



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 600

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

H600-ABR-32 [v.8]

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Amends Title [NO]
H600-CSBR-18

Date _____, 2023

Senator Sanderson

1 moves to amend the bill on page 2, line 42, through page 3, line 3, by rewriting those lines to
2 read:

3
4 "(b5) An applicant for a new stormwater permit, or the reissuance of a permit due to
5 transfer, modification, or renewal, shall have the option to submit a permit application for
6 processing to (i) the Department, (ii) a unit of local government with permitting authority in
7 whose jurisdiction the project to be permitted is located, or, (iii) where a unit of local government
8 with permitting authority in whose jurisdiction the project to be permitted is located has
9 established a joint program with one or more units of local government pursuant to subsection
10 (c) of this section, other local governments in the joint program.";

11
12 and on page 3, lines 36–39, by rewriting the lines to read:

13
14 "the stormwater drainage system. Rates, fees, and charges imposed under this subsection may
15 not";

16
17 and on page 4, lines 13–16, by rewriting the lines to read:

18
19 "drains, and other factors that affect the stormwater drainage system. Rates, fees, and charges";

20
21
22 and on page 5, lines 43–46, by rewriting those lines to read:

- 23
24 "(3) Spotted Seatrout.
25 (4) Striped Bass.
26 (5) Weakfish.

27 (e) Any person holding a commercial fishing license engaged in a commercial fishing
28 operation who harvests any fish, "

29
30 and on page 7, lines 13–14, by inserting between those lines:



* H 6 0 0 - A B R - 3 2 - V - 8 *

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1 **"ESTABLISH REQUIREMENTS FOR ISSUANCE OF 401 CERTIFICATIONS BY THE**
2 **DEPARTMENT OF ENVIRONMENTAL QUALITY**

3 **SECTION 7.1.(a)** Article 21 of Chapter 143 of the General Statutes is amended by
4 adding a new section to read:

5 **"§ 143-214.1. Water quality certifications.**

6 The following requirements shall govern applications for certification filed with the
7 Department pursuant to Section 401 of the Clean Water Act, 33 U.S.C. § 1341(a)(1):

- 8 (1) Within 30 days of the filing of such application, the Department shall: (i)
9 determine whether or not the application is complete and notify the applicant
10 accordingly; and (ii) if the Department determines an application is
11 incomplete, specify all such deficiencies in the notice to the applicant. The
12 applicant may file an amended application or supplemental information to
13 cure the deficiencies identified by the Department for the Department's
14 review. If the Department fails to issue a notice as to whether or not the
15 application is complete within the requisite 30-day period, the application
16 shall be deemed complete.
- 17 (2) Within 60 days of the filing of a completed application, the Department shall
18 either approve or deny the application. Failure of the Department to act within
19 the requisite 60-day period shall result in a waiver of the certification
20 requirement by the State, unless the applicant agrees, in writing, to an
21 extension of time, which shall not exceed one year from the State's receipt of
22 the application for certification. The 60-day review period established by this
23 subdivision shall constitute the "reasonable period of time" for State action on
24 an application for purposes of 33 U.S.C. § 1341(a)(1), absent a negotiated
25 agreement with the United States Environmental Protection Agency to extend
26 that timeframe for a period not to exceed one year.
- 27 (3) Department review of applications for certification shall be limited to water
28 quality impacts from point source discharges from the proposed project into
29 navigable waters located within the State, and shall not consider water quality
30 impacts from the activity as a whole.
- 31 (4) The Department shall issue a certification upon determining that the proposed
32 discharge from a point source of the proposed project into navigable waters
33 will comply with State water quality standards.
- 34 (5) The Department may issue or deny an application, or waive certification, but
35 shall not require an applicant to withdraw an application."

36 **SECTION 7.1.(b)** This section is effective when it becomes law, and applies to
37 applications for 401 Certification pending or submitted on or after that date.

38
39 **"DEQ TO REQUEST USEPA APPROVAL TO REQUIRE ADOPTION OF WATER**
40 **QUALITY CRITERIA FOR SPECIFIC POLLUTANTS TO ESTABLISH EFFLUENT**
41 **STANDARDS IN PERMITS**

42 **SECTION 7.2.(a)** G.S. 143-215 reads as rewritten:

43 **"§ 143-215. Effluent standards or limitations.**

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1 (a) The Commission is authorized and directed to develop, adopt, modify and revoke
2 effluent standards or limitations and waste treatment management practices as it determines
3 necessary to prohibit, abate, or control water pollution. The effluent standards or limitations and
4 management practices may provide, without limitation, standards or limitations or management
5 practices for any point source or sources; standards, limitations, management practices, or
6 prohibitions for toxic wastes or combinations of toxic wastes discharged from any point source
7 or sources; and pretreatment standards for wastes discharged to any disposal system subject to
8 effluent standards or limitations or management practices.

9 (b) The effluent standards or limitations developed and adopted by the Commission shall
10 provide limitations upon the effluents discharged from pretreatment facilities and from outlets
11 and point sources to the waters of the State adequate to limit the waste loads upon the waters of
12 the State to the extent necessary to maintain or enhance the chemical, physical, biological and
13 radiological integrity of the waters. The management practices developed and adopted by the
14 Commission shall prescribe practices necessary to be employed in order to prevent or reduce
15 contribution of pollutants to the State's waters.

16 (c) Except as required by section 402(o) of the federal Clean Water Act (33 U.S.C. §
17 1342(o)), no numeric effluent standard or limitation for a pollutant shall be included in a water
18 quality permit issued pursuant to this Article unless a numeric water quality criterion for the
19 pollutant has been established by rule in compliance with the requirements of Article 2A of
20 Chapter 150B of the General Statutes."

21 **SECTION 7.2.(b)** No later than August 1, 2023, the Department of Environmental
22 Quality shall prepare and submit to the United States Environmental Protection Agency for
23 approval by that agency proposed changes to G.S. 143-215, as enacted by Section 1 of this act.

24 **SECTION 7.2.(c)** Subsection (a) of this section becomes effective on the later of the
25 following dates:

26 (1) October 1, 2023.

27 (2) The first day of a month that is 60 days after the Secretary of the Department
28 of Environmental Quality certifies to the Revisor of Statutes that the United
29 States Environmental Protection Agency has approved an amendment to the
30 G.S. 143-215, as enacted by Section 1 of this act, as required by subsection
31 (c) of this section. The Secretary shall provide this notice along with the
32 effective date of this act on its website.

33 **SECTION 7.2.(d)** The Department of Environmental Quality shall report to the Joint
34 Legislative Commission on Government Operations on the status of their activities pursuant to
35 subsection (c) of this section quarterly, beginning September 1, 2023, until such time as the
36 General Assembly repeals this reporting requirement.

37
38 **ENVIRONMENTAL MANAGEMENT COMMISSION TO STUDY NARRATIVE**
39 **WATER QUALITY STANDARDS**

40 **SECTION 7.3** The Environmental Management Commission shall review 15A
41 NCAC 02B .0208 (Standards for Toxic Substances and Temperature) to determine if the
42 standards and methodologies for establishment of water quality criteria for specific pollutants
43 included therein are scientifically sound, protective of human health and the environment, and

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1 result in water quality criteria that are technologically achievable without placing undue
2 economic burdens on publicly-owned treatment works and their ratepayers. In its review, the
3 Commission shall examine: (i) other states' narrative water quality standards, and identify other
4 states with more stringent and less stringent narrative standards; and (ii) requirements established
5 by the United States Environmental Protection Agency for development of narrative water
6 quality standards and water quality criteria by states, as well as any discretion given to states to
7 set standards and criteria. The Commission shall report its findings, including any
8 recommendations for legislative action, to the Joint Legislative Commission on Governmental
9 Operations no later than April 1, 2024.";

10
11 and on page 7, line 14, through page 8, line 41, by rewriting the lines to read:

12
13 **"SHALLOW DRAFT NAVIGATION CHANNEL DREDGING AND AQUATIC WEED**
14 **FUND CHANGES**

15 **SECTION 8.** G.S. 143-215.73F reads as rewritten:

16 **"§ 143-215.73F. Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund.**

17 (a) Fund Established. – The Shallow Draft Navigation Channel Dredging and Aquatic
18 Weed Fund is established as a special revenue fund. The Fund consists of fees credited to it under
19 G.S. 75A-3 and G.S. 75A-38, taxes credited to it under G.S. 105-449.126, and funds contributed
20 by non-State entities.

21 (b) Uses of Fund. – Revenue in the Fund may only be used for the following purposes:

- 22 (1) To provide the State's share of the costs associated with any dredging project
23 designed to keep shallow draft navigation channels located in State waters or
24 waters of the State located within lakes navigable and safe.
- 25 (2) For aquatic weed control projects in waters of the State under Article 15 of
26 Chapter 113A of the General Statutes. Funding for aquatic weed control
27 projects is limited to one million dollars (\$1,000,000) in each fiscal year.
- 28 (3) For administrative support of activities related to beach and inlet management
29 in the State, limited to one hundred thousand dollars (\$100,000) in each fiscal
30 year.
- 31 (3a) For administrative support of Fund operations, limited to one hundred
32 thousand dollars (\$100,000) in each fiscal year.
- 33 (4) To provide funding for siting and acquisition of dredged disposal ~~easement~~
34 ~~sites associated with the maintenance of the Atlantic Intracoastal Waterway~~
35 ~~between the border with the state of South Carolina and the border with the~~
36 ~~Commonwealth of Virginia, under a Memorandum of Agreement between the~~
37 ~~State and the federal government sites.~~
- 38 (5) For assessments and data collection regarding dredge material disposal sites
39 located in the State.

40 (b1) Grants Authorized. – The Secretary is authorized to accept applications for grants for
41 nonfederal costs of projects sponsored by (i) units of local government for the purpose set forth
42 in subdivision (1) of subsection (b) of this section and (ii) units of local government and other
43 entities for the purpose set forth in subdivision (2) of subsection (b) of this section.

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1 (c) Cost-Share. – Any project funded by revenue from the Fund must be cost-shared with
2 non-State dollars as follows:

3 (1) The cost-share for dredging projects shall be at least one non-State dollar for
4 every three dollars from the Fund.

5 (2) Repealed by Session Laws 2022-74, s. 12.1(a), effective July 1, 2022.

6 (3) The cost-share for an aquatic weed control project shall be at least one
7 non-State dollar for every dollar from the Fund. The cost-share for an aquatic
8 weed control project located within a component of the State Parks System
9 shall be provided by the Division of Parks and Recreation of the Department
10 of Natural and Cultural Resources. The Division of Parks and Recreation may
11 use funds allocated to the State Parks System for capital projects under
12 G.S. 143B-135.56 for the cost-share.

13 (4) The cost-share for the dredging of the access canal around the Roanoke Island
14 Festival Park shall be paid from the Historic Roanoke Island Fund established
15 by G.S. 143B-131.8A.

16 (c1) Cost-Share Exemption for DOT Ferry Channel Projects. – Notwithstanding the
17 cost-share requirements of subdivision (1) of subsection (c) of this section, no cost-share shall be
18 required for dredging projects located, in whole or part, in a development tier one area for a ferry
19 channel used by the North Carolina Department of Transportation.

20 (d) Return of Non-State Entity Funds. – Non-State entities that contribute to the Fund for
21 a particular project or group of projects may make a written request to the Secretary that the
22 contribution be returned if the contribution has not been spent or encumbered within two years
23 of receipt of the contribution by the Fund. If the written request is made prior to the funds being
24 spent or encumbered, the Secretary shall return the funds to the entity within 30 days after the
25 later of (i) receiving the request or (ii) the expiration of the two-year period described by this
26 subsection.

27 (e) Definitions. – For purposes of this section, "shallow draft navigation channel" means
28 (i) a waterway connection with a maximum depth of ~~16 feet~~ 18 feet, inclusive of the depth of
29 overdepth for navigational depth compliance, between the Atlantic Ocean and a bay or the
30 Atlantic Intracoastal Waterway, (ii) a river entrance to the Atlantic Ocean through which tidal
31 and other currents flow, or (iii) other interior coastal waterways. The term includes the Atlantic
32 Intracoastal Waterway and its side channels, Beaufort Harbor, Bogue Inlet, Carolina Beach Inlet,
33 Mason Inlet, Rich Inlet, Tubbs Inlet, the channel from Back Sound to Lookout Back, channels
34 connected to federal navigation channels, Lockwoods Folly River, Manteo/Shallowbag Bay,
35 Southport Small Boat Harbors, including Oregon Inlet, Masonboro Inlet, New River, New
36 Topsail Inlet, Rodanthe, Hatteras Inlet, Rollinson, Shallotte River, Silver Lake Harbor, and the
37 waterway connecting Pamlico Sound and Beaufort Harbor.

38"

39
40 **SHALLOW DRAFT RULES APPLICABILITY CHANGE**

41 **SECTION 8.5.(a)** Definitions. – For purposes of this section, "Shallow Draft
42 Applicability Rule" means 15A NCAC 01T .0201 (Applicability).

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1 **SECTION 8.5.(b)** Shallow Draft Applicability Rule. – Until the effective date of the
2 revised permanent rule that the Department of Environmental Quality is required to adopt
3 pursuant to subsection (d) of this section, the Department shall implement the Shallow Draft
4 Applicability Rule as provided in subsection (c) of this section.

5 **SECTION 8.5.(c)** Implementation. – The rules that apply to the Shallow Draft
6 Navigation Channel Dredging Fund shall apply to projects funded by the Fund that are related to
7 dredging federally authorized channels where the work is performed by the United States Army
8 Corps of Engineers.

9 **SECTION 8.5.(d)** Additional Rulemaking Authority. – The Department shall adopt
10 a rule to amend the Shallow Draft Applicability Rule consistent with subsection (c) of this
11 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Department pursuant to this
12 section shall be substantively identical to the provisions of subsection (c) of this section. Rules
13 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
14 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
15 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
16 G.S. 150B-21.3(b2).

17 **SECTION 8.5.(e)** Sunset. – This section expires when permanent rules adopted as
18 required by subsection (d) of this section become effective.";

19
20 and on page 11, lines 39–40, by inserting between those lines:

21
22 **"REQUIRE STATUTORY OR REGULATORY CITATION FOR ANY CONDITIONS**
23 **IN A PERMIT ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

24 **SECTION 10.5** Article 7 of Chapter 143B of the General Statutes is amended by
25 adding a new section to read:

26 **"§ 143B-279.4A. Requirement for Department-issued permits to include statutory or**
27 **regulatory authority for conditions.**

28 The Department shall include in any permit issued by the Department the statutory or
29 regulatory authority for each permit condition required by the Department.";

30
31 and on page 12, lines 4–5, by rewriting the lines to read:

32
33 "point source discharges and nutrient offset credits. Once the Department has completed the
34 watershed modeling, it shall provide the";

35
36 and on page 12, lines 19–44, by rewriting the lines to read:

37
38 **""§ 143-215.1. Control of sources of water pollution; permits required.**

39 (a) Activities for Which Permits Required. – Except as provided in subsection (a6) of this
40 section, no person shall do any of the following things or carry out any of the following activities
41 unless that person has received a permit from the Commission and has complied with all
42 conditions set forth in the permit:

43 ...

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1 (12) Construct or operate an animal waste management system, as defined in
2 G.S. 143-215.10B, without obtaining a permit under ~~either this Part or Part~~
3 1A of this Article.
4 ";

5
6 and on page 12, line 51, by rewriting the line to read:

7
8 "Commission finds that the denial or conditions are necessary to effectuate the purposes of
9 this Part.";

10
11 and on page 13, line 17, by rewriting that line to read:

12
13 "consider any reasonable schedule proposed by the permittee.
14 (l) A permit applicant, a permittee, or a third party who is dissatisfied with a decision of
15 the Commission may commence a contested case by filing a petition under G.S. 150B-23 within
16 30 days after the Commission notifies the applicant or permittee of its decision. If the permit
17 applicant, the permittee, or a third party does not file a petition within the required time, the
18 Commission's decision is final and is not subject to review.";

19
20 and on page 13, line 24, by rewriting the line to read:

21
22 **"SECTION 13.(a) G.S. 143-214.26 reads as rewritten:"**;

23
24 and on page 14, lines 13–14, by inserting between those lines:

25
26 **"SECTION 13.(b) This section is effective when it becomes law and applies to the**
27 **sale of nutrient offset credits by a nutrient offset bank owned by a unit of local government on or**
28 **after that date."**;

29
30 and on page 14, lines 14–15, by inserting between those lines:

31
32 **"SHORTEN SEPTAGE MANAGEMENT PERMITTING REVIEW AND CLARIFY**
33 **PUMPER TRUCK FEE**

34 **SECTION 13.5 G.S. 130A-291.1 reads as rewritten:**

35 **"§ 130A-291.1. Septage management program; permit fees.**

36 ...
37 (c) No septage management firm shall commence or continue operation that does not
38 have a permit issued by the Department. The permit shall be issued only when the septage
39 management firm satisfies all of the requirements of the rules adopted by the Commission.
40 Within ~~90~~30 business days of receiving a complete permit application, the Department shall
41 grant or deny the permit in accordance with G.S. 130A-294(a)(4). If the permit application is
42 denied, the Department shall return the permit application citing the reasons for the denial in
43 writing. If the Department does not act on a complete permit application for a new septage firm

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1 within 30 business days, the septage management firm is deemed permitted and may begin
2 operation if all other requirements of vehicle identification and disposal requirements are met. A
3 septage management firm that commences operation without first having obtained a permit shall
4 cease to operate until the firm obtains a permit under this section and shall pay an initial annual
5 fee equal to twice the amount of the annual fee that would otherwise be applicable under
6 subsection (e) of this section.

7 ...

8 (e) A septage management firm that operates one pumper truck shall pay an annual fee
9 of five hundred fifty dollars (\$550.00) to the Department. A septage management firm that
10 operates two or more pumper trucks shall pay an annual fee of eight hundred dollars (\$800.00)
11 to the Department. For the purposes of determining the fee assessed pursuant to this subsection,
12 the number of pumper trucks operated by a septage management firm shall be limited to only
13 those pumper trucks that transport septage on State-maintained roads.

14";

15
16 and on page 22, lines 7–8, by inserting between those lines:

17
18 **"PROHIBIT COUNTIES AND CITIES FROM REGULATING CERTAIN ONLINE**
19 **MARKETPLACES**

20 **SECTION 22.5.(a)** Article 23 of Chapter 153A of the General Statutes is amended
21 by adding a new section to read:

22 **"§ 153A-461. Online marketplace.**

23 (a) A county shall not do either of the following:

- 24 (1) Regulate the operation of an online marketplace, as defined in subsection (b)
25 of this section.
26 (2) Require an online marketplace to provide personally identifiable information
27 of users, unless pursuant to a subpoena or court order.

28 (b) For purposes of this section, the term "online marketplace" means a person or entity
29 that does both of the following:

- 30 (1) Provides for consideration, regardless of whether the consideration is
31 deducted as a fee from the transaction, an online application, software,
32 website, system, or other medium through which a service is advertised in this
33 State or is offered to the public as available in this State.
34 (2) Provides, directly or indirectly, or maintains a platform for services by
35 performing any of the following:
36 a. Providing a payment system that facilitates a transaction between two
37 platform users.
38 b. Transmitting or otherwise communicating the offer or acceptance of a
39 transaction between two platform users.
40 c. Owning or operating the electronic infrastructure or technology that
41 brings two or more users together.

42 (c) For purposes of this section, the term "online marketplace" shall not include any local
43 or State entity or vendor."

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1 **SECTION 22.5.(b)** Article 21 of Chapter 160A of the General Statutes is amended
2 by adding a new section to read:

3 **"§ 160A-499.6. Online marketplace.**

4 (a) A city shall not do either of the following:

5 (1) Regulate the operation of an online marketplace, as defined in subsection (b)
6 of this section.

7 (2) Require an online marketplace to provide personally identifiable information
8 of users, unless pursuant to a subpoena or court order.

9 (b) For purposes of this section, the term "online marketplace" means a person or entity
10 that does both of the following:

11 (1) Provides for consideration, regardless of whether the consideration is
12 deducted as a fee from the transaction, an online application, software,
13 website, system, or other medium through which a service is advertised in this
14 State or is offered to the public as available in this State.

15 (2) Provides, directly or indirectly, or maintains a platform for services by
16 performing any of the following:

17 a. Providing a payment system that facilitates a transaction between two
18 platform users.

19 b. Transmitting or otherwise communicating the offer or acceptance of a
20 transaction between two platform users.

21 c. Owning or operating the electronic infrastructure or technology that
22 brings two or more users together.

23 (c) For purposes of this section, the term "online marketplace" shall not include any local
24 or State entity or vendor."

25 **SECTION 22.5.(c)** This section shall not affect any authority otherwise granted to
26 counties and cities in State statute.

27 **SECTION 22.5.(d)** This section is effective when it becomes law.";

28
29 and on page 22, lines 40–42, by deleting those lines;

30
31 and on page 27, lines 17–18, by inserting between those lines:

32
33 **"PRESERVE EXISTING NORTH CAROLINA BUILDING CODE LIMITATION ON**
34 **THE USE OF PLASTIC PIPE IN CERTAIN BUILDINGS**

35 **SECTION 28.5** G.S. 143-138 is amended by adding a new subsection to read:

36 "**(b23) Limitation on Use of Plastic Pipes.** – No State, county, or local building code or
37 regulation shall allow for the use of plastic pipe, plastic pipe fittings, and plastic plumbing
38 appurtenances with an inside diameter two inches (51 millimeters) and larger in either of the
39 following circumstances:

40 (1) Drain, waste, and vent conductors in buildings in which the top occupied floor
41 exceeds 75 feet (23 meters) in height.

42 (2) Storm drainage conductors in buildings in which the top occupied floor
43 exceeds 75 feet (23 meters) in height."";

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1
2 and on page 30, lines 18–25, by rewriting the lines to read:
3

4 **"SECTION 33.(d)** Effective July 1, 2024, G.S. 143B-1407(a) reads as rewritten:

5 "(a) Account and Fund Established. – A PSAP Grant and Statewide 911 Projects Account is
6 established within the 911 Fund for the purpose of making grants to PSAPs in rural and other
7 high-cost areas and funding projects that provide statewide benefits for 911 service. The PSAP
8 Grant and Statewide 911 Projects Account consists of revenue allocated by the 911 Board under
9 ~~G.S. 143B-1405(c) and~~ G.S. 143B-1406. The Next Generation 911 Reserve Fund is established
10 as a special fund for the purpose of funding the implementation of the next generation 911
11 systems as approved by the 911 Board."";
12

13 and on page 30, lines 28–30, by rewriting those lines to read:
14

15 **"PART IV. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

16 **SECTION 34.(a)** If any provision of this act or the application thereof to any person
17 or circumstances is held invalid, such invalidity shall not affect other provisions or applications
18 of this act that can be given effect without the invalid provision or application and, to this end,
19 the provisions of this act are declared to be severable.

20 **SECTION 34.(b)** Except as otherwise provided, this act is effective when it becomes
21 law.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____