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| 2019 NC H 308 | **Author:** Dixon Ja<br>**Version:** Enacted<br>**Version Date:** 07/01/2020 |
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**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 2019**

**SESSION LAW 2020-74**

**HOUSE BILL 308**

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**NORTH CAROLINA ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD/GRANT OF AUTHORITY TO HOLD REAL PROPERTY**

**SECTION 1.** G.S. 90A-74 reads as rewritten:

**"§ 90A-74. Powers and duties of the Board.**

The Board shall have the following general powers and duties:

(1) To adopt rules in the manner prescribed by Chapter 150B of the General Statutes to govern its actions and to implement the provisions of this Article.

(2) To determine the eligibility requirements for persons seeking certification pursuant to this Article.

(3) To establish grade levels of certifications based on design capacity, complexity, projected costs, and other features of approved on-site wastewater systems.

(4) To develop and administer examinations for specific grade levels of certification as approved by the Board. The Board may approve applications by recognized associations for certification of its members after a review of the requirements of the association to ensure that they are equivalent to the requirements of the Board.

(5) To issue, renew, deny, restrict, suspend, or revoke certifications and to carry out any of the other actions authorized by this Article.

(6) To establish, publish, and enforce rules of professional conduct of persons who are certified pursuant to this Article.

(7) To maintain a record of all proceedings and make available to persons certified under this Article, and to other concerned parties, an annual report of all Board action.

(8) To establish reasonable fees for application, certification, and renewal, and other services provided by the Board.

(9) To conduct investigations to determine whether violations of this Article or grounds for disciplining persons certified under this Article exist.

(10) To adopt a common seal containing the name of the Board for use on all certificates and official reports issued by the Board.

(10a) To employ staff necessary to carry out the provisions of this Article and to determine the compensation, duties, and other terms and conditions of employment of its staff.

(10b) To employ professional, clerical, investigative, or special personnel necessary to carry out the provisions of this Article.

(10c) To acquire, hold, convey, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to the approval of the Governor and Council of State. The rents, proceeds, and other revenues and

benefits of the ownership of real property shall inure to the Board. Collateral pledged by the Board for any encumbrance of real property shall be limited to the assets, income, and revenues of the Board.

(11) To conduct other services necessary to carry out the purposes of this Article."

**ESTABLISH A MAXIMUM FEE FOR THE AUTHORIZED ON-SITE WASTEWATER EVALUATOR PROGRAM**

**SECTION 1A.** G.S. 90A-75 reads as rewritten:

**"§ 90A-75. Expenses and fees.**

(a) Expenses. – All salaries, compensation, and expenses incurred or allowed for the purposes of carrying out this Article shall be paid by the Board exclusively out of the funds received by the Board as authorized by this Article. No salary, expense, or other obligations of the Board may be charged against the General Fund of the State. Neither the Board nor any of its members or employees may incur any expense, debt, or financial obligation binding upon the State.

(b) Contributions. – The Board may accept grants, contributions, devises, and gifts that shall be kept in the same account as the funds deposited in accordance with this Article and other provisions of the law.

(c) Fees. – All fees shall be established in rules adopted by the Board. The Board shall establish fees sufficient to pay the costs of administering this Article, but in no event shall the Board charge a fee at an annual rate in excess of the following:

| | |
|---|---|
| (1) Application for basic certification | $150.00 |
| (2) Application for each grade level | $50.00 |
| (3) Certification renewal | $100.00 |
| (4) Reinstatement of revoked or suspended Certification | $500.00 |
| (5) Application for on-site wastewater system inspector | ~~$200.00.~~ $200.00 |
| (6) Application for authorized on-site wastewater evaluator | $300.00. |

(c1) Use of Fees. – All fees collected pursuant to this Article shall be held by the Board and used by the Board for the sole purpose of administering this Article.

(d) Audit. – The Board is subject to the oversight of the State Auditor under Article 5A of Chapter 147 of the General Statutes."

**ALLOW DIVISION OF COASTAL MANAGEMENT TO ACCEPT ELECTRONIC PAYMENTS**

**SECTION 2.** G.S. 113A-119 reads as rewritten:

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

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

...."

**ALLOW THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ESTABLISH EMERGENCY MEASURES AND PROCEDURES APPLICABLE TO SOLID WASTE MANAGEMENT DURING A STATE OF EMERGENCY DECLARED BY THE GOVERNOR**

**SECTION 3.** G.S. 130A-303 reads as rewritten:

**"§ 130A-303. Imminent hazard.**

(a) The judgment of the Secretary that an imminent hazard exists concerning solid waste shall be supported by findings of fact made by the Secretary.

(b) In order to eliminate an imminent hazard, the Secretary may, without notice or hearing, issue an order requiring that immediate action be taken to protect the public health or the environment. This order may be directed to a generator or transporter of solid waste or to the owner or operator of a solid waste management facility. Where the imminent hazard is caused by an inactive hazardous substance or waste disposal site, the Secretary shall follow the procedures set forth in G.S. 130A-310.5.

(c) When a state of emergency, as defined in G.S. 166A-19.3, has been declared by the Governor due to a natural disaster such as a pandemic, epidemic, hurricane or flood, or due to a pending disaster, the Secretary, or an authorized representative of the Secretary, may, upon request of a public or private landfill operator, or on the Secretary's own initiative, develop and implement any emergency measures and procedures that the Secretary deems necessary for the proper management of solid waste generated during the declared emergency. All State agencies and political subdivisions of the State shall cooperate with the implementation of the emergency measures and procedures developed pursuant to this section. Such emergency procedures and measures may include any of the following: (i) restrictions on the collection, storage, and transportation of solid waste, (ii) decisions on facility operational conditions such as operational times and waste acceptance, and (iii) any other measures or procedures necessary to allow for the proper disposal of

solid waste within impacted communities. Written notice of emergency measures and procedures developed and implemented pursuant to this subsection shall be provided to news media, waste organizations, governmental agencies, solid waste facilities, and any other interested or affected parties as determined by the Secretary. Emergency measures and procedures developed and implemented pursuant to this section shall expire no more than 60 days after a declaration of a state of emergency has expired or been rescinded by the Governor."

**ABANDONED AND DERELICT VESSELS**

**SECTION 4.** Subdivision (10) of Section 2.1 of S.L. 2019-224 reads as rewritten:

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

a. In a wrecked, junked, or substantially damaged or dismantled condition upon any public waters and lands of the State.

b. At a harbor or anchorage within public waters of the State without the consent of the public agency having jurisdiction thereof.

c. Docked, grounded, or beached upon the property of another without the consent of the owner of the property."

**CLARIFY FUNDING FOR THE LINDSEY BRIDGE DAM REPAIR AND STREAM RESTORATION PROJECT IN ROCKINGHAM COUNTY**

**SECTION 5.** Funds allocated for the Lindsey Bridge Dam Repair and Stream Restoration project by Section 36.3(a) of S.L. 2018-5 shall be reallocated to provide a directed grant (as defined in Section 6(a) of this act) to the Town of Madison for the Lindsey Bridge Dam Repair and Stream Restoration project.

**SECTION 6.(a)** Definitions. – For purposes of this section, the following definitions apply:

(1) Directed grant. – Nonrecurring funds allocated by a State agency to a non-State entity as directed by an act of the General Assembly.

(2) Non-State entity. – As defined in G.S. 143C-1-1.

**SECTION 6.(b)** Requirements. – Nonrecurring funds appropriated in this section as directed grants are subject to all of the following requirements:

(1) Directed grants are subject to the provisions of subsections (b) through (k) of G.S. 143C-6-23.

(2) Directed grants of one hundred thousand dollars ($100,000) or less may be made in a single annual payment in the discretion of the Director of the Budget. Directed grants of more than one hundred thousand dollars ($100,000) shall be made in quarterly or monthly payments in the discretion of the Director of the Budget. A State agency administering a directed grant shall begin disbursement of funds to a non-State entity that meets all applicable requirements as soon as practicable but no later than 100 days after the date this act becomes law.

(3) Beginning on the first day of a quarter following the deadline provided in subdivision (2) of this subsection and quarterly thereafter, State agencies administering directed grants shall report to the Fiscal Research Division on the status of funds disbursed for each directed grant until all funds are fully disbursed. At a minimum, the report required under this subdivision shall include updates on (i) the date of the initial contact, (ii) the date the contract was sent to the entity receiving the funds, (iii) the date the disbursing agency received the fully executed contract back from the entity, (iv) the contract execution date, and (v) the payment date.

(4) Notwithstanding any provision of G.S. 143C-1-2(b) to the contrary, nonrecurring funds appropriated in this act as directed grants shall not revert until June 30, 2021.

(5) Directed grants to nonprofit organizations are for nonsectarian, nonreligious purposes only.

**SECTION 6.(c)** This section expires on June 30, 2021.

**MERCURY SWITCH PROGRAM EXTENSION**

**SECTION 7.(a)** Section 9 of S.L. 2007-142, as amended by Section 14.1(a) of S.L. 2016-94 and Section 13.21(a) of S.L. 2017-57, reads as rewritten:

"**SECTION 9.** Sections 1, 2, 6, 7, and 9 of this act become effective when this act becomes law. Sections 3, 4, and 8 of this act become effective 1 July 2007. Section 5 of this act becomes effective 1 July 2007 and applies to violations that occur on or after that date. The Department shall submit the first annual report required by G.S. 130A-310.57, as enacted by Section 7 of this act, on or before 1 October 2008. Effective ~~June 30, 2021,~~ June 30, 2031, Part 6 of Article 9 of Chapter 130A of the General Statutes, as amended by this act, is repealed."

**SECTION 7.(b)** Section 14.1(c) of S.L. 2016-94, as amended by Section 13.21(b) of S.L. 2017-57, reads as rewritten:

"**SECTION 14.1.(c)** Subsection (b) of this section becomes effective ~~June 30, 2021.~~ June 30, 2031. Funds remaining in the Mercury Pollution Prevention Fund (Fund Code 24300-2119) on that date shall be transferred to the Division of Waste Management (Fund Code 14300-1760)."

**SECTION 7.(c)** Section 34.37(b) of S.L. 2017-57 reads as rewritten:

"**SECTION 34.37.(b)** This section becomes effective July 1, 2017, and expires on June 30, ~~2021.~~ 2031."

**SECTION 7.(d)** This section becomes effective June 30, 2020.

**COLLABORATORY REPORTING CHANGES**

**SECTION 8.(a)** Section 13.1(g) of S.L. 2018-5, as amended by Section 7(d) of S.L. 2019-241, reads as rewritten:

"**SECTION 13.1.(g)** The North Carolina Policy Collaboratory at the University of North Carolina at Chapel Hill (Collaboratory) shall identify faculty expertise, technology, and instrumentation, including mass spectrometers, located within institutions of higher education in the State, including the Universities of North Carolina at Chapel Hill and Wilmington, North Carolina State University, North Carolina A&T State University, Duke University, and other public and private institutions, and coordinate these faculty and resources to conduct nontargeted analysis for PFAS, including GenX, at all public water supply surface water intakes and one public water supply well selected by each municipal water system that operates groundwater wells for public drinking water supplies as identified by the Department of Environmental Quality, to establish a water quality baseline for all sampling sites. The Collaboratory, in consultation with the participating institutions of higher education, shall establish a protocol for the baseline testing required by this subsection, as well as a protocol for periodic retesting of the municipal intakes and additional public water supply wells. No later than ~~October 15, 2020,~~ April 15, 2021, the Collaboratory shall report the results of such sampling by identifying chemical families detected at each intake to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the Environmental Review Commission, the Department of Environmental Quality, the Department of Health and Human Services, and the United States Environmental Protection Agency."

**SECTION 8.(b)** Section 2.1 of S.L. 2019-224, reads as rewritten:

"**SECTION 2.1.** Allocations. – The funds appropriated and reallocated in Part I of this act in the Hurricane Florence Disaster Recovery Fund shall be allocated as follows:

...

(8) $10,160,000 to The University of North Carolina Board of Governors to be used as follows:

a. $160,000 to the North Carolina Policy Collaboratory (Collaboratory) for the ModMon program.

b. $2,000,000 to the Collaboratory to study flooding and resiliency against future storms in Eastern North Carolina and to develop an implementation plan with recommendations. The Collaboratory shall report the flooding and resiliency implementation plan to the Joint Legislative Emergency Management Oversight Committee no later than ~~December 1, 2020.~~ June 1, 2021. Notwithstanding Section 3.1(c) of S.L. 2018-134, funds allocated to the Collaboratory as provided in this sub-subdivision shall revert on ~~December 30, 2020.~~ June 30, 2021. The University of North Carolina shall not charge indirect facilities and administrative costs against the funding provided for the Collaboratory from the Hurricane Florence Disaster Recovery Fund.

c. $8,000,000 to the University of North Carolina Wilmington (UNC-W) for repairs and renovations to the Dobo Hall science building, which was damaged by Hurricane Florence.

...."

**SECTION 8.(c)** Section 11.8 of S.L. 2016-94 reads as rewritten:

"**SECTION 11.8.** The one million dollars ($1,000,000) in recurring funds appropriated in this act to the Board of Governors of The University of North Carolina for the 2016-2017 fiscal year to establish and operate a North Carolina Policy Collaboratory at the University of North Carolina at Chapel Hill shall be used to establish a Collaboratory that facilitates the dissemination of the policy and research expertise of The University of North Carolina and other institutions of higher learning within North Carolina for practical use by State and local ~~government.~~ government, although, wherever possible, funding preference may be given to campuses within The University of North Carolina System. Any funds appropriated by the General Assembly for use by the Collaboratory may not be used for indirect overhead costs. The Collaboratory, at a minimum, shall conduct research on natural resources management, including, but not limited to, research related to the environmental and economic components of the management of the natural resources within the State of North Carolina and of new technologies for habitat, environmental, and water quality improvement. The Collaboratory shall develop and disseminate relevant best practices to interested parties, may lead or participate in projects across the State related to natural resource management, and may make recommendations to the General Assembly from time to time."

**EXTEND RIGHT TO WORK AUTHORIZATION FOR STATE AND LOCAL GOVERNMENT RETIREES DURING THE COVID-19 EMERGENCY**

**SECTION 9.** Section 4.23(e) of S.L. 2020-3 reads as rewritten:

"**SECTION 4.23.(e)** This section is effective when it becomes law and expires ~~August 1, 2020.~~ August 31, 2020."

**MINE RECLAMATION REPORTING DATE CHANGE**

**SECTION 10.** G.S. 74-55 reads as rewritten:

**"§ 74-55. Reclamation report.**

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

(1) Identify the mine, the operator and the permit number.

(2) State acreage disturbed by mining in the last 12-month period.

(3) State and describe amount and type of reclamation carried out in the last 12-month period.

(4) Estimate acreage to be newly disturbed by mining in the next 12-month period.

(5) Provide such maps as may be specifically requested by the Department.

(6) Include the annual operating fee pursuant to G.S. 74-54.1(a1).

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

**DEQ REPORTS DATE CHANGE**

**SECTION 11.(a)** Section 15.6(b) of S.L. 1999-237, as amended by Section 4.21 of S.L. 2017-10, reads as rewritten:

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

**SECTION 11.(b)** G.S. 130A-309.06(c) reads as rewritten:

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

...

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

...

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

**SECTION 11.(c)** G.S. 130A-294(i) reads as rewritten:

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

established under G.S. 130A-295.02. In addition, the report shall include an annual update on the mercury switch removal program that shall include, at a minimum, all of the following:

...."

**SECTION 11.(d)** G.S. 130A-309.64(e) reads as rewritten:

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

**SECTION 11.(e)** G.S. 130A-309.85 reads as rewritten:

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

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

...."

**SECTION 11.(f)** G.S. 130A-309.140(a) reads as rewritten:

"(a) The Department shall include in the status of solid waste management report required to be submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) a report on the recycling of discarded computer equipment and televisions in the State under this Part. The report must include an evaluation of the recycling rates in the State for discarded computer equipment and televisions, a discussion of compliance and enforcement related to the requirements of this Part, and any recommendations for any changes to the system of collection and recycling of discarded computer equipment, televisions, or other electronic devices."

**SECTION 11.(g)** G.S. 130A-310.10 reads as rewritten:

**"§ 130A-310.10. Annual reports.**

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

(1) The Inactive Hazardous Waste Sites Priority List.

(2) A list of remedial action plans requiring State funding through the Inactive Hazardous Sites Cleanup Fund.

(3) A comprehensive budget to implement these remedial action plans and the adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the cost of ~~said~~ these plans.

(4) A prioritized list of sites that are eligible for remedial action under CERCLA/SARA together with recommended remedial action plans and a comprehensive budget to implement ~~such~~ these plans. The budget for implementing a remedial action plan under CERCLA/SARA shall include a statement as to any appropriation that may be necessary to pay the State's share of ~~such~~ the plan.

(5) A list of sites and remedial action plans undergoing voluntary cleanup with Departmental approval.

(6) A list of sites and remedial action plans that may require State funding, a comprehensive budget if implementation of these possible remedial action plans is required, and the adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the possible costs of ~~said~~ these plans.

(7) A list of sites that pose an imminent hazard.

(8) A comprehensive budget to develop and implement remedial action plans for sites that pose imminent hazards and that may require State funding, and the adequacy of the Inactive Hazardous Sites Cleanup Fund.

(8a) Repealed by Session Laws 2015-286, s. 4.7(f), effective October 22, 2015.

(9) Any other information requested by the General Assembly or the Environmental Review Commission.

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

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

**SECTION 11.(h)** G.S. 130A-310.40 reads as rewritten:

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

The Department shall include in the status of solid waste management report required to be submitted ~~on or before January 15 of each year~~ pursuant to G.S. 130A-309.06(c) an evaluation of the effectiveness of this Part in facilitating the remediation and reuse of existing industrial and commercial properties. This evaluation shall include any recommendations for additional incentives or changes, if needed, to improve the effectiveness of this Part in addressing ~~such~~ these properties. This evaluation shall also include a report on receipts by and expenditures from the Brownfields Property Reuse Act Implementation Account."

**SECTION 11.(i)** G.S. 143-215.104U(a) reads as rewritten:

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

...."

**SECTION 11.(j)** Section 14.22(j) of S.L. 2013-360 reads as rewritten:

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

(1) Prioritization of projects through joint consultation with the State, applicable units of local government, and the U.S. Army Corps of Engineers.

(2) Compliance with G.S. 143-215.73F. Funds in the Shallow Draft Navigation Channel Dredging Fund shall be used in accordance with that section.

(3) Annual reporting by the Department on the use of funds provided to the U.S. Army Corps of Engineers under the Long Term Dredging Memorandum of Agreement. These reports shall be made to the ~~Joint Legislative Commission on Governmental Operations,~~ Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the Fiscal Research Division, and the Office of State Budget and Management and shall include all of the following:

a. A list of all projects commenced.

b. The estimated cost of each project.

c. The date that work on each project commenced or is expected to commence.

d. The date that work on each project was completed or is expected to be completed.

e. The actual cost of each project."

**TECHNICAL AND CONFORMING CHANGES TO SOLID WASTE STATUTES**

**SECTION 12.(a)** G.S. 130A-4(c) reads as rewritten:

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

**SECTION 12.(b)** G.S. 130A-22 reads as rewritten:

**"§ 130A-22. Administrative penalties.**

(a) The Secretary of Environmental Quality may impose an administrative penalty on a person who violates Article 9 of this Chapter, rules adopted by the Environmental Management Commission pursuant to Article 9, or any term or condition of a permit or order issued under Article 9. Each day of a continuing violation shall constitute a separate violation. The penalty shall not exceed fifteen thousand dollars ($15,000) per day in the case of a violation involving nonhazardous waste. The penalty shall not exceed thirty-two thousand five hundred dollars ($32,500) per day in the case of a first violation involving hazardous waste as defined in G.S. 130A-290 or involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in medical waste entering waters or lands of the State; and shall not exceed fifty thousand dollars ($50,000) per day for a second or further violation involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in medical waste entering waters or lands of the State. The penalty shall not exceed thirty-two thousand five hundred dollars ($32,500) per day for a violation involving a voluntary remedial action implemented pursuant to G.S. 130A-310.9(c) or a violation of the rules adopted pursuant to G.S. 130A-310.12(b). For violations of Part 7 of Article 9 of this Chapter and G.S. 130A-309.10(m): (i) a warning shall be issued for a first violation; (ii) the penalty shall not exceed two hundred dollars ($200.00) for a second violation; and (iii) the penalty shall not exceed five hundred dollars ($500.00) for subsequent violations. If a person fails to pay a civil penalty within 60 days after the final agency decision or court order has been served on the violator, the Secretary of Environmental Quality shall request the Attorney General to institute a civil action in the superior court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment. Such civil actions must be filed within three years of the date the final agency decision or court order was served on the violator.

...

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

...."

**SECTION 13.** G.S. 130A-295.6 reads as rewritten:

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

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

...."

**CONSOLIDATE RIVER BASIN ADVISORY COMMISSION REPORTS**

**SECTION 14.(a)** G.S. 77-96(c) reads as rewritten:

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

**SECTION 14.(b)** G.S. 77-98 reads as rewritten:

**"§ 77-98. Annual report.**

The Commission shall submit an annual report, including the annual audit required by G.S. 77-96 and any recommendations, on or before 1 October of each year to ~~the Governor of North Carolina, the Environmental Review Commission of the General Assembly of North Carolina, the Governor of Virginia, and the General Assembly of Virginia.~~ the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the Fiscal Research Division of the General Assembly of North Carolina, and as provided by the Commonwealth of Virginia."

**SECTION 14.(c)** G.S. 77-115(b) reads as rewritten:

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

**SECTION 14.(d)** G.S. 77-117 reads as rewritten:

**"§ 77-117. Annual report.**

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

**ELECTRONIC PERMITTING CLARIFICATION**

**SECTION 15.** G.S. 143-215.1(b) reads as rewritten:

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

...

(4) The Commission shall have the power:

...

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

...."

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

**SECTION 16.(a)** G.S. 136-27.1 reads as rewritten:

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

(a) The Department of Transportation shall pay the nonbetterment cost for the relocation of water and sewer lines, located within the existing State transportation project right-of-way, that are necessary to be relocated for a State transportation improvement project and that are owned by: (i) a municipality with a population of 10,000 or less according to the latest decennial census; (ii) a nonprofit water or sewer association or corporation; (iii) any water or sewer system organized pursuant to Chapter 162A of the General Statutes; (iv) a rural water system operated by a County as an enterprise system; (v) any sanitary district organized pursuant to Part 2 of Article 2 of Chapter 130A of the General Statutes; (vi) constructed by a water or sewer system organized pursuant to Chapter 162A of the General Statutes and then sold or transferred to a municipality with a population of greater than 10,000 according to the latest decennial census; ~~or~~ (vii) a local board of ~~education.~~ education; or (viii) a private water or sewer utility organized pursuant to Chapter 62 of the General Statutes serving 10,000 or fewer customers.

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

(1) A municipality with a population of greater than 10,000, but less than 50,000, shall pay twenty-five percent (25%) of the cost.

(2) A municipality with a population of 50,000 or greater, but less than 100,000, shall pay fifty percent (50%) of the cost.

(3) A municipality with a population of 100,000 or greater shall pay one hundred percent (100%) of the cost."

**SECTION 16.(b)** This section is effective retroactively to March 1, 2020, and shall apply to nonbetterment costs for State transportation improvement projects incurred on or after that date. The Department of Transportation shall reimburse any nonbetterment costs for State transportation improvement projects collected from a private water or sewer utility organized pursuant to Chapter 62 of the General Statutes serving 10,000 or fewer customers after March 1, 2020.

**UNDERGROUND STORAGE TANK SPILL BUCKET RULE CHANGE**

**SECTION 17.(a)** Definitions. – For purposes of this section and its implementation, "UST Spill Bucket General Requirement Rule" means 15A NCAC 02N .0901 (General Requirements).

**SECTION 17.(b)** UST Spill Bucket General Requirement Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the UST Spill Bucket General Requirement Rule as provided in subsection (c) of this section.

**SECTION 17.(c)** Implementation. – Spill buckets replaced on tanks installed prior to November 1, 2007, may use mechanical liquid detecting sensors for interstitial leak detection monitoring instead of electronic liquid detecting sensors. If a mechanical liquid detecting sensor is used, then a spill bucket shall comply with all spill bucket requirements of 15A NCAC 02N .0906 except that Subparagraphs (i) (7) and (8) of 15A NCAC 02N .0901 do not apply. In addition, all of the following specific requirements shall be met:

(1) Mechanical liquid detecting sensors shall be located at the lowest point in the interstitial space.

(2) Mechanical liquid detecting sensors shall detect the presence of any liquid in the interstitial space. The presence of liquid shall register on a gauge that can be viewed from within the spill bucket.

(3) Spill buckets shall be monitored every 30 days. The interstitial leak detection monitoring results shall be documented for each month.

(4) Any liquid detected in the interstitial space shall be removed within 48 hours of discovery.

(5) Spill buckets shall be integrity tested every three years in accordance with 15A NCAC 02N .0906(e).

**SECTION 17.(d)** Additional Rule-Making Authority. – The Commission shall adopt a rule to amend the UST Spill Bucket General Requirement Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission 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 in G.S. 150B-21.3(b2).

**SECTION 17.(e)** Applicability and Sunset. – This section and rules adopted pursuant to this section apply to all spill buckets replaced on or after August 1, 2020. This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

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

**SECTION 18.** Notwithstanding G.S. 150B-21.3(b1), the following rules, as adopted by the North Carolina Building Code Council on March 10, 2020, and approved by the Rules Review Commission on May 21, 2020, shall not become effective:

1102.7 (2018 NC Plumbing Code/Fittings).

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

702.4 (2018 NC Plumbing Code/Fittings).

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

**LIBRARY STATUTE CHANGES**

**SECTION 19.(a)** G.S. 143B-68 reads as rewritten:

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

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

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

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

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

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

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

**SECTION 19.(b)** G.S. 143B-91 reads as rewritten:

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

...

(b) There ~~shall be standing~~ may be committees established to advise the Secretary of Natural and Cultural Resources, the Commission, and the State Librarian. ~~These committees shall be: Public Library Development; Interlibrary Cooperation; State Government Information Services; State Library Development; and any other committee deemed appropriate.~~ Each committee shall be composed of a committee chairperson and at least ~~six~~ four persons appointed ~~annually~~ by the ~~Secretary of Natural and Cultural Resources~~ chair with the approval of the Commission. At least one of the members of each committee shall be a member of the Commission. Each committee shall report to the Commission at least once a year."

**SECTION 19.(c)** G.S. 125-11.13 is repealed.

**LOCAL PLANNING AND DEVELOPMENT REGULATION CONFORMING CHANGE**

**SECTION 20.** G.S. 160D-903(a) reads as rewritten:

"(a) Bona Fide Farming Exempt From County Zoning. – County zoning regulations may not affect property used for bona fide farm purposes; provided, however, that this section does not limit zoning regulation with respect to the use of farm property for nonfarm purposes. Except as provided in G.S. 106-743.4 for farms that are subject to a conservation agreement under G.S. 106-743.2, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of this section, "when performed on the farm" in G.S. 106-581.1(6) shall include the farm within the jurisdiction of the county

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

(1) A farm sales tax exemption certificate issued by the Department of Revenue.

(2) A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.

(3) A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.

(4) A forest management plan.

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

**SECTION 21.(a)** G.S. 153A-145.8, as enacted by S.L. 2020-18, reads as rewritten:

**"§ 153A-145.8. Limitations on regulation of catering by bona fide farms.**

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

**SECTION 21.(b)** G.S. 160A-203.2, as enacted by S.L. 2020-18, reads as rewritten:

**"§ 160A-203.2. Limitations on regulation of catering by bona fide farms.**

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

**AMEND SPECIES CONSERVATION PLAN PROCESS**

**SECTION 22.(a)** G.S. 113-333 reads as rewritten:

**"§ 113-333. Powers and duties of the Commission.**

...

(b) ~~Using the procedures set out in Article 2A of Chapter 150B of the General Statutes, the~~ The Wildlife Resources Commission ~~shall~~ shall, as expeditiously as possible, develop a conservation plan for the recovery of protected wild animal species. In developing a conservation plan for a protected wild animal species, the Wildlife Resources Commission shall consider the range of conservation, protection, and management measures that may be applied to benefit the species and its habitat. The conservation plan shall include a comprehensive analysis of all factors that have been identified as causing the decline of the protected wild animal species and all measures that could be taken to restore the species. ~~The analysis shall consider the costs of measures to protect and restore the species and the impact of those measures on the local economy, units of local government, and the use and development of private property. The analysis shall consider reasonably available options for minimizing the costs and adverse economic impacts of measures to protect and restore the species.~~ The Wildlife Resources Commission shall publish draft species conservation plans on its Web site and shall consider public comment in developing and updating species conservation plans.

...."

**SECTION 22.(b)** G.S. 113-336 reads as rewritten:

**"§ 113-336. Powers and duties of the Advisory Committee.**

The Advisory Committee shall have the following powers and duties:

(1) To gather and provide information and data and advise the Wildlife Resources Commission with respect to all aspects of the biology and ecology of endangered, threatened, and special concern species;

(2) To investigate and make recommendations to the Commission as to the status of endangered, threatened, and special concern species;

(3) To identify and assemble experts from the disciplines of ornithology, mammalogy, herpetology, ichthyology, taxonomy, ecology and other fields as necessary to serve as the Scientific Council and to charge the Scientific Council to review the scientific evidence, to evaluate the status of candidate species, and to report back their findings with recommendations;

(4) To develop and present to the Commission management and conservation practices for preserving endangered, threatened, and special concern species;

(5) To recommend critical habitat areas for protection or acquisition;

(5a) To assist the Commission in developing conservation plans for the recovery of protected wild animal species, including establishing a priority order for conservation plans and determining where groups of protected species exist in shared habitats that may be addressed jointly in combined conservation plans;

(6) To advise the Commission on matters submitted to it by the Commission which involve technical zoological questions or the development of pertinent regulations, and to make any recommendations as deemed by the Advisory Committee to be worthy of the Commission's attention."

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

**SECTION 23.(a)** G.S. 78A-45 reads as rewritten:

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

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

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

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

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

**SECTION 23.(b)** G.S. 78A-50 reads as rewritten:

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 23.(c)** G.S. 78C-26 reads as rewritten:

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

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

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

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

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

**SECTION 23.(d)** G.S. 78C-31 reads as rewritten:

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 24.** G.S. 97-133(a)(3a)c. reads as rewritten:

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

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

**SECTION 25.** G.S. 116-40.5 is amended by adding a new subsection to read:

"(a1) Any teaching hospital having established a campus law enforcement agency pursuant to subsection (a) of this section may assign its campus police officers to any other facility within the teaching hospital's system network. Campus police officers assigned to any other facility within the teaching hospital's system network pursuant to this subsection shall have the same authority and jurisdiction exclusively upon the premises of the assigned facility, but not upon any portion of any public road or highway passing through the property of the facility or immediately adjoining it, as a campus police officer assigned to a teaching hospital under subsection (a) of this section."

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

**SECTION 26.(a)** G.S. 14-258.1 is amended by adding a new subsection to read:

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

**SECTION 26.(b)** This section becomes effective August 1, 2020, and applies to offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this section are not abated or affected by this section, and the statutes that would be applicable but for this section remain applicable to those prosecutions.

**EXTEND SUNSET ON REMOTE NOTARY AND VIDEO WITNESSING AUTHORIZATION**

**SECTION 27.(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 27.(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 27.(c)** G.S. 10B-200(b), as enacted by S.L. 2020-3, reads as rewritten:

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

**ARCHITECTURAL LICENSE EXCEPTION FOR SMALL PROJECTS**

**SECTION 28.** G.S. 83A-13 reads as rewritten:

**"§ 83A-13. Exemptions.**

...

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

...

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

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

...

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

...."

**NORTH CAROLINA BOARD OF ARCHITECTURE MODIFICATIONS**

**SECTION 29.(a)** G.S. 83A-2 reads as rewritten:

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

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

(b) The Board shall consist of seven members appointed by the Governor. Five of the members of the Board shall be licensed architects appointed for five year terms; the terms shall be staggered so that the term of one architect member expires each year. No architect member shall be eligible to serve more than two consecutive terms; if a vacancy occurs during a term, the Governor shall appoint a person to fill the vacancy for the remainder of the unexpired term. Two of the members of the Board shall be persons who are not licensed architects and who represent the interest of the public at ~~large; the Governor shall appoint these members not later than July 1, 1979.~~ large. The public members shall have full voting powers and shall serve at the pleasure of the Governor. Each Board member shall file with the Secretary of State an oath faithfully to perform duties as a member of the Board, and to uphold the Constitution of North Carolina and the Constitution of the United States.

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

**SECTION 29.(b)** G.S. 83A-5 reads as rewritten:

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

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

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

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

**SECTION 29.(c)** G.S. 83A-7 reads as rewritten:

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

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

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

a. ~~Professional education and at least three years practical~~ Practical training and experience as specified by rules of the Board.

b. The successful completion of a licensure examination in architecture as specified by the rules of the Board.

c. The successful completion of an accredited master's or bachelor's degree in architecture as specified by the rules of the Board.

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

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

**SECTION 29.(d)** G.S. 83A-11 reads as rewritten:

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

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

**BROADBAND EASEMENTS**

**SECTION 30.** G.S. 117-28.1 reads as rewritten:

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

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

...."

**CLARIFICATION REGARDING SUBMISSION OF CERTAIN COMPONENT DESIGNS OR PROPOSALS**

**SECTION 31.** G.S. 160D-1106(a) reads as rewritten:

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

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

(1) ~~The~~ When required by the North Carolina State Building Code, the submission design or other proposal is completed under valid seal of the licensed architect or licensed professional engineer.

(2) Field inspection of the installation or completion of a component or element of the building is performed by a licensed architect or licensed professional engineer or a person under the direct supervisory control of the licensed architect or licensed professional engineer.

(3) The licensed architect or licensed professional engineer under subdivision (2) of this subsection provides the city with a signed written document stating the component or element of the building inspected under subdivision (2) of this subsection is in compliance with the North Carolina State Building Code or the North Carolina Residential Code for One- and Two-Family Dwellings. The inspection certification required under this subdivision shall be provided by electronic or physical delivery and its receipt shall be promptly acknowledged by the city through reciprocal means."

**EFFECTIVE DATE**

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

In the General Assembly read three times and ratified this the 25th day of June, 2020.

s/ Philip E. Berger

President Pro Tempore of the Senate

s/ Tim Moore

Speaker of the House of Representatives

s/ Roy Cooper

Governor

Approved 5:29 p.m. this 1st day of July, 2020

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