ...

48 (21) Against the owner of an interest in real property by a unit of local government
 49 for a violation of a land-use statute, ordinance, or permit or any other official
 50 action concerning land use carrying the effect of law. The claim for relief
 51 accrues when the violation is either apparent from a public right-of-way or is in

1 plain view from a place to which the public is invited. This section does not
2 limit the remedy of injunction for conditions that are actually injurious or
3 dangerous to the public health or safety."

4 **SECTION 2.6.(b)** This section becomes effective August 1, 2016, and applies to
5 actions commenced on or after that date.

6 7 **PROGRAM EVALUATION TO STUDY NONPROFIT CONTRACTING**

8 **SECTION 2.7.(a)** The Joint Legislative Program Evaluation Oversight Committee
9 may amend the 2016-2017 Program Evaluation Division work plan to direct the Division to study
10 State law and internal agency policies and procedures for delivery of public services through State
11 grants and contracts to nonprofit organizations. The study shall include, but not be limited to, how
12 nonprofit organizations are compensated for actual, reasonable, documented indirect costs, and the
13 extent to which any underpayment for indirect costs reduces the efficiency or effectiveness of the
14 delivery of public services. The study shall propose improvements to State law and internal
15 agency policies and procedures, if necessary, to remove unnecessary impediments to the efficient
16 and effective delivery of public services, including, but not limited to, late execution of contracts,
17 late payments, and late reimbursements. In conducting the study, the Division may require each
18 State agency to provide data maintained by the agency to determine any of the following:

- 19 (1) The timeliness of delivery and execution of contracts.
- 20 (2) The timeliness of payment for services that have been delivered.
- 21 (3) The extent to which nonprofit contractors or grantees are reimbursed for their
22 indirect costs.
- 23 (4) The contact information for all nonprofit grantees and contractors.

24 **SECTION 2.7.(b)** If the study is conducted, the Division shall submit a report on the
25 results of the study to the Joint Legislative Program Evaluation Oversight Committee and the Joint
26 Legislative Commission on Governmental Operations no later than September 1, 2017.

27 **SECTION 2.7.(c)** This section becomes effective July 1, 2016.

28 29 **RENAME AND AMEND THE BOARD OF REFRIGERATION EXAMINERS**

30 **SECTION 2.9.(a)** Article 5 of Chapter 87 of the General Statutes reads as rewritten:

31 "Article 5.

32 "Commercial Refrigeration Contractors.

33 "**§ 87-52. State Board of Commercial Refrigeration Examiners; appointment; term of office.**

34 (a) For the purpose of carrying out the provisions of this Article, the State Board of
35 Commercial Refrigeration Examiners is created, consisting of seven members appointed by the
36 Governor to serve seven-year staggered terms. The Board shall consist of ~~one member who is a~~
37 ~~wholesaler or a manufacturer of refrigeration equipment; one member from an engineering school~~
38 ~~of The University of North Carolina, one member from the Division of Public Health of The~~
39 ~~University of North Carolina, two licensed refrigeration contractors, one member who has no ties~~
40 ~~with the construction industry to represent the interest of the public at large, and one member with~~
41 ~~an engineering background in refrigeration of:~~

- 42 (1) One member who is a wholesaler or a manufacturer of refrigeration equipment.
- 43 (2) One member from an accredited engineering school located in this State.
- 44 (3) One member from the field of public health with an environmental science
45 background from an accredited college or university located in this State.
- 46 (4) Two members who are licensed refrigeration contractors.
- 47 (5) One member who has no ties with the construction industry to represent the
48 interest of the public at large.
- 49 (6) One member with an engineering background in refrigeration.

50 (b) The term of office of one member shall expire each year. Vacancies occurring during a
51 term shall be filled by appointment of the Governor for the unexpired term. Whenever the term

1 "Board" is used in this Article, it means the State Board of Commercial Refrigeration Examiners.
2 No Board member shall serve more than one complete consecutive term.

3 "...

4 **"§ 87-58. Definitions; contractors licensed by Board; examinations.**

5 (a) ~~As applied~~The provisions of this Article shall not repeal any wording, phrase, or
6 paragraph as set forth in Article 2 of this Chapter. The following definitions apply in this
7 Article, Article:

8 (1) Commercial refrigeration contractor. – "refrigeration trade or business" is
9 defined to include all~~All~~ persons, firms~~firms~~, or corporations engaged in the
10 installation, maintenance, servicing and repairing of refrigerating machinery,
11 equipment, devices and components relating thereto ~~and within limits as set~~
12 ~~forth in the codes, laws and regulations governing refrigeration installation,~~
13 ~~maintenance, service and repairs within the State of North Carolina or any of its~~
14 ~~political subdivisions. The provisions of this Article shall not repeal any~~
15 ~~wording, phrase, or paragraph as set forth in Article 2 of Chapter 87 of the~~
16 ~~General Statutes thereto.~~

17 (2) Industrial refrigeration contractor. – All persons, firms, or corporations engaged
18 in commercial refrigeration contracting with the use of ammonia as a
19 refrigerant gas.

20 (3) Transport refrigeration contractor. – All persons, firms, or corporations engaged
21 in the business of installation, maintenance, repairing, and servicing of transport
22 refrigeration.

23 (a1) This Article shall not apply to any of the following:

24 (1) The installation of self-contained commercial refrigeration units equipped with
25 an Original Equipment Manufacturer (OEM) molded plug that does not require
26 the opening of service valves ~~or replacement of lamps, fuses, and door~~
27 ~~gaskets.~~valves.

28 (2) The installation and servicing of domestic household self-contained
29 refrigeration appliances equipped with an OEM molded plug connected to
30 suitable receptacles which have been permanently installed and do not require
31 the opening of service valves.

32 (3) Employees of persons, firms, or corporations or persons, firms or corporations,
33 not engaged in refrigeration contracting as herein defined, that install, maintain
34 and service their own refrigerating machinery, equipment and devices.

35 (4) Any person, firm or corporation engaged in the business of selling, repairing
36 and installing any comfort cooling devices or systems.

37 (5) The replacement of lamps, fuses, and door gaskets.

38 (b) ~~The term "refrigeration contractor" means a person, firm or corporation engaged in the~~
39 ~~business of refrigeration contracting.~~The Board shall establish and issue the following licenses:

40 (1) A Class I license shall be required for any person engaged in the business of
41 commercial refrigeration contracting.

42 (2) A Class II license shall be required for any person engaged in the business of
43 industrial refrigeration contracting.

44 (3) A Class III license shall be required for any person engaged in the business of
45 repair, maintenance, and servicing of commercial equipment.

46 (4) A Class IV license shall be required for any person engaged in the business of
47 transport refrigeration contracting.

48 (b1) ~~The term "transport refrigeration contractor" means a person, firm, or corporation~~
49 ~~engaged in the business of installation, maintenance, servicing, and repairing of transport~~
50 ~~refrigeration.~~

1 (c) Any person, firm or corporation who for valuable consideration engages in the
2 refrigeration business or trade as herein defined shall be deemed and held to be in the business of
3 refrigeration contracting.

4 (d) In order to protect the public health, comfort and safety, the Board shall prescribe the
5 standard of experience to be required of an applicant for license and shall give an examination
6 designed to ascertain the technical and practical knowledge of the applicant concerning the
7 analysis of plans and specifications, estimating cost, fundamentals of installation and design as
8 they pertain to refrigeration; and as a result of the examination, the Board shall issue a certificate
9 of license in refrigeration to applicants who pass the required examination and a license shall be
10 obtained in accordance with the provisions of this Article, before any person, firm or corporation
11 shall engage in, or offer to engage in the business of refrigeration contracting. The Board shall
12 prescribe standards for ~~and issue licenses for refrigeration contracting and for transport~~
13 ~~refrigeration contracting. A transport refrigeration contractor license is a specialty license that~~
14 ~~authorizes the licensee to engage only in transport refrigeration contracting. A refrigeration~~
15 ~~contractor licensee is authorized to engage in transport refrigeration and all other aspects of~~
16 ~~refrigeration contracting.~~ all license classifications.

17 Each application for examination shall be accompanied by a check, post-office money order or
18 cash in the amount of the annual license fee required by this Article. Regular examinations shall
19 be given in the Board's office by appointment.

20 ...

21 (k) Upon application and payment of the fee for license renewal provided in G.S. 87-64,
22 the Board shall issue a certificate of license to any licensee whose business activities require a
23 Class I or Class II license if that licensee had an established place of business and was licensed
24 pursuant to this Article prior to January 1, 2016.

25 "...

26 **"§ 87-64. Examination and license fees; annual renewal.**

27 (a) Each applicant for a license by examination shall pay to the Board of Commercial
28 Refrigeration Examiners a nonrefundable examination fee in an amount to be established by the
29 Board not to exceed the sum of ~~forty one hundred~~ dollars (\$40.00). ~~In the event the applicant~~
30 successfully passes the examination, the examination fee shall be applied to the license fee
31 required of licensees for the current year in which the examination was taken and
32 passed. ~~(\$100.00).~~

33 (b) The license of every person licensed under the provisions of this statute shall be
34 annually renewed. Effective January 1, 2012, the Board may require, as a prerequisite to the
35 annual renewal of a license, that licensees complete continuing education courses in subjects
36 related to refrigeration contracting to ensure the safe and proper installation of commercial and
37 transport refrigeration work and equipment. On or before November 1 of each year the Board shall
38 cause to be mailed an application for renewal of license to every person who has received from the
39 Board a license to engage in the refrigeration business, as heretofore defined. On or before January
40 1 of each year every licensed person who desires to continue in the refrigeration business shall
41 forward to the Board a nonrefundable renewal fee in an amount to be established by the Board
42 to exceed ~~forty eighty~~ dollars ~~(\$40.00)~~ (\$80.00) together with the application for renewal. Upon
43 receipt of the application and renewal fee the Board shall issue a renewal certificate for the current
44 year. Failure to renew the license annually shall automatically result in a forfeiture of the right to
45 engage in the refrigeration business.

46 (c) Any licensee who allows the license to lapse may be reinstated by the Board upon
47 payment of a nonrefundable late renewal fee in an amount to be established by the Board
48 not to exceed ~~seventy five one hundred sixty~~ dollars ~~(\$75.00)~~ (\$160.00) together with the application for
49 renewal. Any person who fails to renew a license for two consecutive years shall be required to
50 take and pass the examination prescribed by the Board for new applicants before being licensed to
51 engage further in the refrigeration business.

1"

2 **SECTION 2.9.(b)** This section becomes effective January 1, 2017, and applies to
3 applications submitted and Board membership appointments on or after that date.

4
5 **AMEND DEFINITION OF ANTIQUE AUTOMOBILE**

6 **SECTION 2.10.** G.S. 105-330.9 reads as rewritten:

7 **"§ 105-330.9. Antique automobiles.**

8 (a) Definition. – For the purpose of this section, the term "antique automobile" means a
9 motor vehicle that meets all of the following conditions:

- 10 (1) It is registered with the Division of Motor Vehicles and has an historic vehicle
11 special license plate under G.S. 20-79.4.
12 (2) It is maintained primarily for use in exhibitions, club activities, parades, and
13 other public interest functions.
14 (3) It is used only occasionally for other purposes.
15 (4) It is owned by an ~~individual~~ individual or owned directly or indirectly through
16 one or more pass-through entities, by an individual.
17 (5) It is used by the owner for a purpose other than the production of income and is
18 not used in connection with a business.

19 (b) Classification. – Antique automobiles are designated a special class of property under
20 Article V, Sec. 2(2) of the North Carolina Constitution and must be assessed for taxation in
21 accordance with this section. An antique automobile must be assessed at the lower of its true value
22 or five hundred dollars (\$500.00)."
23

24 **COPIES OF CERTAIN PUBLIC RECORDS**

25 **SECTION 2.11.(a)** G.S. 132-6.2 reads as rewritten:

26 **"§ 132-6.2. Provisions for copies of public records; fees.**

27 (a) Persons requesting copies of public records may elect to obtain them in any and all
28 media in which the public agency is capable of providing them. No request for copies of public
29 records in a particular medium shall be denied on the grounds that the custodian has made or
30 prefers to make the public records available in another medium. The public agency may assess
31 different fees for different media as prescribed by law.

32 (a1) A public agency may satisfy the requirement to provide access to public records and
33 computer databases under G.S. 132-9 by making those public records or computer databases
34 available online in a format that allows a person to download the public record or computer
35 database to obtain a copy. A public agency that provides access to public records or computer
36 databases under this subsection is not required to provide copies through any other method or
37 medium. If a public agency, as a service to the requester, voluntarily elects to provide copies by
38 another method or medium, the public agency may negotiate a reasonable charge for the service
39 with the requester.

40 (b) Persons requesting copies of public records may request that the copies be certified or
41 uncertified. The fees for certifying copies of public records shall be as provided by law. Except as
42 otherwise provided by law, no public agency shall charge a fee for an uncertified copy of a public
43 record that exceeds the actual cost to the public agency of making the copy. For purposes of this
44 subsection, "actual cost" is limited to direct, chargeable costs related to the reproduction of a
45 public record as determined by generally accepted accounting principles and does not include
46 costs that would have been incurred by the public agency if a request to reproduce a public record
47 had not been made. Notwithstanding the provisions of this subsection, if the request is such as to
48 require extensive use of information technology resources or extensive clerical or supervisory
49 assistance by personnel of the agency involved, or if producing the record in the medium
50 requested results in a greater use of information technology resources than that established by the
51 agency for reproduction of the volume of information requested, then the agency may charge, in

1 addition to the actual cost of duplication, a special service charge, which shall be reasonable and
2 shall be based on the actual cost incurred for such extensive use of information technology
3 resources or the labor costs of the personnel providing the services, or for a greater use of
4 information technology resources that is actually incurred by the agency or attributable to the
5 agency. If anyone requesting public information from any public agency is charged a fee that the
6 requester believes to be unfair or unreasonable, the requester may ask the State Chief Information
7 Officer or his designee to mediate the dispute.

8 (c) Persons requesting copies of computer databases may be required to make or submit
9 such requests in writing. Custodians of public records shall respond to all such requests as
10 promptly as possible. If the request is granted, the copies shall be provided as soon as reasonably
11 possible. If the request is denied, the denial shall be accompanied by an explanation of the basis
12 for the denial. If asked to do so, the person denying the request shall, as promptly as possible,
13 reduce the explanation for the denial to writing.

14 (d) Nothing in this section shall be construed to require a public agency to respond to
15 requests for copies of public records outside of its usual business hours.

16 (e) Nothing in this section shall be construed to require a public agency to respond to a
17 request for a copy of a public record by creating or compiling a record that does not exist. If a
18 public agency, as a service to the requester, voluntarily elects to create or compile a record, it may
19 negotiate a reasonable charge for the service with the requester. Nothing in this section shall be
20 construed to require a public agency to put into electronic medium a record that is not kept in
21 electronic medium.

22 (f) For purposes of this section, the following definitions shall apply:

23 (1) Computer database. – As defined in G.S. 132-6.1.

24 (2) Media or Medium. – A particular form or means of storing information."

25 **SECTION 2.11.(b)** The State Chief Information Officer, working with the State
26 Controller, the Office of State Budget and Management, the Local Government Commission, The
27 University of North Carolina, The North Carolina Community College System, The School of
28 Government at the University of North Carolina Chapel Hill, the North Carolina League of
29 Municipalities, the North Carolina School Boards Association, and the North Carolina County
30 Commissioners Association, shall report, including any recommendations, to the 2017 Regular
31 Session of the General Assembly on or before February 1, 2017, regarding the development and
32 use of computer databases by State and local agencies and the need for public access to those
33 public records.

34 **SECTION 2.11.(c)** This section becomes effective July 1, 2016.

36 SPECIFY LOCATION OF LIEUTENANT GOVERNOR'S OFFICE

37 **SECTION 2.12.** G.S. 143A-5 reads as rewritten:

38 "**§ 143A-5. Office of the Lieutenant Governor.**

39 The Lieutenant Governor shall maintain an office in ~~a State building~~ the Hawkins-Hartness
40 House located at 310 North Blount Street in the City of Raleigh which office shall be open during
41 normal working hours throughout the year. The Lieutenant Governor shall serve as President of
42 the Senate and perform such additional duties as the Governor or General Assembly may assign to
43 him. This section shall become effective January 1, 1973."

45 CLARIFY THAT DOT STORMWATER REQUIREMENTS ARE APPLICABLE TO 46 STATE ROAD CONSTRUCTION UNDERTAKEN BY PRIVATE PARTIES

47 **SECTION 2.14.** Chapter 136 of the General Statutes is amended by adding a new
48 section to read:

49 "**§ 136-28.6B. Applicable stormwater regulation.**

50 For the purposes of stormwater regulation, any construction undertaken by a private party
51 pursuant to the provisions of G.S. 136-18(17), 136-18(27), 136-18(29), 136-18(29a), 136-28.6, or

1 136-28.6A shall be considered to have been undertaken by the Department, and the stormwater
2 law and rules applicable to the Department shall apply."
3

4 **BUILDING CODE STUDY TO INCREASE EFFICIENCY AND IDENTIFY** 5 **DUPLICATIVE INSPECTIONS**

6 **SECTION 2.15.(a)** As part of its current six-year update process, the North Carolina
7 Building Code Council shall examine the North Carolina Building Codes for the purposes of
8 developing a more streamlined code and to assure that code provisions are contained in only one
9 code volume. The Council shall also (i) give specific guidance as to which inspector shall have
10 enforcement jurisdiction over each code provision and (ii) make all necessary changes to ensure
11 that this directive is incorporated in the next edition of the North Carolina Building Code.

12 **SECTION 2.15.(b)** The Building Code Council shall review the North Carolina
13 General Statutes with regard to authority granted to local building inspectors in counties and cities,
14 pursuant to G.S. 153A-357, 153A-359, 153A-360, 153A-362, 153A-365, 160A-417, 160A-419,
15 160A-420, 160A-422, 160A-425, and any other statute deemed relevant by the Council, to identify
16 any provisions that would either allow or require a specific code provision to be inspected by
17 multiple inspectors. The Council shall report its findings to the Joint Legislative Commission on
18 Governmental Operations no later than February 1, 2017.

19 **SECTION 2.15.(c)** This section is effective when it becomes law.
20

21 **PART III. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL RESOURCES** 22 **REGULATION**

23 24 **DIRECT DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO** 25 **INSPECT RENDERING PLANTS**

26 **SECTION 3.1.(a)** G.S. 106-168.5 is repealed.

27 **SECTION 3.1.(b)** G.S. 106-168.6 reads as rewritten:

28 **"§ 106-168.6. ~~Inspection by committee; Inspection; certificate of specific findings.~~**

29 ~~The committee upon notification by~~ Upon receipt of an application for license, the
30 Commissioner or the Commissioner's designee shall promptly inspect the plans, specifications,
31 and selected site in the case of proposed rendering plants and shall inspect the buildings, grounds,
32 and equipment of established rendering plants. If the ~~committee~~ Commissioner or the
33 Commissioner's designee finds that the plans, specifications, and selected site in the case of
34 proposed plants, or the buildings, grounds, and equipment— in the case of established plants,
35 comply with the requirements of this Article and the rules and regulations promulgated by the
36 Commissioner not inconsistent therewith, it under the authority of this Article, the Commissioner
37 shall certify its the findings in writing and forward same to the Commissioner writing. If there is a
38 failure in any respect to meet such requirements, the ~~committee~~ Commissioner or the
39 Commissioner's designee shall notify the applicant in writing of such deficiencies and the
40 ~~committee shall~~ shall, within a reasonable time to be determined by the ~~Commissioner~~
41 Commissioner, make a second inspection. If the specified defects are remedied, the ~~committee~~
42 Commissioner or the Commissioner's designee shall thereupon certify its the findings in writing to
43 the Commissioner writing. Not more than two inspections shall be required of the ~~committee~~
44 under any one application."

45 **SECTION 3.1.(c)** G.S. 106-168.7 reads as rewritten:

46 **"§ 106-168.7. Issuance of license.**

47 ~~Upon receipt of the certificate of compliance from the committee,~~ certification in accordance
48 with G.S. 106-168.6, the Commissioner shall issue a license to the applicant to conduct rendering
49 operations as specified in the application. A license shall be valid until revoked for cause as
50 hereinafter provided."

51 **SECTION 3.1.(d)** G.S. 106-168.12 reads as rewritten:

1 **"§ 106-168.12. Commissioner authorized to adopt rules and regulations.**

2 The Commissioner of Agriculture is hereby authorized to make and establish reasonable rules
3 and regulations, ~~not inconsistent~~consistent with the provisions of this Article, ~~after consulting the~~
4 ~~committee,~~ for the proper administration and enforcement thereof."

5 **SECTION 3.1.(e)** G.S. 106-168.13 reads as rewritten:

6 **"§ 106-168.13. Effect of failure to comply.**

7 Failure to comply with the provisions of this Article or rules and regulations ~~not inconsistent~~
8 ~~therewith~~adopted pursuant to this Article shall be cause of revocation of license, if such failure
9 shall not be remedied within a reasonable time after notice to the licensee. Any person whose
10 license is revoked may reapply for a license in the manner provided in this Article for an initial
11 application, except that the Commissioner shall not be required to cause the rendering plant and
12 equipment of the applicant to be inspected ~~by the committee~~ until the expiration of 30 days from
13 the date of revocation."

14
15 **SOLID WASTE AMENDMENTS**

16 **SECTION 3.3.(a)** Section 4.9(a) of S.L. 2015-286 reads as rewritten:

17 **"SECTION 4.9.(a)** Section 14.20(a) of S.L. 2015-241 ~~reads as rewritten:~~is rewritten to read:
18"

19 **SECTION 3.3.(b)** Section 4.9(b) of S.L. 2015-286 reads as rewritten:

20 **"SECTION 4.9.(b)** Section ~~14.20(a)~~14.20(c) of S.L. 2015-241 ~~reads as rewritten:~~is rewritten
21 to read:
22"

23 **SECTION 3.3.(c)** Section 4.9(c) of S.L. 2015-286 reads as rewritten:

24 **"SECTION 4.9.(c)** Section 14.20(d) of S.L. 2015-241 ~~reads as rewritten:~~is rewritten to read:
25"

26 **SECTION 3.3.(d)** Section 4.9(d) of S.L. 2015-286 reads as rewritten:

27 **"SECTION 4.9.(d)** Section 14.20(f) of S.L. 2015-241 ~~reads as rewritten:~~is rewritten to read:
28"

29 **SECTION 3.3.(e)** Section 14.20(e) of S.L. 2015-241 reads as rewritten:

30 **"SECTION 14.20.(e)** After July 1, 2016, the annual fee due pursuant to
31 ~~G.S. 130A-295.8A(d1),~~G.S. 130A-295.8(d1), as enacted by Section 14.20(c) of this act, for
32 existing sanitary landfills and transfer stations with a valid permit issued before the date this act
33 becomes effective is equal to the applicable annual fee for the facility as set forth in
34 ~~G.S. 130A-295.8A(d1),~~G.S. 130A-295.8(d1) as enacted by Section 14.20(c) of this act, less a
35 permittee fee credit. A permittee fee credit exists when the life-of-site permit fee amount is greater
36 than the time-limited permit fee amount. The amount of the permittee fee credit shall be calculated
37 by (i) subtracting the time-limited permit fee amount from the life-of-site permit fee amount due
38 for the same period of time and (ii) multiplying the difference by a fraction, the numerator of
39 which is the number of years remaining in the facility's time-limited permit and the denominator
40 of which is the total number of years covered by the facility's time-limited permit. The amount of
41 the permittee fee credit shall be allocated in equal annual installments over the number of years
42 that constitute the facility's remaining life-of-site, as determined by the Department, unless the
43 Department accelerates, in its sole discretion, the use of the credit over a shorter period of time.
44 For purposes of this subsection, the following definitions apply:

- 45 (1) Life-of-site permit fee amount. – The amount equal to the sum of all annual
46 fees that would be due under the fee structure set forth in
47 ~~G.S. 130A-295.8A(d1),~~G.S. 130A-295.8(d1), as enacted by Section 14.20(c) of
48 this act, during the cycle of the facility's permit in effect on July 1, 2016.
49 (2) Time-limited permit fee amount. – The amount equal to the sum of the
50 application fee or renewal fee, whichever is applicable, and all annual fees paid
51 or to be paid pursuant to subsections (c) and (d) of ~~G.S. 130A-295.8A,~~

1 G.S. 130A-295.8(d1), as repealed by Section 14.20(c) of this act, during the
2 cycle of the facility's permit in effect on July 1, 2016.

3 The Department shall adopt rules to implement this subsection."

4 **SECTION 3.4.(a)** Section 14.20(f) of S.L. 2015-241, as amended by Section 4.9(d) of
5 S.L. 2015-286, reads as rewritten:

6 "**SECTION 14.20.(f)** This section becomes effective October 1, 2015. G.S. 130A-294(b1)(2),
7 as amended by subsection (a) of this section, applies to franchise ~~agreements~~ agreements (i)
8 executed on or after ~~October 1, 2015.~~ October 1, 2015, and (ii) executed on or before October 1,
9 2015, only if all parties to a valid and operative franchise agreement consent to modify the
10 agreement for the purpose of extending the agreement's duration to the life-of-site of the landfill
11 for which the agreement was executed. The remainder of G.S. 130A-294, as amended by
12 subsection (a) of this section, and G.S. 130A-295.8, as amended by subsection (c) of this section,
13 apply to (i) existing sanitary landfills and transfer stations, with a valid permit issued before the
14 date this act becomes effective, on July 1, 2016, at which point a permittee may choose to apply
15 for a life-of-site permit pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this
16 act, or may choose to apply for a life-of-site permit for the facility when the facility's permit is
17 next subject to renewal after July 1, 2016, (ii) new sanitary landfills and transfer stations, for
18 applications submitted on or after July 1, 2016, and (iii) applications for sanitary landfills or
19 transfer stations submitted before July 1, 2015, and pending on the date this act becomes law shall
20 be evaluated by the Department based on the applicable laws that were in effect on July 1, 2015,
21 and the Department shall not delay in processing such permit applications in consideration of
22 changes made by this act, but such landfills and transfer stations shall be eligible for issuance of
23 life-of-site permits pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this act, on
24 July 1, 2016, at which point a permittee may choose to apply for a life-of-site permit pursuant to
25 G.S. 130A-294(a2), as amended by Section 14.20(b) of this act, or may choose to apply for a
26 life-of-site permit for the facility when the facility's permit is next subject to renewal after July 1,
27 2016."

28 **SECTION 3.4.(b)** G.S. 130A-294(b1)(2) reads as rewritten:

29 "(2) A person who intends to apply for a new permit for a sanitary landfill shall
30 obtain, prior to applying for a permit, a franchise for the operation of the
31 sanitary landfill from each local government having jurisdiction over any part
32 of the land on which the sanitary landfill and its appurtenances are located or to
33 be located. A local government may adopt a franchise ordinance under
34 G.S. 153A-136 or G.S. 160A-319. A franchise granted for a sanitary landfill
35 ~~shall~~ shall (i) be granted for the life-of-site of the landfill and shall landfill, but
36 for a period not to exceed 60 years, and (ii) include all of the following:

- 37 a. A statement of the population to be served, including a description of
38 the geographic area.
- 39 b. A description of the volume and characteristics of the waste stream.
- 40 c. A projection of the useful life of the sanitary landfill.
- 41 d. Repealed by Session Laws 2013-409, s. 8, effective August 23, 2013.
- 42 e. The procedures to be followed for governmental oversight and
43 regulation of the fees and rates to be charged by facilities subject to the
44 franchise for waste generated in the jurisdiction of the franchising
45 entity.
- 46 f. A facility plan for the sanitary landfill that shall include the boundaries
47 of the proposed facility, proposed development of the facility site, the
48 boundaries of all waste disposal units, final elevations and capacity of
49 all waste disposal units, the amount of waste to be received per day in
50 tons, the total waste disposal capacity of the sanitary landfill in tons, a
51 description of environmental controls, and a description of any other

1 waste management activities to be conducted at the facility. In addition,
 2 the facility plan shall show the proposed location of soil borrow areas,
 3 leachate facilities, and all other facilities and infrastructure, including
 4 ingress and egress to the facility."

5 **SECTION 3.4.(c)** G.S. 160A-319(a) reads as rewritten:

6 **"§ 160A-319. Utility franchises.**

7 (a) A city shall have authority to grant upon reasonable terms franchises for a telephone
 8 system and any of the enterprises listed in G.S. 160A-311, except a cable television system. A
 9 franchise granted by a city authorizes the operation of the franchised activity within the city. No
 10 franchise shall be granted for a period of more than 60 years, ~~except including a franchise granted~~
 11 ~~to a sanitary landfill for the life-of-site of the landfill pursuant to G.S. 130A-294(b1); provided,~~
 12 ~~however, that a franchise for solid waste collection or disposal systems and facilities-facilities,~~
 13 ~~other than sanitary landfills,~~ shall not be granted for a period of more than 30 years. Except as
 14 otherwise provided by law, when a city operates an enterprise, or upon granting a franchise, a city
 15 may by ordinance make it unlawful to operate an enterprise without a franchise."

16 **SECTION 3.4.(d)** G.S. 153A-136 reads as rewritten:

17 **"§ 153A-136. Regulation of solid wastes.**

18 (a) A county may by ordinance regulate the storage, collection, transportation, use,
 19 disposal, and other disposition of solid wastes. Such an ordinance may:

20 ...

- 21 (3) Grant a franchise to one or more persons for the exclusive right to
 22 commercially collect or dispose of solid wastes within all or a defined portion
 23 of the county and prohibit any other person from commercially collecting or
 24 disposing of solid wastes in that area. The board of commissioners may set the
 25 terms of any ~~franchise, except that no franchise may be granted for a period~~
 26 ~~exceeding 30 years, nor may any franchise; provided, however, no franchise~~
 27 ~~shall be granted for a period of more than 30 years, except for a franchise~~
 28 ~~granted to a sanitary landfill for the life-of-site of the landfill pursuant to~~
 29 ~~G.S. 130A-294(b1), which may not exceed 60 years. No franchise by its terms~~
 30 ~~may impair the authority of the board of commissioners to regulate fees as~~
 31 ~~authorized by this section.~~

32"

33 **SECTION 3.4.(e)** Section 3.4 of this act is effective retroactively to July 1, 2015, and
 34 applies to franchise agreements (i) executed on or after October 1, 2015, and (ii) executed on or
 35 before October 1, 2015, only if all parties to the agreement consent to modify the agreement for
 36 the purpose of extending the agreement's duration of the life-of-site of the landfill for which the
 37 agreement was executed.

38
 39 **AUTHORIZE THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS TO**
 40 **REVIEW AND COMMENT ON MILITARY-RELATED PERMIT CRITERIA**

41 **SECTION 3.6.(a)** Article 21C of Chapter 143 of the General Statutes reads as
 42 rewritten:

43 "Article 21C.

44 "Permitting of Wind Energy Facilities.

45 "...

46 **"§ 143-215.118. Permit application scoping meeting and notice.**

47 (a) Scoping Meeting. – No less than 60 days prior to filing an application for a permit for a
 48 proposed wind energy facility or proposed wind energy facility expansion, the applicant shall
 49 request the scheduling of a scoping meeting between the applicant and the Department. The
 50 scoping meeting shall be held no less than 30 days prior to filing an application for a permit for a
 51 proposed wind energy facility or proposed wind energy facility expansion. ~~The applicant and the~~

1 Department shall review the permit for the proposed wind energy facility or proposed facility
2 expansion at the scoping meeting.

3 ...
4 **"§ 143-215.119. Permit application requirements; fees; notice of receipt of completed
5 permit; public hearing; public comment.**

6 (a) Permit Requirements. – A person applying for a permit for a proposed wind energy
7 facility or proposed wind energy facility expansion shall include all of the following in an
8 application for the permit:

- 9 (1) A narrative description of the proposed wind energy facility or proposed wind
10 energy facility expansion.
- 11 (2) A map showing the location of the proposed wind energy facility or proposed
12 wind energy facility expansion that identifies the specific location of each
13 turbine.
- 14 (3) A copy of a deed, purchase agreement, lease agreement, or other legal
15 instrument demonstrating the right to construct, expand, or otherwise develop a
16 wind energy facility on the property.
- 17 (4) Identification by name and address of property owners ~~adjacent to~~ living within
18 one-half mile of the proposed wind energy facility or proposed wind energy
19 facility expansion. The applicant shall notify every property owner identified
20 pursuant to this subdivision by registered or certified mail or by any means
21 authorized by G.S. 1A-1, Rule 4, in a form approved by the Department. The
22 notice shall include all of the following:
 - 23 a. The location of the proposed wind energy facility or proposed wind
24 energy facility expansion and the specific location of each turbine
25 proposed to be located within one-half mile of the ~~boundary of the~~
26 ~~adjacent property owner property.~~
 - 27 b. A description of the proposed wind energy facility or proposed wind
28 energy facility expansion.

29 ...
30 **"§ 143-215.120. Criteria for permit approval; time frame; permit conditions; other
31 approvals required.**

32 (a) Permit Approval. – The Department shall approve an application for a permit for a
33 proposed wind energy facility or proposed wind energy facility expansion unless the Department
34 finds any one or more of the following:

- 35 (1) Construction or operation of the proposed wind energy facility or proposed
36 wind energy facility expansion would be inconsistent with or violate rules
37 adopted by the ~~Department~~ Department, the Department of Military and
38 Veterans Affairs, or any other provision of law.
- 39 (2) Construction or operation of the proposed wind energy facility or proposed
40 wind energy facility expansion would encroach upon or would otherwise have a
41 significant adverse impact on the mission, training, or operations of any major
42 military installation or branch of military in North Carolina and result in a
43 detriment to continued military presence in the State. In its evaluation, the
44 Department may consider whether the proposed wind energy facility or
45 proposed wind energy facility expansion would cause interference with air
46 navigation routes, air traffic control areas, military training routes, or radar
47 based on information submitted by the applicant pursuant to subdivisions (5)
48 and (6) of subsection (a) of G.S. 143-215.119, and any information received by
49 the Department pursuant to subdivision (2) of subsection (d) of
50 G.S. 143-215.119.

1 **"§ 143-215.123. Annual review of military presence.**

2 The Department of Military and Veterans Affairs shall consult with representatives of the
3 major military installations to review information regarding military air navigation routes, air
4 traffic control areas, military training routes, special-use air space, radar, or other potentially
5 affected military operations at least once per ~~year-year~~ and shall provide such information to the
6 Department. The Department shall provide relevant information on civil air navigation or military
7 air navigation routes, air traffic control areas, military training routes, special-use air space, radar,
8 or other potentially affected military operations to permit applicants as requested.

9 ...
10 **"§ 143-215.125. Rule making.**

11 The Department of Military and Veterans Affairs and the Environmental Management
12 Commission shall adopt any rules necessary pertaining to their respective jurisdictions for the
13 implementation of to implement this Article. In adopting rules, the Environmental Management
14 Commission shall consult with the Coastal Resources Commission to ensure that the development
15 of statewide permitting requirements is consistent with and in consideration of the characteristics
16 unique to the coastal area of the State to the maximum extent practicable.

17 "..."

18 **SECTION 3.6.(b)** Subsection (a) of this section becomes effective when this act
19 becomes law and applies to applications for permits for a proposed wind energy facility or a
20 proposed wind energy facility expansion submitted on or after that date.

21 **SECTION 3.6.(c)** Article 9G of Chapter 143 of the General Statutes reads as
22 rewritten:

23 "Article 9G.

24 "Military Lands Protection.

25 **"§ 143-151.70. Short title.**

26 This Article shall be known as the Military Lands Protection Act of 2013.

27 **"§ 143-151.71. Definitions.**

28 Within the meaning of this Article:

- 29 (1) "Area surrounding major military installations" is the area that extends five
30 miles beyond the boundary of a major military installation and may include
31 incorporated and unincorporated areas of counties and municipalities.
- 32 (2) Repealed by Session Laws 2014-79, s. 2, effective July 22, 2014.
- 33 ~~(3) "Commissioner" means the Commissioner of Insurance.~~
- 34 (4) "Construction" includes reconstruction, alteration, or expansion.
- 35 (5) "Major military installation" means Fort Bragg, Pope Army Airfield, Camp
36 Lejeune Marine Corps Air Base, New River Marine Corps Air Station, Cherry
37 Point Marine Corps Air Station, Military Ocean Terminal at Sunny Point, the
38 United States Coast Guard Air Station at Elizabeth City, Naval Support
39 Activity Northwest, Air Route Surveillance Radar (ARSR-4) at Fort Fisher, and
40 Seymour Johnson Air Force Base, in its own right and as the responsible entity
41 for the Dare County Bombing Range, and any facility located within the State
42 that is subject to the installations' oversight and control.
- 43 (6) "Person" means any individual, partnership, firm, association, joint venture,
44 public or private corporation, trust, estate, commission, board, public or private
45 institution, utility, cooperative, interstate body, the State of North Carolina and
46 its agencies and political subdivisions, or other legal entity.
- 47 (6a) "Secretary" means the Secretary of the Department of Administration.
- 48 ~~(6a)~~(6b) "State Construction Office" means the State Construction Office of the
49 Department of Administration.
- 50 (7) "Tall buildings or structures" means any building, structure, or unit within a
51 multiunit building with a vertical height of more than 200 feet measured from

1 the top of the foundation of the building, structure, or unit and the uppermost
2 point of the building, structure, or unit. "Tall buildings or structures" do not
3 include buildings and structures listed individually or as contributing resources
4 within a district listed in the National Register of Historic Places.

5 **"§ 143-151.72. Legislative findings.**

6 North Carolina has a vested economic interest in preserving, maintaining, and sustaining land
7 uses that are compatible with military activities at major military installations. Development
8 located proximate to military installations has been identified as a critical issue impacting the
9 long-term viability of the military in this State. Additional concerns associated with development
10 include loss of access to air space and coastal and marine areas and radio frequency encroachment.
11 The construction of tall buildings or structures in areas surrounding major military installations is
12 of utmost concern to the State as those buildings and structures may interfere with or impede the
13 military's ability to carry out activities that are vital to its function and future presence in North
14 Carolina.

15 **"§ 143-151.73. Certain buildings and structures prohibited without endorsement.**

16 (a) No county or city may authorize the construction of and no person may construct a tall
17 building or structure in any area surrounding a major military installation in this State, unless the
18 county or city is in receipt of either a letter of endorsement issued to the person by the State
19 Construction Office pursuant to ~~G.S. 143-151.75~~ or proof of the State Construction Office's failure
20 ~~to act within the time allowed pursuant to G.S. 143-151.75.~~

21 (b) No county or city may authorize the provision of the following utility services to any
22 building or structure constructed in violation of subsection (a) of this section: electricity,
23 telephone, gas, water, sewer, or septic system.

24 **"§ 143-151.74. Exemptions from applicability.**

25 (a) Wind energy facilities and wind energy facility expansions, as those terms are defined
26 in Article 21C of Chapter 143 of the General Statutes, that are subject to the applicable permit
27 requirements of that Chapter shall be exempt from obtaining the endorsement required by this
28 Article.

29 ...

30 **"§ 143-151.75. Endorsement for proposed tall buildings or structures required.**

31 (a) No person shall undertake construction of a tall building or structure in any area
32 surrounding a major military installation in this State without ~~either~~ first obtaining the
33 endorsement from the State Construction Office or proof of the State Construction Office's failure
34 ~~to act within the time allowed.~~Office.

35 (b) A person seeking endorsement for a proposed tall building or structure in any area
36 surrounding a major military installation in this State shall provide written notice of the intent to
37 seek endorsement to the base commander of the major military installation that is located within
38 five miles of the proposed tall building or structure and shall provide all of the following to the
39 State Construction Office:

- 40 (1) Identification of the major military installation and the base commander of the
41 installation that is located within five miles of the proposed tall building or
42 structure.
- 43 (2) A copy of the written notice sent to the base commander of the installation
44 identified in subdivision (1) of this subsection that is located within five miles
45 of the proposed tall building or structure.
- 46 (3) A written "Determination of No Hazard to Air Navigation" issued by the
47 Federal Aviation Administration pursuant to Subpart D of Part 77 of Title 14 of
48 the Code of Federal Regulations (January 1, 2012, Edition) for the proposed tall
49 building or structure.

50 (c) After receipt of the information provided by the ~~applicant~~ person pursuant to
51 subsection (b) of this section, the State Construction Office shall, in writing, request a written

1 statement concerning the proposed tall building or structure from the base commander of the
2 major military installation identified in subdivision (1) of subsection (b) of this section. The State
3 Construction Office shall request that the following information be included in the written
4 statement from the base commander:

5 (1) A determination whether the location of the proposed tall building or structure
6 is within a ~~protected~~ an area that surrounds the major military installation.

7 (2) A determination whether any activities of the installation may be adversely
8 affected by the proposed tall building or structure. A detailed description of the
9 potential adverse effects, including frequency disturbances and physical
10 obstructions, shall accompany the determination required by this subdivision.

11 (d) The State Construction Office shall not endorse a tall building or structure if the State
12 Construction Office finds any one or more of the following:

13 (1) The proposed tall building or structure would encroach upon or otherwise
14 interfere with the mission, training, or operations of any major military
15 installation in North Carolina and result in a detriment to continued military
16 presence in the State. In its evaluation, the State Construction Office may
17 consider whether the proposed tall building or structure would cause
18 interference with air navigation routes, air traffic control areas, military training
19 routes, or radar based on the written statement received from a base commander
20 as provided in subsection (c) of this section and written comments received by
21 members of affected communities. Provided, however, if the State Construction
22 Office does not receive a written statement requested pursuant to subsection (c)
23 of this section within 45 days of issuance of the request to the base commander,
24 the State Construction Office shall deem the tall building or structure as
25 ~~endorsed~~ denied by the base commander.

26 (2) The State Construction Office is not in receipt of the written "Determination of
27 No Hazard to Air Navigation" issued to the person by the Federal Aviation
28 Administration required pursuant to subdivision (3) of subsection (b) of this
29 section.

30 (e) The State Construction Office shall make a final decision on the request for
31 endorsement of a tall building or structure within 90 days from the date on which the State
32 Construction Office requested the written statement from the base commander of the major
33 military installation identified in subdivision (1) of subsection (b) of this section. If the State
34 Construction Office determines that a request for a tall building or structure fails to meet the
35 requirements for endorsement under this section, the State Construction Office shall deny the
36 request. The State Construction Office shall notify the person of the denial, and the notice shall
37 include a written statement of the reasons for the denial. If the State Construction Office fails to
38 act within any time period set forth in this section, the person may treat the failure to act as a
39 decision to ~~endorse~~ deny endorsement of the tall building or structure.

40 (f) ~~The State Construction Office may meet by telephone, video, or Internet conference, so~~
41 ~~long as consistent with applicable law regarding public meetings, to make a decision on a request~~
42 ~~for endorsement for a tall building or structure pursuant to subsection (e) of this section.~~

43 **"§ 143-151.76. Application to existing tall buildings and structures.**

44 G.S. 143-151.73 applies to tall buildings or structures that existed in an area surrounding major
45 military installations ~~upon the effective date of this Article~~ on October 1, 2013, as follows:

46 (1) No reconstruction, alteration, or expansion may aggravate or intensify a
47 violation by an existing building or structure that did not comply with
48 G.S. 143-151.73 ~~upon its effective date~~ on October 1, 2013.

49 (2) No reconstruction, alteration, or expansion may cause or create a violation by
50 an existing building or structure that did comply with G.S. 143-151.73 ~~upon its~~
51 ~~effective date~~ on October 1, 2013.

1 **"§ 143-151.77. Enforcement and penalties.**

2 (a) In addition to injunctive ~~relief,~~relief, as provided by subsection (e) of this section, the
3 ~~Commissioner-Secretary~~ may assess and collect a civil penalty against any person who violates
4 any of the provisions of this Article or rules adopted pursuant to this Article, as provided in this
5 section. The maximum civil penalty for a violation is five thousand dollars (\$5,000). A civil
6 penalty may be assessed from the date of the violation. Each day of a continuing violation may
7 constitute a separate violation.

8 (b) The ~~Commissioner-Secretary~~ shall determine the amount of the civil penalty and shall
9 notify the person who is assessed the civil penalty of the amount of the penalty and the reason for
10 assessing the penalty. The notice of assessment shall be served by any means authorized under
11 Rule 4 of G.S. 1A-1 and shall direct the violator to either pay the assessment or contest the
12 assessment within 30 calendar days by filing a petition for a contested case under Article 3 of
13 Chapter 150B of the General Statutes. If a violator does not pay a civil penalty assessed by the
14 ~~Commissioner-Secretary~~ within 30 calendar days after it is due, the ~~Commissioner-Secretary~~ shall
15 request that the Attorney General institute a civil action to recover the amount of the assessment.
16 The civil action may be brought in the superior court of any county where the violation occurred.
17 A civil action must be filed within one year of the date the assessment was due. An assessment
18 that is not contested is due when the violator is served with a notice of assessment. An assessment
19 that is contested is due at the conclusion of the administrative and judicial review of the
20 assessment.

21 (c) In determining the amount of the penalty, the ~~Commissioner-Secretary~~ shall consider
22 the degree and extent of harm caused by the violation, the cost of rectifying the damage, the
23 amount of money the violator saved by noncompliance, whether the violation was committed
24 willfully, the prior record of the violator in complying or failing to comply with this Article, and
25 the action of the person to remedy the violation.

26 (d) The clear proceeds of civil penalties collected by the ~~Commissioner-Secretary~~ under
27 this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with
28 G.S. 115C-457.2.

29 (e) Whenever the Secretary has reasonable cause to believe that any person has violated or
30 is threatening to violate any of the provisions of this Article, a rule implementing this Article, or
31 any of the terms of any endorsement issued pursuant to this Article, the State Construction Office
32 may, either before or after the institution of any other action or proceeding authorized by this
33 Article, request the Attorney General to institute a civil action in the name of the State upon the
34 request of the State Construction Office for injunctive relief to restrain the violation or threatened
35 violation and for such other and further relief in the premises as the court shall deem proper. The
36 Attorney General may institute such action in the superior court of the county in which the
37 violation occurred or may occur or, in the Attorney General's discretion, in the superior court of
38 the county in which the person responsible for the violation or threatened violation resides or has
39 the person's principal place of business. Upon a determination by the court that the alleged
40 violation of the provisions of this Article or the regulations of the State Construction Office has
41 occurred or is threatened, the court shall grant the relief necessary to prevent or abate the violation
42 or threatened violation. Neither the institution of the action nor any of the proceedings thereon
43 shall relieve any party to such proceedings from any penalty prescribed for violation of this
44 Article."

45 **SECTION 3.6.(d)** Subsection (c) of this section is effective when this act becomes
46 law and applies to requests for endorsements to construct tall buildings or structures submitted on
47 or after that date.

48 **SECTION 3.7.(a)** Article 21C of Chapter 143 of the General Statutes, as amended by
49 Section 3.6(a) of this act, reads as rewritten:

50 "Article 21C.

51 "Permitting of Wind Energy Facilities.

1 "...

2 **"§ 143-215.117. Permit preapplication site evaluation meeting; notice; preapplication**
3 **package requirements.**

4 (a) Permit Preapplication Site Evaluation Meeting. – No less than 180 days prior to filing
5 an application for a permit to construct, operate, or expand a wind energy facility, a person shall
6 request a preapplication site evaluation meeting to be held between the ~~applicant and the~~
7 Department, applicant, the Department, and the Department of Military and Veterans Affairs. The
8 preapplication site evaluation meeting shall be held no less than 120 days prior to filing an
9 application for a permit to construct, operate, or expand a wind energy facility and may be used by
10 the participants to:

11 (1) Conduct a preliminary evaluation of the site or sites for the proposed wind
12 energy facility or wind energy facility expansion. The preliminary evaluation of
13 the proposed wind energy facility or proposed wind energy facility expansion
14 shall determine if the site or sites:

15 a. Pose serious risk to civil air navigation or military air navigation routes,
16 air traffic control areas, military training routes, special-use air space,
17 radar, or other potentially affected military operations.

18 b. Pose serious risk to natural resources and uses, including to species of
19 concern or their habitats.

20 (2) Identify areas where proposed construction or expansion activities pose
21 minimal risk of interference with civil air navigation or military air navigation
22 routes, air traffic control areas, military training routes, special-use air space,
23 radar, or other potentially affected military operations.

24 (3) Identify areas where proposed construction or expansion activities pose
25 minimal risk to natural resources and uses, including avian, bat, and endangered
26 and threatened species.

27 (b) Permit Preapplication Package. – No less than 45 days prior to the date of the permit
28 preapplication site evaluation meeting scheduled in accordance with subsection (a) of this section,
29 the applicant for a wind energy facility or wind energy facility expansion shall submit a
30 preapplication package to the ~~Department.~~Department and the Department of Military and
31 Veterans Affairs. To the extent that any documents contain trade secrets or confidential business
32 information, those portions of the documents shall not be subject to disclosure under the North
33 Carolina Public Records Act. The preapplication package shall include all of the following:

34 ...

35 **"§ 143-215.118. Permit application scoping meeting and notice.**

36 (a) Scoping Meeting. – No less than 60 days prior to filing an application for a permit for a
37 proposed wind energy facility or proposed wind energy facility expansion, the applicant shall
38 request the scheduling of a scoping meeting between the ~~applicant and the Department.~~applicant,
39 the Department, and the Department of Military and Veterans Affairs. The scoping meeting shall
40 be held no less than 30 days prior to filing an application for a permit for a proposed wind energy
41 facility or proposed wind energy facility expansion.

42 ...

43 **"§ 143-215.119. Permit application requirements; fees; notice of receipt of completed**
44 **permit; public hearing; public comment.**

45 (a) Permit Requirements. – A person applying for a permit for a proposed wind energy
46 facility or proposed wind energy facility expansion shall include all of the following in an
47 application for the ~~permit;~~permit to be submitted to the Department and the Department of
48 Military and Veterans Affairs:

49 ...

50 (f) Public Hearing and Comment. – The Department shall hold a public hearing in each
51 county in which the wind energy facility or wind energy facility expansion is proposed to be

1 located within 75 days of receipt of a completed permit application. The Department shall provide
2 notice including the time and location of the public hearing in a newspaper of general circulation
3 in each applicable county. The notice of public hearing shall be published for at least two
4 consecutive weeks beginning no less than 45 days prior to the scheduled date of the hearing. The
5 notice shall provide that any comments on the proposed wind energy facility or proposed wind
6 energy facility expansion should be submitted to the Department by a specified date, not less than
7 15 days from the date of the newspaper publication of the notice or 15 days after distribution of
8 the mailed notice, whichever is later. No less than 30 days prior to the scheduled public hearing,
9 the Department shall provide written notice of the hearing to:

- 10 (1) The North Carolina Utilities Commission.
- 11 (2) The Office of the Attorney General of North Carolina.
- 12 (3) The commanding military officer of any potentially affected major military
13 installation or the commanding military officer's designee.
- 14 (4) The board of commissioners for each county and the governing body of each
15 municipality with jurisdictions over areas in which a potentially affected major
16 military installation is located.
- 17 (5) The Department of Military and Veterans Affairs.

18 **"§ 143-215.120. Criteria for permit approval; time frame; permit conditions; other**
19 **approvals required.**

20 (a) Permit Approval. – The Department shall approve an application for a permit for a
21 proposed wind energy facility or proposed wind energy facility expansion unless the Department
22 finds any one or more of the following:

- 23 (1) Construction or operation of the proposed wind energy facility or proposed
24 wind energy facility expansion would be inconsistent with or violate rules
25 adopted by the Department, the Department of Military and Veterans Affairs, or
26 any other provision of law.
- 27 (2) ~~Construction~~ As evidenced by receipt of notice from the Department of Military
28 and Veterans Affairs issued pursuant to G.S. 143-215.120A(b), construction or
29 operation of the proposed wind energy facility or proposed wind energy facility
30 expansion would encroach upon or would otherwise have a significant adverse
31 impact on the mission, training, or operations of any major military installation
32 or branch of military in North Carolina and result in a detriment to continued
33 military presence in the State. ~~In its evaluation, the Department may consider~~
34 ~~whether the proposed wind energy facility or proposed wind energy facility~~
35 ~~expansion would cause interference with air navigation routes, air traffic~~
36 ~~control areas, military training routes, or radar based on information submitted~~
37 ~~by the applicant pursuant to subdivisions (5) and (6) of subsection (a) of G.S.~~
38 ~~143-215.119, and any information received by the Department pursuant to~~
39 ~~subdivision (2) of subsection (d) of G.S. 143-215.119.~~

40 ...

41 (b) Permit Decision.–The Department shall make a final decision on a permit application
42 within 90 days following receipt of a completed application, except that the Department shall not
43 be required to make a final decision until the Department has ~~received~~ received both (i) a
44 certification from the Department of Military and Veterans Affairs for the proposed wind energy
45 facility or proposed wind energy facility expansion issued pursuant to G.S. 143-215.120A(a) or a
46 notice from the Department of Military and Veterans Affairs of its decision not to issue a
47 certification for the proposed wind energy facility or proposed wind energy facility expansion
48 pursuant to G.S. 143-215.120A(b) and (ii) a written "Determination of No Hazard to Air
49 Navigation" issued by the Federal Aviation Administration pursuant to Subpart D of Part 77 of
50 Title 14 of the Code of Federal Regulations (January 1, 2012 edition). If the Department requests
51 additional information following the receipt of a completed application, the Department shall

1 make a final decision on a permit application within 30 days of receipt of the requested
2 information. If the Department determines that an application for a wind energy facility or a wind
3 energy facility expansion fails to meet the requirements for a permit under this section, the
4 Department shall deny the application, and the application shall be returned to the applicant
5 accompanied by a written statement of the reasons for the denial and any modifications to the
6 permit application that would make the application acceptable. If the Department fails to act
7 within the time period set forth in this subsection, the applicant may treat the failure to act as a
8 denial of the permit and may challenge the denial as provided under Chapter 150B of the General
9 Statutes.

10 ...

11 **"§ 143-215.120A. Certification required from the Department of Military and Veterans**
12 **Affairs.**

13 (a) The Department of Military and Veterans Affairs shall issue a certification for a
14 proposed wind energy facility or proposed wind energy facility expansion unless the Department
15 of Military and Veterans Affairs finds construction or operation of the proposed wind energy
16 facility or wind energy facility expansion would encroach upon or would otherwise have a
17 significant adverse impact on the mission, training, or operations of any major military installation
18 or branch of military in North Carolina and result in a detriment to continued military presence in
19 the State. In its evaluation, the Department of Military and Veterans Affairs may consider whether
20 the proposed wind energy facility or proposed wind energy facility expansion would cause
21 interference with air navigation routes, air traffic control areas, military training routes, or radar
22 based on information submitted by the applicant pursuant to subdivisions (5) and (6) of subsection
23 (a) of G.S. 143-215.119, and any information received by the Department pursuant to subdivision
24 (2) of subsection (d) of G.S. 143-215.119.

25 (b) If the Department of Military and Veterans Affairs determines that it cannot issue a
26 certification for a proposed wind energy facility or proposed wind energy facility expansion based
27 on the criteria set forth in subsection (a) of this section, the Department of Military and Veterans
28 Affairs shall notify the applicant and the Department within 10 days of such decision, which shall
29 include findings of fact that document the basis for the decision.

30"

31 **SECTION 3.7.(b)** Subsection (a) of this section becomes effective October 1, 2018,
32 and applies to applications for permits for a proposed wind energy facility or a proposed wind
33 energy facility expansion submitted on or after that date.

34 **SECTION 3.7.(c)** The Revisor of Statutes shall make the following recodifications in
35 connection with the transfer of the Military Lands Protection Act of 2013:

- 36 (1) Article 9G of Chapter 143 of the General Statutes (Military Lands Protection) is
37 recodified into Part 12 of Article 14 of Chapter 143B of the General Statutes
38 with the sections to be numbered as G.S. 143B-1315A through
39 G.S. 143B-1315H, respectively.

40 **SECTION 3.7.(d)** Part 12 of Article 14 of Chapter 143B of the General Statutes, as
41 recodified by subsection (c) of this section and as amended by Section 3.6(c) of this act, reads as
42 rewritten:

43 ~~"Article 9G-Part 12.~~ Military Lands Protection.

44 **"§ 143B-1315A. Short title.**

45 This ~~Article-Part~~ shall be known as the Military Lands Protection Act of 2013.

46 **"§ 143B-1315B. Definitions.**

47 Within the meaning of this ~~Article-Part~~:

- 48 (1) "Area surrounding major military installations" is the area that extends five
49 miles beyond the boundary of a major military installation and may include
50 incorporated and unincorporated areas of counties and municipalities.
51 (2) Repealed by Session Laws 2014-79, s. 2, effective July 22, 2014.

- 1 (3) Repealed.
- 2 (4) "Construction" includes reconstruction, alteration, or expansion.
- 3 (4a) "Department" means the Department of Military and Veterans Affairs.
- 4 (5) "Major military installation" means Fort Bragg, Pope Army Airfield, Camp
5 Lejeune Marine Corps Air Base, New River Marine Corps Air Station, Cherry
6 Point Marine Corps Air Station, Military Ocean Terminal at Sunny Point, the
7 United States Coast Guard Air Station at Elizabeth City, Naval Support
8 Activity Northwest, Air Route Surveillance Radar (ARSR-4) at Fort Fisher, and
9 Seymour Johnson Air Force Base, in its own right and as the responsible entity
10 for the Dare County Bombing Range, and any facility located within the State
11 that is subject to the installations' oversight and control.
- 12 (6) "Person" means any individual, partnership, firm, association, joint venture,
13 public or private corporation, trust, estate, commission, board, public or private
14 institution, utility, cooperative, interstate body, the State of North Carolina and
15 its agencies and political subdivisions, or other legal entity.
- 16 ~~(6a) "State Construction Office" means the State Construction Office of the~~
17 ~~Department of Administration.~~
- 18 (6b) "Secretary" means the Secretary of the Department of ~~Administration.~~Military
19 and Veterans Affairs.
- 20 (7) "Tall buildings or structures" means any building, structure, or unit within a
21 multiunit building with a vertical height of more than 200 feet (200') measured
22 from the top of the foundation of the building, structure, or unit and the
23 uppermost point of the building, structure, or unit. "Tall buildings or structures"
24 do not include buildings and structures listed individually or as contributing
25 resources within a district listed in the National Register of Historic Places.

26 ...

27 **"§ 143B-1315D. Certain buildings and structures prohibited without endorsement.**

28 (a) No county or city may authorize the construction of and no person may construct a tall
29 building or structure in any area surrounding a major military installation in this State, unless the
30 county or city is in receipt of either a letter of endorsement issued to the person by the ~~State~~
31 ~~Construction Office~~Department pursuant to ~~G.S. 143-151.75.~~G.S. 143B-1315F.

32 (b) No county or city may authorize the provision of the following utility services to any
33 building or structure constructed in violation of subsection (a) of this section: electricity,
34 telephone, gas, water, sewer, or septic system.

35 ...

36 **"§ 143-1315F. Endorsement for proposed tall buildings or structures required.**

37 (a) No person shall undertake construction of a tall building or structure in any area
38 surrounding a major military installation in this State without first obtaining the endorsement from
39 the ~~State Construction Office.~~Department.

40 (b) A person seeking endorsement for a proposed tall building or structure in any area
41 surrounding a major military installation in this State shall provide written notice of the intent to
42 seek endorsement to the base commander of the major military installation that is located within
43 five miles of the proposed tall building or structure and shall provide all of the following to the
44 ~~State Construction Office.~~Department:

- 45 (1) Identification of the major military installation and the base commander of the
46 installation that is located within five miles of the proposed tall building or
47 structure.
- 48 (2) A copy of the written notice sent to the base commander of the installation
49 identified in subdivision (1) of this subsection that is located within five miles
50 of the proposed tall building or structure.

1 (3) A written "Determination of No Hazard to Air Navigation" issued by the
2 Federal Aviation Administration pursuant to Subpart D of Part 77 of Title 14 of
3 the Code of Federal Regulations (January 1, 2012, Edition) for the proposed tall
4 building or structure.

5 (c) After receipt of the information provided by the person pursuant to subsection (b) of
6 this section, the ~~State Construction Office~~Department shall, in writing, request a written statement
7 concerning the proposed tall building or structure from the base commander of the major military
8 installation identified in subdivision (1) of subsection (b) of this section. The ~~State Construction~~
9 ~~Office~~Department shall request that the following information be included in the written statement
10 from the base commander:

11 (1) A determination whether the location of the proposed tall building or structure
12 is within an area that surrounds the major military installation.

13 (2) A determination whether any activities of the installation may be adversely
14 affected by the proposed tall building or structure. A detailed description of the
15 potential adverse effects, including frequency disturbances and physical
16 obstructions, shall accompany the determination required by this subdivision.

17 (d) The ~~State Construction Office~~Department shall not endorse a tall building or structure
18 if the ~~State Construction Office~~Department finds any one or more of the following:

19 (1) The proposed tall building or structure would encroach upon or otherwise
20 interfere with the mission, training, or operations of any major military
21 installation in North Carolina and result in a detriment to continued military
22 presence in the State. In its evaluation, the ~~State Construction~~
23 ~~Office~~Department may consider whether the proposed tall building or structure
24 would cause interference with air navigation routes, air traffic control areas,
25 military training routes, or radar based on the written statement received from a
26 base commander as provided in subsection (c) of this section and written
27 comments received by members of affected communities. Provided, however, if
28 the ~~State Construction Office~~Department does not receive a written statement
29 requested pursuant to subsection (c) of this section within 45 days of issuance
30 of the request to the base commander, the ~~State Construction Office~~Department
31 shall deem the tall building or structure as denied by the base commander.

32 (2) The ~~State Construction Office~~Department is not in receipt of the written
33 "Determination of No Hazard to Air Navigation" issued to the person by the
34 Federal Aviation Administration required pursuant to subdivision (3) of
35 subsection (b) of this section.

36 (e) The ~~State Construction Office~~Department shall make a final decision on the request for
37 endorsement of a tall building or structure within 90 days from the date on which the ~~State~~
38 ~~Construction Office~~Department requested the written statement from the base commander of the
39 major military installation identified in subdivision (1) of subsection (b) of this section. If the ~~State~~
40 ~~Construction Office~~Department determines that a request for a tall building or structure fails to
41 meet the requirements for endorsement under this section, the ~~State Construction~~
42 ~~Office~~Department shall deny the request. The ~~State Construction Office~~Department shall notify
43 the person of the denial, and the notice shall include a written statement of the reasons for the
44 denial. If the ~~State Construction Office~~Department fails to act within any time period set forth in
45 this section, the person may treat the failure to act as a decision to deny endorsement of the tall
46 building or structure.

47 **"§ 143B-1315G. Application to existing tall buildings and structures.**

48 ~~G.S. 143-151.73~~G.S. 143B-1315D applies to tall buildings or structures that existed in an area
49 surrounding major military installations on October 1, 2013, as follows:

1 (1) No reconstruction, alteration, or expansion may aggravate or intensify a
2 violation by an existing building or structure that did not comply with ~~G.S.~~
3 ~~143-151.73~~ G.S. 143B-1315D on October 1, 2013.

4 (2) No reconstruction, alteration, or expansion may cause or create a violation by
5 an existing building or structure that did comply with ~~G.S.~~
6 ~~143-151.73~~ G.S. 143B-1315D on October 1, 2013.

7 "**§ 143B-1315H. Enforcement and penalties.**

8 ...

9 (e) Whenever the Secretary has reasonable cause to believe that any person has violated or
10 is threatening to violate any of the provisions of this Article, a rule implementing this Article, or
11 any of the terms of any endorsement issued pursuant to this Article, the ~~State Construction~~
12 ~~Office~~ Department may, either before or after the institution of any other action or proceeding
13 authorized by this Article, request the Attorney General to institute a civil action in the name of
14 the State upon the request of the ~~State Construction Office~~ Department for injunctive relief to
15 restrain the violation or threatened violation and for such other and further relief in the premises as
16 the court shall deem proper. The Attorney General may institute such action in the superior court
17 of the county in which the violation occurred or may occur or, in the Attorney General's
18 discretion, in the superior court of the county in which the person responsible for the violation or
19 threatened violation resides or has the person's principal place of business. Upon a determination
20 by the court that the alleged violation of the provisions of this Article or the regulations of the
21 ~~State Construction Office~~ Department has occurred or is threatened, the court shall grant the relief
22 necessary to prevent or abate the violation or threatened violation. Neither the institution of the
23 action nor any of the proceedings thereon shall relieve any party to such proceedings from any
24 penalty prescribed for violation of this Article."

25 **SECTION 3.7.(e)** Subsections (c) and (d) of this section become effective October 1,
26 2018, and apply to requests for endorsements to construct tall buildings or structures submitted on
27 or after that date.

28 **SECTION 3.8.(a)** G.S. 153A-323 reads as rewritten:

29 "**§ 153A-323. Procedure for adopting, amending, or repealing ordinances under this Article**
30 **and Chapter 160A, Article 19.**

31 (a) Before adopting, amending, or repealing any ordinance authorized by this Article or
32 Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the ordinance
33 or amendment. The board shall cause notice of the hearing to be published once a week for two
34 successive calendar weeks. The notice shall be published the first time not less than 10 days nor
35 more than 25 days before the date fixed for the hearing. In computing such period, the day of
36 publication is not to be included but the day of the hearing shall be included.

37 (b) If the adoption or modification of the ordinance would result in any of the changes
38 listed in this subsection and those changes would be located five miles or less from the perimeter
39 boundary of a military base, the board of commissioners shall provide written notice of the
40 proposed changes by certified mail, or by any other written means reasonably designed to provide
41 actual notice, to the Department of Military and Veterans Affairs and the commander of the
42 military base or the commander's designee not less than 10 days nor more than 25 days before the
43 date fixed for the public hearing. Prior to the date of the public hearing, the Department of
44 Military and Veterans Affairs and the military may provide comments or analysis to the board
45 regarding the compatibility of the proposed changes with military operations at the base. If the
46 board does not receive a response within 30 days of the notice, the Department of Military and
47 Veterans Affairs and the military ~~is are~~ deemed to waive the comment period. If the Department of
48 Military and Veterans Affairs and the military ~~provides provide~~ comments or analysis regarding
49 the compatibility of the proposed ordinance or amendment with military operations at the base, the
50 board of commissioners shall take the comments and analysis into consideration before making a
51 final determination on the ordinance. The proposed changes requiring notice are:

- 1 (1) Changes to the zoning map.
 2 (2) Changes that affect the permitted uses of land.
 3 (3) Changes relating to telecommunications ~~towers or windmills~~ towers and tall
 4 buildings and structures, as that term is defined in Article 9G of Chapter 143 of
 5 the General Statutes.
 6 (3a) Changes relating to wind energy facilities or wind energy facility expansions as
 7 those terms are defined in Article 21C of Chapter 143 of the General Statutes.
 8 (4) Changes to proposed new major subdivision preliminary plats.
 9 (5) An increase in the size of an approved subdivision by more than fifty percent
 10 (50%) of the subdivision's total land area including developed and undeveloped
 11 land."

12 **SECTION 3.8.(b)** G.S. 160A-364 reads as rewritten:

13 **"§ 160A-364. Procedure for adopting, amending, or repealing ordinances under Article.**

14 (a) Before adopting, amending, or repealing any ordinance authorized by this Article, the
 15 city council shall hold a public hearing on it. A notice of the public hearing shall be given once a
 16 week for two successive calendar weeks in a newspaper having general circulation in the area. The
 17 notice shall be published the first time not less than 10 days nor more than 25 days before the date
 18 fixed for the hearing. In computing such period, the day of publication is not to be included but the
 19 day of the hearing shall be included.

20 (b) If the adoption or modification of the ordinance would result in any of the changes
 21 listed in this subsection and those changes would be located five miles or less from the perimeter
 22 boundary of a military base, the governing body of the local government shall provide written
 23 notice of the proposed changes by certified mail, or by any other written means reasonably
 24 designed to provide actual notice, to the Department of Military and Veterans Affairs and the
 25 commander of the military base or the commander's designee not less than 10 days nor more than
 26 25 days before the date fixed for the public hearing. Prior to the date of the public hearing, the
 27 Department of Military and Veterans Affairs and the military may provide comments or analysis
 28 to the board [governing body of the local government] regarding the compatibility of the proposed
 29 changes with military operations at the base. If the board [governing body of the local
 30 government] does not receive a response within 30 days of the notice, the Department of Military
 31 and Veterans Affairs and the military is—are deemed to waive the comment period. If the
 32 Department of Military and Veterans Affairs and the military ~~provides—provide~~ comments or
 33 analysis regarding the compatibility of the proposed ordinance or amendment with military
 34 operations at the base, the governing body of the local government shall take the comments and
 35 analysis into consideration before making a final determination on the ordinance. The proposed
 36 changes requiring notice are:

- 37 (1) Changes to the zoning map.
 38 (2) Changes that affect the permitted uses of land.
 39 (3) Changes relating to telecommunications ~~towers or windmills~~ towers and tall
 40 buildings and structures, as that term is defined in Article 9G of Chapter 143 of
 41 the General Statutes.
 42 (3a) Changes relating to wind energy facilities or wind energy facility expansions as
 43 those terms are defined in Article 21C of Chapter 143 of the General Statutes.
 44 (4) Changes to proposed new major subdivision preliminary plats.
 45 (5) An increase in the size of an approved subdivision by more than fifty percent
 46 (50%) of the subdivision's total land area including developed and undeveloped
 47 land."

48 **SECTION 3.8.(c)** G.S. 143B-1121 is amended by adding a new subdivision to read:

49 **"§ 143B-1211. Powers and duties of the Department of Military and Veterans Affairs.**

50 It shall be the duty of the Department of Military and Veterans Affairs to do all of the
 51 following:

1 ...
2 (25) Maintain, and make available to the public, accurate maps of areas surrounding
3 major military installations, military training routes, and military operating
4 areas, as defined in G.S. 143B-1315B, that are subject to the provisions of Part
5 12 of this Article."

6 **SECTION 3.8.(d)** G.S. 143-135.29 is repealed.

7 **SECTION 3.8.(e)** G.S. 143B-1121 is amended by adding two new subdivisions to
8 read:

9 **"§ 143B-1211. Powers and duties of the Department of Military and Veterans Affairs.**

10 It shall be the duty of the Department of Military and Veterans Affairs to do all of the
11 following:

12 ...
13 (26) Issue certifications for a proposed wind energy facility or a proposed wind
14 energy facility expansion as provided in G.S. 143-215.120A and otherwise
15 assist in administration of the provisions of Article 21C of Chapter 143 of the
16 General Statutes.

17 (27) Issue endorsements for the construction of proposed tall buildings or structures
18 as provided in G.S. 143B-1315F and otherwise assist in the administration and
19 implementation of the provisions of Part 12 of this Article."

20 **SECTION 3.8.(f)** Subsection (e) of this section becomes effective October 1, 2018,
21 and applies to certifications and endorsements issued on or after that date. Subsections (a) through
22 (d) of this section are effective when this act becomes law.

23 24 **DEQ TO STUDY RIPARIAN BUFFERS FOR INTERMITTENT STREAMS**

25 **SECTION 3.9.** The Department of Environmental Quality shall study whether the
26 size of riparian buffers required for intermittent streams should be adjusted and whether the
27 allowable activities within the buffers should be modified. The Department shall report the results
28 of the study, including any recommendations, to the Environmental Review Commission no later
29 than December 1, 2016.

30 31 **TRANSFER OF CERTAIN CONSERVATION EASEMENTS**

32 **SECTION 3.10.** G.S. 143-214.12 reads as rewritten:

33 **"§ 143-214.12. Division of Mitigation Services: Ecosystem Restoration Fund.**

34 (a) Ecosystem Restoration Fund. – The Ecosystem Restoration Fund is established as a
35 nonreverting fund within the Department. The Fund shall be treated as a special trust fund and
36 shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3.
37 The Ecosystem Restoration Fund shall provide a repository for monetary contributions and
38 donations or dedications of interests in real property to promote projects for the restoration,
39 enhancement, preservation, or creation of wetlands and riparian areas and for payments made in
40 lieu of compensatory mitigation as described in subsection (b) of this section. No funds shall be
41 expended from this Fund for any purpose other than those directly contributing to the acquisition,
42 perpetual maintenance, enhancement, restoration, or creation of wetlands and riparian areas in
43 accordance with the basinwide plan as described in G.S. 143-214.10. The cost of acquisition
44 includes a payment in lieu of ad valorem taxes required under G.S. 146-22.3 when the Department
45 is the State agency making the acquisition.

46 (a1) The Department may distribute funds from the Ecosystem Restoration Fund directly to
47 a federal or State agency, a local government, or a private, nonprofit conservation organization to
48 acquire, manage, and maintain real property or an interest in real property for the purposes set out
49 in subsection (a) of this section. ~~A recipient of funds under this subsection shall grant a~~
50 ~~conservation easement in the real property or interest in real property acquired with the funds to~~
51 ~~the Department in a form that is acceptable to the Department.~~ When the recipient of funds under

1 this subsection acquires a conservation easement or interest in real property appurtenant to a
2 restoration project delivered to the Division of Mitigation Services, the recipient, upon approval
3 from the Department, may directly transfer the conservation easement or real property interest to
4 another governmental agency or a Department approved third party. The Department may convey
5 real property or an interest in real property that has been acquired under the Division of Mitigation
6 Services to a federal or State agency, a local government, or a private, nonprofit conservation
7 organization to acquire, manage, and maintain real property or an interest in real property for the
8 purposes set out in subsection (a) of this section. A grantee of real property or an interest in real
9 property under this subsection shall grant a conservation easement in the real property or interest
10 in real property to the Department in a form that is acceptable to the Department.

11 (b) Authorized Methods of Payment. – A person subject to a permit or authorization issued
12 by the United States Army Corps of Engineers under 33 U.S.C. § 1344 may contribute to the
13 Division of Mitigation Services in order to comply with conditions to, or terms of, the permit or
14 authorization if participation in the Division of Mitigation Services will meet the mitigation
15 requirements of the United States Army Corps of Engineers. The Department shall, at the
16 discretion of the applicant, accept payment into the Ecosystem Restoration Fund in lieu of other
17 compensatory mitigation requirements of any authorizations issued by the United States Army
18 Corps of Engineers under 33 U.S.C. § 1344 if the contributions will meet the mitigation
19 requirements of the United States Army Corps of Engineers. Payment may be made in the form of
20 monetary contributions according to a fee schedule established by the Environmental Management
21 Commission or in the form of donations of real property provided that the property is approved by
22 the Department as a suitable site consistent with the basinwide wetlands restoration plan.

23 (c) Accounting of Payments. – The Department shall provide an itemized statement that
24 accounts for each payment into the Fund. The statement shall include the expenses and activities
25 financed by the payment."
26

27 **PART IV. ELIMINATE, CONSOLIDATE, AND AMEND ENVIRONMENTAL REPORTS**

28 29 **ELIMINATE ANNUAL REPORT ON MINING ACCOUNT PURSUANT TO THE** 30 **MINING ACT OF 1971 BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

31 **SECTION 4.1.** G.S. 74-54.1(c) is repealed.
32

33 **ELIMINATE ANNUAL REPORT ON THE IMPLEMENTATION OF THE** 34 **SUSTAINABLE ENERGY EFFICIENT BUILDINGS PROGRAM BY THE** 35 **DEPARTMENT OF ADMINISTRATION**

36 **SECTION 4.2.(a)** G.S. 143-135.39(f) and (g) are repealed.

37 **SECTION 4.2.(b)** G.S. 143-135.40(b) is repealed.
38

39 **ELIMINATE QUARTERLY REPORT ON SYSTEMWIDE MUNICIPAL AND** 40 **DOMESTIC WASTEWATER COLLECTION SYSTEM PERMIT PROGRAM BY THE** 41 **ENVIRONMENTAL MANAGEMENT COMMISSION**

42 **SECTION 4.3.** G.S. 143-215.9B reads as rewritten:

43 **"§ 143-215.9B. Systemwide municipal and domestic wastewater collection system permit**
44 **program report.**

45 The Environmental Management Commission shall develop and implement a permit program
46 for municipal and domestic wastewater collection systems on a systemwide basis. The collection
47 system permit program shall provide for performance standards, minimum design and
48 construction requirements, a capital improvement plan, operation and maintenance requirements,
49 and minimum reporting requirements. In order to ensure an orderly and cost-effective phase-in of
50 the collection system permit program, the Commission shall implement the permit program over a
51 five-year period beginning 1 July 2000. The Commission shall issue permits for approximately

1 twenty percent (20%) of municipal and domestic wastewater collection systems that are in
2 operation on 1 July 2000 during each of the five calendar years beginning 1 July 2000 and shall
3 give priority to those collection systems serving the largest populations, those under a moratorium
4 imposed by the Commission under G.S. 143-215.67, and those for which the Department of
5 Environmental Quality has issued a notice of violation for the discharge of untreated wastewater.
6 ~~The Commission shall report on its progress in developing and implementing the collection~~
7 ~~system permit program required by this section as a part of each quarterly report the~~
8 ~~Environmental Management Commission makes to the Environmental Review Commission~~
9 ~~pursuant to G.S. 143B-282(b)."~~

10
11 **ELIMINATE ANNUAL REPORTS ON REDUCING VEHICLE EMISSIONS FROM**
12 **STATE EMPLOYEE AND PRIVATE SECTOR VEHICLES BY THE DEPARTMENT OF**
13 **TRANSPORTATION**

14 **SECTION 4.4.** G.S. 143-215.107C(d) and (e) are repealed.

15
16 **ELIMINATE ANNUAL REPORT ON PURCHASE OF NEW MOTOR VEHICLES AND**
17 **FUEL SAVINGS BY THE DEPARTMENT OF ADMINISTRATION**

18 **SECTION 4.5.** G.S. 143-341(8)i.2b. reads as rewritten:

19 "2b. As used in this sub-sub-subdivision, "fuel economy" and "class
20 of comparable automobiles" have the same meaning as in Part
21 600 of Title 40 of the Code of Federal Regulations (July 1, 2008
22 Edition). As used in this sub-sub-subdivision, "passenger motor
23 vehicle" has the same meaning as "private passenger vehicle" as
24 defined in G.S. 20-4.01. Notwithstanding the requirements of
25 sub-sub-subdivision 2a. of this sub-subdivision, every request
26 for proposals for new passenger motor vehicles to be purchased
27 by the Department shall state a preference for vehicles that have
28 a fuel economy for the new vehicle's model year that is in the top
29 fifteen percent (15%) of its class of comparable automobiles.
30 The award for every new passenger motor vehicle that is
31 purchased by the Department shall be based on the Department's
32 evaluation of the best value for the State, taking into account
33 fuel economy ratings and life cycle cost that reasonably consider
34 both projected fuel costs and acquisition costs. This
35 sub-sub-subdivision does not apply to vehicles used in law
36 enforcement, emergency medical response, and firefighting.
37 ~~The Department shall report the number of new passenger motor~~
38 ~~vehicles that are purchased as required by this~~
39 ~~sub-sub-subdivision, the savings or costs for the purchase of~~
40 ~~vehicles to comply with this sub-sub-subdivision, and the~~
41 ~~quantity and cost of fuel saved for the previous fiscal year on or~~
42 ~~before October 1 of each year to the Joint Legislative~~
43 ~~Commission on Governmental Operations and the~~
44 ~~Environmental Review Commission."~~

45
46 **ELIMINATE BIENNIAL STATE OF THE ENVIRONMENT REPORT BY THE**
47 **DEPARTMENT OF ENVIRONMENTAL QUALITY**

48 **SECTION 4.6.** G.S. 143B-279.5 is repealed.

1 **ELIMINATE THE ENVIRONMENTAL MANAGEMENT COMMISSION QUARTERLY**
2 **REPORT ON DEVELOPING ENGINEERING STANDARDS GOVERNING MUNICIPAL**
3 **AND DOMESTIC SYSTEMS TO ALLOW REGIONAL INTERCONNECTION**

4 **SECTION 4.8.** Section 11.1 of S.L. 1999-329 reads as rewritten:

5 "Section 11.1. The Environmental Management Commission shall develop engineering
6 standards governing municipal and domestic wastewater collection systems that will allow
7 interconnection of these systems on a regional basis. ~~The Commission shall report on its progress~~
8 ~~in developing the engineering standards required by this section as a part of each quarterly report~~
9 ~~the Commission makes to the Environmental Review Commission pursuant to G.S. 143B-282(b)."~~

10
11 **ELIMINATE BIENNIAL REPORT ON IMPLEMENTATION OF THE NORTH**
12 **CAROLINA BEACH AND INLET MANAGEMENT PLAN BY THE DEPARTMENT OF**
13 **ENVIRONMENTAL QUALITY**

14 **SECTION 4.9.** Section 13.9(d) of S.L. 2000-67 reads as rewritten:

15 "Section 13.9.(d) Each plan shall be as complete as resources and available information allow.
16 ~~The Department of Environment and Natural Resources shall revise the plan every two years and~~
17 ~~shall submit the revised plan to the General Assembly no later than March 1 of each odd-~~
18 ~~numbered year. The Department may issue a supplement to the plan in even-numbered years if~~
19 ~~significant new information becomes available."~~

20
21 **ELIMINATE ANNUAL REPORT ON INFORMAL REVIEW PROCESS FOR AGENCY**
22 **REVIEW OF ENGINEERING WORK**

23 **SECTION 4.10.** Sections 29(j) and 29(k) of S.L. 2014-120 are repealed.

24
25 **CONSOLIDATE REPORTS ON THE COASTAL HABITAT PROTECTION PLAN**

26 **SECTION 4.11.(a)** G.S. 143B-279.8(e) reads as rewritten:

27 "(e) The Coastal Resources Commission, the Environmental Management Commission,
28 and the Marine Fisheries Commission shall report to the Joint Legislative Commission on
29 Governmental Operations and the Environmental Review Commission on progress in developing
30 and implementing the Coastal Habitat Protection Plans, including the extent to which the actions
31 of the three commissions are consistent with the Plans, on or before ~~1 September~~September 1
32 of each year-year in which any significant revisions to the Plans are made."

33 **SECTION 4.11.(b)** G.S. 143B-279.8(f) is repealed.

34
35 **CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS ON COST AND**
36 **IMPLEMENTATION OF ENVIRONMENTAL PERMITTING PROGRAMS**

37 **SECTION 4.12.(a)** G.S. 143-215.3A(c) reads as rewritten:

38 "(c) The Department shall report to the Environmental Review Commission and the Fiscal
39 Research Division on the cost of the State's environmental permitting programs contained within
40 the Department on or before ~~1 November~~January 1 of each odd-numbered year. The report shall
41 include, but is not limited to, fees set and established under this Article, fees collected under this
42 Article, revenues received from other sources for environmental permitting and compliance
43 programs, changes made in the fee schedule since the last report, anticipated revenues from all
44 other sources, interest earned and any other information requested by the General Assembly. The
45 Department shall submit this report with the report required by G.S. 143B-279.17 as a single
46 report."

47 **SECTION 4.12.(b)** G.S. 143B-279.17 reads as rewritten:

48 "**§ 143B-279.17. Tracking and report on permit processing times.**

49 The Department of Environmental Quality shall track the time required to process all permit
50 applications in the One-Stop for Certain Environmental Permits Programs established by
51 G.S. 143B-279.12 and the Express Permit and Certification Reviews established by

1 G.S. 143B-279.13 that are received by the Department. The processing time tracked shall include
2 (i) the total processing time from when an initial permit application is received to issuance or
3 denial of the permit and (ii) the processing time from when a complete permit application is
4 received to issuance or denial of the permit. No later than ~~March~~ January 1 of each odd-numbered
5 year, the Department shall report to the Fiscal Research Division of the General Assembly and the
6 Environmental Review Commission on the permit processing times required to be tracked
7 pursuant to this section. The Department shall submit this report with the report required by
8 G.S. 143-215.3A(c) as a single report."

9 **SECTION 4.12.(c)** The first combined report required by subsections (a) and (b) of
10 this section shall be submitted to the Environmental Review Commission and the Fiscal Research
11 Division no later than January 1, 2017.

12 13 **CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS BY THE** 14 **ENVIRONMENTAL MANAGEMENT COMMISSION**

15 **SECTION 4.13.(a)** G.S. 143B-282(b) reads as rewritten:

16 "(b) The Environmental Management Commission shall submit ~~quarterly~~-written reports as
17 to its operation, activities, programs, and progress to the Environmental Review
18 ~~Commission~~-Commission by January 1 of each year. The Environmental Management
19 Commission shall supplement the written reports required by this subsection with additional
20 written and oral reports as may be requested by the Environmental Review Commission. ~~The~~
21 ~~Environmental Management Commission shall submit the written reports required by this~~
22 ~~subsection whether or not the General Assembly is in session at the time the report is due."~~

23 **SECTION 4.13.(b)** G.S. 143-215.1(h) reads as rewritten:

24 "(h) Each applicant for a new permit or the modification of an existing permit issued under
25 subsection (c) of this section shall include with the application: (i) the extent to which the new or
26 modified facility is constructed in whole or in part with funds provided or administered by the
27 State or a unit of local government, (ii) the impact of the facility on water quality, and (iii) whether
28 there are cost-effective alternative technologies that will achieve greater protection of water
29 quality. The Commission shall prepare ~~a quarterly~~ an annual summary and analysis of the
30 information provided by applicants pursuant to this subsection. The Commission shall submit the
31 summary and analysis required by this subsection to the Environmental Review Commission
32 (ERC) as a part of each ~~quarterly~~ annual report that the Commission is required to make to the
33 ERC under G.S. 143B-282(b)."

34 **SECTION 4.13.(c)** The first combined report required by subsections (a) and (b) of
35 this section shall be submitted to the Environmental Review Commission no later than January 1,
36 2017.

37 38 **CONSOLIDATE WASTE MANAGEMENT REPORTS BY THE DEPARTMENT OF** 39 **ENVIRONMENTAL QUALITY**

40 **SECTION 4.14.(a)** G.S. 130A-309.06(c) reads as rewritten:

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

- 44 (1) A comprehensive analysis, to be updated in each report, of solid waste
45 generation and disposal in the State projected for the 20-year period beginning
46 on ~~1 July~~ July 1 1991.
- 47 (2) The total amounts of solid waste recycled and disposed of and the methods of
48 solid waste recycling and disposal used during the calendar year prior to the
49 year in which the report is published.
- 50 (3) An evaluation of the development and implementation of local solid waste
51 management programs and county and municipal recycling programs.

- 1 (4) An evaluation of the success of each county or group of counties in meeting the
2 municipal solid waste reduction goal established in G.S. 130A-309.04.
- 3 (5) Recommendations concerning existing and potential programs for solid waste
4 reduction and recycling that would be appropriate for units of local government
5 and State agencies to implement to meet the requirements of this Part.
- 6 (6) An evaluation of the recycling industry, the markets for recycled materials, the
7 recycling of polystyrene, and the success of State, local, and private industry
8 efforts to enhance the markets for these materials.
- 9 (7) Recommendations to the Governor and the Environmental Review Commission
10 to improve the management and recycling of solid waste in the State, including
11 any proposed legislation to implement the recommendations.
- 12 (8) A description of the condition of the Solid Waste Management Trust Fund and
13 the use of all funds allocated from the Solid Waste Management Trust Fund, as
14 required by G.S. 130A-309.12(c).
- 15 (9) A description of the review and revision of bid procedures and the purchase and
16 use of reusable, refillable, repairable, more durable, and less toxic supplies and
17 products by both the Department of Administration and the Department of
18 Transportation, as required by G.S. 130A-309.14(a1)(3).
- 19 (10) A description of the implementation of the North Carolina Scrap Tire Disposal
20 Act that includes the amount of revenue used for grants and to clean up
21 nuisance tire collection under the provisions of G.S 130A-309.64.
- 22 (11) A description of the management of white goods in the State, as required by
23 G.S. 130A-309.85.
- 24 (12) A summary of the report by the Department of Transportation on the amounts
25 and types of recycled materials that were specified or used in contracts that
26 were entered into by the Department of Transportation during the previous
27 fiscal year, as required by G.S. 136-28.8(g).
- 28 (13) Repealed by Session Laws 2010-142, s. 1, effective July 22, 2010.
- 29 (14) (Expiring October 1, 2023) A description of the activities related to the
30 management of abandoned manufactured homes in the State in accordance with
31 G.S. 130A-117, the beginning and ending balances in the Solid Waste
32 Management Trust Fund for the reporting period and the amount of funds used,
33 itemized by county, for grants made under Part 2F of Article 9 of Chapter 130A
34 of the General Statutes.
- 35 (15) A report on the recycling of discarded computer equipment and televisions in
36 the State pursuant to G.S. 130A-309-140(a).
- 37 (16) An evaluation of the Brownfields Property Reuse Act pursuant to
38 G.S. 130A-310.40.
- 39 (17) A report on the Inactive Hazardous Waste Response Act of 1987 pursuant to
40 G.S. 130A-310.10(a).
- 41 (18) A report on the Dry-Cleaning Solvent Cleanup Act of 1997 pursuant to
42 G.S. 143-215.104U(a) until such time as the Act expires pursuant to Part 6 of
43 Article 21A of Chapter 143 of the General Statutes.
- 44 (19) A report on the implementation and cost of the hazardous waste management
45 program pursuant to G.S. 130A-294(i)."

46 **SECTION 4.14.(b)** G.S. 130A-309.140(a) reads as rewritten:

47 "(a) ~~No later than January 15 of each year, the Department shall submit a report on The~~
48 ~~Department shall include in the status of solid waste management report required to be submitted~~
49 ~~on or before January 15 of each year pursuant to G.S. 130A-309.06(c) a report on the recycling of~~
50 ~~discarded computer equipment and televisions in the State under this Part to the Environmental~~
51 ~~Review Commission.~~ Part. The report must include an evaluation of the recycling rates in the State

1 for discarded computer equipment and televisions, a discussion of compliance and enforcement
2 related to the requirements of this Part, and any recommendations for any changes to the system of
3 collection and recycling of discarded computer equipment, televisions, or other electronic
4 devices."

5 **SECTION 4.14.(c)** G.S. 130A-310.40 reads as rewritten:

6 "**§ 130A-310.40. Legislative reports.**

7 The Department shall ~~prepare and submit to the Environmental Review Commission,~~
8 ~~concurrently with the report on the Inactive Hazardous Sites Response Act of 1987 required under~~
9 ~~G.S. 130A-310.10, include in the solid waste management report required to be submitted on or~~
10 ~~before January 15 of each year pursuant to G.S. 130A-309.06(c) an evaluation of the effectiveness~~
11 of this Part in facilitating the remediation and reuse of existing industrial and commercial
12 properties. This evaluation shall include any recommendations for additional incentives or
13 changes, if needed, to improve the effectiveness of this Part in addressing such properties. This
14 evaluation shall also include a report on receipts by and expenditures from the Brownfields
15 Property Reuse Act Implementation Account."

16 **SECTION 4.14.(d)** G.S. 130A-310.10(a) reads as rewritten:

17 "(a) The Secretary shall include in the solid waste management report required to be
18 submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c) a report on
19 ~~inactive hazardous sites to the Joint Legislative Commission on Governmental Operations, the~~
20 ~~Environmental Review Commission, and the Fiscal Research Division on or before October 1 of~~
21 ~~each year. The report shall include~~that includes at least the following:

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

46 **SECTION 4.14.(e)** G.S. 143-215.104U reads as rewritten:

47 "**§ 143-215.104U. Reporting requirements.**

48 (a) The Secretary shall ~~present an annual report to the Environmental Review Commission~~
49 ~~that shall include~~include in the solid waste management report required to be submitted on or
50 before January 15 of each year pursuant to G.S. 130A-309.06(c) a report on at least the following:

- 51 (1) A list of all dry-cleaning solvent contamination reported to the Department.

- 1 (2) A list of all facilities and abandoned sites certified by the Commission and the
2 status of contamination associated with each facility or abandoned site.
- 3 (3) An estimate of the cost of assessment and remediation required in connection
4 with facilities or abandoned sites certified by the Commission and an estimate
5 of assessment and remediation costs expected to be paid from the Fund.
- 6 (4) A statement of receipts and disbursements for the Fund.
- 7 (5) A statement of all claims against the Fund, including claims paid, claims
8 denied, pending claims, anticipated claims, and any other obligations.
- 9 (6) The adequacy of the Fund to carry out the purposes of this Part together with
10 any recommendations as to measures that may be necessary to assure the
11 continued solvency of the Fund.

12 ~~(b) The Secretary shall make the annual report required by this section on or before 1~~
13 ~~October of each year."~~

14 **SECTION 4.14.(f)** G.S. 130A-294(i) reads as rewritten:

15 "(i) The Department shall include in the solid waste management report required to be
16 submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c) a report to the
17 ~~Fiscal Research Division of the General Assembly, the Senate Appropriations Subcommittee on~~
18 ~~Natural and Economic Resources, the House Appropriations Subcommittee on Natural and~~
19 ~~Economic Resources, and the Environmental Review Commission on or before January 1 of each~~
20 ~~year~~ on the implementation and cost of the hazardous waste management program. The report
21 shall include an evaluation of how well the State and private parties are managing and cleaning up
22 hazardous waste. The report shall also include recommendations to the Governor, State agencies,
23 and the General Assembly on ways to: improve waste management; reduce the amount of waste
24 generated; maximize resource recovery, reuse, and conservation; and minimize the amount of
25 hazardous waste which must be disposed of. The report shall include beginning and ending
26 balances in the Hazardous Waste Management Account for the reporting period, total fees
27 collected pursuant to G.S. 130A-294.1, anticipated revenue from all sources, total expenditures by
28 activities and categories for the hazardous waste management program, any recommended
29 adjustments in annual and tonnage fees which may be necessary to assure the continued
30 availability of funds sufficient to pay the State's share of the cost of the hazardous waste
31 management program, and any other information requested by the General Assembly. In
32 recommending adjustments in annual and tonnage fees, the Department may propose fees for
33 hazardous waste generators, and for hazardous waste treatment facilities that treat waste generated
34 on site, which are designed to encourage reductions in the volume or quantity and toxicity of
35 hazardous waste. The report shall also include a description of activities undertaken to implement
36 the resident inspectors program established under G.S. 130A-295.02. ~~In addition, the report shall~~
37 ~~include an annual update on the mercury switch removal program that shall include, at a~~
38 ~~minimum, all of the following:~~

- 39 ~~(1) A detailed description of the mercury recovery performance ratio achieved by~~
40 ~~the mercury switch removal program.~~
- 41 ~~(2) A detailed description of the mercury switch collection system developed and~~
42 ~~implemented by vehicle manufacturers in accordance with the NVMSRP.~~
- 43 ~~(3) In the event that a mercury recovery performance ratio of at least 0.90 of the~~
44 ~~national mercury recovery performance ratio as reported by the NVMSRP is~~
45 ~~not achieved, a description of additional or alternative actions that may be~~
46 ~~implemented to improve the mercury switch removal program.~~
- 47 ~~(4) The number of mercury switches collected and a description of how the~~
48 ~~mercury switches were managed.~~
- 49 ~~(5) A statement that details the costs required to implement the mercury switch~~
50 ~~removal program, including a summary of receipts and disbursements from the~~
51 ~~Mercury Switch Removal Account."~~

1 **SECTION 4.14.(g)** The first combined report required by subsections (a) through (f)
2 of this section shall be submitted to the Environmental Review Commission and the Fiscal
3 Research Division no later than January 15, 2017.

4
5 **CONSOLIDATE SEDIMENTATION POLLUTION CONTROL ACT AND**
6 **STORMWATER REPORTS**

7 **SECTION 4.15.(a)** G.S. 113A-67 reads as rewritten:

8 "**§ 113A-67. Annual Report.**

9 The Department shall report to the Environmental Review Commission on the implementation
10 of this Article on or before ~~1 October~~October 1 of each year. The Department shall include in the
11 report an analysis of how the implementation of the Sedimentation Pollution Control Act of 1973
12 is affecting activities that contribute to the sedimentation of streams, rivers, lakes, and other waters
13 of the State. The report shall also include a review of the effectiveness of local erosion and
14 sedimentation control programs. The report shall be submitted to the Environmental Review
15 Commission with the report required by G.S. 143-214.7(e) as a single report."

16 **SECTION 4.15.(b)** G.S. 143-214.7(e) reads as rewritten:

17 "(e) On or before October 1 of each year, the ~~Commission~~Department shall report to the
18 Environmental Review Commission on the implementation of this section, including the status of
19 any stormwater control programs administered by State agencies and units of local government.
20 The status report shall include information on any integration of stormwater capture and reuse into
21 stormwater control programs administered by State agencies and units of local government. The
22 report shall be submitted to the Environmental Review Commission with the report required by
23 G.S. 113A-67 as a single report."

24 **SECTION 4.15.(c)** The first combined report required by subsections (a) and (b) of
25 this section shall be submitted to the Environmental Review Commission no later than October 1,
26 2016.

27
28 **CONSOLIDATE VARIOUS WATER RESOURCES AND WATER QUALITY REPORTS**
29 **BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

30 **SECTION 4.16.(a)** G.S. 143-355(n) is repealed.

31 **SECTION 4.16.(b)** G.S. 143-355(o)(9) is repealed.

32 **SECTION 4.16.(c)** G.S. 143-355 is amended by adding a new subsection to read:

33 "**(p) Report.** – The Department of Environmental Quality shall report to the Environmental
34 Review Commission on the implementation of this section, including the development of the State
35 water supply plan and the development of basinwide hydrologic models, no later than November 1
36 of each year. The Department shall submit the report required by this subsection with the report on
37 basinwide water quality management plans required by G.S. 143-215.8B(d) as a single report."

38 **SECTION 4.16.(d)** G.S. 143-215.8B(d) reads as rewritten:

39 "(d) ~~The~~As a part of the report required pursuant to G.S. 143-355(p), the Commission and
40 the Department shall each report on or before ~~1 October~~November 1 of each year on an annual
41 basis to the Environmental Review Commission on the progress in developing and implementing
42 basinwide water quality management plans and on increasing public involvement and public
43 education in connection with basinwide water quality management planning. The report to the
44 Environmental Review Commission by the Department shall include a written statement as to all
45 concentrations of heavy metals and other pollutants in the surface waters of the State that are
46 identified in the course of preparing or revising the basinwide water quality management plans."

47 **SECTION 4.16.(e)** The first combined report required by subsections (c) and (d) of
48 this section shall be submitted to the Environmental Review Commission no later than November
49 1, 2016.

1 **CONSOLIDATE REPORTS BY THE DIVISION OF WATER INFRASTRUCTURE OF**
2 **THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE STATE WATER**
3 **INFRASTRUCTURE AUTHORITY**

4 **SECTION 4.17.(a)** G.S. 159G-26(a) reads as rewritten:

5 "(a) Requirement. – The Department ~~must~~shall publish a report each year on the accounts
6 in the Water Infrastructure Fund that are administered by the Division of Water Infrastructure. The
7 report ~~must~~shall be published by ~~4~~November 1 of each year and cover the preceding fiscal year.
8 The Department ~~must~~shall make the report available to the public and ~~must~~shall give a copy of
9 the report to the Environmental Review ~~Commission and the~~Commission, the Joint Legislative
10 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal
11 Research Division of the Legislative Services CommissionDivision with the report required by
12 G.S. 159G-72 as a single report."

13 **SECTION 4.17.(b)** G.S. 159G-72 reads as rewritten:

14 "**§ 159G-72. State Water Infrastructure Authority; reports.**

15 No later than November 1 of each year, the Authority shall submit a report of its activity and
16 findings, including any recommendations or legislative proposals, to the ~~Senate Appropriations~~
17 ~~Committee on Natural and Economic Resources, the House of Representatives Appropriations~~
18 ~~Subcommittee on Natural and Economic Resources, and the Fiscal Research Division of the~~
19 ~~Legislative Services Commission~~Environmental Review Commission, the Joint Legislative
20 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal
21 Research Division with the report required by G.S. 159G-26(a) as a single report."

22 **SECTION 4.17.(c)** The first combined report required by subsections (a) and (b) of
23 this section shall be submitted to the Environmental Review Commission, the Joint Legislative
24 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal
25 Research Division no later than November 1, 2016.

26
27 **CONSOLIDATE REPORTS BY SOIL AND WATER CONSERVATION COMMISSION**
28 **AND THE DIVISION OF SOIL AND WATER CONSERVATION OF THE**
29 **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

30 **SECTION 4.18.(a)** G.S. 106-850(e) reads as rewritten:

31 "(e) The Soil and Water Conservation Commission shall report on or before ~~31~~January 31
32 of each year to the Environmental Review Commission, the Department of Agriculture and
33 Consumer Services, and the Fiscal Research Division. This report shall include a list of projects
34 that received State funding pursuant to the program, the results of the evaluations conducted
35 pursuant to subdivision (7) of subsection (b) of this section, findings regarding the effectiveness of
36 each of these projects to accomplish its primary purpose, and any recommendations to assure that
37 State funding is used in the most cost-effective manner and accomplishes the greatest
38 improvement in water quality. This report shall be submitted to the Environmental Review
39 Commission and the Fiscal Research Division with the reports required by G.S. 106-860(e) and
40 G.S. 139-60(d) as a single report."

41 **SECTION 4.18.(b)** G.S. 106-860(e) reads as rewritten:

42 "(e) Report. – The Soil and Water Conservation Commission shall report no later than ~~31~~
43 January 31 of each year to the Environmental Review Commission, the Department of Agriculture
44 and Consumer Services, and the Fiscal Research Division. The report shall include a summary of
45 projects that received State funding pursuant to the Program, the results of the evaluation
46 conducted pursuant to subdivision (5) of subsection (b) of this section, findings regarding the
47 effectiveness of each project to accomplish its primary purpose, and any recommendations to
48 assure that State funding is used in the most cost-effective manner and accomplishes the greatest
49 improvement in water quality. This report shall be submitted to the Environmental Review
50 Commission and the Fiscal Research Division as a part of the report required by G.S. 106-850(e)."

51 **SECTION 4.18.(c)** G.S. 139-60(d) reads as rewritten:

1 "(d) Report. – No later than January 31 of each year, the Division of Soil and Water
2 Conservation of the Department of Agriculture and Consumer Services shall prepare a
3 comprehensive report on the implementation of subsections (a) through (c) of this section. The
4 report shall be submitted to the Environmental Review Commission and the Fiscal Research
5 Division as a part of the report required by G.S. 106-850(e)."

6 **SECTION 4.18.(d)** The first combined report required by subsections (a) through (c)
7 of this section shall be submitted to the Environmental Review Commission and the Fiscal
8 Research Division no later than January 31, 2017.

9
10 **DECREASE REPORTING FREQUENCY ON TERMINAL GROINS PILOT PROJECT**
11 **BY THE COASTAL RESOURCES COMMISSION**

12 **SECTION 4.20.** G.S. 113A-115.1(i) reads as rewritten:

13 "(i) No later than ~~September 1 of each year,~~ January 1, 2017, and every five years
14 thereafter, the Coastal Resources Commission shall report to the Environmental Review
15 Commission on the implementation of this section. The report shall provide a detailed description
16 of each proposed and permitted terminal groin and its accompanying beach fill project, including
17 the information required to be submitted pursuant to subsection (e) of this section. For each
18 permitted terminal groin and its accompanying beach fill project, the report shall also provide all
19 of the following:

- 20 (1) The findings of the Commission required pursuant to subsection (f) of this
21 section.
22 (2) The status of construction and maintenance of the terminal groin and its
23 accompanying beach fill project, including the status of the implementation of
24 the plan for construction and maintenance and the inlet management plan.
25 (3) A description and assessment of the benefits of the terminal groin and its
26 accompanying beach fill project, if any.
27 (4) A description and assessment of the adverse impacts of the terminal groin and
28 its accompanying beach fill project, if any, including a description and
29 assessment of any mitigation measures implemented to address adverse
30 impacts."
31

32 **DECREASE REPORTING FREQUENCY ON PARKS SYSTEM PLAN BY THE**
33 **DEPARTMENT OF NATURAL AND CULTURAL RESOURCES**

34 **SECTION 4.21.** G.S. 143B-135.48(d) reads as rewritten:

35 "(d) No later than ~~October 1 of each year,~~ 1, 2016, and every five years thereafter, the
36 Department shall submit electronically the State Parks System Plan to the Environmental Review
37 Commission, ~~the Senate and the House of Representatives appropriations committees with~~
38 ~~jurisdiction over natural and cultural resources,~~ the Joint Legislative Oversight Committee on
39 Agriculture and Natural and Economic Resources, and the Fiscal Research Division. Concurrently,
40 the Department shall submit a summary of each change to the Plan that was made during the
41 previous ~~fiscal year~~ five fiscal years."
42

43 **REDIRECT INTERAGENCY REPORT ON SUPERFUND COST SHARE TO THE ANER**
44 **OVERSIGHT COMMITTEE**

45 **SECTION 4.22.** Section 15.6 of S.L. 1999-237 reads as rewritten:

46 "Section 15.6.(a) The Department of ~~Environment and Natural Resources~~ Environmental
47 Quality may use available funds, with the approval of the Office of State Budget and
48 Management, to provide the ten percent (10%) cost share required for Superfund cleanups on the
49 National Priority List sites, to pay the operating and maintenance costs associated with these
50 Superfund cleanups, and for the cleanup of priority inactive hazardous substance or waste disposal

1 sites under Part 3 of Article 9 of Chapter 130A of the General Statutes. These funds may be in
2 addition to those appropriated for this purpose.

3 "Section 15.6.(b) The Department of ~~Environment and Natural Resources~~Environmental
4 Quality and the Office of State Budget and Management shall report to the ~~Environmental Review~~
5 ~~Commission and the Joint Legislative Commission on Governmental Operations~~Joint Legislative
6 Oversight Committee on Agriculture and Natural and Economic Resources the amount and the
7 source of the funds used pursuant to subsection (a) of this section within 30 days of the
8 expenditure of these funds."
9

10 **REDIRECT REPORT ON EXPENDITURES FROM BERNARD ALLEN EMERGENCY** 11 **DRINKING WATER FUND TO ANER OVERSIGHT COMMITTEE**

12 **SECTION 4.23.** G.S. 87-98(e) reads as rewritten:

13 "(e) The Department, in consultation with the Commission for Public Health and local
14 health departments, shall report no later than October 1 of each year to the ~~Environmental Review~~
15 ~~Commission, the House of Representatives and Senate Appropriations Subcommittees on Natural~~
16 Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and
17 the Fiscal Research Division of the General Assembly on the implementation of this section. The
18 report shall include the purpose and amount of all expenditures from the Fund during the prior
19 fiscal year, a discussion of the benefits and deficiencies realized as a result of the section, and may
20 also include recommendations for any legislative action."
21

22 **REDIRECT REPORT ON PARKS AND RECREATION TRUST FUND TO THE ANER** 23 **OVERSIGHT COMMITTEE**

24 **SECTION 4.24.** G.S. 143B-135.56(f) reads as rewritten:

25 "(f) Reports. – The North Carolina Parks and Recreation Authority shall report no later
26 than October 1 of each year to the Joint Legislative ~~Commission on Governmental Operations, the~~
27 ~~House and Senate Appropriations Subcommittees on Natural and Economic Resources, Oversight~~
28 Committee on Agriculture and Natural and Economic Resources, the Fiscal Research Division,
29 and the Environmental Review Commission on allocations from the Trust Fund from the prior
30 fiscal year. For funds allocated from the Trust Fund under subsection (c) of this section, this report
31 shall include the operating expenses determined under subdivisions (1) and (2) of subsection (e) of
32 this section."
33

34 **PART V. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

35 **SECTION 5.1.** If any section or provision of this act is declared unconstitutional or
36 invalid by the courts, it does not affect the validity of this act as a whole or any part other than the
37 part declared to be unconstitutional or invalid.

38 **SECTION 5.2.** Except as otherwise provided, this act is effective when it becomes
39 law.