

The Daily Bulletin: 2024-06-25

PUBLIC/HOUSE BILLS

H 385 (2023-2024) **VARIOUS ENERGY/ENV. CHANGES. (NEW)** Filed Mar 15 2023, *AN ACT TO AMEND VARIOUS LAWS RELATING TO ENERGY AND ENVIRONMENTAL MATTERS.*

Senate committee substitute to the 2nd edition makes the following changes.

Part II

Section 2

Makes a clarifying change to the title of GS 1D-27 (concerning exempting injury to certain facilities from the punitive damages cap).

Part III

Section 3

Clarifies that the effective date of new Article 3 (prohibiting adversarial foreign governments from acquiring high purity quartz) applies only to ownership interests (was, interests in land) acquired on or after the act becomes law.

Part IV

Section 4

Specifies that GS 143-214.1A (water certification projects) applies to electric generation projects (was, just projects) at or near an existing or former electric generating facility, in addition to those that fall under Section 401 of the federal Clean Water Act.

Part V

Section 5

Moves all of Part V (provisions changing the implementation of the Replacement of Existing Structures Rule) to Part XIV and replaces it with the following content from Part XIV with the following changes.

Moves new GS 162A-900 (concerning limitations on allocating service for residential development) into the section. Now prevents local government units from requiring applicants for water and sewer service for *residential development* (defined) to agree to conditions not otherwise authorized by law or offers to consent to any condition not otherwise authorized by law, including: (1) payment of taxes, impact fees or other fees, or contributions to any fund; (2) adherence to restrictions on land development or land use; and (3) adherence to any restrictions related to building design elements.

Prevents local government units from implementing a scoring system or preference system to allocate water or sewer service applicants for residential development that now includes four listed matters, including considering building design elements, setting minimum square footage, or requiring additional fire apparatus roads that are not in compliance with the required number of such roads set forth in the NC Residential Code.

Part X

Section 10

Amends GS 113A-103 by excluding from the definition of *development*, as that term is used in the Coastal Area Management Act, floating structures used primarily for aquaculture and associated with an active shellfish cultivation lease area or franchise (was, just floating structures used for aquaculture). Makes conforming change.

Part XI

Removes all of former Part XI (amending various statutes related to coastal development) and replaces it with the following new content.

Section 11

Adds new GS 113A-113.1 (requiring the Office of State Archeology [OSA] to provide information to owners and prospective purchasers in areas of environmental concern). Requires OSA to, upon request of an owner or prospective purchaser of land located in an area of environmental concern, to provide the owner or prospective purchaser with information as to any known or suspected archaeological or historical significance of the property, including any supporting evidence. Beginning either October 1, 2024, or 60 days after the provision described below is reported as approved, specifies that if OSA has informed the requesting party that there is no known or suspected archaeological or historical significance associated with the property, then prohibits OSA for a period of three years thereafter from adding a condition to a permit that requires or restricts a permittee's activity with respect to the property based on any archaeological or historical significance of the property unless a new finding or study indicates otherwise. If a new finding or study reveals information to support imposition of such a condition in a permit issued within the three-year period, requires OSA to notify the prospective purchaser or owner of the finding or study prior to imposition of the condition.

Requires OSA to apply for any State, federal, or private grant funding available to purchase properties within areas of environmental concern of exceptional archaeological or historical significance to the State.

Requires the Department of Environmental Quality (DEQ), by no later than August 1, 2024, to prepare and submit GS 113A-113.1 to the US National Oceanic and Atmospheric Administration (NOAA) for approval. Requires DEQ to report to the Environmental Review Commission quarterly on its activities under GS 113A-113.1 starting September 1, 2024, and ending when the NCGA repeals the reporting requirement. Effective August 1, 2024.

Part XIII

Section 13

Removes proposed defined terms *plan set* and *technical review period* from GS 130A-328 (concerning public water systems operating permits). Changes the applicability of the new process set forth in the act to authorizations for water distribution systems (previously included ground water systems, surface water systems, and distribution systems). Increases the time that DEQ has to review a *complete application* (now defined) from 30 days to 45 calendar days. Specifies that the 45-day review period begins when a professional engineer provides certification that the design meets or exceeds the Minimum Design Criteria developed by DEQ for the project. Requires DEQ's initial review of an application to determine if all required information is included, and makes conforming changes. Replaces references to "plan set" with references to "application." Allows DEQ to send notice of a completed application also by letter (was, just electronic notice). Removes provisions pertaining to the extension of the technical review period if requested information is not received within five days of DEQ's request. Makes technical changes. Now requires DEQ to return the application to the applicant if DEQ requests additional information to complete the technical review and the applicant does not provide that information within 30 days of DEQ's request (was, 15 days). Pauses the 45-day review period while DEQ awaits any requested information. Removes provisions requiring the applicant to provide a new application fee upon resubmission of a returned plan for failure to supplement with requested information. Unpauses the clock for the 45-day technical review period upon DEQ's timely receipt of requested information. Removes provisions requiring return of portions of application fee for each day DEQ goes beyond the review period. Instead, specifies that if DEQ goes beyond the technical review period, the authorization to construct will be deemed approved. Removes provisions pertaining to guidance documents. Makes conforming changes to the effective date.

Part XIV

Moves all of Part V (provisions changing the implementation of the Replacement of Existing Structures Rule) to Part XIV, subject to the following changes.

Section 14

Amends the act's definition of Replacement of Existing Structure Rule and CAMA Rules (Subchapter 07J of 15A NCAC) under 15A NCAC 07J .0210 as follows. Expands the amount a dock, pier, or walkway damaged or destroyed by fire or other natural elements to include the lesser of five feet or 5% (was, just five feet) without need for a CAMA permit for repair.

Exempts docks and piers that are greater than six feet in width, greater than 800 square feet of platform area, or adjacent to a federal navigation channel from the new interpretation of the rule.

Amends GS 160D-1104 (duties and responsibilities pertaining to building code enforcement) so that an inspection department must notify the Division of Coastal Management of a replacement of a dock, pier, catwalk, or walkway in a coastal area no later than 60 days after the inspection department's inspection.

Prohibits the NC Residential Building Code from requiring a professional engineer or architect to design or otherwise certify the construction of residential docks, piers, or catwalks or walkways.

Part XV

Section 15

Amends GS 130A-330 (concerning local authority to require backflow preventers) to have the 3-year limits on periodic testing apply only to backflow preventers installed or replaced within the last ten years. Amends defined term *certified backflow prevention assembly tester*. Adds *qualified instructor* and *training program* as defined terms.

Part XVII

Section 17

Beginning either October 1, 2024, or 60 days after the provision described below is reported as approved, amends GS 113A-115.1 (limitations on erosion control structures) as follows.

Specifies that if a permanent erosion control structure originally permitted pursuant to a variance granted by the Environmental Review Commission (Commission) prior to July 1, 1995, consists of a field of geotextile sand tubes, the field may be replaced with rock erosion control structures subject to four listed criteria. Requires the Commission to permit replacement of the geotextile sand tubes with rock erosion control structures meeting that criteria as replacement of the permanent erosion control structure originally permitted. Directs that a permanent erosion control structure is not a terminal groin and is not subject to the provisions of this section applicable to terminal groins. Expands the permits that the Commission may issue for the construction of a terminal groin from six to seven.

Specifies that DEQ must submit an application to NOAA for approval of the changes to GS 113A-115.1 by no later than July 1, 2024. Requires DEQ to report its activities to the Commission starting September 1, 2024, until the reporting requirements are repealed by the NCGA.

Part XVIII

Section 18

Amends GS 106-701 (right to farm defense in nuisance actions) to include compost facilities as one of the agricultural operations entitled to assert the defense by adding facilities for the production of compost for commercial purposes to those meeting the definition of *agricultural operation*.

Removes Part VIII: provisions amending GS 62-133.20 (cleanfields renewal energy demonstration parks); removes Part VIII: when enacted new GS 62-133.8A (renewable energy certificates for natural gas generated from renewable energy resources). Makes conforming organizational changes.

Part XIX

Moves the contents of prior Part XVII into new Section 19.

Makes technical and organizational changes. Amends the act's long title.

Intro. by McNeely, Moss.

[GS 1D, GS 14, GS 62, GS 64, GS 106, GS 113A, GS 130A, GS 143, GS 143B, GS 150B, GS 159G, GS 160D, GS 162A](#)

[View summary](#)

[Agriculture, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing,](#)

Building and Construction, Environment, Aquaculture and Fisheries, Energy, Environment/Natural Resources, Government, APA/Rule Making, State Agencies, Department of Agriculture and Consumer Services, Department of Environmental Quality (formerly DENR), Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities

PUBLIC/SENATE BILLS

S 914 (2023-2024) **BOG VACANCY**. Filed Jun 25 2024, *A SENATE RESOLUTION ELECTING KATHRYN CRISP GREELEY TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.*

Includes whereas clauses. Elects Kathryn Crisp Greeley to the UNC Board of Governors to fill the vacancy caused by the resignation of Lee Roberts, for a term commencing upon the effective date of this resolution and ending June 30, 2025.

Intro. by Rabon.

[SENATE RES](#)

[View summary](#)

[Government, State Agencies, UNC System](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 74: MODIFY COUNCIL OF STATE VACANCIES.

House: Serial Referral To Judiciary 1 Stricken

House: Withdrawn From Com

House: Re-ref Com On Rules, Calendar, and Operations of the House

H 199: DMV PROPOSED LEGISLATIVE CHANGES.-AB

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

House: Placed On Cal For 06/26/2024

House: Placed On Cal For 06/26/2024

H 317: ADJUSTMENTS TO THE 2023 APPROPRIATIONS ACT (NEW).

House: Special Message Received For Concurrence in S Com Sub

House: Ref To Com On Rules, Calendar, and Operations of the House

H 385: VARIOUS ENERGY/ENV. CHANGES. (NEW)

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 563: HEMP-DERIVED CONSUMABLES/CON SUB CHANGES. (NEW)

House: Special Message Received For Concurrence in S Com Sub

House: Ref To Com On Rules, Calendar, and Operations of the House

House: Ref To Com On Rules, Calendar, and Operations of the House

H 593: VARIOUS LOCAL LAWS (NEW).

Senate: Passed 3rd Reading

Senate: Engrossed

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Ruled Material

House: Cal Pursuant 36(b)

House: Placed On Cal For 06/26/2024

H 690: NO CENTRL BANK DIGITAL CURRENCY PMTS TO STATE. (NEW)

Senate: Reptd Fav

Senate: Withdrawn From Cal

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

House: Placed On Cal For 06/26/2024

H 693: REPOSSESSION OF MANUFACTURED SIGN.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

H 912: 2024 UNC SELF-LIQUIDATING CAPITAL PROJECTS.

House: Pres. To Gov. 6/25/2024

H 942: SHALOM ACT.

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate

H 971: HUMAN TRAFFICKING CHANGES. (NEW)

House: Withdrawn From Com

House: Placed On Cal For 06/26/2024

S 88: VARIOUS ELECTIONS CHANGES (NEW).

Senate: Passed 2nd Reading

S 90: SCHOOLS FOR THE DEAF AND BLIND TRANSITION. (NEW)

Senate: Failed Concur In H Com Sub

Senate: Conf Com Appointed

S 166: 2024 BLDG. CODE REGULATORY REFORM. (NEW)

Senate: Conf Com Appointed

S 319: CAPTIVE INSURANCE REVISIONS/ONLINE AUCTIONS. (NEW)

Senate: Ratified

S 425: HHS OMNIBUS. (NEW)

Senate: Conf Com Appointed

S 445: RECORDING OF COURT-FILED DOCUMENTS.

House: Withdrawn From Com

House: Re-ref to the Com on Judiciary 2, if favorable, Rules, Calendar, and Operations of the House

S 559: ENABLE CERTAIN CHARTER SCHOOLS TO ELECT SHP. (NEW)

Senate: Failed Concur In H Com Sub

Senate: Conf Com Appointed

S 914: BOG VACANCY.

Senate: Filed

LOCAL BILLS

H 909: VARIOUS LOCAL PROVISIONS I. (NEW)

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

House: Placed On Cal For 06/26/2024

House: Placed On Cal For 06/26/2024

H 911: VARIOUS LOCAL PROVISIONS II. (NEW)

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

House: Placed On Cal For 06/26/2024

House: Placed On Cal For 06/26/2024

H 1064: VARIOUS LOCAL PROVISIONS III (NEW).

Senate: Passed 3rd Reading

Senate: Engrossed

Senate: Special Message Sent To House

House: Special Message Received For Concurrence in S Com Sub

House: Cal Pursuant 36(b)

House: Placed On Cal For 06/26/2024

S 902: DURHAM COUNTY OCCUPANCY TAX MODIFICATIONS.

Senate: Reptd Fav

Senate: Withdrawn From Cal

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Special Message Received From Senate

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