

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 169
Committee Substitute Favorable 3/18/15
Committee Substitute #2 Favorable 7/16/15
Senate Commerce Committee Substitute Adopted 5/26/16
Senate Rules and Operations of the Senate Committee Substitute Adopted 6/7/16

Short Title: Regulatory Reduction Act of 2016.

(Public)

Sponsors:

Referred to:

March 9, 2015

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

4 The General Assembly of North Carolina enacts:

5
6 **PART I. ADMINISTRATIVE REFORMS**

7
8 **RESTRICTIONS ON RULES WITH SUBSTANTIAL FINANCIAL COSTS**

9 **SECTION 1.1.** Chapter 150B of the General Statutes is amended by adding a new
10 section to read:

11 **"§ 150B-19.4. Requirements on rules with substantial financial costs.**

12 (a) Prohibition. – Notwithstanding any authority given to an agency to adopt a rule, an
13 agency may not adopt a permanent rule or set of rules with a projected aggregate financial cost to
14 all persons affected equal to or greater than one hundred million dollars (\$100,000,000) during any
15 five-year period. The agency's determination of the projected aggregate financial cost of a
16 permanent rule or set of rules shall comply with the requirements of G.S. 150B-21.4(b1). The
17 agency's determination of the projected aggregate financial cost of a permanent rule or set of rules
18 shall not include any financial benefits of the permanent rule or set of rules.

19 (b) Limitation. – If an agency determines that a proposed permanent rule or set of rules
20 will have a projected aggregate financial cost to all persons affected equal to or greater than ten
21 million dollars (\$10,000,000) during any five-year period, the adoption of the permanent rule or
22 set of rules must comply with the following:

23 (1) If the agency is a board, a commission, a council, or other similar unit of
24 government, a certification that the adoption of the rule or set of rules must be
25 approved by at least sixty percent (60%) of those voting on the rule or set of
26 rules.

27 (2) For an agency headed by a member of the Council of State, the adoption of the
28 rule or set of rules must be accompanied by a certification signed by the
29 member of the Council of State indicating the member's review and support of
30 the rule or set or rules.

31 (3) For all other agencies, the adoption of the rule or set of rules must be
32 accompanied by a certification signed by the Governor indicating the
33 Governor's review and support of the rule or set of rules.



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1 (c) Legislative Review. – A permanent rule or set of rules subject to the limitation of
 2 subsection (b) of this section shall be subject to the provisions of G.S. 150B-21.3(b1) as if,
 3 pursuant to G.S. 150B-21.3(b2), the rule or set of rules received written objections from 10 or
 4 more persons and a bill specifically disapproving the rule or set of rules was introduced in a house
 5 of the General Assembly before the thirty-first legislative day."

6 **SECTION 1.2.** G.S. 150B-21.6 reads as rewritten:

7 "**§ 150B-21.6. Incorporating material in a rule by reference.**

8 An agency may incorporate the following material by reference in a rule without repeating the
 9 text of the referenced material:

- 10 (1) Another rule or part of a rule adopted by the agency.
 11 (2) All or part of a code, standard, or regulation adopted by another agency, ~~the~~
 12 ~~federal government,~~ agency or a generally recognized organization or
 13 association.
 14 (3) Repealed by Session Laws 1997-34, s. 5.
 15 (4) All or part of a code, standard, or regulation adopted by the federal government
 16 if the agency establishes a procedure by which any change by the federal
 17 government is reviewed and approved by the agency within 120 days of the
 18 change.

19 In incorporating material by reference, the agency must designate in the rule whether or not the
 20 incorporation includes subsequent amendments and editions of the referenced material. The
 21 agency can change this designation only by a subsequent rule-making proceeding. The agency
 22 must have copies of the incorporated material available for inspection and must specify in the rule
 23 both where copies of the material can be obtained and the cost on the date the rule is adopted of a
 24 copy of the material.

25 A statement in a rule that a rule incorporates material by reference in accordance with former
 26 G.S. 150B-14(b) is a statement that the rule does not include subsequent amendments and editions
 27 of the referenced material. A statement in a rule that a rule incorporates material by reference in
 28 accordance with former G.S. 150B-14(c) is a statement that the rule includes subsequent
 29 amendments and editions of the referenced material."

30 **SECTION 1.3.** G.S. 150B-19.3(a) reads as rewritten:

31 "(a) An agency authorized to implement and enforce State and federal environmental laws
 32 may not adopt a permanent rule for the protection of the environment or natural resources that
 33 imposes a more restrictive standard, limitation, or requirement than those imposed by federal law
 34 or rule, if a federal law or rule pertaining to the same subject matter has been adopted, unless
 35 adoption of the rule is required by one of the subdivisions of this subsection. ~~A A permanent rule~~
 36 required by a serious and unforeseen threat to public health, safety, or welfare shall be subject to
 37 the limitation and legislative review provisions of G.S. 150B-19.4(b) and (c). A permanent
 38 rule required by one of the following subdivisions of this subsection shall be subject to the provisions
 39 of G.S. 150B-21.3(b1) as if the rule received written objections from 10 or more persons under
 40 G.S. 150B-21.3(b2):

- 41 (1) ~~A serious and unforeseen threat to the public health, safety, or welfare.~~
 42 (2) An act of the General Assembly or United States Congress that expressly
 43 requires the agency to adopt rules.
 44 (3) A change in federal or State budgetary policy.
 45 (4) A federal regulation required by an act of the United States Congress to be
 46 adopted or administered by the State.
 47 (5) A court order."

48 **SECTION 1.4.** G.S. 150B-21.3A reads as rewritten:

49 "**§ 150B-21.3A. Periodic review and expiration of existing rules.**

50 ...

1 (e) ~~Rules to Conform to or Implement Federal Law. Rules adopted to conform to or~~
 2 ~~implement federal law shall not expire as provided by this section. The Commission shall report~~
 3 ~~annually to the Committee on any rules that do not expire pursuant to this subsection.~~

4 (e1) ~~Rules to Protect Inchoate or Accrued Rights of Retirement Systems Members. Rules~~
 5 ~~deemed by the Boards of Trustees established under G.S. 128-28 and G.S. 135-6 to protect~~
 6 ~~inchoate or accrued rights of members of the Retirement Systems administered by the State~~
 7 ~~Treasurer shall not expire as provided by this section. The Commission shall report annually to the~~
 8 ~~Committee on any rules that do not expire pursuant to this subsection.~~Exclusions. – The
 9 Commission shall report annually to the Committee on any rules that do not expire pursuant to this
 10 subsection. The following rules shall not expire as provided in this section:

11 (1) Rules adopted to conform to or implement federal law.

12 (2) Rules deemed by the Boards of Trustees established under G.S. 128-28 and
 13 G.S. 135-6 to protect inchoate or accrued rights of members of the Retirement
 14 Systems administered by the State Treasurer.

15"

16 **SECTION 1.5.** Sections 1.1, 1.2, 1.3, and 1.4 are effective when this act becomes law.
 17 Sections 1.1, 1.3, and 1.4 apply to rules adopted or undergoing the review process on or after that
 18 date.

19 **PART II. BUSINESS REGULATION**

20 **EXEMPT CERTAIN BUILDING CODE CLASSIFICATIONS FROM ENERGY** 21 **EFFICIENCY STANDARDS**

22 **SECTION 2.1.** G.S. 143-138 is amended by adding a new subsection to read:

23 "(b16) Exclusion from Energy Efficiency Code Requirements for Certain Use and Occupancy
 24 Classifications. – The Council shall provide for an exemption from any requirements in the energy
 25 efficiency standards pursuant to Chapter 13 of the 2012 North Carolina Building Code and the
 26 2012 Energy Conservation Code, and any subsequent amendments to the Building Code and
 27 Energy Conservation Code, for the following use and occupancy classifications pursuant to
 28 Chapter 3 of the 2012 North Carolina Building Code: Section 306, Factory Group F; Section 311,
 29 Storage Group S; and Section 312, Utility and Miscellaneous Group U."
 30
 31
 32

33 **STREAMLINE MORTGAGE NOTICE REQUIREMENTS**

34 **SECTION 2.2.** G.S. 45-91 reads as rewritten:

35 **"§ 45-91. Assessment of fees; processing of payments; publication of statements.**

36 A servicer must comply as to every home loan, regardless of whether the loan is considered in
 37 default or the borrower is in bankruptcy or the borrower has been in bankruptcy, with the
 38 following requirements:

39 (1) Any fee that is incurred by a servicer shall be both:

40 a. Assessed within 45 days of the date on which the fee was incurred.
 41 Provided, however, that attorney or trustee fees and costs incurred as a
 42 result of a foreclosure action shall be assessed within 45 days of the date
 43 they are charged by either the attorney or trustee to the servicer.

44 b. Explained clearly and conspicuously in a statement mailed to the
 45 borrower at the borrower's last known address within 30 days after
 46 assessing the fee, provided the servicer shall not be required to take any
 47 action in violation of the provisions of the federal bankruptcy code. The
 48 servicer shall not be required to send such a statement for a fee that: (i)
 49 results from a service that is affirmatively requested by the borrower,
 50 (ii) is paid for by the borrower at the time the service is provided, and
 51 (iii) is not charged to the borrower's loan account.

- 1 (2) All amounts received by a servicer on a home loan at the address where the
- 2 borrower has been instructed to make payments shall be accepted and credited,
- 3 or treated as credited, within one business day of the date received, provided
- 4 that the borrower has made the full contractual payment and has provided
- 5 sufficient information to credit the account. If a servicer uses the scheduled
- 6 method of accounting, any regularly scheduled payment made prior to the
- 7 scheduled due date shall be credited no later than the due date. Provided,
- 8 however, that if any payment is received and not credited, or treated as credited,
- 9 the borrower shall be notified within 10 business days by mail at the borrower's
- 10 last known address of the disposition of the payment, the reason the payment
- 11 was not credited, or treated as credited to the account, and any actions
- 12 necessary by the borrower to make the loan current.
- 13 (2a) The notification required by subdivision (2) of this section is not necessary if (i)
- 14 the servicer complies with the terms of any agreement or plan made with the
- 15 borrower and has applied and credited payments received in the manner
- 16 required, and (ii) the servicer is applying and crediting payments to the
- 17 borrower's account in compliance with all applicable State and federal laws,
- 18 including bankruptcy laws, and if at least one of the following occurs:
- 19 a. The borrower has entered into a written loss mitigation, loan
- 20 modification, or forbearance agreement with the servicer that itemizes
- 21 all amounts due and specifies how payments will be applied and
- 22 credited;
- 23 b. The borrower has elected to participate in an alternative payment plan,
- 24 such as a biweekly payment plan, that specifies as part of a written
- 25 agreement how payments will be applied and credited; or
- 26 c. The borrower is making payments pursuant to a bankruptcy plan.
- 27 (3) Failure to charge the fee or provide the information within the allowable time
- 28 and in the manner required under subdivision (1) of subsection (a) of this
- 29 section constitutes a waiver of such fee.
- 30 (4) All fees charged by a servicer must be otherwise permitted under applicable law
- 31 and the contracts between the parties. Nothing herein is intended to permit the
- 32 application of payments or method of charging interest which is less protective
- 33 of the borrower than the contracts between the parties and other applicable law.
- 34 (5) The obligations of mortgage servicers set forth in G.S. 53-244.110.
- 35 (6) The statement mailing requirement and borrower notification requirements of
- 36 this section are deemed satisfied by compliance with the disclosure
- 37 requirements contained in Regulation Z, 12 C.F.R. § 1026.41."

39 **AUTHORIZE NORTH CAROLINA DISTILLERIES TO BETTER COMPETE**
 40 **NATIONALLY AND INTERNATIONALLY**

41 **SECTION 2.3.(a)** G.S. 18B-1105 reads as rewritten:

42 **"§ 18B-1105. Authorization of distillery permit.**

- 43 (a) Authorized Acts. – The holder of a distillery permit may do any of the following:
- 44 (1) Manufacture, purchase, import, possess and transport ingredients and
- 45 equipment used in the distillation of spirituous liquor
- 46 (2) Sell, deliver and ship spirituous liquor in closed containers at wholesale to
- 47 exporters and local boards within the State, and, ~~subject to the laws of other~~
- 48 ~~jurisdictions, at wholesale or retail to private or public agencies or~~
- 49 ~~establishments of other states or nations.~~State.
- 50 (2a) Sell spirituous liquor in closed containers at wholesale or retail, subject to the
- 51 laws of other jurisdictions, for delivery outside the State.

- 1 (3) Transport into or out of the distillery the maximum amount of liquor allowed
2 under federal law, if the transportation is related to the distilling process.
- 3 (4) Sell spirituous liquor distilled at the distillery in closed containers to visitors
4 who tour the distillery for consumption off the premises. Sales under this
5 subdivision are allowed only in a county where the establishment of a county or
6 municipal ABC store has been approved pursuant to G.S. 18B-602(g) and are
7 subject to the time and day restrictions in G.S. 18B-802. Spirituous liquor sold
8 under this subdivision shall (i) be listed as a code item for sale in the State, (ii)
9 be sold at the price set by the Commission for the code item pursuant to
10 G.S. 18B-804(b), and (iii) have affixed to its bottle a sticker that bears the
11 words "North Carolina Distillery Tour Commemorative Spirit" in addition to
12 any other labeling requirements set by law. Consumers purchasing spirituous
13 liquor under this subdivision are limited to purchasing, and the selling distillery
14 is limited to selling to each consumer, no more than one bottle of each product
15 produced at the distillery of the spirituous liquor per 12 month period. The
16 distillery shall use a commonly adopted standard point of sale system to
17 maintain searchable electronic records captured at the point of sale, to include
18 the purchaser's name, drivers license number, and date of birth for at least 12
19 months from the date of purchase. The Commission shall adopt rules regulating
20 the retail sale of spirituous liquor under this subdivision.

21 (b) Distilleries for Fuel Alcohol. – Any person in possession of a Federal Operating Permit
22 pursuant to Title 27, Code of Federal Regulations, Part 19 (April 1, 2010 Edition), shall obtain a
23 fuel alcohol permit before manufacturing any alcohol. The permit shall entitle the permittee to
24 perform only those acts allowed by the Federal Operating Permit, and all conditions of the Federal
25 Operating Permit shall apply to the State permit."

26 **SECTION 2.3.(b)** G.S. 18B-804 is amended by adding a new subsection to read:

27 **"§ 18B-804. Alcoholic beverage pricing.**

28 (a) Uniform Price of Spirituous Liquor. – The retail price of spirituous liquor sold in ABC
29 stores and permitted distilleries shall be uniform throughout the State, unless otherwise provided
30 by the ABC law.

31 (b) Sale Price of Spirituous Liquor. – The sale of spirituous liquor, including antique
32 spirituous liquor, sold at the uniform State price shall consist of the following components:

- 33 (1) The distiller's or the antique spirituous liquor seller's price.
- 34 (2) The freight and bailment charges of the State warehouse as determined by the
35 Commission.
- 36 (3) A markup for local boards as determined by the Commission.
- 37 (4) The tax levied under G.S. 105-113.80(c), which shall be levied on the sum of
38 subdivisions (1), (2), and (3).
- 39 (5) An additional markup for local boards equal to three and one-half percent (3
40 1/2%) of the sum of subdivisions (1), (2), and (3).
- 41 (6) A bottle charge of one cent (1¢) on each bottle containing 50 milliliters or less
42 and five cents (5¢) on each bottle containing more than 50 milliliters.
- 43 (6a) The bailment surcharge.
- 44 (6b) An additional bottle charge for local boards of one cent (1¢) on each bottle
45 containing 50 milliliters or less and five cents (5¢) on each bottle containing
46 more than 50 milliliters.
- 47 (7) A rounding adjustment, the formula of which may be determined by the
48 Commission, so that the sale price will be divisible by five.
- 49 (8) If the spirituous liquor is sold to a mixed beverage permittee for resale in mixed
50 beverages, a charge of twenty dollars (\$20.00) on each four liters and a
51 proportional sum on lesser quantities.

(9) If the spirituous liquor is sold to a guest room cabinet permittee for resale, a charge of twenty dollars (\$20.00) on each four liters and a proportional sum on lesser quantities.

(b1) Price of Spirituous Liquor Sold at Distillery. – When the holder of a distillery permit sells spirituous liquor distilled at the distillery pursuant to G.S. 18B-1105(a)(4), the retail price of the spirituous liquor shall be the uniform State price set by subsection (a) of this section. However, the holder of the distillery permit shall not be required to remit the components of the price set forth by subdivisions (2), (3), (5), (6), (6a), (6b), and (7) of subsection (b) of this section.

(b2) Price of Spirituous Liquor Sold for Delivery Outside the State. – When the holder of a distillery permit sells spirituous liquor for delivery outside the State pursuant to G.S. 18B-1105(a)(2a), the retail price of the spirituous liquor shall be the distiller's price.

(c) Sale Price of Fortified Wine. – The sale price of fortified wine shall include the tax levied by G.S. 105-113.80(b), as well as State and local sales taxes.

(d) Repealed by Session Laws 1985, c. 59, s. 2."

SECTION 2.3.(c) G.S. 18B-800 reads as rewritten:

"§ 18B-800. Sale of alcoholic beverages in ABC stores.

(a) Spirituous Liquor. – Except as provided in ~~Article 10~~ Articles 10 and 11 of this Chapter, spirituous liquor may be sold only in ABC stores operated by local boards.

(b) Fortified Wine. – In addition to spirituous liquor, ABC stores may sell fortified wine. ABC stores may also sell wine products, irrespective of alcohol content by volume, which were classified as fortified wine by the ABC Commission prior to July 7, 2004.

(c) Commission Approval. – No ABC store may sell any alcoholic beverage which has not been approved by the Commission for sale in this State.

(d) Expired.

(e) Each ABC store shall display spirits which are distilled in North Carolina in an area dedicated solely to North Carolina products."

SECTION 2.3.(d) The Alcoholic Beverage Control Commission shall adopt temporary rules to amend its rules consistent with this section.

SECTION 2.3.(e) This section becomes effective July 1, 2016.

PART III. STATE AND LOCAL GOVERNMENT REGULATION

DIRECT THE MEDICAL CARE COMMISSION TO ADOPT THE RECOMMENDATIONS OF THE AMERICAN SOCIETY OF HEALTHCARE ENGINEERS FACILITY GUIDELINES INSTITUTE

SECTION 3.1.(a) Definitions. – For purposes of this section and its implementation:

- (1) "Hospital Facilities Rules" means all of the following:
 - a. 10A NCAC 13B .6001 – Physical Plant: Location.
 - b. 10A NCAC 13B .6002 – Physical Plant: Roads and Parking.
 - c. 10A NCAC 13B .6104 – General Requirements: Access and Safety.
 - d. 10A NCAC 13B .6201 – Construction Requirements: Medical, Surgical, and Post-Partum Care Unit.
 - e. 10A NCAC 13B .6202 – Construction Requirements: Special Care Unit.
 - f. 10A NCAC 13B .6203 – Construction Requirements: Neonatal Level I and Level II Nursery Unit.
 - g. 10A NCAC 13B .6204 – Construction Requirements: Neonatal Level III and Level IV Nursery.
 - h. 10A NCAC 13B .6205 – Construction Requirements: Psychiatric Unit.
 - i. 10A NCAC 13B .6206 – Construction Requirements: Surgical Department Requirements.

- 1 j. 10A NCAC 13B .6207 – Construction Requirements: Obstetrical
2 Department Requirements.
- 3 k. 10A NCAC 13B .6209 – Construction Requirements: Emergency
4 Services.
- 5 l. 10A NCAC 13B .6210 – Construction Requirements: Imaging Services.
- 6 m. 10A NCAC 13B .6211 – Construction Requirements: Laboratory
7 Services.
- 8 n. 10A NCAC 13B .6212 – Construction Requirements: Morgue.
- 9 o. 10A NCAC 13B .6213 – Construction Requirements: Pharmacy
10 Services.
- 11 p. 10A NCAC 13B .6214 – Construction Requirements: Dietary Services.
- 12 q. 10A NCAC 13B .6215 – Construction Requirements: Administration.
- 13 r. 10A NCAC 13B .6216 – Construction Requirements: Medical Records
14 Services.
- 15 s. 10A NCAC 13B .6217 – Construction Requirements: Central Medical
16 and Surgical Supply Services.
- 17 t. 10A NCAC 13B .6218 – Construction Requirements: General Storage.
- 18 u. 10A NCAC 13B .6219 – Construction Requirements: Laundry Services.
- 19 v. 10A NCAC 13B .6220 – Construction Requirements: Physical
20 Rehabilitation Services.
- 21 w. 10A NCAC 13B .6221 – Construction Requirements: Engineering
22 Services.
- 23 x. 10A NCAC 13B .6222 – Construction Requirements: Waste Processing.
- 24 y. 10A NCAC 13B .6223 – Construction Requirements: Details and
25 Finishes.
- 26 z. 10A NCAC 13B .6224 – Construction Requirements: Elevator
27 Requirements.
- 28 aa. 10A NCAC 13B .6225 – Construction Requirements: Mechanical
29 Requirements.
- 30 bb. 10A NCAC 13B .6226 – Construction Requirements: Plumbing and
31 Other Piping Systems Requirements.
- 32 cc. 10A NCAC 13B .6227 – Construction Requirements: Electrical
33 Requirements.

34 (2) "Guidelines" means the American Society for Healthcare Engineering's Facility
35 Guidelines Institute "Guidelines for Design and Construction of Hospitals and
36 Outpatient Facilities."

37 **SECTION 3.1.(b)** Repeal Hospital Facilities Rules. – The Secretary of Health and
38 Human Services and the Medical Care Commission shall repeal the Hospital Facilities Rules on or
39 before December 31, 2016.

40 **SECTION 3.1.(c)** Implementation and Rule-Making Authority. – Before the effective
41 date of the repeal of the Hospital Facilities Rules required pursuant to subsection (b) of this
42 section, the Medical Care Commission shall adopt temporary rules to replace the Hospital
43 Facilities Rules and incorporate by reference all applicable rules, standards, and requirements of
44 the most current edition of the Guidelines. If temporary rules are not adopted before the repeal of
45 the Hospital Facilities Rules required pursuant to subsection (a) of this section, the Commission
46 shall utilize the 2014 Edition of the Guidelines until such time as temporary rules are adopted.
47 Furthermore, the Commission shall adopt permanent rules pursuant to this section.

48 **SECTION 3.1.(d)** Additional Rule-Making Authority. – The Commission shall adopt
49 rules to replace the Hospital Facilities Rules. Notwithstanding G.S. 150B-19(4), the rules adopted
50 by the Commission pursuant to this section shall conform to the provisions of subsection (c) of
51 this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of

Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2). Furthermore, rules adopted pursuant to this section shall be exempt from the provisions of Chapter 150B of the General Statutes that require the preparation of fiscal notes for any rule proposed to incorporate the Guidelines by reference.

SECTION 3.1.(e) Exemption from Periodic Review. – Until such time as the Hospital Facilities Rules are repealed pursuant to subsection (b) of this section, the Hospital Facilities Rules shall be exempt from the periodic review process required pursuant to G.S. 150B-21.3A.

ELIMINATE EFFICIENCY STANDARDS HAVING BEEN MET OR EXCEEDED BY STATE BUILDINGS

SECTION 3.2.(a) G.S. 143-64.12 is repealed.

SECTION 3.2.(b) G.S. 116-30.3B(c) is repealed.

REPEAL CERTAIN EDUCATIONAL TESTING LAWS

SECTION 3.3. G.S. 115C-174.12(c) reads as rewritten:

"(c) Local boards of education shall cooperate with the State Board of Education in implementing the provisions of this Article, including the regulations and policies established by the State Board of Education. Local school administrative units shall use the annual tests to fulfill the purposes set out in this Article. ~~Local school administrative units are encouraged to continue to develop local testing programs designed to diagnose student needs.~~"

PART IV. AGRICULTURE, ENERGY, ENVIRONMENTAL, AND NATURAL RESOURCES REGULATION

REPEAL RECYCLING REQUIREMENTS FOR DISCARDED COMPUTER EQUIPMENT AND TELEVISIONS

SECTION 4.1.(a) Part 2H of Article 9 of Chapter 130A of the General Statutes is repealed.

SECTION 4.1.(b) G.S. 130A-309.10(f)(14) is repealed.

SECTION 4.1.(c) G.S. 130A-309.10(f)(15) is repealed.

SECTION 4.1.(d) G.S. 130A-309.10(f1)(7) is repealed.

SECTION 4.1.(e) G.S. 130A-309.10(f1)(8) is repealed.

SECTION 4.1.(f) G.S. 130A-309.09A(d)(8) is repealed.

REPEAL YARD WASTE PERMITTING REQUIREMENTS

SECTION 4.2.(a) G.S. 130A-290(a) reads as rewritten:

"§ 130A-290. Definitions.

(a) Unless a different meaning is required by the context, the following definitions shall apply throughout this Article:

...

(45) "Yard trash" means solid waste ~~consisting solely of vegetative matter~~ resulting from landscaping ~~maintenance and yard maintenance, including brush, grass, tree limbs, and similar vegetative material.~~

(46) "Yard waste" means yard trash and land-clearing debris, including stumps, limbs, leaves, grass, and untreated wood."

SECTION 4.2.(b) G.S. 130A-294 is amended by adding a new subsection to read:

"(v) Yard waste diverted from the waste stream or collected as source separated material is not subject to a solid waste permit for transfer, treatment, processing, storage, or disposal in a permitted solid waste management facility. Operators of facilities where yard waste is subject to transfer, treatment, processing, storage, or disposal shall, however, comply with all other federal,

1 State, or local laws, ordinances, rules, regulations, or orders, including zoning, flood plain, and
2 wetland restrictions, sedimentation and erosion control requirements, and mining regulations.
3 Nothing in this subsection shall be construed as limiting the authority of any local government to
4 manage the transfer, treatment, processing, storage, or disposal of yard waste."

5 **SECTION 4.2.(c)** This section becomes effective July 1, 2017, and applies to the
6 transfer, treatment, processing, storage, or disposal of yard waste occurring on or after that date.

7
8 **ELIMINATE OUTDATED PROVISIONS OF THE COASTAL AREA MANAGEMENT**
9 **ACT**

10 **SECTION 4.3.(a)** G.S. 113A-109 is repealed.

11 **SECTION 4.3.(b)** G.S. 113A-112 is repealed.

12 **SECTION 4.4.(c)** Subsection (b) of this section becomes effective January 1, 2017.

13
14 **REPEAL PASTURE POINTS PROVISION**

15 **SECTION 4.4.** Section 4(c) of S.L. 2001-355 is repealed.

16
17 **REPEAL RESTRICTION ON PET TURTLE SALES**

18 **SECTION 4.5.** The Commission for Public Health shall repeal 10A NCAC 41A .0301
19 (Definitions) and 10A NCAC 41A .0302 (Sale of Turtles Restricted) on or before December 1,
20 2016. Until the effective date of the repeal of the rule required pursuant to this section, the
21 Department of Health and Human Services, the Department of Environmental Quality, or any
22 other political subdivision of the State shall not implement or enforce 10A NCAC 41A .0301
23 (Definitions) and 10A NCAC 41A .0302 (Sale of Turtles Restricted).

24
25 **LIMIT MOTOR VEHICLE EMISSIONS INSPECTIONS**

26 **SECTION 4.6.(a)** G.S. 143-215.107A reads as rewritten:

27 **"§ 143-215.107A. Motor vehicle emissions testing and maintenance program.**

28 (a) General Provisions. –

29 (1) G.S. 143-215.107(a)(6) shall be implemented as provided in this section.

30 (2) Motor vehicle emissions inspections shall be performed by a person who holds
31 an emissions inspection mechanic license issued as provided in
32 G.S. 20-183.4A(c) at a station that holds an emissions inspection station license
33 issued under G.S. 20-183.4A(a) or at a place of business that holds an
34 emissions self-inspector license issued as provided in G.S. 20-183.4A(d). Motor
35 vehicle emissions inspections may be performed by a decentralized network of
36 test-and-repair stations as described in 40 Code of Federal Regulations § 51.353
37 (1 July 1998 Edition). The Commission may not require that motor vehicle
38 emissions inspections be performed by a network of centralized or
39 decentralized test-only stations.

40 (b) Repealed by Session Laws 2000-134, s. 2, effective July 14, 2000.

41 (c) Counties Covered. – Motor vehicle emissions inspections shall be performed in the
42 following counties: Alamance, Brunswick, Buncombe, ~~Burke~~, Cabarrus, Caldwell, Carteret,
43 Catawba, Chatham, ~~Cleveland~~, Craven, Cumberland, Davidson, Durham, Edgecombe, Forsyth,
44 Franklin, Gaston, Granville, Guilford, Harnett, Haywood, Henderson, Iredell, Johnston, Lee,
45 Lenoir, Lincoln, Mecklenburg, Moore, Nash, New Hanover, Onslow, Orange, Pitt, Randolph,
46 Robeson, Rockingham, Rowan, ~~Rutherford~~, Stanly, ~~Stokes~~, ~~Surry~~, Union, Wake, Wayne, ~~Wilkes~~
47 and Wilson.

48 (d) Repealed by Session Laws 2012-200, s. 12(a), effective August 1, 2012."

49 **SECTION 4.6.(b)** No later than December 31, 2016, the Department of
50 Environmental Quality shall prepare and submit to the United States Environmental Protection
51 Agency for approval by that agency a proposed North Carolina State Implementation Plan

1 amendment based on the change to the motor vehicle emissions testing program provided in this
2 section.

3 **SECTION 4.6.(c)** This section becomes effective on the later of the following dates
4 and applies to motor vehicles inspected, or due to be inspected, on or after the effective date of this
5 act:

6 (1) July 1, 2017.

7 (2) The first day of a month that is 60 days after the Department of Environmental
8 Quality certifies to the Revisor of Statutes that the United States Environmental
9 Protection Agency has approved an amendment to the North Carolina State
10 Implementation Plan submitted as required by Section 4.6(b) of this act. The
11 Department shall provide this notice along with the effective date of this act on
12 its Web site and by written or electronic notice to emissions inspection
13 mechanic license holders, emissions inspection station licensees, and
14 self-inspector licensees in the counties where motor vehicle emissions
15 inspection requirements are removed by this act.

16
17 **PART V. ELIMINATE, CONSOLIDATE, AND AMEND REPORTS TO THE**
18 **ENVIRONMENTAL REVIEW COMMISSION**

19
20 **ELIMINATE ANNUAL REPORT ON MINING ACCOUNT PURSUANT TO THE**
21 **MINING ACT OF 1971 BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

22 **SECTION 5.1.** G.S. 74-54.1(c) is repealed.

23
24 **ELIMINATE ANNUAL REPORT ON THE IMPLEMENTATION OF THE**
25 **SUSTAINABLE ENERGY EFFICIENT BUILDINGS PROGRAM BY THE**
26 **DEPARTMENT OF ADMINISTRATION**

27 **SECTION 5.2.(a)** G.S. 143-135.39(f) and (g) are repealed.

28 **SECTION 5.2.(b)** G.S. 143-135.40(b) is repealed.

29
30 **ELIMINATE QUARTERLY REPORT ON SYSTEMWIDE MUNICIPAL AND**
31 **DOMESTIC WASTEWATER COLLECTION SYSTEM PERMIT PROGRAM BY THE**
32 **ENVIRONMENTAL MANAGEMENT COMMISSION**

33 **SECTION 5.3.** G.S. 143-215.9B reads as rewritten:

34 "**§ 143-215.9B. Systemwide municipal and domestic wastewater collection system permit**
35 **program report.**

36 The Environmental Management Commission shall develop and implement a permit program
37 for municipal and domestic wastewater collection systems on a systemwide basis. The collection
38 system permit program shall provide for performance standards, minimum design and
39 construction requirements, a capital improvement plan, operation and maintenance requirements,
40 and minimum reporting requirements. In order to ensure an orderly and cost-effective phase-in of
41 the collection system permit program, the Commission shall implement the permit program over a
42 five-year period beginning 1 July 2000. The Commission shall issue permits for approximately
43 twenty percent (20%) of municipal and domestic wastewater collection systems that are in
44 operation on 1 July 2000 during each of the five calendar years beginning 1 July 2000 and shall
45 give priority to those collection systems serving the largest populations, those under a moratorium
46 imposed by the Commission under G.S. 143-215.67, and those for which the Department of
47 Environmental Quality has issued a notice of violation for the discharge of untreated wastewater.
48 ~~The Commission shall report on its progress in developing and implementing the collection~~
49 ~~system permit program required by this section as a part of each quarterly report the~~
50 ~~Environmental Management Commission makes to the Environmental Review Commission~~
51 ~~pursuant to G.S. 143B-282(b)."~~

1
2 **ELIMINATE ANNUAL REPORTS ON REDUCING VEHICLE EMISSIONS FROM**
3 **STATE EMPLOYEE AND PRIVATE SECTOR VEHICLES BY THE DEPARTMENT OF**
4 **TRANSPORTATION**

5 **SECTION 5.4.** G.S. 143-215.107C(d) and (e) are repealed.
6

7 **ELIMINATE ANNUAL REPORT ON PURCHASE OF NEW MOTOR VEHICLES AND**
8 **FUEL SAVINGS BY THE DEPARTMENT OF ADMINISTRATION**

9 **SECTION 5.5.** G.S. 143-341(8)i.2b. reads as rewritten:

10 "2b. As used in this sub-sub-subdivision, "fuel economy" and "class
11 of comparable automobiles" have the same meaning as in Part
12 600 of Title 40 of the Code of Federal Regulations (July 1, 2008
13 Edition). As used in this sub-sub-subdivision, "passenger motor
14 vehicle" has the same meaning as "private passenger vehicle" as
15 defined in G.S. 20-4.01. Notwithstanding the requirements of
16 sub-sub-subdivision 2a. of this sub-subdivision, every request
17 for proposals for new passenger motor vehicles to be purchased
18 by the Department shall state a preference for vehicles that have
19 a fuel economy for the new vehicle's model year that is in the top
20 fifteen percent (15%) of its class of comparable automobiles.
21 The award for every new passenger motor vehicle that is
22 purchased by the Department shall be based on the Department's
23 evaluation of the best value for the State, taking into account
24 fuel economy ratings and life cycle cost that reasonably consider
25 both projected fuel costs and acquisition costs. This
26 sub-sub-subdivision does not apply to vehicles used in law
27 enforcement, emergency medical response, and firefighting. ~~The
28 Department shall report the number of new passenger motor
29 vehicles that are purchased as required by this
30 sub-sub-subdivision, the savings or costs for the purchase of
31 vehicles to comply with this sub-sub-subdivision, and the
32 quantity and cost of fuel saved for the previous fiscal year on or
33 before October 1 of each year to the Joint Legislative
34 Commission on Governmental Operations and the
35 Environmental Review Commission."~~
36

37 **ELIMINATE BIENNIAL STATE OF THE ENVIRONMENT REPORT BY THE**
38 **DEPARTMENT OF ENVIRONMENTAL QUALITY**

39 **SECTION 5.6.** G.S. 143B-279.5 is repealed.
40

41 **ELIMINATE ANNUAL REPORT ON FISH KILL ACTIVITY BY THE DEPARTMENT**
42 **OF ENVIRONMENTAL QUALITY**

43 **SECTION 5.7.** G.S. 143B-279.7(c) is repealed.
44

45 **ELIMINATE THE ENVIRONMENTAL MANAGEMENT COMMISSION QUARTERLY**
46 **REPORT ON DEVELOPING ENGINEERING STANDARDS GOVERNING MUNICIPAL**
47 **AND DOMESTIC SYSTEMS TO ALLOW REGIONAL INTERCONNECTION**

48 **SECTION 5.8.** Section 11.1 of S.L. 1999-329 reads as rewritten:

49 "Section 11.1. The Environmental Management Commission shall develop engineering
50 standards governing municipal and domestic wastewater collection systems that will allow
51 interconnection of these systems on a regional basis. ~~The Commission shall report on its progress~~

1 in developing the engineering standards required by this section as a part of each quarterly report
2 the Commission makes to the Environmental Review Commission pursuant to G.S. 143B-282(b)."
3

4 **ELIMINATE BIENNIAL REPORT ON IMPLEMENTATION OF THE NORTH**
5 **CAROLINA BEACH AND INLET MANAGEMENT PLAN BY THE DEPARTMENT OF**
6 **ENVIRONMENTAL QUALITY**

7 **SECTION 5.9.** Section 13.9(d) of S.L. 2000-67 reads as rewritten:

8 "Section 13.9.(d) Each plan shall be as complete as resources and available information allow.
9 ~~The Department of Environment and Natural Resources shall revise the plan every two years and~~
10 ~~shall submit the revised plan to the General Assembly no later than March 1 of each odd-~~
11 ~~numbered year. The Department may issue a supplement to the plan in even numbered years if~~
12 ~~significant new information becomes available."~~
13

14 **ELIMINATE ANNUAL REPORT ON INFORMAL REVIEW PROCESS FOR AGENCY**
15 **REVIEW OF ENGINEERING WORK**

16 **SECTION 5.10.** Sections 29(j) and 29(k) of S.L. 2014-120 are repealed.
17

18 **CONSOLIDATE REPORTS ON THE COASTAL HABITAT PROTECTION PLAN**

19 **SECTION 5.11.(a)** G.S. 143B-279.8(e) reads as rewritten:

20 "(e) The Coastal Resources Commission, the Environmental Management Commission,
21 and the Marine Fisheries Commission shall report to the Joint Legislative Commission on
22 Governmental Operations and the Environmental Review Commission on progress in developing
23 and implementing the Coastal Habitat Protection Plans, including the extent to which the actions
24 of the three commissions are consistent with the Plans, on or before ~~4 September~~September 1
25 of each year-year in which any significant revisions to the Plans are made."
26

27 **SECTION 5.11.(b)** G.S. 143B-279.8(f) is repealed.

28 **CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS ON COST AND**
29 **IMPLEMENTATION OF ENVIRONMENTAL PERMITTING PROGRAMS**

30 **SECTION 5.12.(a)** G.S. 143-215.3A(c) reads as rewritten:

31 "(c) The Department shall report to the Environmental Review Commission and the Fiscal
32 Research Division on the cost of the State's environmental permitting programs contained within
33 the Department on or before ~~4 November~~January 1 of each odd-numbered year. The report shall
34 include, but is not limited to, fees set and established under this Article, fees collected under this
35 Article, revenues received from other sources for environmental permitting and compliance
36 programs, changes made in the fee schedule since the last report, anticipated revenues from all
37 other sources, interest earned and any other information requested by the General Assembly. The
38 Department shall submit this report with the report required by G.S. 143B-279.17 as a single
39 report."

40 **SECTION 5.12.(b)** G.S. 143B-279.17 reads as rewritten:

41 **"§ 143B-279.17. Tracking and report on permit processing times.**

42 The Department of Environmental Quality shall track the time required to process all permit
43 applications in the One-Stop for Certain Environmental Permits Programs established by
44 G.S. 143B-279.12 and the Express Permit and Certification Reviews established by
45 G.S. 143B-279.13 that are received by the Department. The processing time tracked shall include
46 (i) the total processing time from when an initial permit application is received to issuance or
47 denial of the permit and (ii) the processing time from when a complete permit application is
48 received to issuance or denial of the permit. No later than ~~March 1~~January 1 of each
49 odd-numbered year, the Department shall report to the Fiscal Research Division of the General
50 Assembly and the Environmental Review Commission on the permit processing times required to

1 be tracked pursuant to this section. The Department shall submit this report with the report
2 required by G.S. 143-215.3A(c) as a single report."

3 **SECTION 5.12.(c)** The first combined report required by subsections (a) and (b) of
4 this section shall be submitted to the Environmental Review Commission and the Fiscal Research
5 Division no later than January 1, 2017.

6
7 **CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS BY THE**
8 **ENVIRONMENTAL MANAGEMENT COMMISSION**

9 **SECTION 5.13.(a)** G.S. 143B-282(b) reads as rewritten:

10 "(b) The Environmental Management Commission shall submit ~~quarterly~~-written reports as
11 to its operation, activities, programs, and progress to the Environmental Review
12 ~~Commission~~ Commission by January 1 of each year. The Environmental Management
13 Commission shall supplement the written reports required by this subsection with additional
14 written and oral reports as may be requested by the Environmental Review Commission. ~~The~~
15 ~~Environmental Management Commission shall submit the written reports required by this~~
16 ~~subsection whether or not the General Assembly is in session at the time the report is due."~~

17 **SECTION 5.13.(b)** G.S. 143-215.1(h) reads as rewritten:

18 "(h) Each applicant for a new permit or the modification of an existing permit issued under
19 subsection (c) of this section shall include with the application: (i) the extent to which the new or
20 modified facility is constructed in whole or in part with funds provided or administered by the
21 State or a unit of local government, (ii) the impact of the facility on water quality, and (iii) whether
22 there are cost-effective alternative technologies that will achieve greater protection of water
23 quality. The Commission shall prepare ~~a quarterly~~ an annual summary and analysis of the
24 information provided by applicants pursuant to this subsection. The Commission shall submit the
25 summary and analysis required by this subsection to the Environmental Review Commission
26 (ERC) as a part of each ~~quarterly~~ annual report that the Commission is required to make to the
27 ERC under G.S. 143B-282(b)."

28 **SECTION 5.13.(c)** The first combined report required by subsections (a) and (b) of
29 this section shall be submitted to the Environmental Review Commission no later than January 1,
30 2017.

31
32 **CONSOLIDATE WASTE MANAGEMENT REPORTS BY THE DEPARTMENT OF**
33 **ENVIRONMENTAL QUALITY**

34 **SECTION 5.14.(a)** G.S. 130A-309.06(c) reads as rewritten:

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

- 38 (1) A comprehensive analysis, to be updated in each report, of solid waste
39 generation and disposal in the State projected for the 20-year period beginning
40 on ~~1 July~~ July 1, 1991.
- 41 (2) The total amounts of solid waste recycled and disposed of and the methods of
42 solid waste recycling and disposal used during the calendar year prior to the
43 year in which the report is published.
- 44 (3) An evaluation of the development and implementation of local solid waste
45 management programs and county and municipal recycling programs.
- 46 (4) An evaluation of the success of each county or group of counties in meeting the
47 municipal solid waste reduction goal established in G.S. 130A-309.04.
- 48 (5) Recommendations concerning existing and potential programs for solid waste
49 reduction and recycling that would be appropriate for units of local government
50 and State agencies to implement to meet the requirements of this Part.

- 1 (6) An evaluation of the recycling industry, the markets for recycled materials, the
2 recycling of polystyrene, and the success of State, local, and private industry
3 efforts to enhance the markets for these materials.
- 4 (7) Recommendations to the Governor and the Environmental Review Commission
5 to improve the management and recycling of solid waste in the State, including
6 any proposed legislation to implement the recommendations.
- 7 (8) A description of the condition of the Solid Waste Management Trust Fund and
8 the use of all funds allocated from the Solid Waste Management Trust Fund, as
9 required by G.S. 130A-309.12(c).
- 10 (9) A description of the review and revision of bid procedures and the purchase and
11 use of reusable, refillable, repairable, more durable, and less toxic supplies and
12 products by both the Department of Administration and the Department of
13 Transportation, as required by G.S. 130A-309.14(a1)(3).
- 14 (10) A description of the implementation of the North Carolina Scrap Tire Disposal
15 Act that includes the amount of revenue used for grants and to clean up
16 nuisance tire collection under the provisions of G.S 130A-309.64.
- 17 (11) A description of the management of white goods in the State, as required by
18 G.S. 130A-309.85.
- 19 (12) A summary of the report by the Department of Transportation on the amounts
20 and types of recycled materials that were specified or used in contracts that
21 were entered into by the Department of Transportation during the previous
22 fiscal year, as required by G.S. 136-28.8(g).
- 23 (13) Repealed by Session Laws 2010-142, s. 1, effective July 22, 2010.
- 24 (14) (Expiring October 1, 2023) A description of the activities related to the
25 management of abandoned manufactured homes in the State in accordance with
26 G.S. 130A-117, the beginning and ending balances in the Solid Waste
27 Management Trust Fund for the reporting period and the amount of funds used,
28 itemized by county, for grants made under Part 2F of Article 9 of Chapter 130A
29 of the General Statutes.
- 30 (15) A report on the recycling of discarded computer equipment and televisions in
31 the State pursuant to G.S. 130A-309.140(a).
- 32 (16) An evaluation of the Brownfields Property Reuse Act pursuant to
33 G.S. 130A-310.40.
- 34 (17) A report on the Inactive Hazardous Waste Response Act of 1987 pursuant to
35 G.S. 130A-310.10(a).
- 36 (18) A report on the Dry-Cleaning Solvent Cleanup Act of 1997 pursuant to
37 G.S. 143-215.104U(a) until such time as the act expires pursuant to Part 6 of
38 Article 21A of Chapter 143 of the General Statutes.
- 39 (19) A report on the implementation and cost of the hazardous waste management
40 program pursuant to G.S. 130A-294(i)."

41 **SECTION 5.14.(b)** G.S. 130A-309.140(a) reads as rewritten:

42 "(a) ~~No later than January 15 of each year, the Department shall submit a report on The~~
43 ~~Department shall include in the status of solid waste management report required to be submitted~~
44 ~~on or before January 15 of each year pursuant to G.S. 130A-309.06(c) a report on the recycling of~~
45 ~~discarded computer equipment and televisions in the State under this Part to the Environmental~~
46 ~~Review Commission-Part.~~ The report must include an evaluation of the recycling rates in the State
47 for discarded computer equipment and televisions, a discussion of compliance and enforcement
48 related to the requirements of this Part, and any recommendations for any changes to the system of
49 collection and recycling of discarded computer equipment, televisions, or other electronic
50 devices."

51 **SECTION 5.14.(c)** G.S. 130A-310.40 reads as rewritten:

1 **"§ 130A-310.40. Legislative reports.**

2 The Department shall ~~prepare and submit to the Environmental Review Commission,~~
3 ~~concurrently with the report on the Inactive Hazardous Sites Response Act of 1987 required under~~
4 ~~G.S. 130A-310.10,~~ include in the status of solid waste management report required to be
5 submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c) an evaluation of
6 the effectiveness of this Part in facilitating the remediation and reuse of existing industrial and
7 commercial properties. This evaluation shall include any recommendations for additional
8 incentives or changes, if needed, to improve the effectiveness of this Part in addressing such
9 properties. This evaluation shall also include a report on receipts by and expenditures from the
10 Brownfields Property Reuse Act Implementation Account."

11 **SECTION 5.14.(d)** G.S. 130A-310.10(a) reads as rewritten:

12 "(a) The Secretary shall include in the status of solid waste management report required to
13 be submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c) a report on
14 inactive hazardous sites ~~to the Joint Legislative Commission on Governmental Operations, the~~
15 ~~Environmental Review Commission, and the Fiscal Research Division on or before October 1 of~~
16 ~~each year. The report shall include~~ that includes at least the following:

- 17 (1) The Inactive Hazardous Waste Sites Priority List.
- 18 (2) A list of remedial action plans requiring State funding through the Inactive
19 Hazardous Sites Cleanup Fund.
- 20 (3) A comprehensive budget to implement these remedial action plans and the
21 adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the cost of said
22 plans.
- 23 (4) A prioritized list of sites that are eligible for remedial action under
24 CERCLA/SARA together with recommended remedial action plans and a
25 comprehensive budget to implement such plans. The budget for implementing a
26 remedial action plan under CERCLA/SARA shall include a statement as to any
27 appropriation that may be necessary to pay the State's share of such plan.
- 28 (5) A list of sites and remedial action plans undergoing voluntary cleanup with
29 Departmental approval.
- 30 (6) A list of sites and remedial action plans that may require State funding, a
31 comprehensive budget if implementation of these possible remedial action
32 plans is required, and the adequacy of the Inactive Hazardous Sites Cleanup
33 Fund to fund the possible costs of said plans.
- 34 (7) A list of sites that pose an imminent hazard.
- 35 (8) A comprehensive budget to develop and implement remedial action plans for
36 sites that pose imminent hazards and that may require State funding, and the
37 adequacy of the Inactive Hazardous Sites Cleanup Fund.
- 38 (8a) Repealed by Session Laws 2015-286, s. 4.7(f), effective October 22, 2015.
- 39 (9) Any other information requested by the General Assembly or the
40 Environmental Review Commission."

41 **SECTION 5.14.(e)** G.S. 143-215.104U reads as rewritten:

42 **"§ 143-215.104U. Reporting requirements.**

43 (a) The Secretary shall ~~present an annual report to the Environmental Review Commission~~
44 ~~that shall include~~ include in the status of solid waste management report required to be submitted
45 on or before January 15 of each year pursuant to G.S. 130A-309.06(c) a report on at least the
46 following:

- 47 (1) A list of all dry-cleaning solvent contamination reported to the Department.
- 48 (2) A list of all facilities and abandoned sites certified by the Commission and the
49 status of contamination associated with each facility or abandoned site.

- 1 (3) An estimate of the cost of assessment and remediation required in connection
2 with facilities or abandoned sites certified by the Commission and an estimate
3 of assessment and remediation costs expected to be paid from the Fund.
- 4 (4) A statement of receipts and disbursements for the Fund.
- 5 (5) A statement of all claims against the Fund, including claims paid, claims
6 denied, pending claims, anticipated claims, and any other obligations.
- 7 (6) The adequacy of the Fund to carry out the purposes of this Part together with
8 any recommendations as to measures that may be necessary to assure the
9 continued solvency of the Fund.

10 (b) ~~The Secretary shall make the annual report required by this section on or before 1~~
11 ~~October of each year."~~

12 **SECTION 5.14.(f)** G.S. 130A-294(i) reads as rewritten:

13 "(i) ~~The Department shall report to Fiscal Research Division of the General Assembly, the~~
14 ~~Senate Appropriations Subcommittee on Natural and Economic Resources, the House~~
15 ~~Appropriations Subcommittee on Natural and Economic Resources, and the Environmental~~
16 ~~Review Commission on or before January 1 of each year include in the status of solid waste~~
17 management report required to be submitted on or before January 15 of each year pursuant to
18 G.S. 130A-309.06(c) a report on the implementation and cost of the hazardous waste management
19 program. The report shall include an evaluation of how well the State and private parties are
20 managing and cleaning up hazardous waste. The report shall also include recommendations to the
21 Governor, State agencies, and the General Assembly on ways to: improve waste management;
22 reduce the amount of waste generated; maximize resource recovery, reuse, and conservation; and
23 minimize the amount of hazardous waste which must be disposed of. The report shall include
24 beginning and ending balances in the Hazardous Waste Management Account for the reporting
25 period, total fees collected pursuant to G.S. 130A-294.1, anticipated revenue from all sources,
26 total expenditures by activities and categories for the hazardous waste management program, any
27 recommended adjustments in annual and tonnage fees which may be necessary to assure the
28 continued availability of funds sufficient to pay the State's share of the cost of the hazardous waste
29 management program, and any other information requested by the General Assembly. In
30 recommending adjustments in annual and tonnage fees, the Department may propose fees for
31 hazardous waste generators, and for hazardous waste treatment facilities that treat waste generated
32 on site, which are designed to encourage reductions in the volume or quantity and toxicity of
33 hazardous waste. The report shall also include a description of activities undertaken to implement
34 the resident inspectors program established under G.S. 130A-295.02. In addition, the report shall
35 include an annual update on the mercury switch removal program that shall include, at a
36 minimum, all of the following:

- 37 (1) A detailed description of the mercury recovery performance ratio achieved by
38 the mercury switch removal program.
- 39 (2) A detailed description of the mercury switch collection system developed and
40 implemented by vehicle manufacturers in accordance with the NVMSRP.
- 41 (3) In the event that a mercury recovery performance ratio of at least 0.90 of the
42 national mercury recovery performance ratio as reported by the NVMSRP is
43 not achieved, a description of additional or alternative actions that may be
44 implemented to improve the mercury switch removal program.
- 45 (4) The number of mercury switches collected and a description of how the
46 mercury switches were managed.
- 47 (5) A statement that details the costs required to implement the mercury switch
48 removal program, including a summary of receipts and disbursements from the
49 Mercury Switch Removal Account."

1 **SECTION 5.14.(g)** The first combined report required by subsections (a) through (f)
2 of this section shall be submitted to the Environmental Review Commission and the Fiscal
3 Research Division no later than January 15, 2017.

4
5 **CONSOLIDATE SEDIMENTATION POLLUTION CONTROL ACT AND**
6 **STORMWATER REPORTS**

7 **SECTION 5.15.(a)** G.S. 113A-67 reads as rewritten:

8 "**§ 113A-67. Annual Report.**

9 The Department shall report to the Environmental Review Commission on the implementation
10 of this Article on or before ~~4 October~~October 1 of each year. The Department shall include in the
11 report an analysis of how the implementation of the Sedimentation Pollution Control Act of 1973
12 is affecting activities that contribute to the sedimentation of streams, rivers, lakes, and other waters
13 of the State. The report shall also include a review of the effectiveness of local erosion and
14 sedimentation control programs. The report shall be submitted to the Environmental Review
15 Commission with the report required by G.S. 143-214.7(e) as a single report."

16 **SECTION 5.15.(b)** G.S. 143-214.7(e) reads as rewritten:

17 "(e) On or before October 1 of each year, the ~~Commission~~Department shall report to the
18 Environmental Review Commission on the implementation of this section, including the status of
19 any stormwater control programs administered by State agencies and units of local government.
20 The status report shall include information on any integration of stormwater capture and reuse into
21 stormwater control programs administered by State agencies and units of local government. The
22 report shall be submitted to the Environmental Review Commission with the report required by
23 G.S. 113A-67 as a single report."

24 **SECTION 5.15.(c)** The first combined report required by subsections (a) and (b) of
25 this section shall be submitted to the Environmental Review Commission no later than October 1,
26 2016.

27
28 **CONSOLIDATE VARIOUS WATER RESOURCES AND WATER QUALITY REPORTS**
29 **BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

30 **SECTION 5.16.(a)** G.S. 143-355(n) is repealed.

31 **SECTION 5.16.(b)** G.S. 143-355(o)(9) is repealed.

32 **SECTION 5.16.(c)** G.S. 143-355 is amended by adding a new subsection to read:

33 "**(p) Report.** – The Department of Environmental Quality shall report to the Environmental
34 Review Commission on the implementation of this section, including the development of the State
35 water supply plan and the development of basinwide hydrologic models, no later than November 1
36 of each year. The Department shall submit the report required by this subsection with the report on
37 basinwide water quality management plans required by G.S. 143-215.8B(d) as a single report."

38 **SECTION 5.16.(d)** G.S. 143-215.8B(d) reads as rewritten:

39 "(d) ~~The~~As a part of the report required pursuant to G.S. 143-355(p), the Commission and
40 the Department shall each report on or before ~~4 October~~November 1 of each year on an annual
41 basis to the Environmental Review Commission on the progress in developing and implementing
42 basinwide water quality management plans and on increasing public involvement and public
43 education in connection with basinwide water quality management planning. The report to the
44 Environmental Review Commission by the Department shall include a written statement as to all
45 concentrations of heavy metals and other pollutants in the surface waters of the State that are
46 identified in the course of preparing or revising the basinwide water quality management plans."

47 **SECTION 5.16.(e)** The first combined report required by subsections (c) and (d) of
48 this section shall be submitted to the Environmental Review Commission no later than November
49 1, 2016.

1 **CONSOLIDATE REPORTS BY THE DIVISION OF WATER INFRASTRUCTURE OF**
2 **THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE STATE WATER**
3 **INFRASTRUCTURE AUTHORITY**

4 **SECTION 5.17.(a)** G.S. 159G-26(a) reads as rewritten:

5 "(a) Requirement. – The Department ~~must~~shall publish a report each year on the accounts
6 in the Water Infrastructure Fund that are administered by the Division of Water Infrastructure. The
7 report ~~must~~shall be published by ~~4~~November 1 of each year and cover the preceding fiscal year.
8 The Department ~~must~~shall make the report available to the public and ~~must~~shall give a copy of
9 the report to the Environmental Review ~~Commission and the~~Commission, the Joint Legislative
10 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal
11 Research Division of the Legislative Services Commission.Division with the report required by
12 G.S. 159G-72 as a single report."

13 **SECTION 5.17.(b)** G.S. 159G-72 reads as rewritten:

14 "**§ 159G-72. State Water Infrastructure Authority; reports.**

15 No later than November 1 of each year, the Authority shall submit a report of its activity and
16 findings, including any recommendations or legislative proposals, to the ~~Senate Appropriations~~
17 ~~Committee on Natural and Economic Resources, the House of Representatives Appropriations~~
18 ~~Subcommittee on Natural and Economic Resources, and the Fiscal Research Division of the~~
19 ~~Legislative Services Commission.~~Environmental Review Commission, the Joint Legislative
20 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal
21 Research Division with the report required by G.S. 159G-26(a) as a single report."

22 **SECTION 5.17.(c)** The first combined report required by subsections (a) and (b) of
23 this section shall be submitted to the Environmental Review Commission, the Joint Legislative
24 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal
25 Research Division no later than November 1, 2016.

26
27 **CONSOLIDATE REPORTS BY SOIL AND WATER CONSERVATION COMMISSION**
28 **AND THE DIVISION OF SOIL AND WATER CONSERVATION OF THE**
29 **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

30 **SECTION 5.18.(a)** G.S. 106-850(e) reads as rewritten:

31 "(e) The Soil and Water Conservation Commission shall report on or before ~~31~~January 31
32 of each year to the Environmental Review Commission, the Department of Agriculture and
33 Consumer Services, and the Fiscal Research Division. This report shall include a list of projects
34 that received State funding pursuant to the program, the results of the evaluations conducted
35 pursuant to subdivision (7) of subsection (b) of this section, findings regarding the effectiveness of
36 each of these projects to accomplish its primary purpose, and any recommendations to assure that
37 State funding is used in the most cost-effective manner and accomplishes the greatest
38 improvement in water quality. This report shall be submitted to the Environmental Review
39 Commission and the Fiscal Research Division with the reports required by G.S. 106-860(e) and
40 G.S. 139-60(d) as a single report."

41 **SECTION 5.18.(b)** G.S. 106-860(e) reads as rewritten:

42 "(e) Report. – The Soil and Water Conservation Commission shall report no later than ~~31~~
43 January 31 of each year to the Environmental Review Commission, the Department of Agriculture
44 and Consumer Services, and the Fiscal Research Division. The report shall include a summary of
45 projects that received State funding pursuant to the Program, the results of the evaluation
46 conducted pursuant to subdivision (5) of subsection (b) of this section, findings regarding the
47 effectiveness of each project to accomplish its primary purpose, and any recommendations to
48 assure that State funding is used in the most cost-effective manner and accomplishes the greatest
49 improvement in water quality. This report shall be submitted to the Environmental Review
50 Commission and the Fiscal Research Division as a part of the report required by G.S. 106-850(e)."

51 **SECTION 5.18.(c)** G.S. 139-60(d) reads as rewritten:

1 "(d) Report. – No later than January 31 of each year, the Division of Soil and Water
2 Conservation of the Department of Agriculture and Consumer Services shall prepare a
3 comprehensive report on the implementation of subsections (a) through (c) of this section. The
4 report shall be submitted to the Environmental Review Commission and the Fiscal Research
5 Division as a part of the report required by G.S. 106-850(e)."

6 **SECTION 5.18.(d)** The first combined report required by subsections (a) through (c)
7 of this section shall be submitted to the Environmental Review Commission and the Fiscal
8 Research Division no later than January 31, 2017.

9
10 **DECREASE REPORTING FREQUENCY ON TERMINAL GROINS PILOT PROJECT**
11 **BY THE COASTAL RESOURCES COMMISSION**

12 **SECTION 5.19.** G.S. 113A-115.1(i) reads as rewritten:

13 "(i) No later than ~~September 1 of each year,~~ January 1, 2017, and every five years
14 thereafter, the Coastal Resources Commission shall report to the Environmental Review
15 Commission on the implementation of this section. The report shall provide a detailed description
16 of each proposed and permitted terminal groin and its accompanying beach fill project, including
17 the information required to be submitted pursuant to subsection (e) of this section. For each
18 permitted terminal groin and its accompanying beach fill project, the report shall also provide all
19 of the following:

- 20 (1) The findings of the Commission required pursuant to subsection (f) of this
21 section.
22 (2) The status of construction and maintenance of the terminal groin and its
23 accompanying beach fill project, including the status of the implementation of
24 the plan for construction and maintenance and the inlet management plan.
25 (3) A description and assessment of the benefits of the terminal groin and its
26 accompanying beach fill project, if any.
27 (4) A description and assessment of the adverse impacts of the terminal groin and
28 its accompanying beach fill project, if any, including a description and
29 assessment of any mitigation measures implemented to address adverse
30 impacts."
31

32 **DECREASE REPORTING FREQUENCY ON PARKS SYSTEM PLAN BY THE**
33 **DEPARTMENT OF NATURAL AND CULTURAL RESOURCES**

34 **SECTION 5.20.** G.S. 143B-135.48(d) reads as rewritten:

35 "(d) No later than ~~October 1 of each year,~~ October 1, 2016, and every five years thereafter,
36 the Department shall submit electronically the State Parks System Plan to the Environmental
37 Review Commission, ~~the Senate and the House of Representatives appropriations committees with~~
38 ~~jurisdiction over natural and cultural resources,~~ the Joint Legislative Oversight Committee on
39 Agriculture and Natural and Economic Resources, and the Fiscal Research Division. Concurrently,
40 the Department shall submit a summary of each change to the Plan that was made during the
41 previous ~~fiscal year~~ five fiscal years."
42

43 **REDIRECT INTERAGENCY REPORT ON SUPERFUND COST SHARE TO THE ANER**
44 **OVERSIGHT COMMITTEE**

45 **SECTION 5.21.** Section 15.6 of S.L. 1999-237 reads as rewritten:

46 "Section 15.6.(a) The Department of ~~Environment and Natural Resources~~ Environmental
47 Quality may use available funds, with the approval of the Office of State Budget and
48 Management, to provide the ten percent (10%) cost share required for Superfund cleanups on the
49 National Priority List sites, to pay the operating and maintenance costs associated with these
50 Superfund cleanups, and for the cleanup of priority inactive hazardous substance or waste disposal

1 sites under Part 3 of Article 9 of Chapter 130A of the General Statutes. These funds may be in
2 addition to those appropriated for this purpose.

3 "Section 15.6.(b) The Department of ~~Environment and Natural Resources~~Environmental
4 Quality and the Office of State Budget and Management shall report to the ~~Environmental Review~~
5 ~~Commission and the Joint Legislative Commission on Governmental Operations~~Joint Legislative
6 Oversight Committee on Agriculture and Natural and Economic Resources the amount and the
7 source of the funds used pursuant to subsection (a) of this section within 30 days of the
8 expenditure of these funds."
9

10 **REDIRECT REPORT ON EXPENDITURES FROM BERNARD ALLEN EMERGENCY** 11 **DRINKING WATER FUND TO ANER OVERSIGHT COMMITTEE**

12 **SECTION 5.22.** G.S. 87-98(e) reads as rewritten:

13 "(e) The Department, in consultation with the Commission for Public Health and local
14 health departments, shall report no later than October 1 of each year to the ~~Environmental Review~~
15 ~~Commission, the House of Representatives and Senate Appropriations Subcommittees on Natural~~
16 Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and
17 the Fiscal Research Division of the General Assembly on the implementation of this section. The
18 report shall include the purpose and amount of all expenditures from the Fund during the prior
19 fiscal year, a discussion of the benefits and deficiencies realized as a result of the section, and may
20 also include recommendations for any legislative action."
21

22 **REDIRECT REPORT ON PARKS AND RECREATION TRUST FUND TO THE ANER** 23 **OVERSIGHT COMMITTEE**

24 **SECTION 5.23.** G.S. 143B-135.56(f) reads as rewritten:

25 "(f) Reports. – The North Carolina Parks and Recreation Authority shall report no later
26 than October 1 of each year to the Joint Legislative ~~Commission on Governmental Operations, the~~
27 ~~House and Senate Appropriations Subcommittees on Natural and Economic Resources, Oversight~~
28 Committee on Agriculture and Natural and Economic Resources, the Fiscal Research Division,
29 and the Environmental Review Commission on allocations from the Trust Fund from the prior
30 fiscal year. For funds allocated from the Trust Fund under subsection (c) of this section, this report
31 shall include the operating expenses determined under subdivisions (1) and (2) of subsection (e) of
32 this section."
33

34 **PART VI. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

35 **SECTION 6.1.** If any section or provision of this act is declared unconstitutional or
36 invalid by the courts, it does not affect the validity of this act as a whole or any part other than the
37 part declared to be unconstitutional or invalid.

38 **SECTION 6.2.** Except as otherwise provided, this act is effective when it becomes
39 law.