

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 220

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

H220-ARI-55 [v.3]

Page 1 of 2

Amends Title [NO]
Fifth Edition

Date _____, 2021

Senator Nickel

1 moves to amend the bill on page 1, lines 10 through 14,
2 by rewriting those lines to read:

3
4 "(a) A city shall not adopt an ordinance that prohibits, or has the effect of prohibiting, the
5 construction, operation, connection, reconnection, modification, or expansion of an energy
6 service or energy generating facility based upon the type or source of energy to be delivered to
7 an individual or any other person as the end-user of the energy service, or a public utility.
8 Notwithstanding any authority granted to cities to adopt local ordinances, any city ordinance that
9 prohibits, or has the effect of prohibiting, the construction, operation, connection, reconnection,
10 modification, or expansion of an energy service or energy generating facility based upon the type
11 or source of energy to be delivered to an individual or any other person as the end-user of the
12 energy service or a public utility shall be invalid. Local zoning or land use ordinances that are
13 generally applicable to development, including stormwater regulations and buffer requirements,
14 shall be presumed to be valid as to the construction, operation, connection, reconnection,
15 modification, or expansion of an energy service or energy generating facility.

16 (b) As used in this section, "energy service" means (i) the sale of electricity to a public
17 utility, and (ii) the power that a consumer";
18

19 and on page 2, lines 2 through 6,
20 by rewriting those lines to read:

21
22 "(a) A county shall not adopt an ordinance that prohibits, or has the effect of prohibiting,
23 the construction, operation, connection, reconnection, modification, or expansion of an energy
24 service or energy generating facility based upon the type or source of energy to be delivered to
25 an individual or any other person as the end-user of the energy service, or a public utility.
26 Notwithstanding any authority granted to cities to adopt local ordinances, any county ordinance
27 that prohibits, or has the effect of prohibiting, the construction, operation, connection,
28 reconnection, modification, or expansion of an energy service or energy generating facility based
29 upon the type or source of energy to be delivered to an individual or any other person as the end-
30 user of the energy service or a public utility shall be invalid. Local zoning or land use ordinances
31 that are generally applicable to development, including stormwater regulations and buffer



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1 requirements, shall be presumed to be valid as to the construction, operation, connection,
2 reconnection, modification, or expansion of an energy service or energy generating facility.

3 (b) As used in this section, "energy service" means (i) the sale of electricity to a public
4 utility, and (ii) the power that a consumer";

5
6 and on page 2, lines 21 and 22,
7 by inserting between those lines:

8
9 "SECTION 1.(c) G.S. 160D-107 is amended by adding a new subsection to read:
10 "(a1) Energy Moratoria Limitation. – A development moratorium applied to construction,
11 operation, connection, reconnection, modification, or expansion of an energy service, as defined
12 in G.S. 153A-145.8 and G.S. 160A-205.4, or an energy generating facility shall not extend for a
13 cumulative period of more than 12 months."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____