

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 553
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/23/19
Third Edition Engrossed 6/10/19

Short Title: Regulatory Reform Act of 2019.

(Public)

Sponsors:

Referred to:

April 3, 2019

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:

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6 **PART I. STATE AND LOCAL GOVERNMENT REGULATION**

7
8 **INCREASE LIMITS ON PUBLIC EMPLOYEES BENEFITTING FROM PUBLIC**
9 **CONTRACTS**

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

11 "**§ 14-234. Public officers or employees benefiting from public contracts; exceptions.**

12 ...

13 (d1) Subdivision (a)(1) of this section does not apply to (i) any elected official or person
14 appointed to fill an elective office of a village, town, or city having a population of no more than
15 15,000 according to the most recent official federal census, (ii) any elected official or person
16 appointed to fill an elective office of a county within which there is located no village, town, or
17 city with a population of more than 15,000 according to the most recent official federal census,
18 (iii) any elected official or person appointed to fill an elective office on a city board of education
19 in a city having a population of no more than 15,000 according to the most recent official federal
20 census, (iv) any elected official or person appointed to fill an elective office as a member of a
21 county board of education in a county within which there is located no village, town or city with
22 a population of more than 15,000 according to the most recent official federal census, (v) any
23 physician, pharmacist, dentist, optometrist, veterinarian, or nurse appointed to a county social
24 services board, local health board, or area mental health, developmental disabilities, and
25 substance abuse board serving one or more counties within which there is located no village,
26 town, or city with a population of more than 15,000 according to the most recent official federal
27 census, and (vi) any member of the board of directors of a public hospital if all of the following
28 apply:

- 29 (1) The undertaking or contract or series of undertakings or contracts between the
30 village, town, city, county, county social services board, county or city board
31 of education, local health board or area mental health, developmental
32 disabilities, and substance abuse board, or public hospital and one of its
33 officials is approved by specific resolution of the governing body adopted in
34 an open and public meeting, and recorded in its minutes and the amount does
35 not exceed twenty thousand dollars (\$20,000) for medically related services



and ~~forty thousand dollars (\$40,000)~~ sixty thousand dollars (\$60,000) for other goods or services within a 12-month period.

(2) The official entering into the contract with the unit or agency does not participate in any way or vote.

(3) The total annual amount of contracts with each official, shall be specifically noted in the audited annual financial statement of the village, town, city, or county.

(4) The governing board of any village, town, city, county, county social services board, county or city board of education, local health board, area mental health, developmental disabilities, and substance abuse board, or public hospital which contracts with any of the officials of their governmental unit shall post in a conspicuous place in its village, town, or city hall, or courthouse, as the case may be, a list of all such officials with whom such contracts have been made, briefly describing the subject matter of the undertakings or contracts and showing their total amounts; this list shall cover the preceding 12 months and shall be brought up-to-date at least quarterly.

...."

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

AMENDMENTS TO THE 2018 NORTH CAROLINA BUILDING CODE AND PLUMBING CODE

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

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

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

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

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

MODIFY REAL ESTATE LICENSING REQUIREMENTS FOR TIME SHARE SALESPEOPLE

SECTION 3. G.S. 93A-40(a) reads as rewritten:

"(a) It shall be unlawful for any person in this State to engage or assume to engage in the business of a time share salesperson ~~without first obtaining a real estate broker license issued by~~

1 ~~the North Carolina Real Estate Commission under the provisions of Article 1 of this Chapter,~~
2 ~~and it shall be unlawful for a time share developer or time share salesperson to sell or offer to~~
3 ~~sell a time share located in this State without the time share developer first obtaining a certificate~~
4 ~~of registration for the time share project to be offered for sale issued by the North Carolina Real~~
5 ~~Estate Commission under the provisions of this Article. A time share salesperson shall be a~~
6 ~~licensed real estate broker subject to the provisions of this Chapter unless the time share~~
7 ~~salesperson meets the requirement for exemption set forth in G.S. 93A-2(c)(1) or is an employee~~
8 ~~of the registered time share developer, and their income is reported on IRS Form W-2."~~
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10 **STUDY ONLINE CONTINUING EDUCATION REQUIREMENTS**

11 **SECTION 4.(a)** Every occupational licensing board as defined in Chapter 93B of
12 the General Statutes shall study and report on any available options offered for online continuing
13 education if continuing education is a requirement for licensure under the occupational licensing
14 board's applicable laws or regulations. The study and report shall include:

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

27 **SECTION 4.(b)** Each occupational licensing board required to study and report
28 under subsection (a) of this section shall provide its report to the Joint Legislative Administrative
29 Procedure Oversight Committee and the Program Evaluation Division no later than December 1,
30 2019.

31 **PART II. AGRICULTURE, ENERGY, ENVIRONMENT, AND NATURAL** 32 **RESOURCES REGULATION**

33 **REPURPOSE PRE-REGULATORY LANDFILL FUNDS**

34 **SECTION 6.** Section 13.2 of S.L. 2018-5, as amended by Section 4.2 of S.L.
35 2018-97, reads as rewritten:

36 **"SECTION 13.2.** Notwithstanding G.S. 130A-310.11(b), up to two million dollars
37 (\$2,000,000) of the funds credited to the Inactive Hazardous Sites Cleanup Fund under
38 G.S. 105-187.63 for the assessment and remediation of pre-1983 landfills shall instead be used
39 by the Department of Environmental Quality's Division of Waste Management to provide a
40 matching grant to Charlotte Motor Speedway, LLC, (CMS) for the purpose of remediation
41 activities at the Charlotte Motor Speedway in Cabarrus County. The Division shall provide one
42 dollar (\$1.00) for every ~~two one~~ non-State ~~dollars (\$2.00) dollar (\$1.00)~~ provided in kind or
43 otherwise, up to a maximum of two million dollars (\$2,000,000) for the matching grant described
44 in this section. CMS may allocate all or a portion of the grant provided by this section to an entity
45 that controls CMS or an entity controlled by CMS. Entities receiving such an allocation shall be
46 considered a subgrantee as defined in G.S. 143C-6-23."
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50 **CLARIFY LANDFILL LIFE-OF-SITE FRANCHISE REQUIREMENTS**

51 **SECTION 7.** G.S. 130A-294(a4) reads as rewritten:

1 "(a4) In order to preserve long-term disposal capacity, a life-of-site permit issued for a
2 sanitary landfill shall survive the expiration of a local government approval or franchise, and the
3 local government shall allow the sanitary landfill to continue to operate until the term of the
4 landfill's life-of-site permit expires provided that the owner or operator ~~has complied is in~~
5 substantial compliance with the terms of the local government approval or franchise ~~agreement,~~
6 ~~and remains in compliance with those terms after expiration of the approval or agreement until~~
7 ~~the life of site permit has expired.~~ agreement. In order to preserve any economic benefits
8 included in the franchise, the County may extend the franchise under the same terms and
9 conditions for the term of the life-of-site permit. The extension of the franchise hereby shall not
10 trigger the requirements for a new permit, a major permit modification, or a substantial
11 amendment to the permit. This subsection only applies to valid and operative franchise
12 agreements in effect on October 1, 2015."

13
14 **ALLOW FLOOD HAZARD AREA FILL FOR AGRICULTURAL USES WHEN**
15 **IMPACT IS FLOOD STORAGE NEUTRAL**

16 **SECTION 8.** G.S. 143-215.54 reads as rewritten:

17 **"§ 143-215.54. Regulation of flood hazard areas; prohibited uses.**

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

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

- 24 (1) General farming, pasture, outdoor plant nurseries, horticulture, forestry,
25 mining, wildlife sanctuary, game farm, aquaculture, and other similar
26 agricultural, wildlife and related ~~uses;uses.~~
- 27 (2) Ground level loading areas, parking areas, rotary aircraft ports and other
28 similar ground level area ~~uses;uses.~~
- 29 (3) Lawns, gardens, play areas and other similar ~~uses;uses.~~
- 30 (4) Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds,
31 parks, hiking or horseback riding trails, open space and other similar private
32 and public recreational uses.
- 33 (5) Land application of waste at agronomic rates consistent with a permit issued
34 under Part 1 or Part 1A of Article 21 of Chapter 143 of the General Statutes
35 or an approved animal waste management plan.
- 36 (6) Land application of septage consistent with a permit issued under
37 G.S. 130A-291.1.

38 **(b1)** A local government may not adopt ordinances or require permits to regulate uses
39 allowed under subdivision (1) of subsection (b) of this section in flood hazard areas, if the loss
40 of flood storage capacity in the flood hazard area caused by the new use is offset by the use of
41 compensatory storage. If, however, the loss of flood storage capacity in the flood hazard area
42 caused by the new use is not offset by the use of compensatory storage, a local government may
43 adopt ordinances or require permits to regulate uses allowed under subdivision (1) of subsection
44 (b) of this section in flood hazard areas. In the case of a permit required by a local government
45 as allowed by this subsection, a local government is authorized to charge an application fee in an
46 amount not to exceed one hundred dollars (\$100.00).

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

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51 **STUDY EXPRESS PERMITTING EXPANSION**

1 **SECTION 9.** The Department of Environmental Quality shall study and report on
2 additional positions and funding needed as well as any changes in State or federal laws and
3 regulations necessary to expand the Department's express permitting programs to include
4 additional types of permits typically required for job creating and real estate development or
5 redevelopment activities. Additional permits considered in the study shall include, at a minimum,
6 permits for facilities not discharging to the surface waters of the State under Article 21 of Chapter
7 143 of the General Statutes and permits to apply petroleum contaminated soil to land authorized
8 under G.S. 143-215.1. The Department shall provide its report and recommendations to the
9 Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture
10 and Natural and Economic Resources, and the Fiscal Research Division no later than March 1,
11 2020.

12 **AMEND SEPTIC TANK SITE SUITABILITY DETERMINATION PROCESS**

13 **SECTION 9.1.** G.S. 130A-335 is amended by adding a new subsection to read:

14 "(j) Notwithstanding any other provision of law, a local health department may determine
15 site suitability for a ground absorption sewage treatment and disposal system under rules adopted
16 by the Commission or based on written documentation, including engineering, hydrogeologic,
17 geologic, or soil studies, that indicates all of the following:

18 (1) The system can be installed so that the effluent will be nonpathogenic,
19 noninfectious, nontoxic, and nonhazardous.

20 (2) The effluent will not contaminate groundwater or surface water.

21 (3) The effluent will not be exposed on the ground surface or be discharged to
22 surface waters where it could come into contact with people, animals, or
23 vectors."

24 **PART III. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

25 **SECTION 10.(a)** If any section or provision of this act is declared unconstitutional
26 or invalid by the courts, it does not affect the validity of this act as a whole or any part other than
27 the part declared to be unconstitutional or invalid.

28 **SECTION 10.(b)** Except as otherwise provided, this act is effective when it becomes
29 law.
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