

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 553
PROPOSED COMMITTEE SUBSTITUTE S553-PCS35289-BCf-18

Short Title: Regulatory Reform Act of 2019.

(Public)

Sponsors:

Referred to:

April 3, 2019

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

4 The General Assembly of North Carolina enacts:

5
6 **PART I. STATE AND LOCAL GOVERNMENT REGULATION**

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

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

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

12 ...

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

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



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

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

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

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

17"

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

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

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

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

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

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

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

46
 47 **MODIFY REAL ESTATE LICENSING REQUIREMENTS FOR TIME SHARE**
 48 **SALESPEOPLE**

49 **SECTION 3.** G.S. 93A-40(a) reads as rewritten:

50 "(a) It shall be unlawful for any person in this State to engage or assume to engage in the
 51 business of a time share salesperson ~~without first obtaining a real estate broker license issued by~~

1 ~~the North Carolina Real Estate Commission under the provisions of Article 1 of this Chapter,~~
2 ~~and it shall be unlawful for a time share developer or time share salesperson to sell or offer to~~
3 ~~sell a time share located in this State without the time share developer first obtaining a certificate~~
4 ~~of registration for the time share project to be offered for sale issued by the North Carolina Real~~
5 ~~Estate Commission under the provisions of this Article. A time share salesperson shall be a~~
6 ~~licensed real estate broker subject to the provisions of this Chapter unless the time share~~
7 ~~salesperson meets the requirement for exemption set forth in G.S. 93A-2(c)(1) and their income~~
8 ~~is reported on IRS Form W-2."~~
9

10 **STUDY ONLINE CONTINUING EDUCATION REQUIREMENTS**

11 **SECTION 4.(a)** Every occupational licensing board as defined in Chapter 93B of
12 the General Statutes shall study and report on any available options offered for online continuing
13 education if continuing education is a requirement for licensure under the occupational licensing
14 board's applicable laws or regulations. The study and report shall include:

- 15 (1) A list and description of every option for continuing education made available
16 to each licensee, including every traditional method, and every online method,
17 if any are offered. If no online methods are offered, a detailed explanation as
18 to why none are offered, which shall include any logistical, cost, legal, or other
19 concerns.
- 20 (2) The approximate number of offerings made available for each method and the
21 cost associated with each offering. The cost shall include a description of the
22 fees charged to the licensee for the continuing education and the associated
23 cost to the occupational licensing board for providing the continuing
24 education offering.
- 25 (3) A description of how each method of continuing education offered is accessed
26 by the licensee.

27 **SECTION 4.(b)** Each occupational licensing board required to study and report
28 under subsection (a) of this section shall provide its report to the Joint Legislative Administrative
29 Procedure Oversight Committee and the Program Evaluation Division no later than December 1,
30 2019.

31 **PART II. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL** 32 **RESOURCES REGULATION**

33 **REPEAL LANDFILL BANS FOR DISCARDED COMPUTERS AND TELEVISIONS**

34 **SECTION 5.** G.S. 130A-309.10 reads as rewritten:

35 **"§ 130A-309.10. Prohibited acts relating to packaging; coded labeling of plastic containers**
36 **required; disposal of certain solid wastes in landfills or by incineration**
37 **prohibited.**

38 ...

39 (f) No person shall knowingly dispose of the following solid wastes in landfills:

- 40 (1) Repealed by Session Laws 1991, c. 375, s. 1.
 - 41 (2) Used oil.
 - 42 (3) Yard trash, except in landfills approved for the disposal of yard trash under
43 rules adopted by the Commission. Yard trash that is source separated from
44 solid waste may be accepted at a solid waste disposal area where the area
45 provides and maintains separate yard trash composting facilities.
 - 46 (4) White goods.
 - 47 (5) Antifreeze (ethylene glycol).
 - 48 (6) Aluminum cans.
- 49
- 50

- 1 (7) Whole scrap tires, as provided in G.S. 130A-309.58(b). The prohibition on
 2 disposal of whole scrap tires in landfills applies to all whole pneumatic rubber
 3 coverings, but does not apply to whole solid rubber coverings.
 4 (8) Lead-acid batteries, as provided in G.S. 130A-309.70.
 5 (9) Repealed by Session Laws 2011-394, s. 4, effective July 1, 2011.
 6 (10) Motor vehicle oil filters.
 7 (11) Recyclable rigid plastic containers that are required to be labeled as provided
 8 in subsection (e) of this section, that have a neck smaller than the body of the
 9 container, and that accept a screw top, snap cap, or other closure. The
 10 prohibition on disposal of recyclable rigid plastic containers in landfills does
 11 not apply to rigid plastic containers that are intended for use in the sale or
 12 distribution of motor oil or pesticides.
 13 (12) Wooden pallets, except that wooden pallets may be disposed of in a landfill
 14 that is permitted to only accept construction and demolition debris.
 15 (13) Oyster shells.
 16 ~~(14) Discarded computer equipment, as defined in G.S. 130A-309.131.~~
 17 ~~(15) Discarded televisions, as defined in G.S. 130A-309.131.~~
 18 (f1) No person shall knowingly dispose of the following solid wastes by incineration in
 19 an incinerator for which a permit is required under this Article:
 20 (1) Antifreeze (ethylene glycol) used solely in motor vehicles.
 21 (2) Aluminum cans.
 22 (3) Repealed by Session Laws 1995 (Regular Session, 1996), c. 594, s. 17.
 23 (4) White goods.
 24 (5) Lead-acid batteries, as provided in G.S. 130A-309.70.
 25 (6) Repealed by Session Laws 2011-394, s. 4, effective July 1, 2011.
 26 ~~(7) Discarded computer equipment, as defined in G.S. 130A-309.131.~~
 27 ~~(8) Discarded televisions, as defined in G.S. 130A-309.131."~~
 28

29 REPURPOSE PRE-REGULATORY LANDFILL FUNDS

30 **SECTION 6.** Section 13.2 of S.L. 2018-5, as amended by Section 4.2 of S.L.
 31 2018-97, reads as rewritten:

32 "**SECTION 13.2.** Notwithstanding G.S. 130A-310.11(b), up to two million dollars
 33 (\$2,000,000) of the funds credited to the Inactive Hazardous Sites Cleanup Fund under
 34 G.S. 105-187.63 for the assessment and remediation of pre-1983 landfills shall instead be used
 35 by the Department of Environmental Quality's Division of Waste Management to provide a
 36 matching grant to Charlotte Motor Speedway, LLC, (CMS) for the purpose of remediation
 37 activities at the Charlotte Motor Speedway in Cabarrus County. The Division shall provide one
 38 dollar (\$1.00) for every ~~two one non-State dollars (\$2.00) dollar (\$1.00)~~ provided in kind or
 39 otherwise, up to a maximum of two million dollars (\$2,000,000) for the matching grant described
 40 in this section. CMS may allocate all or a portion of the grant provided by this section to an entity
 41 that controls CMS or an entity controlled by CMS. Entities receiving such an allocation shall be
 42 considered a subgrantee as defined in G.S. 143C-6-23."
 43

44 CLARIFY LANDFILL LIFE-OF-SITE FRANCHISE REQUIREMENTS

45 **SECTION 7.** G.S. 130A-294(a4) reads as rewritten:

46 "(a4) In order to preserve long-term disposal capacity, a life-of-site permit issued for a
 47 sanitary landfill shall survive the expiration of a local government approval or franchise, and the
 48 local government shall allow the sanitary landfill to continue to operate until the term of the
 49 landfill's life-of-site permit expires provided that the owner or operator ~~has complied~~ is in
 50 substantial compliance with the terms of the local government approval or franchise ~~agreement,~~
 51 ~~and remains in compliance with those terms after expiration of the approval or agreement until~~

1 ~~the life of site permit has expired. agreement.~~ In order to preserve any economic benefits
2 included in the franchise, the County may extend the franchise under the same terms and
3 conditions for the term of the life-of-site permit. The extension of the franchise hereby shall not
4 trigger the requirements for a new permit, a major permit modification, or a substantial
5 amendment to the permit. This subsection only applies to valid and operative franchise
6 agreements in effect on October 1, 2015."
7

8 **ALLOW FLOOD HAZARD AREA FILL FOR AGRICULTURAL USES WHEN** 9 **IMPACT IS FLOOD STORAGE NEUTRAL**

10 **SECTION 8.** G.S. 143-215.54 reads as rewritten:

11 **"§ 143-215.54. Regulation of flood hazard areas; prohibited uses.**

12 (a) A local government may adopt ordinances to regulate uses in flood hazard areas and
13 grant permits for the use of flood hazard areas that are consistent with the requirements of this
14 Part.

15 (b) The following uses may be made of flood hazard areas without a permit issued under
16 this Part, provided that these uses comply with local land-use ordinances and any other applicable
17 laws or regulations:

- 18 (1) General farming, pasture, outdoor plant nurseries, horticulture, forestry,
19 mining, wildlife sanctuary, game farm, aquaculture, and other similar
20 agricultural, wildlife and related ~~uses;~~uses.
- 21 (2) Ground level loading areas, parking areas, rotary aircraft ports and other
22 similar ground level area ~~uses;~~uses.
- 23 (3) Lawns, gardens, play areas and other similar ~~uses;~~uses.
- 24 (4) Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds,
25 parks, hiking or horseback riding trails, open space and other similar private
26 and public recreational uses.
- 27 (5) Land application of waste at agronomic rates consistent with a permit issued
28 under Part 1 or Part 1A of Article 21 of Chapter 143 of the General Statutes
29 or an approved animal waste management plan.
- 30 (6) Land application of septage consistent with a permit issued under
31 G.S. 130A-291.1.

32 (b1) A local government may not adopt ordinances or require permits to regulate uses
33 allowed under subdivision (1) of subsection (b) of this section in flood hazard areas, if the loss
34 of flood storage capacity in the flood hazard area caused by the new use is offset by the use of
35 compensatory storage. If, however, the loss of flood storage capacity in the flood hazard area
36 caused by the new use is not offset by the use of compensatory storage, a local government may
37 adopt ordinances or require permits to regulate uses allowed under subdivision (1) of subsection
38 (b) of this section in flood hazard areas. In the case of a permit required by a local government
39 as allowed by this subsection, a local government is authorized to charge an application fee in an
40 amount not to exceed one hundred dollars (\$100.00).

41 (c) New solid waste disposal facilities, hazardous waste management facilities, salvage
42 yards, and chemical storage facilities are prohibited in the 100-year floodplain except as
43 authorized under G.S. 143-215.54A(b)."
44

45 **STUDY EXPRESS PERMITTING EXPANSION**

46 **SECTION 9.** The Department of Environmental Quality shall study and report on
47 additional positions and funding needed as well as any changes in State or federal laws and
48 regulations necessary to expand the Department's express permitting programs to include
49 additional types of permits typically required for job creating and real estate development or
50 redevelopment activities. Additional permits considered in the study shall include, at a minimum,
51 permits for facilities not discharging to the surface waters of the State under Article 21 of Chapter

1 143 of the General Statutes and permits to apply petroleum contaminated soil to land authorized
2 under G.S. 143-215.1. The Department shall provide its report and recommendations to the
3 Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture
4 and Natural and Economic Resources, and the Fiscal Research Division no later than March 1,
5 2020.

6 7 **AMEND SEPTIC TANK SITE SUITABILITY DETERMINATION PROCESS**

8 **SECTION 9.1.** G.S. 130A-335 is amended by adding a new subsection to read:

9 "(j) Notwithstanding any other provision of law, a local health department may determine
10 site suitability for a ground absorption sewage treatment and disposal system under rules adopted
11 by the Commission or based on written documentation, including engineering, hydrogeologic,
12 geologic, or soil studies, that indicates all of the following:

13 (1) The system can be installed so that the effluent will be nonpathogenic,
14 noninfectious, nontoxic, and nonhazardous.

15 (2) The effluent will not contaminate groundwater or surface water.

16 (3) The effluent will not be exposed on the ground surface or be discharged to
17 surface waters where it could come into contact with people, animals, or
18 vectors."

19 20 **PART III. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

21 **SECTION 10.(a)** If any section or provision of this act is declared unconstitutional
22 or invalid by the courts, it does not affect the validity of this act as a whole or any part other than
23 the part declared to be unconstitutional or invalid.

24 **SECTION 10.(b)** Except as otherwise provided, this act is effective when it becomes
25 law.