

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 374

Pensions and Retirement and Aging Committee Substitute Adopted 4/18/19

House Committee Substitute Favorable 6/17/20

House Committee Substitute #2 Favorable 6/17/20

PROPOSED HOUSE COMMITTEE SUBSTITUTE S374-PCS15557-BR-36

Short Title: Regulatory Reform Act of 2020.

(Public)

Sponsors:

Referred to:

March 28, 2019

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE LIMITS ON PUBLIC EMPLOYEES BENEFITTING FROM
2 PUBLIC CONTRACTS; TO MAKE AMENDMENTS TO THE 2018 NORTH CAROLINA
3 BUILDING CODE AND PLUMBING CODE; TO STUDY ONLINE CONTINUING
4 EDUCATION REQUIREMENTS; TO PERMIT TEMPORARY EVENT VENUES IN
5 CERTAIN CIRCUMSTANCES; TO PROVIDE ADDITIONAL NOTICE FOR NC PRE-K
6 SCHOOL OPTIONS; TO AUTHORIZE THE SUPERINTENDENT OF PUBLIC
7 INSTRUCTION TO PROVIDE PUBLIC APPROVAL FOR PRIVATE ACTIVITY
8 BONDS; TO CLARIFY LANDFILL LIFE-OF-SITE FRANCHISE REQUIREMENTS; TO
9 REPURPOSE PRE-REGULATORY LANDFILL FUNDS; TO REQUIRE THE
10 DEPARTMENT OF ENVIRONMENTAL QUALITY TO STUDY EXPRESS
11 PERMITTING EXPANSION; TO AMEND WASTEWATER RESERVE PRIORITY TO
12 PRIORITIZE PROJECTS THAT IMPROVE DESIGNATED IMPAIRED WATERS OF
13 THE STATE AND SERVE AS A PUBLIC WATER SUPPLY FOR A LARGE PUBLIC
14 WATER SYSTEM; TO ALLOW USE OF FLOOD HAZARD AREAS FOR
15 AQUACULTURE IN CERTAIN CIRCUMSTANCES; TO AMEND THE
16 ARCHITECTURAL LICENSE EXCEPTION FOR SMALL PROJECTS; TO REQUIRE
17 THE DEPARTMENT OF REVENUE TO STUDY REVENUE LAWS; TO CLARIFY
18 REQUIREMENTS FOR BROADBAND EASEMENTS; TO PROHIBIT CERTAIN
19 REQUIREMENTS FOR INSTALLATION OF MANUFACTURED HOMES; TO ALLOW
20 FOR ISSUANCE OF LIMITED REGISTRATION PLATES IN CERTAIN SITUATIONS;
21 TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO STUDY SALVAGE TITLES;
22 TO REQUIRE THE DIVISION OF EMERGENCY MANAGEMENT TO STUDY FIRST
23 RESPONDER ACCESS TO THE INTERSTATE SYSTEM; TO MAKE CERTAIN
24 TECHNICAL AMENDMENTS TO THE STATUTES GOVERNING THE NORTH
25 CAROLINA BOARD OF ARCHITECTURE; TO CLARIFY PROOF OF MAILING FOR
26 CANCELLATION OF CERTAIN INSURANCE POLICIES; TO REQUIRE
27 ADDITIONAL NOTICE BEFORE STATE OF EMERGENCY DECLARATIONS TAKE
28 EFFECT; TO MAKE CONFIDENTIALITY CHANGES FOR CERTAIN DOCUMENTS
29 OBTAINED IN A SECURITIES INVESTIGATION; TO ALLOW SELF-INSURERS TO
30 MAKE PAYMENTS FOR INITIAL ASSESSMENTS OVER A PERIOD; TO DELAY THE
31 PAYMENT DEADLINE FOR CERTAIN ABC PERMIT RENEWALS; TO AMEND
32 CERTAIN CHARTER SCHOOL REPORT DATE; TO ALLOW A TEACHING
33



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1 HOSPITAL AFFILIATED WITH BUT NOT PART OF ANY CONSTITUENT
2 INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA TO ASSIGN CAMPUS
3 POLICE OFFICERS OF ITS CAMPUS LAW ENFORCEMENT AGENCY TO ANY
4 OTHER FACILITY WITHIN THE TEACHING HOSPITAL'S SYSTEM NETWORK; TO
5 AUTHORIZE LOCAL CONFINEMENT FACILITIES TO PROVIDE AND USE
6 WIRELESS COMMUNICATION DEVICES; TO MAKE A CLARIFICATION
7 REGARDING SUBMISSION OF CERTAIN COMPONENT DESIGNS OR PROPOSALS;
8 TO PROVIDE FOR LICENSURE OF MOBILE BEAUTY SALONS AND ENSURE THE
9 SAFE AND HYGIENIC OPERATION THEREOF; TO EXTEND SUNSET ON REMOTE
10 NOTARY AND VIDEO WITNESSING AUTHORIZATION; TO ALLOW THE DIVISION
11 OF COASTAL MANAGEMENT TO ACCEPT ELECTRONIC PAYMENTS; TO
12 CHANGE MINE RECLAMATION REPORTING DATES; TO CHANGE SOLID WASTE
13 REPORTING DATES; TO MAKE TECHNICAL AND CONFORMING CHANGES TO
14 SOLID WASTE STATUTES; TO CONSOLIDATE RIVER BASIN ADVISORY
15 COMMISSION REPORTS; TO CLARIFY ELECTRONIC PERMITTING NOTICE
16 REQUIREMENTS FOR THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO
17 ALLOW NONBETTERMENT COST RECOVERY FOR CERTAIN PRIVATE WATER
18 AND SEWER SYSTEMS; TO MAKE A CHANGE TO IMPLEMENTATION OF AN
19 UNDERGROUND STORAGE TANK SPILL BUCKET RULE; TO PREVENT FROM
20 BECOMING EFFECTIVE RULES MODIFYING THE NORTH CAROLINA BUILDING
21 CODE; TO MAKE CERTAIN LIBRARY STATUTE CHANGES; TO PROVIDE
22 CLARIFICATION REGARDING THE RECOVERY OF ABANDONED AND DERELICT
23 VESSELS; TO MAKE A CONFORMING CHANGE TO LOCAL PLANNING AND
24 DEVELOPMENT REGULATION; AND TO RESTORE A CORPORATE CHARTER
25 SUSPENDED BY TAX NONCOMPLIANCE UNDER INSTALLMENT AGREEMENT.

26 The General Assembly of North Carolina enacts:

27
28 **PART I. VARIOUS REGULATORY REFORM PROVISIONS**

29
30 **INCREASE LIMITS ON PUBLIC EMPLOYEES BENEFITTING FROM PUBLIC**
31 **CONTRACTS**

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

33 **"§ 14-234. Public officers or employees benefiting from public contracts; exceptions.**

34 ...

35 (d1) Subdivision (a)(1) of this section does not apply to (i) any elected official or person
36 appointed to fill an elective office of a village, town, or city having a population of no more than
37 15,000 according to the most recent official federal census, (ii) any elected official or person
38 appointed to fill an elective office of a county within which there is located no village, town, or
39 city with a population of more than 15,000 according to the most recent official federal census,
40 (iii) any elected official or person appointed to fill an elective office on a city board of education
41 in a city having a population of no more than 15,000 according to the most recent official federal
42 census, (iv) any elected official or person appointed to fill an elective office as a member of a
43 county board of education in a county within which there is located no village, town or city with
44 a population of more than 15,000 according to the most recent official federal census, (v) any
45 physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social
46 services board, local health board, or area mental health, developmental disabilities, and
47 substance abuse board serving one or more counties within which there is located no village,
48 town, or city with a population of more than 15,000 according to the most recent official federal
49 census, and (vi) any member of the board of directors of a public hospital if all of the following
50 apply:

- (1) The undertaking or contract or series of undertakings or contracts between the village, town, city, county, county social services board, county or city board of education, local health board or area mental health, developmental disabilities, and substance abuse board, or public hospital and one of its officials is approved by specific resolution of the governing body adopted in an open and public meeting, and recorded in its minutes and the amount does not exceed twenty thousand dollars (\$20,000) for medically related services and ~~forty thousand dollars (\$40,000)~~ sixty thousand dollars (\$60,000) for other goods or services within a 12-month period.
- (2) The official entering into the contract with the unit or agency does not participate in any way or vote.
- (3) The total annual amount of contracts with each official, shall be specifically noted in the audited annual financial statement of the village, town, city, or county.
- (4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, developmental disabilities, and substance abuse board, or public hospital which contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly.

...."

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

AMENDMENTS TO THE 2018 NORTH CAROLINA BUILDING CODE AND PLUMBING CODE

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

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

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

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

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

3 4 **STUDY ONLINE CONTINUING EDUCATION REQUIREMENTS**

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

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

21 **SECTION 3.(b)** Each occupational licensing board required to study and report
22 under subsection (a) of this section shall provide its report to the Joint Legislative Administrative
23 Procedure Oversight Committee and the Program Evaluation Division no later than December 1,
24 2020.

25 26 **TEMPORARY EVENT VENUES**

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

29 **"§ 153A-341.4. Temporary event venues authorized.**

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

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

34 **"§ 160A-383.6. Temporary event venues authorized.**

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

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

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

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

- 1 (1) The zoning districts within which a temporary event venue may lie.
- 2 (2) The process a person seeking a temporary event venue permit, or its renewal,
- 3 must follow.
- 4 (3) The specific criteria to be considered by the city when determining whether
- 5 to issue a temporary event venue permit. The criteria shall include the
- 6 character of the district in which the permit is sought and the site's suitability
- 7 for use as a temporary event venue.
- 8 (4) The temporary events, not inconsistent with subsection (a) of this section,
- 9 authorized in the venue.
- 10 (5) The duration of the temporary event venue permit.
- 11 (6) Any capacity limitations of the temporary event venue.
- 12 (7) The fee structure for the fees authorized by this section.
- 13 (8) Any other relevant matters.

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

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

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

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

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

46 **"§ 143-138. North Carolina State Building Code.**

47 ...

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

1"

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

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

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

9 **SECTION 4A.(a)** Part 1 of Article 9 of Chapter 160D of the General Statutes is
10 amended by adding a new section to read:

11 **"§ 160D-915.1. Temporary event venues authorized.**

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

18 (b) A local government may consider a temporary event venue as a permitted accessory
19 use in any of its zoning districts. Enactment of a temporary event venue ordinance and issuance
20 of a temporary event permit under this section shall not be considered a zoning map amendment
21 under this Article.

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

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

29 (1) The zoning districts within which a temporary event venue may lie.

30 (2) The process a person seeking a temporary event venue permit, or its renewal,
31 must follow.

32 (3) The specific criteria to be considered by the local government when
33 determining whether to issue a temporary event venue permit. The criteria
34 shall include the character of the district in which the permit is sought and the
35 site's suitability for use as a temporary event venue.

36 (4) The temporary events, not inconsistent with subsection (a) of this section,
37 authorized in the venue.

38 (5) The duration of the temporary event venue permit.

39 (6) Any capacity limitations of the temporary event venue.

40 (7) The fee structure for the fees authorized by this section.

41 (8) Any other relevant matters.

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

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

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

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

25 **SECTION 4A.(b)** G.S. 143-138(b21), as enacted by Section 4(c) of this act, reads
26 as rewritten:

27 "(b21) Exclusion for Temporary Event Venues. – No permit shall be required under the
28 North Carolina State Building Code or any local variant approved under subsection (e) of this
29 section for any construction, installation, repair, replacement, or alteration of a temporary event
30 venue issued a temporary event venue permit under ~~G.S. 160A-383.6~~G.S. 160D-915.1."

31 **SECTION 4A.(c)** G.S. 160D-910 is amended by adding a new subsection to read:

32 "(b1) Exclusion for Temporary Event Venues. – No permit shall be required under the
33 North Carolina State Building Code or any local variant approved under subsection (e) of this
34 section for any construction, installation, repair, replacement, or alteration of a temporary event
35 venue issued a temporary event venue permit under G.S. 160D-915.1."

36 **SECTION 4A.(d)** This section is effective when Chapter 160D of the General
37 Statutes becomes effective and applies to counties with a population larger than 250,000.

38 39 NC PRE-K SCHOOL OPTIONS

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

- 43 (1) The educational opportunities for kindergarten offered by local school
44 administrative units.
- 45 (2) The educational opportunities for kindergarten offered by charter schools.
- 46 (3) Scholarships for enrollment in nonpublic schools provided pursuant to Part
47 2A of Article 39 of Chapter 115C of the General Statutes, or any successor
48 program.

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

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

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

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

13 **PUBLIC APPROVAL FOR PRIVATE ACTIVITY BONDS**

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

16 **"§ 115C-218.37. Public approval for private activity bonds.**

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

- 18 (1) Charter school facility. – Real property, personal property, or both that is used
19 or intended for use in connection with the operation of a charter school.
- 20 (2) Applicable elected representative. – An elected official of a governmental unit
21 having jurisdiction over the area in which a charter school facility is located,
22 as defined in section 147(f)(2) of the Internal Revenue Code (26 U.S.C. §
23 147(f)(2)).

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

32 **CLARIFY LANDFILL LIFE-OF-SITE FRANCHISE REQUIREMENTS**

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

34 "(a4) In order to preserve long-term disposal capacity, a life-of-site permit issued for a
35 sanitary landfill shall survive the expiration of a local government approval or franchise, and the
36 local government shall allow the sanitary landfill to continue to operate until the term of the
37 landfill's life-of-site permit expires provided that the owner or operator ~~has complied~~ is in
38 substantial compliance with the terms of the local government approval or franchise agreement,
39 and remains in compliance with those terms after expiration of the approval or agreement until
40 the life-of-site permit has expired. ~~agreement.~~ In order to preserve any economic benefits
41 included in the franchise, the County may extend the franchise under the same terms and
42 conditions for the term of the life-of-site permit. The extension of the franchise hereby shall not
43 trigger the requirements for a new permit, a major permit modification, or a substantial
44 amendment to the permit. This subsection only applies to valid and operative franchise
45 agreements in effect on October 1, 2015."

46 **REPURPOSE PRE-REGULATORY LANDFILL FUNDS**

47 **SECTION 7.** Section 13.2 of S.L. 2018-5, as amended by Section 4.2 of S.L.
48 2018-97, reads as rewritten:
49
50
51

1 "SECTION 13.2. Notwithstanding G.S. 130A-310.11(b), up to two million dollars
 2 (\$2,000,000) of the funds credited to the Inactive Hazardous Sites Cleanup Fund under
 3 G.S. 105-187.63 for the assessment and remediation of pre-1983 landfills shall instead be used
 4 by the Department of Environmental Quality's Division of Waste Management to provide a
 5 matching grant to Charlotte Motor Speedway, LLC, (CMS) for the purpose of remediation
 6 activities at the Charlotte Motor Speedway in Cabarrus County. The Division shall provide one
 7 dollar (\$1.00) for every ~~two-one~~ non-State ~~dollars (\$2.00)-dollar (\$1.00)~~ provided in kind or
 8 otherwise, up to a maximum of two million dollars (\$2,000,000) for the matching grant described
 9 in this section. CMS may allocate all or a portion of the grant provided by this section to an entity
 10 that controls CMS or an entity controlled by CMS. Entities receiving such an allocation shall be
 11 considered a subgrantee as defined in G.S. 143C-6-23."
 12

13 STUDY EXPRESS PERMITTING EXPANSION

14 SECTION 8. The Department of Environmental Quality shall study and report on
 15 additional positions and funding needed as well as any changes in State or federal laws and
 16 regulations necessary to expand the Department's express permitting programs to include
 17 additional types of permits typically required for job creating and real estate development or
 18 redevelopment activities. Additional permits considered in the study shall include, at a minimum,
 19 permits for facilities not discharging to the surface waters of the State under Article 21 of Chapter
 20 143 of the General Statutes and permits to apply petroleum-contaminated soil to land authorized
 21 under G.S. 143-215.1. The Department shall provide its report and recommendations to the
 22 Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture
 23 and Natural and Economic Resources, and the Fiscal Research Division no later than March 1,
 24 2021.
 25

26 WASTEWATER RESERVE PRIORITY

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

28 "§ 159G-23. Priority consideration for loan or grant from Wastewater Reserve or Drinking 29 Water Reserve.

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

33 ...

- 34 (2) Effect on impaired waters. – A project that improves designated impaired
 35 waters of the ~~State~~State, with greater priority given to projects that improve
 36 designated impaired waters of the State that serve as a public water supply for
 37 a large public water system. For purposes of this subdivision, a large public
 38 water system is one serving more than 175,000 service connections.

39 ...

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

44 ...

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

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

4
 5 **ALLOW USE OF FLOOD HAZARD AREAS FOR AQUACULTURE IN CERTAIN**
 6 **CIRCUMSTANCES**

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

8 **"§ 143-215.54. Regulation of flood hazard areas; prohibited uses.**

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

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

15 (1) General farming, pasture, outdoor plant nurseries, horticulture, forestry,
 16 mining, wildlife sanctuary, game farm, aquaculture, and other similar
 17 agricultural, wildlife and related ~~uses;uses~~.

18 (2) Ground level loading areas, parking areas, rotary aircraft ports and other
 19 similar ground level area ~~uses;uses~~.

20 (3) Lawns, gardens, play areas and other similar ~~uses;uses~~.

21 (4) Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds,
 22 parks, hiking or horseback riding trails, open space and other similar private
 23 and public recreational uses.

24 (5) Land application of waste at agronomic rates consistent with a permit issued
 25 under Part 1 or Part 1A of Article 21 of Chapter 143 of the General Statutes
 26 or an approved animal waste management plan.

27 (6) Land application of septage consistent with a permit issued under
 28 G.S. 130A-291.1.

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

32
 33 **ARCHITECTURAL LICENSE EXCEPTION FOR SMALL PROJECTS**

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

35 **"§ 83A-13. Exemptions.**

36 ...

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

41 ...

42 (3) An institutional or commercial building if it does not have a total value
 43 exceeding ~~ninety thousand dollars (\$90,000);~~ two hundred thousand dollars
 44 (\$200,000);

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

47 ...

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

1"

2 3 **REVENUE LAWS STUDY**

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

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

14 15 **BROADBAND EASEMENTS**

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

17 "**§ 117-28.1. Electric membership corporations; easements.**

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

27"

28 29 **MANUFACTURED HOMES INSTALLATION**

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

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

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

36 **SECTION 14A.(a)** G.S. 160D-910 is amended by adding a new subsection to read:

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

41 **SECTION 14A.(b)** This section is effective when Chapter 160D of the General
42 Statutes becomes effective.

43 44 **LIMITED REGISTRATION PLATES/FINE COLLECTION**

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

46 "**§ 20-54. Authority for refusing registration or certificate of title.**

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

49 ...

50 (6) The vehicle is not in compliance with the inspection requirements of Part 2 of
51 Article 3A of this Chapter or a civil penalty assessed as a result of the failure

1 of the vehicle to comply with that Part has not been paid. Notwithstanding this
 2 subdivision, a dealer licensed under Article 12 of this Chapter may, on behalf
 3 of a person purchasing a vehicle, obtain a limited registration plate pursuant
 4 to G.S. 20-79.1A.

5 ...

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

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

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

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

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

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

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

41 SALVAGE TITLE STUDY

42 **SECTION 16.(a)** The Division of Motor Vehicles shall, in consultation with the
 43 Department of Insurance and interested parties, study whether the laws governing the title,
 44 registration, and branding of salvage vehicles need to be revised to protect consumers from
 45 vehicles that appear safe, which are actually unsafe because of flood damage or other severe
 46 damage that makes a vehicle unsafe, but is concealed from the consumer. The study will include
 47 the economic impact to the consumer of any proposed change in law recommended by the
 48 Division. As part of the study, the Division shall consider any other issues determined to be
 49 relevant to the title and registration of salvage vehicles.
 50

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

6 7 **DIVISION OF EMERGENCY MANAGEMENT STUDY**

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

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

34 **SECTION 17.(b)** Report. – The Division shall report the findings and
35 recommendations, including any legislative proposals, to the Joint Legislative Oversight
36 Committee on Justice and Public Safety, the Joint Legislative Emergency Management Oversight
37 Committee, and the Joint Legislative Transportation Oversight Committee no later than March
38 1, 2022.

39 40 **NORTH CAROLINA BOARD OF ARCHITECTURE MODIFICATIONS**

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

42 **"§ 83A-2. North Carolina Board of Architecture; creation; appointment, terms and oath**
43 **of members; vacancies; officers; bond of treasurer; notice of meetings; quorum.**

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

46 (b) The Board shall consist of seven members appointed by the Governor. Five of the
47 members of the Board shall be licensed architects appointed for five year terms; the terms shall
48 be staggered so that the term of one architect member expires each year. No architect member
49 shall be eligible to serve more than two consecutive terms; if a vacancy occurs during a term, the
50 Governor shall appoint a person to fill the vacancy for the remainder of the unexpired term. Two
51 of the members of the Board shall be persons who are not licensed architects and who represent

1 the interest of the public at ~~large~~; ~~the Governor shall appoint these members not later than July~~
2 ~~4, 1979.~~ large. The public members shall have full voting powers and shall serve at the pleasure
3 of the Governor. Each Board member shall file with the Secretary of State an oath faithfully to
4 perform duties as a member of the Board, and to uphold the Constitution of North Carolina and
5 the Constitution of the United States.

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

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

17 **"§ 83A-5. Board records; rosters; seal.**

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

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

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

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

32 **"§ 83A-7. Qualifications and examination requirements.**

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

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

- 40 a. ~~Professional education and at least three years practical~~ Practical
41 training and experience as specified by rules of the Board.
- 42 b. The successful completion of a licensure examination in architecture
43 as specified by the rules of the Board.
- 44 c. The successful completion of an accredited master's or bachelor's
45 degree in architecture as specified by the rules of the Board.

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

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

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

10 **"§ 83A-11. Expirations and renewals.**

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

23 **INSURANCE CANCELLATION PROOF OF MAILING**

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

25 **"§ 58-41-15. Certain policy cancellations prohibited.**

26 ...

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

35 ...

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

37 **SECTION 19.(b)** This section becomes effective October 1, 2020, and applies to
38 policies issued, amended, or renewed on or after that date.
39

40 **REQUIRE ADDITIONAL NOTICE BEFORE STATE OF EMERGENCY**
41 **DECLARATIONS TAKE EFFECT**

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

43 **"§ 166A-19.31. Power of municipalities and counties to enact ordinances to deal with states**
44 **of emergency.**

45 ...

46 (d) When Prohibitions and Restrictions Take Effect. – All prohibitions and restrictions
47 imposed by declaration pursuant to ordinances adopted under this section shall take effect in the
48 emergency area immediately upon publication of the declaration unless the declaration sets a
49 later time. ~~For the purpose of requiring compliance, publication~~ Publication shall include at least
50 (i) publication of a signed copy of the declaration conspicuously posted on the Web site of the
51 municipality or county and (ii) submittal of notice and a signed copy of the declaration to the

1 Department of Public Safety WebEOC critical incident management system. Publication may
2 also consist of reports of the substance of the prohibitions and restrictions in the mass
3 communications media serving the emergency area or other effective methods of disseminating
4 the necessary information quickly. As soon as practicable, however, appropriate distribution of
5 the full text of any declaration shall be made. This subsection shall not be governed by the
6 provisions of G.S. 1-597.

7"

9 **CONFIDENTIALITY CHANGES FOR CERTAIN DOCUMENTS IN SECURITIES** 10 **INVESTIGATIONS**

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

12 **"§ 78A-45. Administration of Chapter.**

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

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

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

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

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

33 **"§ 78A-50. Administrative files and opinions.**

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

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

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

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

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

48 (c3) Any information obtained by the Administrator from any law enforcement agency,
49 administrative agency, or regulatory organization on a confidential or otherwise restricted basis
50 in the course of an investigation or proceeding undertaken pursuant to this Chapter shall be

1 confidential and exempt from G.S. 132-6 to the same extent that it is confidential in the
2 possession of the providing agency or organization.

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

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

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

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

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

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

32 **"§ 78C-26. Administration of Chapter.**

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

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

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

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

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

2 "**§ 78C-31. Administrative files and opinions.**

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

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

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

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

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

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

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

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

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

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

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

48
49 **ALLOW SELF-INSURERS TO MAKE PAYMENTS FOR AN INITIAL ASSESSMENT**
50 **OVER A PERIOD**

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

1 "c. Initial assessments. – An individual self-insurer ~~that becomes upon~~
2 receiving its license from the Commissioner is a member and does not
3 ~~initially participate in of the Association Aggregate Security System~~
4 shall and is required to pay an initial assessment to the Association in
5 an amount and over a period as determined by the Board. A group
6 self-insurer, upon receiving its initial license from the Commissioner,
7 shall is a member of the Association and is required to pay an initial
8 assessment to the Association in an amount and over a period as
9 determined by the Board."

10 11 **DELAY THE PAYMENT DEADLINE FOR CERTAIN ABC PERMIT RENEWALS**

12 **SECTION 22.5.(a)** Notwithstanding G.S. 18B-903, payment of the fee for renewal
13 or registration of an ABC permit held by an ABC permittee that is prohibited from operating
14 pursuant to Executive Order No. 141, Easing Restrictions on Travel, Business Operations, and
15 Mass Gatherings, shall not be required until 90 days after the date the Governor signs an
16 executive order rescinding the prohibition on those permittees' operation, provided the ABC
17 permittee notifies the ABC Commission in writing, including by e-mail or other electronic
18 means, of its intent to delay payment.

19 **SECTION 22.5.(b)** An ABC permittee that is prohibited from operating pursuant to
20 Executive Order No. 141, Easing Restrictions on Travel, Business Operations, and Mass
21 Gatherings, that has paid a fee for renewal or registration of an ABC permit prior to the effective
22 date of this section may request a refund from the ABC Commission. A permittee that receives
23 a refund from the Commission pursuant to this subsection shall repay the fee before the expiration
24 of the period established by subsection (a) of this section.

25 26 **AMEND CERTAIN CHARTER SCHOOL REPORT DATE**

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

28 **"§ 115C-218.110. Notice of the charter school process; review of charter schools.**

29 ...

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

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

42 43 **ALLOW A TEACHING HOSPITAL AFFILIATED WITH BUT NOT PART OF ANY** 44 **CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA TO** 45 **ASSIGN CAMPUS POLICE OFFICERS OF ITS CAMPUS LAW ENFORCEMENT** 46 **AGENCY TO ANY OTHER FACILITY WITHIN THE TEACHING HOSPITAL'S** 47 **SYSTEM NETWORK**

48 **SECTION 23.5.** G.S. 116-40.5 is amended by adding a new subsection to read:

49 "(a1) Any teaching hospital having established a campus law enforcement agency pursuant
50 to subsection (a) of this section may assign its campus police officers to any other facility within
51 the teaching hospital's system network. Campus police officers assigned to any other facility

1 within the teaching hospital's system network pursuant to this subsection shall have the same
2 authority and jurisdiction exclusively upon the premises of the assigned facility, but not upon
3 any portion of any public road or highway passing through the property of the facility or
4 immediately adjoining it, as a campus police officer assigned to a teaching hospital under
5 subsection (a) of this section."

6
7 **AUTHORIZE LOCAL CONFINEMENT FACILITIES TO PROVIDE AND USE**
8 **WIRELESS COMMUNICATION DEVICES**

9 **SECTION 23.7.(a)** G.S. 14-258.1 is amended by adding a new subsection to read:

10 "(h) The prohibitions in subsections (d) and (g) of this section shall not apply to any mobile
11 telephone or other wireless communications device provided to or possessed by an inmate of a
12 local confinement facility if the mobile telephone or other wireless communications device has
13 been approved by the sheriff or other person in charge of a local confinement facility for use by
14 inmates and is provided to the inmate in a manner consistent with the approved use of that
15 device."

16 **SECTION 23.7.(b)** This section becomes effective August 1, 2020, and applies to
17 offenses committed on or after that date. Prosecutions for offenses committed before the effective
18 date of this section are not abated or affected by this section, and the statutes that would be
19 applicable but for this section remain applicable to those prosecutions.

20
21 **CLARIFICATION REGARDING SUBMISSION OF CERTAIN COMPONENT**
22 **DESIGNS OR PROPOSALS**

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

24 **"§ 160D-1106. Alternate inspection method for component or element.**

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

- 30 (1) ~~The~~ When required by the North Carolina State Building Code, the
31 submission design or other proposal is completed under valid seal of the
32 licensed architect or licensed professional engineer.
33 (2) Field inspection of the installation or completion of a component or element
34 of the building is performed by a licensed architect or licensed professional
35 engineer or a person under the direct supervisory control of the licensed
36 architect or licensed professional engineer.
37 (3) The licensed architect or licensed professional engineer under subdivision (2)
38 of this subsection provides the city with a signed written document stating the
39 component or element of the building inspected under subdivision (2) of this
40 subsection is in compliance with the North Carolina State Building Code or
41 the North Carolina Residential Code for One- and Two-Family Dwellings.
42 The inspection certification required under this subdivision shall be provided
43 by electronic or physical delivery and its receipt shall be promptly
44 acknowledged by the city through reciprocal means."
45

46 **PROVIDE FOR LICENSURE OF MOBILE BEAUTY SALONS AND ENSURE THE**
47 **SAFE AND HYGIENIC OPERATION THEREOF**

48 **SECTION 24.6.(a)** Chapter 88B of the General Statutes reads as rewritten:

49 **"Chapter 88B.**

50 **"Cosmetic Art.**

51 ...

"§ 88B-2. Definitions.

The following definitions apply in this Chapter:

- (1) Apprentice. – A person who is not a manager or operator and who is engaged in learning the practice of cosmetic art under the direction and supervision of a cosmetologist.
- (2) Board. – The North Carolina Board of Cosmetic Art Examiners.
- (3) Booth. – A workstation located within a licensed cosmetic art shop that is operated primarily by one individual in performing cosmetic art services for consumers.
- (4) Booth renter. – A person who rents a booth in a cosmetic art shop.
- (5) Cosmetic art. – All or any part or combination of cosmetology, esthetics, natural hair care, or manicuring, including the systematic manipulation with the hands or mechanical apparatus of the scalp, face, neck, shoulders, hands, and feet. Practices included within this subdivision shall not include the practice of massage or bodywork therapy as set forth in Article 36 of Chapter 90 of the General Statutes.
- (6) Cosmetic art school. – Any building or part thereof where cosmetic art is taught.
- (7) Cosmetic art shop. – Any building or part thereof where cosmetic art is practiced for pay or reward, whether direct or indirect.
- (8) Cosmetologist. – Any individual who is licensed to practice all parts of cosmetic art.
- ~~(8a)~~(9) Cosmetology. – The act of arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work upon the hair of a person by any means, including the use of hands, mechanical or electrical apparatus, or appliances or by use of cosmetic or chemical preparations or antiseptics.
- ~~(9)~~(10) Cosmetology teacher. – An individual licensed by the Board to teach all parts of cosmetic art.
- ~~(10)~~(11) Esthetician. – An individual licensed by the Board to practice only that part of cosmetic art that constitutes skin care.
- ~~(11)~~(12) Esthetician teacher. – An individual licensed by the Board to teach only that part of cosmetic art that constitutes skin care.
- ~~(11a)~~(13) Esthetics. – Refers to any of the following practices: giving facials; applying makeup; performing skin care; removing superfluous hair from the body of a person by use of creams, tweezers, or waxing; applying eyelashes to a person, including the application of eyelash extensions, brow or lash color; beautifying the face, neck, arms, or upper part of the human body by use of cosmetic preparations, antiseptics, tonics, lotions, or creams; surface manipulation in relation to skin care; or cleaning or stimulating the face, neck, ears, arms, hands, bust, torso, legs, or feet of a person by means of hands, devices, apparatus, or appliances along with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.
- ~~(12)~~(14) Manicuring. – The care and treatment of the fingernails, toenails, cuticles on fingernails and toenails, and the hands and feet, including the decoration of the fingernails and the application of nail extensions and artificial nails. The term "manicuring" shall not include the treatment of pathological conditions.
- ~~(13)~~(15) Manicurist. – An individual licensed by the Board to practice only that part of cosmetic art that constitutes manicuring.
- ~~(14)~~(16) Manicurist teacher. – An individual licensed by the Board to teach manicuring.

(17) Mobile salon. – A self-contained, enclosed mobile unit licensed for the practice of cosmetic art.

(14a)(18) Natural hair care. – A service that results in tension on hair strands or roots by twisting, wrapping, extending, or locking hair by hand or mechanical device. For purposes of this definition, the phrase "natural hair care" shall include the use of artificial or natural hair.

(14b)(19) Natural hair care specialist. – An individual licensed by the Board to practice only that part of cosmetic art that constitutes natural hair care.

(14e)(20) Natural hair care teacher. – An individual licensed by the Board to teach natural hair care.

(15)(21) Shampooing. – The application and removal of commonly used, room temperature, liquid hair cleaning and hair conditioning products. Shampooing does not include the arranging, dressing, waving, coloring, or other treatment of the hair.

...

"§ 88B-4. Powers and duties of the Board.

...

(b) A member of the Board shall have the authority to inspect cosmetic art ~~shops~~ shops, mobile salons, and cosmetic art schools at any reasonable hour to determine compliance with the provisions of this Chapter if the inspection is made: (i) at the request of the Board, or with the approval of the chair or the executive director as the result of a complaint made to the Board or a problem reported by an inspector, or (ii) at the request of an inspector who deems it necessary to request the assistance of a Board member and who has the prior approval of the chair or executive director to do so. A Board member who makes an inspection pursuant to this subsection shall file a report with the Board before requesting reimbursement for expenses.

...

"§ 88B-20. Fees required.

...

(b) The Board may charge application fees as follows:

- (1) Inspection of a newly established cosmetic art shop or mobile salon \$ 25.00
- (2) Reciprocity applicant under G.S. 88B-13 \$ 15.00.

(c) The Board may charge license fees as follows:

- (1) Cosmetologist.....\$ 39.00 every 3 years
- (2) Apprentice \$ 10.00 per year
- (3) Esthetician \$ 10.00 per year
- (4) Manicurist \$ 10.00 per year
- (4a) Natural hair care specialist \$ 10.00 per year
- (5) Teacher \$ 10.00 every 2 years
- (6) Cosmetic art shop per active booth \$ 3.00 per year
- (6a) Mobile salon..... \$ 25.00 per year
- (7) Cosmetic art school \$ 50.00 per year
- (8) Duplicate license \$ 1.00.

(d) The Board may require payment of late fees and reinstatement fees as follows:

- (1) Apprentice, cosmetologist, esthetician, manicurist, natural hair care specialist, and teacher late renewal \$ 10.00
- (2) Cosmetic art schools and shops and mobile salons late renewal \$ 10.00
- (3) Reinstatement – cosmetic art schools and shops and mobile salons..... \$ 25.00.

(e) The Board may prorate fees as appropriate.

1 **"§ 88B-21. Renewals; expired licenses; inactive status.**

2 (a) Each license to operate a cosmetic art shop or mobile salon shall be renewed on or
3 before the first day of February of each year. As provided in G.S. 88B-20, a late fee shall be
4 charged for licenses renewed after February 1. Any license not renewed by March 1 of each year
5 shall expire. A cosmetic art shop or mobile salon whose license has been expired for one year or
6 less shall have the license reinstated immediately upon payment of the reinstatement fee, the late
7 fee, and all unpaid license fees. The licensee shall submit to the Board, as a part of the renewal
8 process, a list of all licensed cosmetologists who practice cosmetic art in the shop or mobile salon
9 and shall identify each as an employee or a booth renter.

10 ...

11 **"§ 88B-22. Licenses required; criminal penalty.**

12 (a) Except as provided in this Chapter, no person may practice or attempt to practice
13 cosmetic art for pay or reward in any form, either directly or indirectly, without being licensed
14 as an apprentice, cosmetologist, esthetician, natural hair care specialist, or manicurist by the
15 Board.

16 (b) Except as provided in this Chapter, no person may practice cosmetic art or any part
17 of cosmetic art, for pay or reward in any form, either directly or indirectly, outside of a licensed
18 cosmetic art ~~shop~~ shop or mobile salon.

19 (c) No person may open or operate a cosmetic art shop or mobile salon in this State unless
20 a license has been issued by the Board for that ~~shop~~ shop or mobile salon.

21 (d) An individual licensed as an esthetician, natural hair care specialist, or manicurist
22 may practice only that part of cosmetic art for which the individual is licensed.

23 (d1) No person may teach cosmetic art in a Board-approved cosmetic art school unless the
24 person is a teacher licensed under this Chapter. A guest lecturer may be exempt from the
25 requirements of this subsection upon approval by the Board.

26 (e) An apprentice licensed under the provisions of this Chapter shall apprentice under the
27 direct supervision of a cosmetologist. An apprentice shall not operate a cosmetic art ~~shop~~ shop
28 or mobile salon.

29 (f) A violation of this Chapter is a Class 3 misdemeanor.

30 **"§ 88B-23. Licenses to be posted.**

31 (a) Every apprentice, cosmetologist, esthetician, manicurist, natural hair care specialist,
32 and teacher licensed under this Chapter shall display the certificate of license issued by the Board
33 within the shop or mobile salon in which the person works.

34 (b) Every certificate of license to operate a cosmetic art ~~shop or school~~ shop, school, or
35 mobile salon shall be conspicuously posted in the ~~shop or school~~ shop, school, or mobile salon
36 for which it is issued.

37 ...

38 **"§ 88B-26. Rules to be posted.**

39 (a) The Board shall furnish a copy of its rules relating to sanitary management of
40 cosmetic art ~~shops and shops~~ shops, schools, and mobile salons to each ~~shop and~~
41 ~~school~~ shop, school, and mobile salon licensed by the Board. Each ~~shop and school~~ shop, school,
42 and mobile salon shall post the rules in a conspicuous place.

43 ...

44 **"§ 88B-27. Inspections.**

45 Any inspector or other authorized representative of the Board may enter any cosmetic art
46 ~~shop or school~~ shop, school, or mobile salon to inspect it for compliance with this Chapter and
47 the Board's rules. All persons practicing cosmetic art in a ~~shop or school~~ shop, school, or mobile
48 salon shall, upon request, present satisfactory proof of identification. Satisfactory proof shall be
49 in the form of a photographic driver's license or photographic identification card issued by any
50 state, federal, or other government entity. The Board may require a cosmetic art ~~shop or school~~
51 shop, school, or mobile salon to be inspected as a condition for license renewal.

...."

SECTION 24.6.(b) Chapter 88B of the General Statutes is amended by adding a new section to read:

"§ 88B-15.1. Mobile salons.

(a) A motor home as defined in Article 1 of Chapter 20 of the General Statutes may be used as a mobile salon for the practice of cosmetic art.

(b) The Board shall issue a license to operate a mobile salon to any applicant who submits a properly completed application on a form approved by the Board, pays the required fee, and is determined after inspection to be in compliance with the provisions of this Chapter and the Board's rules.

(c) The Board shall adopt rules for the operation, licensure, and inspection of mobile salons, including standards for facilities, personnel, and safety and sanitary requirements. All licensure and operating requirements provided by this Chapter or by rules adopted by the Board pursuant to this Chapter that apply to cosmetic art shops shall also apply to mobile salons, except to the extent that the requirements conflict with this section or with any rules adopted by the Board pursuant to this section.

(d) In addition to the requirements of this Chapter, individuals and the vehicles they operate while providing mobile salon services shall be subject to the provisions of (i) Chapter 20 of the General Statutes, (ii) Chapter 19A of the North Carolina Administrative Code, (iii) all applicable OSHA requirements, and (iv) all local laws and ordinances regulating business establishments.

(e) A mobile salon must be equipped with a functional sink and toilet facilities and must maintain an adequate supply of clean water and wastewater storage capacity.

(f) No cosmetic art or service may be performed in a mobile salon while the salon is moving. The mobile salon must be safely parked in a legal parking spot at all times while patrons are present inside the salon.

(g) A mobile salon owner must maintain a permanent business address at which records of appointments, itineraries, license numbers, and vehicle identification numbers for each mobile salon being operated shall be kept and made available for verification and inspection by the Board and at which all correspondence from the Board can be received.

(h) To facilitate periodic inspections of mobile salons, prior to the beginning of each month, the owner of the salon shall provide to the Board a written monthly itinerary listing locations, dates, and hours of operation for the salon."

SECTION 24.6.(c) The Board shall adopt temporary rules to implement this section as expeditiously as possible.

EXTEND SUNSET ON REMOTE NOTARY AND VIDEO WITNESSING AUTHORIZATION

SECTION 24.8.(a) G.S. 10B-10(b1), as enacted by S.L. 2020-3, reads as rewritten:

"(b1) Notwithstanding subsection (b) of this section, if the Secretary grants a commission after March 9, 2020, and before ~~August 1, 2020~~, March 1, 2021, the appointee shall have 90 days to appear before the register of deeds to take the general oath of office. A register of deeds may administer the required oath to such appointee using video conference technology provided the appointee is personally known to the register of deeds or the appointee provides satisfactory evidence of the appointee's identity to the register of deeds. As used in this subsection, video conference technology and satisfactory evidence are as defined in G.S. 10B-25."

SECTION 24.8.(b) G.S. 10B-25(n), as enacted by S.L. 2020-3, reads as rewritten:

"(n) This section shall expire at 12:01 A.M. on ~~August 1, 2020~~; March 1, 2021; provided, however, all notarial acts made in accordance with this section and while this section is in effect shall remain effective and shall not need to be reaffirmed."

SECTION 24.8.(c) G.S. 10B-200(b), as enacted by S.L. 2020-3, reads as rewritten:

1 "(b) This Article expires ~~August 1, 2020~~ March 1, 2021."

2
3 **PART II. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL**
4 **RESOURCES REGULATORY REFORM PROVISIONS**

5
6 **ALLOW DIVISION OF COASTAL MANAGEMENT TO ACCEPT ELECTRONIC**
7 **PAYMENTS**

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

9 "**§ 113A-119. Permit applications generally.**

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

16 "

17
18 **MINE RECLAMATION REPORTING DATE CHANGE**

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

20 "**§ 74-55. Reclamation report.**

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

- 24 (1) Identify the mine, the operator and the permit number.
25 (2) State acreage disturbed by mining in the last 12-month period.
26 (3) State and describe amount and type of reclamation carried out in the last
27 12-month period.
28 (4) Estimate acreage to be newly disturbed by mining in the next 12-month
29 period.
30 (5) Provide such maps as may be specifically requested by the Department.
31 (6) Include the annual operating fee pursuant to G.S. 74-54.1(a1).

32 (b) When filing the annual report, the permittee shall pay the annual operating fee for the
33 permit to the Department by September 1 of each year until the permit has been terminated by
34 the Department. The Department may assess and collect a monthly penalty for each annual report
35 or annual operating fee not filed by ~~July 31~~ September 30 of each year until the annual report
36 and annual operating fee are filed with the Department. If the required annual report and
37 operating fee, including any late payment penalties, are not filed by December 31 of each year,
38 the Department shall give written notice to the operator and shall then initiate permit revocation
39 proceedings in accordance with G.S. 74-58."

40
41 **DEQ REPORTS DATE CHANGE**

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

44 "Section 15.6.(b) The Department of Environmental Quality and the Office of State Budget
45 and Management shall report to the Joint Legislative Oversight Committee on Agriculture and
46 Natural and Economic Resources the amount and the source of the funds used pursuant to
47 subsection (a) of this section ~~within 30 days of the expenditure of these funds on or before April~~
48 15 of each year and shall include this information in the status of solid waste management report
49 required to be submitted pursuant to G.S. 130A-309.06(c)."

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

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

4 ...

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

7 ...

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

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

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

32"

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

34 "(e) The Department shall include in the report to be delivered to the Environmental
35 Review Commission ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) a
36 description of the implementation of the North Carolina Scrap Tire Disposal Act under this Part
37 for the fiscal year ending the preceding June 30. The description of the implementation of the
38 North Carolina Scrap Tire Disposal Act shall include a list of the recipients of grants under
39 subsection (a) of this section and the amount of each grant for the previous 12-month period. The
40 report also shall include the amount of funds used to clean up nuisance sites under subsection (d)
41 of this section."

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

43 **"§ 130A-309.85. Reporting on the management of white goods.**

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

48"

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

50 "(a) The Department shall include in the status of solid waste management report required
51 to be submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) a report

1 on the recycling of discarded computer equipment and televisions in the State under this Part.
2 The report must include an evaluation of the recycling rates in the State for discarded computer
3 equipment and televisions, a discussion of compliance and enforcement related to the
4 requirements of this Part, and any recommendations for any changes to the system of collection
5 and recycling of discarded computer equipment, televisions, or other electronic devices."

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

7 "**§ 130A-310.10. Annual reports.**

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

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

36 (a1) On or before ~~October 1~~ April 15 of each year, the Department shall report to each
37 member of the General Assembly who has an inactive hazardous substance or waste disposal site
38 in the member's district. This report shall include the location of each inactive hazardous
39 substance or waste disposal site in the member's district, the type and amount of hazardous
40 substances or waste known or believed to be located on each of these sites, the last action taken
41 at each of these sites, and the date of that last action. The Department shall include this
42 information in the status of solid waste management report required to be submitted pursuant to
43 G.S. 130A-309.06(c).

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

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

46 "**§ 130A-310.40. Legislative reports.**

47 The Department shall include in the status of solid waste management report required to be
48 submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) an evaluation
49 of the effectiveness of this Part in facilitating the remediation and reuse of existing industrial and
50 commercial properties. This evaluation shall include any recommendations for additional
51 incentives or changes, if needed, to improve the effectiveness of this Part in addressing ~~such these~~

1 properties. This evaluation shall also include a report on receipts by and expenditures from the
2 Brownfields Property Reuse Act Implementation Account."

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

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

7"

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

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

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

31 TECHNICAL AND CONFORMING CHANGES TO SOLID WASTE STATUTES

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

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

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

37 "§ 130A-22. Administrative penalties.

38 (a) The Secretary of Environmental Quality may impose an administrative penalty on a
39 person who violates Article 9 of this Chapter, rules adopted by the Environmental Management
40 Commission pursuant to Article 9, or any term or condition of a permit or order issued under
41 Article 9. Each day of a continuing violation shall constitute a separate violation. The penalty
42 shall not exceed fifteen thousand dollars (\$15,000) per day in the case of a violation involving
43 nonhazardous waste. The penalty shall not exceed thirty-two thousand five hundred dollars
44 (\$32,500) per day in the case of a first violation involving hazardous waste as defined in
45 G.S. 130A-290 or involving the disposal of medical waste as defined in G.S. 130A-290 in or
46 upon water in a manner that results in medical waste entering waters or lands of the State; and
47 shall not exceed fifty thousand dollars (\$50,000) per day for a second or further violation
48 involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a manner
49 that results in medical waste entering waters or lands of the State. The penalty shall not exceed
50 thirty-two thousand five hundred dollars (\$32,500) per day for a violation involving a voluntary
51 remedial action implemented pursuant to G.S. 130A-310.9(c) or a violation of the rules adopted

1 pursuant to G.S. 130A-310.12(b). For violations of Part 7 of Article 9 of this Chapter and
 2 G.S. 130A-309.10(m): (i) a warning shall be issued for a first violation; (ii) the penalty shall not
 3 exceed two hundred dollars (\$200.00) for a second violation; and (iii) the penalty shall not exceed
 4 five hundred dollars (\$500.00) for subsequent violations. If a person fails to pay a civil penalty
 5 within 60 days after the final agency decision or court order has been served on the violator, the
 6 Secretary of Environmental Quality shall request the Attorney General to institute a civil action
 7 in the superior court of any county in which the violator resides or has his or its principal place
 8 of business to recover the amount of the assessment. Such civil actions must be filed within three
 9 years of the date the final agency decision or court order was served on the violator.

10 ...

11 (f) The Commission shall adopt rules concerning the imposition of administrative
 12 penalties ~~under pursuant to this section.~~ section that are under authority of the Secretary, and the
 13 Environmental Management Commission shall adopt rules concerning the imposition of
 14 administrative penalties pursuant to this section that are under authority of the Secretary of
 15 Environmental Quality.

16"

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

18 "**§ 130A-295.6. Additional requirements for sanitary landfills.**

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

31"

32 **CONSOLIDATE RIVER BASIN ADVISORY COMMISSION REPORTS**

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

34 "(c) The accounts and records of the Commission showing the receipt and disbursement
 35 of funds from whatever source derived shall be in the form that the North Carolina Auditor and
 36 the Virginia Auditor of Public Accounts prescribe, provided that the accounts shall correspond
 37 as nearly as possible to the accounts and records for such matters maintained by similar
 38 enterprises. The accounts and records of the Commission shall be subject to an annual audit by
 39 the North Carolina Auditor and the Virginia Auditor of Public Accounts or their legal
 40 representatives, and the costs of the audit services shall be borne by the Commission. The results
 41 of the audits shall be delivered as part of the annual report required in G.S. 77-98 by ~~March 1~~
 42 October 1 of each year to the Joint Legislative Oversight Committee on Agriculture and Natural
 43 ~~and Economic Resources and Resources,~~ the Fiscal Research Division of the General Assembly
 44 of North ~~Carolina~~ Carolina, and as provided by the Commonwealth of Virginia."

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

46 "**§ 77-98. Annual report.**

47 The Commission shall submit an annual report, including the annual audit required by
 48 G.S. 77-96 and any recommendations, on or before 1 October of each year to ~~the Governor of~~
 49 ~~North Carolina, the Environmental Review Commission of the General Assembly of North~~
 50 ~~Carolina, the Governor of Virginia, and the General Assembly of Virginia.~~ the Joint Legislative
 51

1 Oversight Committee on Agriculture and Natural and Economic Resources, the Fiscal Research
 2 Division of the General Assembly of North Carolina, and as provided by the Commonwealth of
 3 Virginia."

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

5 "(b) The accounts and records of each commission showing the receipt and disbursement
 6 of funds from whatever source derived shall be in the form that the Auditor of North Carolina
 7 and the State Auditor of South Carolina prescribe. The accounts and records of each commission
 8 shall be subject to an annual audit by the Auditor of North Carolina and the State Auditor of
 9 South Carolina or their legal representatives. The cost of the annual audits shall be borne by each
 10 commission. The results of the audits shall be delivered as part of the annual report required by
 11 G.S. 77-117 by ~~March~~ October 1 of each year to the Joint Legislative Oversight Committee on
 12 Agriculture and Natural and Economic Resources and Resources, the Fiscal Research Division
 13 of the General Assembly of North Carolina Carolina, and to the General Assembly of South
 14 Carolina as the General Assembly of South Carolina shall provide.as provided by the State of
 15 South Carolina."

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

17 "**§ 77-117. Annual report.**

18 The commissions shall submit annual reports, including the annual audit required by
 19 G.S. 77-115 and any recommendations, on or before ~~4 October~~ October 1 of each year to the
 20 Governor of North Carolina, the Environmental Review Commission of the General Assembly
 21 of North Carolina, the Governor of South Carolina, and the General Assembly of South Carolina,
 22 as the Governor, the General Assembly of South Carolina, or the Commissioner of the South
 23 Carolina Department of Health and Environmental Control shall provide.Joint Legislative
 24 Oversight Committee on Agriculture and Natural and Economic Resources, the Fiscal Research
 25 Division of the General Assembly of North Carolina, and as provided by the State of South
 26 Carolina."

27 **ELECTRONIC PERMITTING CLARIFICATION**

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

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

30 ...

31 (4) The Commission shall have the power:

32 ...

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

36"

37 **NONBETTERMENT COST RECOVERY FOR CERTAIN PRIVATE WATER AND SEWER SYSTEMS**

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

39 "**§ 136-27.1. Relocation of water and sewer lines of municipalities, nonprofit water or sewer**
 40 **corporations or associations, ~~and local boards of education.~~ education, and**
 41 **certain private water or sewer utilities.**

42 (a) The Department of Transportation shall pay the nonbetterment cost for the relocation
 43 of water and sewer lines, located within the existing State transportation project right-of-way,
 44 that are necessary to be relocated for a State transportation improvement project and that are
 45 owned by: (i) a municipality with a population of 10,000 or less according to the latest decennial
 46 census; (ii) a nonprofit water or sewer association or corporation; (iii) any water or sewer system
 47 organized pursuant to Chapter 162A of the General Statutes; (iv) a rural water system operated
 48 by a County as an enterprise system; (v) any sanitary district organized pursuant to Part 2 of
 49
 50
 51

1 Article 2 of Chapter 130A of the General Statutes; (vi) constructed by a water or sewer system
2 organized pursuant to Chapter 162A of the General Statutes and then sold or transferred to a
3 municipality with a population of greater than 10,000 according to the latest decennial census;
4 ~~or~~ (vii) a local board of ~~education~~-education; or (viii) a private water or sewer utility organized
5 pursuant to Chapter 62 of the General Statutes serving 10,000 or fewer customers.

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

- 11 (1) A municipality with a population of greater than 10,000, but less than 50,000,
12 shall pay twenty-five percent (25%) of the cost.
- 13 (2) A municipality with a population of 50,000 or greater, but less than 100,000,
14 shall pay fifty percent (50%) of the cost.
- 15 (3) A municipality with a population of 100,000 or greater shall pay one hundred
16 percent (100%) of the cost."

17 **SECTION 32.(b)** This section is effective retroactively to March 1, 2020, and shall
18 apply to nonbetterment costs for State transportation improvement projects incurred on or after
19 that date. The Department of Transportation shall reimburse any nonbetterment costs for State
20 transportation improvement projects collected from a private water or sewer utility organized
21 pursuant to Chapter 62 of the General Statutes serving 10,000 or fewer customers after March 1,
22 2020.

23

24 UNDERGROUND STORAGE TANK SPILL BUCKET RULE CHANGE

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

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

32 **SECTION 33.(c)** Implementation. – Spill buckets replaced on tanks installed prior
33 to November 1, 2007, may use mechanical liquid detecting sensors for interstitial leak detection
34 monitoring instead of electronic liquid detecting sensors. If a mechanical liquid detecting sensor
35 is used, then a spill bucket shall comply with all spill bucket requirements of 15A NCAC 02N
36 .0906 except that Subparagraphs (i)(7) and (8) of 15A NCAC 02N .0901 do not apply. In
37 addition, all of the following specific requirements shall be met:

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

49 **SECTION 33.(d)** Additional Rule-Making Authority. – The Commission shall adopt
50 a rule to amend the UST Spill Bucket General Requirement Rule consistent with subsection (c)
51 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant

1 to this section shall be substantively identical to the provisions of subsection (c) of this section.
 2 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
 3 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
 4 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
 5 in G.S. 150B-21.3(b2).

6 **SECTION 33.(e) Applicability and Sunset.** – This section and rules adopted pursuant
 7 to this section apply to all spill buckets replaced on or after July 1, 2020. This section expires
 8 when permanent rules adopted as required by subsection (d) of this section become effective.
 9

10 **PREVENT FROM BECOMING EFFECTIVE RULES MODIFYING THE NORTH** 11 **CAROLINA BUILDING CODE**

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

15 1102.7 (2018 NC Plumbing Code/Fittings).

16 1102.2 (2018 NC Plumbing Code/Inside Storm Drainage Conductors).

17 702.4 (2018 NC Plumbing Code/Fittings).

18 702.1 (2018 NC Plumbing Code/Above-Ground Sanitary Drainage and Vent Pipe).
 19

20 **LIBRARY STATUTE CHANGES**

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

22 **"§ 143B-68. Public Librarian Certification Commission – members; selection; quorum;**
 23 **compensation.**

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

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

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

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

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

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

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

43 **"§ 143B-91. State Library Commission – members; selection; quorum; compensation.**

44 ...

45 (b) There ~~shall be standing~~ may be committees established to advise the Secretary of
 46 Natural and Cultural Resources, the Commission, and the State Librarian. ~~These committees shall~~
 47 ~~be: Public Library Development; Interlibrary Cooperation; State Government Information~~
 48 ~~Services; State Library Development; and any other committee deemed appropriate.~~ Each
 49 committee shall be composed of a committee chairperson and at least ~~six~~ four persons appointed
 50 ~~annually~~ by the ~~Secretary of Natural and Cultural Resources~~ chair with the approval of the

1 Commission. At least one of the members of each committee shall be a member of the
2 Commission. Each committee shall report to the Commission at least once a year."

3 **SECTION 35.(c)** G.S. 125-11.13 is repealed.
4

5 **ABANDONED AND DERELICT VESSELS**

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

7 "(10) \$1,000,000 to the Wildlife Resource Commission (WRC) to inspect,
8 investigate, and remove ~~derelict and abandoned water~~ abandoned and derelict
9 vessels. Notwithstanding any provision of law in Chapter 75A of the General
10 Statutes, the WRC is authorized to use these and other available funds to
11 inspect, investigate, ~~and remove~~ remove, and dispose of abandoned and
12 derelict vessels. Prior to removing and disposing of a vessel under this
13 subdivision, the WRC shall (i) send written notice to the last known owner of
14 the status of the vessel if an owner can be determined and (ii) post a notice on
15 the vessel advising that the vessel is abandoned. If no response to the written
16 notice to owner or the notice posted on the vessel is received within 30 days
17 indicating intent to recover while taking specific acts to remove the vessel,
18 then the WRC may proceed with removal and disposal of the vessel. The
19 WRC may remove and dispose of abandoned and derelict vessels on private
20 property after receiving written permission from the property owner and
21 following the other procedures set forth in this section. The WRC shall
22 prioritize the use of State funds for the removal of abandoned and derelict
23 vessels located on public waters and lands. As used in this subdivision, the
24 phrase "abandoned and derelict vessel" means a water going craft located in
25 a canal or the Intracoastal Waterway that has been damaged or destroyed by
26 weather related events and that is impeding water traffic. The phrase does not
27 apply to a vessel that is moored to a dock or otherwise not located in an area
28 of normal water traffic. WRC may also remove and dispose of vessels
29 identified by the Marine Patrol of the Division of Marine Fisheries: a vessel,
30 as defined in G.S. 75A-2(5), that is left or stored for more than 30 days in one
31 of the following states:

- 32 a. In a wrecked, junked, or substantially damaged or dismantled
33 condition upon any public waters and lands of the State.
34 b. At a harbor or anchorage within public waters of the State without the
35 consent of the public agency having jurisdiction thereof.
36 c. Docked, grounded, or beached upon the property of another without
37 the consent of the owner of the property."
38

39 **LOCAL PLANNING AND DEVELOPMENT REGULATION CONFORMING** 40 **CHANGE**

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

42 "(a) Bona Fide Farming Exempt From County Zoning. – County zoning regulations may
43 not affect property used for bona fide farm purposes; provided, however, that this section does
44 not limit zoning regulation with respect to the use of farm property for nonfarm purposes. Except
45 as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under
46 G.S. 106-743.2, bona fide farm purposes include the production and activities relating or
47 incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants,
48 dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1.
49 Activities incident to the farm include existing or new residences constructed to the applicable
50 residential building code situated on the farm occupied by the owner, lessee, or operator of the
51 farm and other buildings or structures sheltering or supporting the farm use and operation. For

1 purposes of this section, "when performed on the farm" in G.S. 106-581.1(6) shall include the
2 farm within the jurisdiction of the county and any other farm owned or leased to or from others
3 by the bona fide farm operator, no matter where located. For purposes of this section, the
4 production of a nonfarm product that the Department of Agriculture and Consumer Services
5 recognizes as a "Goodness Grows in North Carolina" product that is produced on a farm subject
6 to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose. For purposes of
7 determining whether a property is being used for bona fide farm purposes, any of the following
8 shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

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

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

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

33 **SECTION 38.(a)** G.S. 153A-145.8, as enacted by S.L. 2020-18, reads as rewritten:
34 "**§ 153A-145.8. Limitations on regulation of catering by bona fide farms.**

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

41 **SECTION 38.(b)** G.S. 160A-203.2, as enacted by S.L. 2020-18, reads as rewritten:
42 "**§ 160A-203.2. Limitations on regulation of catering by bona fide farms.**

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

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

1 **RESTORING CORPORATE CHARTER SUSPENDED BY TAX NONCOMPLIANCE**
2 **UNDER INSTALLMENT AGREEMENT**

3 **SECTION 39.** G.S. 105-232 reads as rewritten:

4 **"§ 105-232. Rights restored; receivership and liquidation.**

5 (a) Any corporation or limited liability company whose articles of incorporation, articles
6 of organization, or certificate of authority to do business in this State has been suspended by the
7 Secretary of State under G.S. 105-230, that complies with all the requirements of this Subchapter
8 and pays all State taxes, fees, or penalties due from it (which total amount due may be computed,
9 for years prior and subsequent to the suspension, in the same manner as if the suspension had not
10 taken place), and pays to the Secretary of Revenue a fee of twenty-five dollars (\$25.00) to cover
11 the cost of reinstatement, is entitled to exercise again its rights, privileges, and franchises in this
12 State. The Secretary of Revenue shall notify the Secretary of State of this compliance and the
13 Secretary of State shall reinstate the corporation or limited liability company by appropriate entry
14 upon the records of the office of the Secretary of State. Upon entry of reinstatement, it relates
15 back to and takes effect as of the date of the suspension by the Secretary of State and the
16 corporation or limited liability company resumes carrying on its business as if the suspension had
17 never occurred, subject to the rights of any person who reasonably relied, to that person's
18 prejudice, upon the suspension. The Secretary of State shall immediately notify by mail the
19 corporation or limited liability company of the reinstatement.

20 (a1) Exception. – Notwithstanding the requirement in subsection (a) of this section to pay
21 all State taxes, fees, or penalties due, a suspended entity that is the recipient of a loan through the
22 Paycheck Protection Program and otherwise complies with all the requirements of this
23 Subchapter is entitled to reinstatement if it enters into an installment agreement with the Secretary
24 of Revenue under G.S. 105-237 and pays the required fee. However, if the entity fails to make a
25 payment under the agreement or if the agreement is otherwise terminated by the Secretary of
26 Revenue, the entity is subject to the suspension requirements in G.S. 105-230. For purposes of
27 this subsection, the term "Paycheck Protection Program" is the program created in Sections 1102
28 and 1106 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136.

29"
30

31 **EFFECTIVE DATE**

32 **SECTION 40.** Except as otherwise provided, this act is effective when it becomes
33 law.