

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

3

SENATE BILL 768
Second Edition Engrossed 6/6/22
House Committee Substitute Favorable 6/28/22

Short Title: GSC Technical Corrections 2022/Additional TC.

(Public)

Sponsors:

Referred to:

May 24, 2022

A BILL TO BE ENTITLED
AN ACT TO UPDATE CROSS-REFERENCES THROUGHOUT THE GENERAL
STATUTES TO CONFORM TO THE CONSOLIDATED CHAPTER ON LAND-USE
LAWS, TO MAKE OTHER TECHNICAL CORRECTIONS, AS RECOMMENDED BY
THE GENERAL STATUTES COMMISSION, AND TO MAKE AN ADDITIONAL
TECHNICAL CORRECTION.

The General Assembly of North Carolina enacts:

**PART I. CONFORMING CROSS-REFERENCES TO LAND-USE LAWS, AS
RECOMMENDED BY THE GENERAL STATUTES COMMISSION**

SECTION 1. G.S. 18B-904 reads as rewritten:

"§ 18B-904. Miscellaneous provisions concerning permits.

...

(g) Nothing in this Chapter shall be deemed to preempt local governments from regulating the location or operation of adult establishments or other sexually oriented businesses to the extent consistent with the constitutional protection afforded free speech, or from requiring any additional fee for licensing as permitted under ~~G.S. 160A-181.1(e)~~ G.S. 160D-902(c).

...."

SECTION 2. G.S. 20-81.12 reads as rewritten:

"§ 20-81.12. Collegiate insignia plates and certain other special plates.

...

(b51) Historical Attraction Plates. – The Division must receive 300 or more applications for an historical attraction plate representing a publicly owned or nonprofit historical attraction located in North Carolina and listed below before the plate may be developed. The Division must transfer quarterly the money in the Collegiate and Cultural Attraction Plate Account derived from the sale of historical attraction plates to the organizations named below in proportion to the number of historical attraction plates sold representing that organization:

(1) Historical Attraction Within Historic District. – The revenue derived from the special plate shall be transferred quarterly to the appropriate Historic Preservation Commission, or entity designated as the Historic Preservation Commission, and used to maintain property in the historic district in which the attraction is located. As used in this subdivision, the term "historic district" means a district created under ~~G.S. 160A-400.4~~ G.S. 160D-944.

(2) Nonprofit Historical Attraction. – The revenue derived from the special plate shall be transferred quarterly to the nonprofit corporation that is responsible



for maintaining the attraction for which the plate is issued and used to develop and operate the attraction.

- (3) State Historic Site. – The revenue derived from the special plate shall be transferred quarterly to the Department of Natural and Cultural Resources and used to develop and operate the site for which the plate is issued. As used in this subdivision, the term "State historic site" has the same meaning as in G.S. 121-2(11).

...."

SECTION 3. G.S. 40A-3 reads as rewritten:

"§ 40A-3. By whom right may be exercised.

...

(b) Local Public Condemnors – Standard Provision. – For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property, either inside or outside its boundaries, for the following purposes.

...

- (8) Acquiring designated historic properties, designated as such before October 1, 1989, or acquiring a designated landmark designated as such on or after October 1, 1989, for which an application has been made for a certificate of appropriateness for demolition, in pursuance of the purposes of ~~G.S. 160A 399.3, Chapter 160A, Article 19, Part 3B, effective until October 1, 1989, or G.S. 160A 400.14, whichever is appropriate.~~ G.S. 160D-949.

...

(b1) Local Public Condemnors – Modified Provision for Certain Localities. – For the public use or benefit, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property or interest therein, either inside or outside its boundaries, for the following purposes.

...

- (8) Acquiring designated historic properties, designated as such before October 1, 1989, or acquiring a designated landmark designated as such on or after October 1, 1989, for which an application has been made for a certificate of appropriateness for demolition, in pursuance of the purposes of ~~G.S. 160A 399.3, Chapter 160A, Article 19, Part 3, effective until October 1, 1989, or G.S. 160A 400.14, whichever is appropriate.~~ G.S. 160D-949.

...."

SECTION 4. G.S. 42A-3 reads as rewritten:

"§ 42A-3. Application; exemptions.

(a) ~~The provisions of this Chapter shall apply~~ This Chapter applies to any person, partnership, corporation, limited liability company, association, or other business entity ~~who that~~ acts as a landlord or real estate broker engaged in the rental or management of residential property for vacation rental as defined in this Chapter. ~~The provisions of G.S. 160A 424 and G.S. 153A 364 shall apply~~ G.S. 160D-1117 applies to properties covered under this Chapter.

(b) ~~The provisions of this Chapter shall not apply to:~~ This Chapter does not apply to any of the following:

- (1) Lodging provided by hotels, motels, tourist camps, and other places subject to regulation under Chapter 72 of the General Statutes.
- (2) Rentals to persons temporarily renting a dwelling unit when traveling away from their primary residence for business or employment purposes.
- (3) Rentals to persons having no other place of primary residence.
- (4) Rentals for which no more than nominal consideration is given."

SECTION 5. G.S. 44A-11.2 reads as rewritten:

1 **"§ 44A-11.2. Identification of lien agent; notice to lien agent; effect of notice.**

2 ...

3 (d) For any improvement to real property subject to G.S. 44A-11.1, any building permit

4 issued pursuant to ~~G.S. 160A-417(d) or G.S. 153A-357(e)~~ G.S. 160D-1110(g) shall be

5 conspicuously and continuously posted on the property for which the permit is issued until the

6 completion of all construction.

7 "

8 **SECTION 6.** G.S. 44A-24.2 reads as rewritten:

9 **"§ 44A-24.2. Definitions.**

10 The following definitions apply in this Part:

11 ...

12 (3) Commercial real estate. – Any real property or interest therein, whether

13 freehold or nonfreehold, which at the time the property or interest is made the

14 subject of an agreement for broker services:

15 a. Is lawfully used primarily for sales, office, research, institutional,

16 agricultural, forestry, warehouse, manufacturing, industrial, or mining

17 purposes or for multifamily residential purposes involving five or

18 more dwelling units;

19 b. May lawfully be used for any of the purposes listed in sub-subdivision

20 (3)a. of this section by a zoning ordinance adopted pursuant to the

21 provisions of ~~Article 18 of Chapter 153A or Article 19 of Chapter~~

22 ~~160A-Chapter 160D~~ of the General Statutes or which is the subject of

23 an official application or petition to amend the applicable zoning

24 ordinance to permit any of the uses listed in sub-subdivision (3)a. of

25 this section which is under consideration by the government agency

26 with authority to approve the amendment; or

27 c. Is in good faith intended to be immediately used for any of the

28 purposes listed in sub-subdivision (3)a. of this section by the parties to

29 any contract, lease, option, or offer to make any contract, lease, or

30 option.

31 "

32 **SECTION 7.** G.S. 62-100 reads as rewritten:

33 **"§ 62-100. Definitions.**

34 As used in this Article:

35 ...

36 (5) The word "municipality" means any incorporated community, whether

37 designated as a city, town, or village and any area over which it exercises any

38 of the powers granted by ~~Article 19 of Chapter 160A-Chapter 160D~~ of the

39 General Statutes.

40 "

41 **SECTION 8.** G.S. 87-14 reads as rewritten:

42 **"§ 87-14. Regulations as to issue of building permits.**

43 (a) Any person, firm, or corporation, upon making application to the building inspector

44 or ~~such~~ other authority of any incorporated city, town, or county in North Carolina charged with

45 the duty of issuing building or other permits for the construction of any building, highway, sewer,

46 grading, or any improvement or structure where the cost ~~thereof~~ is to be thirty thousand dollars

47 (\$30,000) or more, shall, before being entitled to ~~the issuance of~~ a permit, satisfy the following:

48 (1) Furnish satisfactory proof to the inspector or authority that the ~~person~~

49 applicant seeking the permit or another person contracting to superintend or

50 manage the construction is ~~duly~~ licensed under ~~the terms of~~ this Article to

51 carry out or superintend the construction or is exempt from licensure under

G.S. 87-1(b). If an applicant claims an exemption from licensure pursuant to G.S. 87-1(b)(2), the applicant for the building permit shall execute a verified affidavit attesting to the following:

- a. That the ~~person-applicant~~ is the owner of the property on which the building is being constructed ~~or, in the case of and, if the applicant is a firm or corporation, is legally authorized to act on behalf that the person submitting the application is an owner, officer, or member of the firm or corporation.~~ corporation that owns the property.
- b. That the ~~person-applicant~~ will personally superintend and manage all aspects of the construction of the building and that the duty will not be delegated to any other person not duly licensed under the terms of this Article.
- c. That the ~~person-applicant~~ will be personally present for all inspections required by the North Carolina State Building Code, unless the plans for the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes.

The building inspector or other authority shall transmit a copy of the affidavit to the Board, ~~who~~ which shall verify that the applicant was validly entitled to claim the exemption under G.S. 87-1(b)(2). If the Board determines that the applicant was not entitled to claim the exemption under G.S. 87-1(b)(2), the building permit shall be revoked pursuant to ~~G.S. 153A-362 or G.S. 160A-422.~~ G.S. 160D-1115.

- (2) Furnish proof that the ~~person-applicant~~ has in effect Workers' Compensation insurance as required by Chapter 97 of the General Statutes.

~~(3)(a1)~~ Any person, firm, or corporation, upon making application to the building inspector or such other authority of any incorporated city, town, or county in North Carolina charged with the duty of issuing building permits pursuant to ~~G.S. 160A-417(a)(1) or G.S. 153A-357(a)(1)~~ G.S. 160D-1110 for any improvements for which the combined cost is to be thirty thousand dollars (\$30,000) or more, other than for improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory building or accessory structure as defined in the North Carolina Uniform Residential Building Code, the use of which is incidental to that residential dwelling unit, shall be required to provide to the building inspector or other authority the name, physical and mailing address, telephone number, facsimile number, and ~~electronic mail~~ email address of the lien agent designated by the owner pursuant to G.S. 44A-11.1(a).

(b) It ~~shall be~~ is unlawful for the building inspector or other authority to issue or allow the issuance of a building permit pursuant to this section unless and until the applicant has furnished evidence that the applicant ~~is either exempt from the provisions of this Article and, if applicable, fully complied with the provisions of subdivision (a)(1) of this section, or is duly licensed under this Article to carry out or superintend the work for which permit has been applied; and further, that the applicant has in effect Workers' Compensation insurance as required by Chapter 97 of the General Statutes.~~ has complied with subsection (a) of this section. Any building inspector or other authority ~~who~~ that is subject to and violates the terms of this section ~~shall be~~ is guilty of a Class 3 misdemeanor and subject only to a fine of not more than fifty dollars (\$50.00)."

SECTION 9. G.S. 106-678 reads as rewritten:

"§ 106-678. Authority to regulate fertilizers.

No county, city, or other political subdivision of the State shall adopt or continue in effect any ordinance or resolution regulating the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, manufacture, or application of fertilizer. Nothing in this section shall prohibit a county, city, or other political subdivision of the State from exercising its

1 planning and zoning authority under ~~Article 19 of Chapter 160A of the General Statutes or Article~~
2 ~~18 of Chapter 153A Chapter 160D~~ of the General Statutes or from exercising its fire prevention
3 or inspection authority. Nothing in this section shall limit the authority of the Department of
4 Environmental Quality or the Environmental Management Commission to enforce water quality
5 standards. Nothing in this section shall prohibit a county, city, or other political subdivision of
6 the State from adopting ordinances regulating fertilizers to protect water quality, provided that
7 the ordinances have been approved by the Environmental Management Commission or the
8 Department of Environmental Quality as part of a local plan or National Pollutant Discharge
9 Elimination System permit application and do not exceed the State's minimum requirements to
10 protect water quality as established by the Environmental Management Commission under Part
11 1 of Article 21 of Chapter 143 of the General Statutes. Nothing in this section shall prohibit a
12 county or city from exercising its authority to regulate explosive, corrosive, inflammable, or
13 radioactive substances pursuant to G.S. 153A-128 or G.S. 160A-183."

14 **SECTION 10.** G.S. 106-738 reads as rewritten:

15 **"§ 106-738. Voluntary agricultural districts.**

16 ...

17 (c) A county ordinance adopted pursuant to this Part is effective within the
18 unincorporated areas of the county. A city ordinance adopted pursuant to this Part is effective
19 within the corporate limits of the city. A city may amend its ordinances in accordance with
20 ~~G.S. 160A-383.2~~ G.S. 160D-903(e) with regard to agricultural districts within its planning
21 jurisdiction."

22 **SECTION 11.** G.S. 106-743.1 reads as rewritten:

23 **"§ 106-743.1. Enhanced voluntary agricultural districts.**

24 ...

25 (c) A county ordinance adopted pursuant to this Part is effective within the
26 unincorporated areas of the county. A city ordinance adopted pursuant to this Part is effective
27 within the corporate limits of the city. A city may amend its ordinances in accordance with
28 ~~G.S. 160A-383.2~~ G.S. 160D-903(e) with regard to agricultural districts within its planning
29 jurisdiction.

30"

31 **SECTION 12.(a)** G.S. 106-743.4 reads as rewritten:

32 **"§ 106-743.4. Enhanced voluntary agricultural districts; additional benefits.**

33 (a) Property that is subject to a conservation agreement under G.S. 106-743.2 that
34 remains in effect may receive up to twenty-five percent (25%) of its gross sales from the sale of
35 nonfarm products and still qualify as a bona fide farm that is exempt from zoning regulations
36 under ~~G.S. 153A-340(b).~~ G.S. 160D-903(a). For purposes of ~~G.S. 153A-340(b),~~
37 G.S. 160D-903(a), the production of any nonfarm product that the Department of Agriculture
38 and Consumer Services recognizes as a "Goodness Grows in North Carolina" product that is
39 produced on a farm that is subject to a conservation agreement under G.S. 106-743.2 is a bona
40 fide farm purpose. A farmer seeking to benefit from this subsection shall have the burden of
41 establishing that the property's sale of nonfarm products did not exceed twenty-five percent
42 (25%) of its gross sales. A county may adopt an ordinance pursuant to this section that sets forth
43 the standards necessary for proof of compliance.

44"

45 **SECTION 12.(b)** If Senate Bill 762, 2021 Regular Session, becomes law, then this
46 section is repealed.

47 **SECTION 13.** G.S. 106-850 reads as rewritten:

48 **"§ 106-850. Agriculture cost share program.**

49 ...

50 (b) The program shall be subject to the following requirements and limitations:

51 ...

(10) To be eligible for cost share funds under this program, each applicant must establish that the applicant ~~meets the definition of~~ is a bona fide farm as described by ~~G.S. 153A-340(b)(2)~~ G.S. 160D-903(a).

...."

SECTION 14. G.S. 115C-525 reads as rewritten:

"§ 115C-525. Fire prevention.

...

(b) Inspection of Schools for Fire Hazards; Removal of Hazards. – Every public school building in the State shall be inspected a minimum of two times during the year in accordance with the following plan: Provided, that the periodic inspections herein required shall be at least 120 days apart:

...

(2) The board of county commissioners of each county shall designate the persons to make the inspections and reports required by subdivision (1) of this subsection. The board may designate any city or county building inspector, any city or county fire prevention bureau, any city or county electrical inspector, the county fire marshal, or any other qualified persons, but no person shall make any inspection unless ~~he shall be~~ qualified as required by ~~G.S. 153A-351.1~~ G.S. 160D-1103 and Section 7 of Chapter 531 of the 1977 Session Laws. Nothing in this section shall be construed as prohibiting two or more counties from designating the same persons to make the inspections and reports required by subdivision (1) of this subsection. The board of county commissioners shall compensate or provide for the compensation of the persons designated to make all such inspections and reports. The board of county commissioners may make appropriations in the general fund of the county to meet the costs of such inspections, or in the alternative the board may add appropriations to the school current expense fund to meet the costs thereof: Provided, that if appropriations are added to the school current expense fund, such appropriations shall be in addition to and not in substitution of existing school current expense appropriations.

...."

SECTION 15. G.S. 122C-403 reads as rewritten:

"§ 122C-403. Secretary's authority over Camp Butner reservation.

The Secretary shall administer the Camp Butner reservation except (i) those areas within the municipal boundaries of the Town of Butner and (ii) that portion of the Town of Butner's extraterritorial jurisdiction consisting of lands not owned by the State of North Carolina. In performing this duty, the Secretary has the powers listed below. In exercising these powers the Secretary has the same authority and is subject to the same restrictions that the governing body of a city would have and would be subject to if the reservation was a city, unless this section provides to the contrary. The Secretary ~~may~~ may do the following:

...

(3) Regulate the development of the reservation in accordance with the powers granted in ~~Article 19, Parts 2, 3, 3C, 5, 6, and 7, of Chapter 160A~~ Articles 7, 8, 11, and 12 and Parts 4 and 5 of Article 9 of Chapter 160D of the General Statutes. The Secretary ~~may~~ shall not, however, grant a special use ~~permit, a conditional use permit, or a special exception under Part 3 of that Article.~~ permit under Article 7 of that Chapter. In addition, the Secretary is not required to notify landowners of zoning classification actions under ~~G.S. 160A-384~~ G.S. 160D-601, but the Secretary shall give the mayor of the Town of Butner at least 14 days' advance written notice of any proposed zoning change. The Secretary may ~~designate Advisory~~ establish a board to act

like a Board of Adjustment to make recommendations to the Secretary concerning implementation of plans for the development of the reservation. When acting as a Board of Adjustment, ~~Advisory that the board shall be is~~ subject to subsections ~~(b), (c), (d), (f), and (g)~~ of G.S. 160A-388 (c) and (d) of G.S. 160D-705 and subsections (f) and (g) of G.S. 160D-406.

(4) Establish one or more planning agencies in accordance with the power granted in ~~G.S. 160A-361~~ G.S. 160D-301.

...

(6) Control erosion and sedimentation on the reservation in accordance with the powers granted in ~~G.S. 160A-458~~ G.S. 160D-922 and Article 4 of Chapter 113A of the General Statutes.

(7) Contract with and undertake agreements with units of local government in accordance with the powers granted in ~~G.S. 160A-413~~ G.S. 160D-402 and ~~Article 20, Part 1, Part 1 of Article 20~~ of Chapter 160A of the General Statutes.

(8) Regulate floodways on the reservation in accordance with the powers granted in ~~G.S. 160A-458.1~~ G.S. 160D-923 and ~~Article 21, Part 6, Part 6 of Article 21~~ of Chapter 143 of the General Statutes.

...."

SECTION 16. G.S. 122C-410 reads as rewritten:

"§ 122C-410. Authority of county or city over Camp Butner Reservation; zoning jurisdiction by Town of Butner over State lands.

...

(b) A county ordinance may apply in part or all of the Camp Butner reservation (other than areas within the Town of Butner) if the Secretary gives written approval of the ordinance, except that ordinances adopted by a county under ~~Article 18 of Chapter 153A~~ Chapter 160D of the General Statutes may not apply in the extraterritorial jurisdiction of the Town of Butner without approval of the Butner Town Council. The Secretary may withdraw approval of a county ordinance by giving written notification, by certified mail, return receipt requested, to the county. A county ordinance ceases to be effective in the Camp Butner reservation 30 days after the county receives the written notice of the withdrawal of approval. This section does not enhance or diminish the authority of a county to enact ordinances applicable to the Town of Butner and its extraterritorial jurisdiction.

(c) Notwithstanding any other provision of this Article, no portion of the lands owned by the State as of September 1, 2007, which are located in the extraterritorial jurisdiction or the incorporated limits of the Town of Butner shall be subject to any of the powers granted to the Town of Butner pursuant to ~~Article 19 of Chapter 160A~~ Chapter 160D of the General Statutes except as to property no longer owned by the State. If any portion of such property owned by the State of North Carolina as of September 1, 2007, is no longer owned by the State, the Town of Butner may exercise all legal authority granted to the Town pursuant to the terms of its charter or by ~~Article 19 of Chapter 160A~~ Chapter 160D of the General Statutes and may do so by ordinances adopted prior to the actual date of transfer. Before the State shall dispose of any property inside the incorporated limits of the Town of Butner or any of that property currently under the control of the North Carolina Department of Health and Human Services or the North Carolina Department of Agriculture and Consumer Services within the extraterritorial jurisdiction of the Town of Butner, southeast of Old Highway 75, northeast of Central Avenue, southwest of 33rd Street, and northwest of "G" Street, by sale or lease for any use not directly associated with a State function, the Town of Butner shall first be given the right of first refusal to purchase said property at fair market value as determined by the average of the value of said property as determined by a qualified appraiser selected by the Secretary and a qualified appraiser selected by the Town of Butner."

SECTION 17. G.S. 130A-64.1 reads as rewritten:

"§ 130A-64.1. Notice of new or increased charges and rates; public comment period.

(a) A sanitary district shall provide notice to interested parties of the imposition of or increase in service charges or rates applicable solely to the construction of development subject to ~~Part 2 of Article 19 of Chapter 160A or Part 2 of Article 18 of Chapter 153A~~ Article 8 of Chapter 160D of the General Statutes for any service provided by the sanitary district at least seven days prior to the first meeting where the imposition of or increase in the charges or rates is on the agenda for consideration. The sanitary district shall employ at least two of the following means of communication in order to provide the notice required by this section:

...."

SECTION 18. G.S. 130A-247 reads as rewritten:

"§ 130A-247. Definitions.

The following definitions shall apply throughout this Part:

...

(13) "Temporary food establishment" means an establishment not otherwise exempted from this part pursuant to G.S. 130A-250 that (i) prepares or serves food, (ii) operates for a period of time not to exceed 30 days in one location, and (iii) is affiliated with and endorsed by a transitory fair, carnival, circus, festival, public exhibition, or agritourism business. For purposes of this subdivision, "agritourism" means the same as in ~~G.S. 153A-340(b)(2a)~~ G.S. 160D-903(a). Notwithstanding the time limit set out in this subdivision, a local health department may, upon the request of a temporary food establishment, grant a one-time, 15-day extension of the establishment's permit if the establishment continues to meet all of the requirements of its permit and applicable rules.

...."

SECTION 19. G.S. 130A-250 reads as rewritten:

"§ 130A-250. Exemptions.

The following shall be exempt from this Part:

...

(15) Temporary family health care structures under ~~G.S. 153A-341.3 or G.S. 160A-383.5~~ G.S. 160D-915.

...."

SECTION 20.(a) G.S. 130A-291.1 reads as rewritten:

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

...

(g) Production of a crop in accordance with an approved nutrient management plan on land that is permitted as a septage land application site is a bona fide farm purpose under ~~G.S. 153A-340~~ G.S. 160D-903(a).

...."

SECTION 20.(b) If Senate Bill 762, 2021 Regular Session, becomes law, then this section is repealed.

SECTION 21. G.S. 130A-309.118 reads as rewritten:

"§ 130A-309.118. (Expires October 1, 2023) Effect on local ordinances.

This Part ~~shall does not be construed to~~ limit the authority of ~~counties under Article 18 of Chapter 153A of the General Statutes or the authority of cities under Article 19 of Chapter 160A~~ local governments under Chapter 160D of the General Statutes."

SECTION 22. G.S. 130A-310.37 reads as rewritten:

"§ 130A-310.37. Construction of Part.

(a) This Part is not intended and shall not be construed to:

(1) Affect the ability of local governments to regulate land use under ~~Article 19 of Chapter 160A of the General Statutes and Article 18 of Chapter 153A~~

Chapter 160D of the General Statutes. The use of the identified brownfields property and any land-use restrictions in the brownfields agreement shall be consistent with local land-use controls adopted under those statutes.

...."

SECTION 23. G.S. 130A-310.77 reads as rewritten:

"§ 130A-310.77. Construction of Part.

This Part shall not be construed or implemented in any of the following ways:

...

- (4) To supersede or otherwise affect or prevent the enforcement of any land-use or development regulation or ordinance adopted by a ~~municipality pursuant to Article 19 of Chapter 160A of the General Statutes or adopted by a county pursuant to Article 18 of Chapter 153A~~ local government pursuant to Chapter 160D of the General Statutes. The use of a site and any land-use restrictions imposed as part of a remedial action plan shall comply with land-use and development controls adopted by a ~~municipality pursuant to Article 19 of Chapter 160A of the General Statutes or adopted by a county pursuant to Article 18 of Chapter 153A~~ local government pursuant to Chapter 160D of the General Statutes."

SECTION 24. G.S. 131D-2.1 reads as rewritten:

"§ 131D-2.1. Definitions.

As used in this Article:

...

- (10) Multiunit assisted housing with services. – An assisted living residence in which hands-on personal care services and nursing services which are arranged by housing management are provided by a licensed home care or hospice agency through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement which makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident has a choice of any provider, and the housing management may not combine charges for housing and personal care services. All residents, or their compensatory agents, must be capable, through informed consent, of entering into a contract and must not be in need of 24-hour supervision. Assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Multiunit assisted housing with services programs are required to register annually with the Division of Health Service Regulation. Multiunit assisted housing with services programs are required to provide a disclosure statement to the Division of Health Service Regulation. The disclosure statement is required to be a part of the annual rental contract that includes a description of the following requirements:
- a. Emergency response system;
 - b. Charges for services offered;
 - c. Limitations of tenancy;
 - d. Limitations of services;
 - e. Resident responsibilities;
 - f. Financial/legal relationship between housing management and home care or hospice agencies;
 - g. A listing of all home care or hospice agencies and other community services in the area;
 - h. An appeals process; and

- i. Procedures for required initial and annual resident screening and referrals for services.

Continuing care retirement communities, subject to regulation by the Department of Insurance under Chapter 58 of the General Statutes, and temporary family health care structures, as defined in ~~G.S. 160A-383.5~~, G.S. 160D-915, are exempt from the regulatory requirements for multiunit assisted housing with services programs.

...."

SECTION 25. G.S. 132-1.2 reads as rewritten:

"§ 132-1.2. Confidential information.

Nothing in this Chapter shall be construed to require or authorize a public agency or its subdivision to disclose any information that:

...

- (5) Reveals the seal of a licensed design professional who is licensed under Chapter 83A or Chapter 89C of the General Statutes that has been submitted for project approval to ~~(i) a municipality under Part 5 of Article 19 of Chapter 160A of the General Statutes or (ii) to a county under Part 4 of Article 18 of Chapter 153A~~ a local government under Article 11 of Chapter 160D of the General Statutes. Notwithstanding this exemption, a municipality or county that receives a request for a document submitted for project approval that contains the seal of a licensed design professional who is licensed under Chapter 83A or Chapter 89C of the General Statutes and that is otherwise a public record by G.S. 132-1 shall allow a copy of the document without the seal of the licensed design professional to be examined and copied, consistent with any rules adopted by the licensing board under Chapter 83A or Chapter 89C of the General Statutes regarding an unsealed document.

...."

SECTION 26. G.S. 139-60 reads as rewritten:

"§ 139-60. Agricultural Water Resources Assistance Program.

...

- (c1) To be eligible for assistance under this program, each applicant must establish that the applicant ~~meets the definition of~~ is a bona fide farm as described by ~~G.S. 153A-340(b)(2)~~ G.S. 160D-903(a).

...."

SECTION 27. G.S. 143-64.17K reads as rewritten:

"§ 143-64.17K. Inspection and compliance certification for State governmental units.

The provisions of G.S. 143-341(3) shall not apply to any energy conservation measure for State governmental units provided pursuant to this Part, except as specifically set forth in this section. Except as otherwise exempt under G.S. 116-31.11, the following shall apply to all energy conservation measures provided to State governmental units pursuant to this Part:

- (1) The provisions of G.S. 133-1.1.
- (2) Inspection and certification by:
 - a. The applicable local building inspector under ~~Part 4 of Article 18 of Chapter 153A of the General Statutes or Part 5 of Article 19 of Chapter 160A~~ Article 11 of Chapter 160D of the General Statutes; or
 - b. At the election of the State governmental unit, the Department of Administration under G.S. 143-341(3)d.

The cost of compliance with this section may be included in the cost of the project in accordance with G.S. 143-64.17A(c1) and may be included in the cost financed under Article 8 of Chapter 142 of the General Statutes."

SECTION 28. G.S. 143-139 reads as rewritten:

"§ 143-139. Enforcement of Building Code.

...

(b) General Building Regulations. – The Insurance Commissioner shall have general authority, through the Division of Engineering of the Department of Insurance, to supervise, administer, and enforce all sections of the North Carolina State Building Code pertaining to plumbing, electrical systems, general building restrictions and regulations, heating and air conditioning, fire protection, and the construction of buildings generally, except those sections of the Code, the enforcement of which is specifically allocated to other agencies by subsections (c) through (e) below. In the exercise of the duty to supervise, administer, and enforce the North Carolina State Building Code (including local building codes which have superseded the State Building Code in a particular political subdivision pursuant to G.S. 143-138(e)), the Commissioner, through the Division of Engineering, shall:

- (1) Cooperate with local officials and local inspectors duly appointed by the governing body of any ~~municipality or board of county commissioners pursuant to Part 5 of Article 19 of Chapter 160A of the General Statutes or Part 4 of Article 18 of Chapter 153A~~ local government pursuant to Article 11 of Chapter 160D of the General Statutes, or any other applicable statutory authority.

...

(b1) Remedies. – In case any building or structure is maintained, erected, constructed, or reconstructed or its purpose altered, so that it becomes in violation of this Article or of the North Carolina State Building Code, either the local enforcement officer or the State Commissioner of Insurance or other State official with responsibility under this section may, in addition to other remedies, institute any appropriate action or proceeding to: (i) prevent the unlawful maintenance, erection, construction, or reconstruction or alteration of purpose, or overcrowding, (ii) restrain, correct, or abate the violation, or (iii) prevent the occupancy or use of the building, structure, or land until the violation is corrected. In addition to the civil remedies set out in G.S. 160A-175 and G.S. 153A-123, a county, city, or other political subdivision authorized to enforce the North Carolina State Building Code within its jurisdiction may, for the purposes stated in (i) through (iii) of this subsection, levy a civil penalty for violation of the fire prevention code of the North Carolina State Building Code, which penalty may be recovered in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after the offender has been cited for the violation. If the Commissioner or other State official institutes an action or proceeding under this section, a county, city, or other political subdivision may not institute a civil action under this section based upon the same violation. Appeals from the imposition of any remedy set forth herein, including the imposition of a civil penalty by a county, city, or other political subdivision, shall be as provided in ~~G.S. 160A-434~~ G.S. 160D-1127.

...."

SECTION 29.(a) G.S. 143-139.4 reads as rewritten:**"§ 143-139.4. Certain building inspections by State.**

...

(k) As used in this section, the following terms mean:

- (1) Inspection. – An inspection required by the North Carolina State Building Code in any of the following categories:
- Plumbing.
 - Electrical systems.
 - General building restrictions and regulations.
 - Heating and air-conditioning.
 - General construction inspection.
- (2) Local inspection department. – Any county, city, or joint agency performing State Building Code inspections under ~~Article 18 of Chapter 153A~~ of the

~~General Statutes or Article 19 of Chapter 160A Chapter 160D~~ of the General Statutes.

- (3) Requestor. – The permit holder, or an individual acting on behalf of the permit holder, who made an initial request for an inspection to a local inspection department."

SECTION 29.(b) If Senate Bill 372, 2021 Regular Session, becomes law, then this section is repealed.

SECTION 30. G.S. 143-151.8 reads as rewritten:

"§ 143-151.8. Definitions.

(a) ~~As used in this Article, unless the context otherwise requires:~~The following definitions apply in this Article:

- (1) ~~"Board" means the Board.~~ – The North Carolina Code Officials Qualification Board.

- (2) ~~"Code" means the Code.~~ – Consists of all of the following:

a. The North Carolina State Building Code adopted by the Building Code Council under G.S. 143-138.

b. and related local Local building rules approved by the Building Code Council enacted, adopted or approved under G.S. 143-138, Council.

c. any Any resolution adopted by a federally recognized Indian Tribe under G.S. 153A-350.1 in which the Tribe adopts the North Carolina State Building Code and related local building rules, rules.

d. and the The standards adopted by the Commissioner of Insurance under G.S. 143-143.15(a).

- (3) ~~"Code enforcement" means the Code enforcement.~~ – The examination and approval of plans and specifications, or the inspection of the manner of construction, workmanship, and materials for construction of buildings and structures and components thereof, their components, or the enforcement of fire code regulations by any of the following, to assure compliance with the State Building Code and related local building rules:

a. as an An employee of the State or local government government, except an employee of the State Department of Labor engaged in the administration and enforcement of sections of the Code that pertain to boilers and elevators.

b. or as an An employee of a federally recognized Indian Tribe employed to perform inspections on tribal lands under G.S. 153A-350.1, lands.

c. as an An individual contracting with the State or State, a local government government, or a federally recognized Indian Tribe who performs to perform inspections on tribal lands under G.S. 153A-350.1 to conduct inspections, lands.

d. or as an An individual who is employed by a company contracting with a county or a city to conduct inspections, except an employee of the State Department of Labor engaged in the administration and enforcement of those sections of the Code which pertain to boilers and elevators, to assure compliance with the State Building Code and related local building rules inspections.

- (4) ~~"Local inspection department" means the Local inspection department.~~ – The agency or agencies of local government, or any government agency of a federally recognized Indian Tribe under G.S. 153A-350.1, Tribe, with authority to make inspections of buildings and to enforce the Code and other laws, ordinances, and rules enacted by the State and the State, a local government government, or a federally recognized Indian Tribe under

~~G.S. 153A-350.1, which establish standards and requirements applicable to the construction, alteration, repair, or demolition of buildings, and conditions that may create hazards of fire, explosion, or related hazards. Tribe.~~

(5) ~~"Qualified Code-enforcement official" means a Qualified Code-enforcement official. – A person qualified under this Article to engage in the practice of Code enforcement.~~

(b) For purposes of this Article, the population of a city or county ~~shall be~~ is determined according to the most current federal census, unless otherwise specified.

(c) For purposes of this Article, "willful misconduct, gross negligence, or gross incompetence" in addition to the meaning of those terms under other provisions of the General Statutes or at common law, ~~shall include~~ includes any of the following:

(1) ~~The enforcement of Enforcing a Code requirement applicable to a certain area or set of circumstances in other areas or circumstances not specified in the requirement.~~

(2) ~~For Refusing to accept an alternative design or construction method that has been appealed under G.S. 143-140.1 and found by the Department of Insurance to comply with the Code, to refuse to accept the decision by the Department to allow that alternative design or construction method Code~~ under the conditions or circumstances set forth in the Department's decision for that appeal.

(3) ~~For Refusing to allow an alternative construction method currently included in the Building Code, to refuse to allow the alternative method Code~~ under the conditions or circumstances set forth in the Code for that alternative method.

(4) ~~The enforcement of Enforcing a requirement that is more stringent than or otherwise exceeds the Code requirement.~~

(5) ~~To refuse Refusing to implement or adhere to an interpretation of the Building Code issued by the Building Code Council or the Department of Insurance.~~

(6) ~~The habitual failure Habitually failing to provide requested inspections in a timely manner.~~

(7) ~~Enforcement of Enforcing a Code official's preference in the method or manner of installation of heating ventilation and air-conditioning units, appliances, or equipment that if it is not required by the State Building Code and is in contradiction of a manufacturer's installation instructions or specifications."~~

SECTION 31. G.S. 143-151.12 reads as rewritten:

"§ 143-151.12. Powers.

In addition to powers conferred upon the Board elsewhere in this Article, the Board ~~shall have~~ has the power ~~to do~~ to do the following:

(1) Adopt rules necessary to administer this ~~Article~~ Article.

(1a) Require State agencies, local inspection departments, and local governing bodies to submit reports and information about the employment, education, and training of Code-enforcement ~~officials~~ officials.

(2) Establish minimum standards for employment as a Code-enforcement official: (i) in probationary or temporary status, and (ii) in permanent ~~positions~~ positions.

(3) Certify persons as being qualified under the provisions of this Article to be Code-enforcement officials, including persons employed by a federally recognized Indian Tribe to perform inspections on tribal ~~lands under G.S. 153A-350.1~~ lands.

(4) Consult and cooperate with counties, municipalities, agencies of this State, other governmental agencies, and with universities, colleges, junior colleges,

community colleges and other institutions concerning the development of Code-enforcement training schools and programs or courses of ~~instruction;~~instruction.

(5) Establish minimum standards and levels of education or equivalent experience for all Code-enforcement instructors, teachers or ~~professors;~~professors.

(6) Conduct and encourage research by public and private agencies ~~which that~~ shall be designed to improve education and training in the administration of Code ~~enforcement;~~enforcement.

(7) Adopt and amend bylaws, consistent with law, for its internal management and control; appoint ~~such~~ advisory committees as ~~it may deem~~ necessary; and enter into contracts and do ~~such~~ other things as ~~may be~~ necessary and incidental to the exercise of its authority pursuant to this ~~Article;~~ and, Article.

(8) Make recommendations concerning any matters within its purview pursuant to this ~~Article;~~ [and] Article.

(9) Establish within the Department of Insurance a marketplace pool of qualified Code-enforcement officials available for the following purposes:

a. When requested by the Insurance Commissioner, to assist in the discharge of the Commissioner's duty under G.S. 143-139 to supervise, administer, and enforce the North Carolina State Building Code.

b. When requested by local inspection departments, to assist in Code enforcement."

SECTION 32. G.S. 143-151.13 reads as rewritten:

"§ 143-151.13. Required standards and certificates for Code-enforcement officials.

...

(e) The Board shall, without requiring an examination, issue a standard certificate to any person who is currently certified as a county electrical inspector pursuant to ~~G.S. 153A-351.~~ G.S. 160D-1102. The certificate issued by the Board shall authorize the person to serve at the electrical inspector level approved by the Commissioner of Insurance in ~~G.S. 153A-351.~~ G.S. 160D-1102.

...."

SECTION 33. G.S. 143-151.15 reads as rewritten:

"§ 143-151.15. Return of certificate to Board; reissuance by Board.

A certificate issued by the Board under this Article is valid as long as the person certified is employed by the State of North Carolina or any political subdivision thereof as a Code-enforcement official, or is employed by a federally recognized Indian Tribe to perform inspections on tribal lands ~~under G.S. 153A-350.1~~ as a Code-enforcement official. When the person certified leaves that employment for any reason, he shall return the certificate to the Board. If the person subsequently obtains employment as a Code-enforcement official in any governmental jurisdiction described above, the Board may reissue the certificate to him. The provisions of G.S. 143-151.16(b) relating to renewal fees and late renewals shall apply, if appropriate. The provisions of G.S. 143-151.16(c) shall not apply. This section does not affect the Board's powers under G.S. 143-151.17."

SECTION 34. G.S. 143-151.17 reads as rewritten:

"§ 143-151.17. Grounds for disciplinary actions; investigation; administrative procedures.

(a) The Board ~~shall have~~ has the power to ~~suspend any or all certificates, revoke any or all certificates,~~ suspend, revoke, demote any or all certificates to a lower level, or refuse to grant ~~any a~~ any a certificate issued under the provisions of this Article to any person ~~who;~~ to whom any of the following applies:

- (1) Has been convicted of a felony against this State or the United States, or convicted of a felony in another state that would also be a felony if it had been committed in this ~~State~~; State.
- (2) Has obtained certification through fraud, deceit, or ~~perjury~~; perjury.
- (3) Has knowingly aided or abetted any person practicing contrary to the provisions of this Article or the State Building Code or any building codes adopted by a federally recognized Indian ~~Tribe under G.S. 153A-350.1~~; Tribe.
- (4) Has defrauded the public or attempted to do ~~so~~; so.
- (5) Has affixed his or her signature to a report of inspection or other instrument of service if no inspection has been made by him or her or under his or her immediate and responsible ~~direction~~; or, direction.
- (6) Has been guilty of willful misconduct, gross ~~negligence~~ negligence, or gross ~~incompetence~~ incompetence.

(b) The Board may investigate the actions of any qualified Code-enforcement official or applicant upon the verified complaint in writing of any person alleging a violation of subsection (a) of this section. The Board may suspend, revoke, or demote to a lower level any certificate of any qualified Code-enforcement official and refuse to grant a certificate to any applicant, whom it finds to have been guilty of one or more of the actions set out in subsection (a) of this section as grounds for disciplinary action.

...
(e) ~~The provisions of this section shall apply~~ This section applies to Code-enforcement officials and applicants who are employed or seek to be employed by a federally recognized Indian Tribe to perform inspections on tribal ~~lands under G.S. 153A-350.1~~ lands."

SECTION 35. G.S. 143-214.5 reads as rewritten:

"§ 143-214.5. Water supply watershed protection.

...
(b) Development and Adoption of Water Supply Watershed Classifications and Management Requirements. – The Commission shall adopt rules for the classification of water supply watersheds and that establish minimum statewide water supply watershed protection requirements applicable to each classification to protect surface water supplies by (i) controlling development density, (ii) providing for performance-based alternatives to development density controls that are based on sound engineering principles, or (iii) a combination of both (i) and (ii). The Commission may designate water supply watersheds or portions thereof as critical water supply watersheds and impose management requirements that are more stringent than the minimum statewide water supply watershed management requirements. The Commission may adopt rules that require that any permit issued by a local government for a development or construction activity conducted by that local government within a designated water supply watershed be approved by the Department prior to issuance. Any variance from the minimum statewide water supply watershed management requirements must be approved by the Commission prior to the issuance of a permit by a local government. Except as provided by ~~G.S. 153A-347 and G.S. 160A-392, G.S. 160D-913,~~ the power to implement this section with respect to development or construction activities that are conducted by State agencies is vested exclusively in the Commission.

...."

SECTION 36. G.S. 143-215.104T reads as rewritten:

"§ 143-215.104T. (Expires January 1, 2032 – see notes) Construction of this Part.

(a) This Part is not intended to and shall not be construed to:

- (1) Affect the ability of local governments to regulate land use under ~~Article 19 of Chapter 160A of the General Statutes and Article 18 of Chapter 153A Chapter 160D~~ of the General Statutes. The use of the identified contamination site and any land-use restrictions in the dry-cleaning solvent remediation

agreement shall be consistent with local land-use controls adopted under those statutes.

...."

SECTION 37. G.S. 143-465 reads as rewritten:

"§ 143-465. Reciprocity; intergovernmental cooperation.

...

(d) No county, city, or other political subdivision of the State shall adopt or continue in effect any ordinance, rule, regulation, or resolution regulating the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, manufacture, or application of pesticides in any area subject to regulation by the Board pursuant to this Article. Nothing in this section shall prohibit a county, city, or other political subdivision of the State from exercising its planning and zoning authority under ~~Article 19 of Chapter 160A of the General Statutes or Article 18 of Chapter 153A Chapter 160D~~ of the General Statutes, or from exercising its fire prevention or inspection authority."

SECTION 38. G.S. 143B-373 reads as rewritten:

"§ 143B-373. North Carolina Capital Planning Commission – creation; powers and duties.

(a) There is ~~hereby~~ recreated the North Carolina Capital Planning Commission of the Department of Administration.

(1) The Commission ~~shall have~~ has all of the following powers and duties:

...

d. Recommend to the Governor the locations for State government buildings, monuments, ~~memorials~~ memorials, and improvements in Wake County, except for buildings occupied by the General Assembly.

e. Recommend to the Governor the name for any new State government building or any building hereafter acquired by the State of North Carolina in Wake County, with the exception of buildings comprising a part of the North Carolina State University, the Dorothea Dix Hospital, the General ~~Assembly~~ Assembly, or the Governor Morehead School.

(2), (3) Repealed by Session Laws 2014-115, s. 56.7A, effective August 11, 2014.

(b) ~~Any:~~

~~(1) City~~ Any local government exercising any jurisdiction in Wake County under ~~Article 19 of Chapter 160A of the General Statutes (or under any local act of similar nature); and~~

~~(2) County exercising any jurisdiction in Wake County under Article 18 of Chapter 153A Chapter 160D of the General Statutes (or Statutes, or under any local act of similar nature) nature,~~ shall provide to the North Carolina Capital Planning Commission ~~no later than August 1, 1989, a copy of any ordinance adopted under that Article and in effect on July 1, 1989, and shall provide a copy of any additional ordinance adopted or amended under such Article that Chapter or similar local act after July 1, 1989, within 30 days of adoption; provided that no adoption. No ordinance adopted under G.S. 160A-441–G.S. 160D-1201 shall be so provided unless it applies to a structure owned by the State.~~

(c) ~~Any:~~

~~(1) City~~ Any local government exercising any jurisdiction in Wake County under ~~Article 19 of Chapter 160A of the General Statutes (or under any local act of similar nature); and~~

~~(2) County exercising any jurisdiction in Wake County under Article 18 of Chapter 153A Chapter 160D of the General Statutes (or Statutes, or under any local act of similar nature) nature,~~ shall provide to the North Carolina Capital Planning Commission within seven days of first consideration by the governing body any proposal under ~~either of those Articles that Chapter or local acts which, if adopted that, if adopted,~~ that Chapter or local acts which, if adopted, would affect property within Wake County owned by the State.

...."

SECTION 39. G.S. 153A-44 reads as rewritten:

"§ 153A-44. Members excused from voting.

The board may excuse a member from voting, but only upon questions involving the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under ~~G.S. 14-234, 153A-340(g), or 160A-388(e)(2).~~ G.S. 14-234 or G.S. 160D-109. For purposes of this section, the question of the compensation and allowances of members of the board does not involve a member's own financial interest or official conduct."

SECTION 40. G.S. 153A-149 reads as rewritten:

"§ 153A-149. Property taxes; authorized purposes; rate limitation.

...

(c) Each county may levy property taxes for one or more of the purposes listed in this subsection up to a combined rate of one dollar and fifty cents (\$1.50) on the one hundred dollars (\$100.00) appraised value of property subject to taxation. Authorized purposes subject to the rate limitation are:

...

(15a) Housing Rehabilitation. – To provide for housing rehabilitation programs authorized by ~~G.S. 153A-376,~~ G.S. 160D-1311, including personnel costs related to the planning and administration of these programs. This subdivision applies only to counties with a population of 400,000 or more, according to the most recent decennial federal census.

(15b) Housing. – To undertake housing programs for low- and moderate-income persons as provided in ~~G.S. 153A-378,~~ G.S. 160D-1316.

...

(23) Open Space. – To acquire open space land and easements in accordance with ~~Article 19, Part 4, Chapter 160A~~ Part 1 of Article 13 of Chapter 160D of the General Statutes.

...

(26) Planning. – To provide for a program of planning and regulation of development in accordance with ~~Article 18 of this Chapter and Article 19, Parts 3A and 6, of Chapter 160A~~ Chapter 160D of the General Statutes.

...."

SECTION 41. G.S. 153A-210.4 reads as rewritten:

"§ 153A-210.4. (Article has an expiration date – see note) Financing a project for which an assessment is imposed.

...

(d) Performance Bond. – A subdivision control ordinance adopted by a county under ~~G.S. 153A-331~~ G.S. 160D-804 providing for a performance bond or guarantee to assure successful completion of required improvements under G.S. 160D-804.1 will apply to a project funded in whole or in part by an assessment under this Article."

SECTION 42.(a) G.S. 153A-471 reads as rewritten:

"§ 153A-471. Unified government.

...

(b) All of the following shall apply to any county exercising the powers, duties, functions, rights, privileges, and immunities of a city under this Article:

...

(6) ~~G.S. 153A-340(b)~~ G.S. 160D-903(a) (Zoning of Bona Fide Farms) shall apply to all areas within the county boundaries.

...."

SECTION 42.(b) If Senate Bill 762, 2021 Regular Session, becomes law, then this section is repealed.

1 **SECTION 43.** G.S. 159G-23 reads as rewritten:

2 "**§ 159G-23. Priority consideration for loan or grant from Wastewater Reserve or Drinking**
3 **Water Reserve.**

4 The considerations for priority in this section apply to a loan or grant from the Wastewater
5 Reserve or the Drinking Water Reserve. The Division of Water Infrastructure must consider the
6 following items when evaluating applications:

7 ...

- 8 (4) Comprehensive land-use plan. – A project that is located in a city or county
9 that has adopted or has taken significant steps to adopt a comprehensive
10 land-use plan under ~~Article 18 of Chapter 153A of the General Statutes or~~
11 ~~Article 19 of Chapter 160A Chapter 160D~~ of the General Statutes. The
12 existence of a plan has more priority than steps taken to adopt a plan, such as
13 adoption of a zoning ordinance. A plan that exceeds the minimum State
14 standards for protection of water resources has higher priority than one that
15 does not. A project is considered to be located in a city or county if it is located
16 in whole or in part in that unit. A land-use plan is not considered a
17 comprehensive land-use plan unless it has provisions that protect existing
18 water uses and ensure compliance with water quality standards and
19 classifications in all waters of the State affected by the plan.

20 "

21 **SECTION 44.** G.S. 160A-31 reads as rewritten:

22 "**§ 160A-31. Annexation by petition.**

23 ...

24 (h) A city council which receives a petition for annexation under this section may by
25 ordinance require that the petitioners file a signed statement declaring whether or not vested
26 rights with respect to the properties subject to the petition have been established under
27 ~~G.S. 160A-385.1 or G.S. 153A-344.1. G.S. 160D-108 or G.S. 160D-108.1.~~ If the statement
28 declares that such rights have been established, the city may require petitioners to provide proof
29 of such rights. A statement which declares that no vested rights have been established under
30 ~~G.S. 160A-385.1 or G.S. 153A-344.1 G.S. 160D-108 or G.S. 160D-108.1~~ shall be binding on the
31 landowner and any such vested right shall be terminated.

32 "

33 **SECTION 45.** G.S. 160A-58.1 reads as rewritten:

34 "**§ 160A-58.1. Petition for annexation; standards.**

35 ...

36 (b) A noncontiguous area proposed for annexation must meet all of the following
37 standards:

38 ...

- 39 (4) If the area proposed for annexation, or any portion thereof, is ~~a subdivision as~~
40 ~~defined in G.S. 160A-376, subject to subdivision regulation as described in~~
41 G.S. 160D-802, all of the subdivision must be included.

42 ...

43 (d) A city council which receives a petition for annexation under this section may by
44 ordinance require that the petitioners file a signed statement declaring whether or not vested
45 rights with respect to the properties subject to the petition have been established under
46 ~~G.S. 160A-385.1 or G.S. 153A-344.1. G.S. 160D-108 or G.S. 160D-108.1.~~ If the statement
47 declares that such rights have been established, the city may require petitioners to provide proof
48 of such rights. A statement which declares that no vested rights have been established under
49 ~~G.S. 160A-385.1 or G.S. 153A-344.1 G.S. 160D-108 or G.S. 160D-108.1~~ shall be binding on the
50 landowner and any such vested rights shall be terminated."

51 **SECTION 46.** G.S. 160A-58.4 reads as rewritten:

"§ 160A-58.4. Extraterritorial powers.

Satellite corporate limits shall not be considered a part of the city's corporate limits for the purposes of extraterritorial land-use regulation pursuant to ~~G.S. 160A-360, G.S. 160D-202~~ or abatement of public health nuisances pursuant to G.S. 160A-193. However, a city's power to regulate land use pursuant to Chapter ~~160A, Article 19, 160D~~ of the General Statutes or to abate public health nuisances pursuant to G.S. 160A-193, shall be the same within satellite corporate limits as within its primary corporate limits."

SECTION 47. G.S. 160A-209 reads as rewritten:

"§ 160A-209. Property taxes.

...

(c) Each city may levy property taxes for one or more of the following purposes subject to the rate limitation set out in subsection (d):

...

(9a) Community Development. – To provide for community development as authorized by ~~G.S. 160A-456 and 160A-457~~ G.S. 160D-1311 and G.S. 160D-1312.

...

(12a) Energy Financing. – To provide financing for renewable energy and energy efficiency in accordance with a program established under ~~G.S. 160A-459.1~~ G.S. 160D-1320.

...

(15a) Housing. – To undertake housing projects as defined in G.S. 157-3, and urban homesteading programs under ~~G.S. 160A-457.2~~ G.S. 160D-1314.

...

(23) Open Space. – To acquire open space land and easements in accordance with ~~Article 19, Part 4, of this Chapter~~ Part 1 of Article 13 of Chapter 160D of the General Statutes.

...

(25) Planning. – To provide for a program of planning and regulation of development in accordance with ~~Article 19 of this Chapter~~ Chapter 160D of the General Statutes.

...."

SECTION 48. G.S. 160A-239.4 reads as rewritten:

"§ 160A-239.4. (See note for expiration of Article) Funding a project for which an assessment is imposed.

...

(d) Performance Bond. – A subdivision control ordinance adopted by a city under ~~G.S. 160A-372~~ G.S. 160D-804 providing for a performance bond or guarantee to assure successful completion of required improvements under G.S. 160D-804.1 will apply to a project funded in whole or in part by an assessment under this Article."

SECTION 49. G.S. 160A-307.1 reads as rewritten:

"§ 160A-307.1. Limitation on city requirements for street improvements related to schools.

A city may only require street improvements related to schools that are required for safe ingress and egress to the municipal street system and that are physically connected to a driveway on the school site. The required improvements shall not exceed those required pursuant to G.S. 136-18(29). G.S. 160A-307 shall not apply to schools. A city may only require street improvements related to schools as provided in ~~G.S. 160A-372~~ G.S. 160D-804. The cost of any improvements to the municipal street system pursuant to this section shall be reimbursed by the city. Any agreement between a school and a city to make improvements to the municipal street system shall not include a requirement for acquisition of right-of-way by the school, unless the school is owned by an entity that has eminent domain power. Any right-of-way costs incurred by

1 a school for required improvements pursuant to this section shall be reimbursed by the city.
2 Notwithstanding any provision of this Chapter to the contrary, a city may not condition the
3 approval of any zoning, rezoning, or permit request on the waiver or reduction of any provision
4 of this section. The term "school," as used in this section, means any facility engaged in the
5 educational instruction of children in any grade or combination of grades from kindergarten
6 through the twelfth grade at which attendance satisfies the compulsory attendance law and
7 includes charter schools authorized under G.S. 115C-218.5."

8 **SECTION 50.** G.S. 160A-505 reads as rewritten:

9 **"§ 160A-505. Alternative organization.**

10 (a) In lieu of creating a redevelopment commission as authorized herein, the governing
11 body of any municipality may, if it deems wise, either designate a housing authority created
12 under the provisions of Chapter 157 of the General Statutes to exercise the powers, duties, and
13 responsibilities of a redevelopment commission as prescribed herein, or undertake to exercise
14 such powers, duties, and responsibilities itself. Any such designation shall be by passage of a
15 resolution adopted in accordance with the procedure and pursuant to the findings specified in
16 G.S. 160A-504(a) and (b). In the event a governing body designates itself to perform the powers,
17 duties, and responsibilities of a redevelopment commission under this subsection, or exercises
18 those powers, duties, and responsibilities pursuant to ~~G.S. 153A-376 or G.S. 160A-456,~~
19 G.S. 160D-1311, then where any act or proceeding is required to be done, recommended, or
20 approved both by a redevelopment commission and by the municipal governing body, then the
21 performance, recommendation, or approval thereof once by the municipal governing body shall
22 be sufficient to make such performance, recommendation, or approval valid and legal. In the
23 event a municipal governing body designates itself to exercise the powers, duties, and
24 responsibilities of a redevelopment commission, it may assign the administration of
25 redevelopment policies, programs and plans to any existing or new department of the
26 municipality.

27"

28 **SECTION 51.** G.S. 162A-6 reads as rewritten:

29 **"§ 162A-6. Powers of authority generally.**

30 (a) Each authority created hereunder shall be deemed to be a public instrumentality
31 exercising public and essential governmental functions to provide for the public health and
32 welfare, and each authority is authorized and empowered:

33 ...

- 34 (10) To acquire in the name of the authority by gift, grant, purchase, devise,
35 exchange, lease, acceptance of offers of dedication by plat, or any other lawful
36 method, to the same extent and in the same manner as provided for cities and
37 towns under the provisions of G.S. 160A-240.1 and ~~G.S. 160A-374,~~
38 G.S. 160D-806, or the exercise of the right of eminent domain in accordance
39 with the General Statutes of North Carolina which may be applicable to the
40 exercise of such powers by municipalities or counties, any lands or rights in
41 land or water rights in connection therewith, and to acquire such personal
42 property, as it may deem necessary in connection with the acquisition,
43 construction, reconstruction, improvement, extension, enlargement or
44 operation of any water system or sewer system, and to hold and dispose of all
45 real and personal property under its control; provided, that the taking of water
46 from any stream or reservoir by any authority created under the provisions of
47 this Article shall not vest in the taker any rights by prescription; provided,
48 further, that nothing in this section shall affect rights by prescription, if any,
49 now held by any municipality and which may be later transferred to any
50 authority of which such municipality may become a member;

51"

1 **SECTION 52.** G.S. 162A-9 reads as rewritten:

2 "**§ 162A-9. Rates and charges; notice; contracts for water or services; deposits; delinquent**
3 **charges.**

4 ...

5 (a1) An authority shall provide notice to interested parties of the imposition of or increase
6 in rates, fees, and charges under subsection (a) of this section applicable solely to the construction
7 of development subject to ~~Part 2 of Article 19 of Chapter 160A or Part 2 of Article 18 of Chapter~~
8 ~~153A~~ Article 8 of Chapter 160D of the General Statutes at least seven days prior to the first
9 meeting where the imposition of or increase in the rates, fees, and charges is on the agenda for
10 consideration. The authority shall employ at least two of the following means of communication
11 in order to provide the notice required by this subsection:

12 "

13 **SECTION 53.** G.S. 162A-93 reads as rewritten:

14 "**§ 162A-93. Certain city actions prohibited.**

15 ...

16 (b) The provisions of subsection (a) shall not apply if the city council adopts an
17 annexation ordinance including an area served by a district and finds, after a public hearing, that
18 adequate fire protection cannot be provided in the area because of the level of available water
19 service. Notice of the public hearing shall be provided by first class mail to each affected
20 customer and by publication in a newspaper having general circulation in the area, each not less
21 than 10 days before the hearing. The clerk's certification of the mailing shall be deemed
22 conclusive in the absence of fraud. Any resident of the annexed area aggrieved by such a finding
23 of the council may file a petition for review in the superior court in the nature of certiorari, within
24 30 days after the finding. The petition for review in the nature of certiorari shall comply with
25 ~~G.S. 160A-393.~~G.S. 160D-1402.

26 "

27
28 **PART II. OTHER TECHNICAL CORRECTIONS, AS RECOMMENDED BY THE**
29 **GENERAL STATUTES COMMISSION**

30 **SECTION 54.(a)** G.S. 1-54.1 reads as rewritten:

31 "**§ 1-54.1. ~~Two months.~~Sixty days.**

32 ~~Within two months an~~ An action contesting the validity of any ordinance adopting or
33 amending a zoning map or approving a conditional zoning district rezoning request under Article
34 ~~7 of Chapter 160D of the General Statutes. Such an action accrues upon adoption of such~~
35 ~~ordinance or amendment. As used herein, the term two months shall be calculated as 60 days.~~shall
36 be brought within 60 days of the adoption of the ordinance."

37 **SECTION 54.(b)** G.S. 160D-1405 reads as rewritten:

38 "**§ 160D-1405. Statutes of limitation.**

39 (a) Zoning Map Adoption or Amendments. – A cause of action as to the validity of any
40 regulation adopting or amending a zoning map adopted under this Chapter or other applicable
41 law or a development agreement adopted under Article 10 of this Chapter accrues upon adoption
42 of the ordinance and shall be brought within 60 days as provided in G.S. 1-54.1.

43 (b) Text Adoption or Amendment. – Except as otherwise provided in subsection (a) of
44 this section, an action challenging the validity of a development regulation adopted under this
45 Chapter or other applicable law shall be brought within one year of the accrual of ~~such action.~~
46 ~~Such an~~ the action as provided in G.S. 1-54(10). The action accrues when the party bringing ~~such~~
47 the action first has standing to challenge the ordinance. A challenge to an ordinance on the basis
48 of an alleged defect in the adoption process shall be brought within three years after the adoption
49 of the ~~ordinance.~~ ordinance as provided in G.S. 1-54(10).

50 (c) Enforcement Defense. – Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1
51 bars a party in an action involving the enforcement of a development regulation or in an action

under G.S. 160D-1403.1 from raising as a claim or defense ~~in the proceedings~~ the enforceability or the invalidity of the ordinance. Nothing in this section or in G.S. 1-54(10) or G.S. 1-54.1 bars a party ~~who that~~ files a timely appeal from an order, requirement, decision, or determination made by an administrative official contending that the party is in violation of a development regulation from raising in the judicial appeal the invalidity of the ordinance as a defense to the order, requirement, decision, or determination. A party in an enforcement action or appeal ~~may~~ shall not assert the invalidity of the ordinance on the basis of an alleged defect in the adoption process unless the defense is formally raised within three years of the adoption of the challenged ordinance.

...

(d) Quasi-Judicial Decisions. – Unless specifically provided otherwise, a petition for review of a quasi-judicial decision shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy ~~thereof~~ of it is given in accordance with G.S. 160D-406(j). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(e) Others. – Except as provided by this section, the statutes of limitations are as provided in Subchapter II of Chapter 1 of the General Statutes."

SECTION 54.5.(a) G.S. 7A-101 reads as rewritten:

"§ 7A-101. (Effective July 1, 2022) Compensation.

(a) The clerk of superior court is a full-time employee of the State and shall receive an annual salary, payable in equal monthly installments, based on the number of State-funded assistant and deputy clerks of court as determined by the Administrative Office of Court's workload formula, according to the following schedule:

Assistants and Deputies	Annual Salary
0-19	\$102,305
20-29	110,316 <u>113,074</u> 113,074
30-49	120,822 <u>123,842</u> 123,842
50-99	131,328 <u>134,611</u> 134,611
100 and above	133,955 <u>137,304</u> 137,304

If the number of State-funded assistant and deputy clerks of court as determined by the Administrative Office of Court's workload formula changes, the salary of the clerk shall be changed, on July 1 of the fiscal year for which the change is reported, to the salary appropriate for that new number, except that the salary of an incumbent clerk shall not be decreased by any change in that number during the clerk's continuance in office.

...

(c) In lieu of merit and other increment raises paid to regular State employees, a clerk of superior court shall receive as longevity pay an amount equal to four and eight-tenths percent (4.8%) of the clerk's annual salary payable monthly after five years of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of service, nineteen and two-tenths percent (19.2%) after 20 years of service, and twenty-four percent (24%) after 25 years of service. ~~Service shall mean~~ "Service" means service in the elective position of clerk of superior court, as an assistant clerk of ~~court~~ court, and as a supervisor of clerks of superior court with the Administrative Office of the Courts and ~~shall does not include~~ service as a deputy or acting clerk. ~~Service shall also mean~~ "Service" also means service as a justice, judge, or magistrate of the General Court of Justice or as a district attorney."

SECTION 54.5.(b) This section becomes effective July 1, 2022.

SECTION 55. G.S. 47C-2-117 reads as rewritten:

"§ 47C-2-117. Amendment of declaration.

(a) Except in cases of amendments that may be executed by a declarant under G.S. 47C-2-109(d) or 47C-2-110, the association under G.S. 47C-1-107, ~~47C-1-106(d)~~ [47C-2-106(d)], 47C-2-106(d), 47C-2-112(a), or 47C-2-113, or certain unit owners under

1 G.S. 47C-2-108(b), 47C-2-112(a), 47C-2-113(b), or 47C-2-118(b), and except as limited by
2 subsection ~~(d)~~, (d) of this section, the declaration may be amended only by affirmative vote ~~of~~
3 of, or a written agreement signed by, unit owners of units to which at least sixty-seven percent
4 (67%) of the votes in the association are allocated or any larger majority the declaration specifies.
5 The declaration may specify a smaller number only if all of the units are restricted exclusively to
6 nonresidential use.

7 (b) ~~Provided that~~ As long as the approval requirements for any amendment adopted
8 pursuant to this section or G.S. 47C-2-105(a)(8) have been met, no action to challenge the
9 validity of an amendment adopted by the association pursuant to this section or pursuant to
10 G.S. 47C-2-105(a)(8) ~~may~~ shall be brought more than one year after the amendment is recorded.

11 (c) Every amendment to the declaration ~~must~~ shall be recorded in every county in which
12 any portion of the condominium is located and is effective only upon recordation. An amendment
13 shall be indexed in the Grantee's index in the name of the condominium and the association and
14 in the Grantor's index in the name of the parties executing the amendment.

15 (d) Except to the extent expressly permitted or required by other provisions of this
16 Chapter, no amendment ~~may~~ shall create or increase special declarant rights, increase the number
17 of units, or change the boundaries of any unit, the allocated interest of a unit, or the uses to which
18 any unit is restricted, in the absence of unanimous consent of the unit owners.

19 ...
20 (f) ~~The provisions of this~~ This Article and ~~of the~~ condominium instruments recorded
21 pursuant ~~thereto to it~~ shall be liberally construed in favor of the valid establishment of a
22 condominium with respect to the submitted property. Except as otherwise provided in the
23 declaration or explicitly prohibited by this Chapter, if any amendment to the declaration is
24 necessary in the judgment of the executive board, then the executive board may, at its discretion,
25 propose an amendment to the declaration for any of the following purposes:

26 ...
27 (3) To comply with any statute, regulation, code, or ordinance ~~which may be~~
28 applicable to the condominium or association.

29 ...
30 The authority granted to the executive board under this subsection does not limit the authority
31 of the executive board to propose any amendment for any other purpose permitted in the
32 declaration or by this Chapter. Upon approval by the executive board of an amendment pursuant
33 to this subsection, the executive board shall set a date for a meeting of the unit owners to consider
34 ratification of the amendment not less than 10 nor more than 60 days after mailing of notice of
35 ~~such meeting, which the meeting.~~ The notice shall include a copy or summary of the proposed
36 amendment. There ~~shall be~~ is no requirement that a quorum be present at the meeting. The
37 amendment is ratified by the unit owners unless at that meeting unit owners holding a majority
38 of the votes in the association reject the amendment. Any amendment recorded pursuant to this
39 subsection in the office of the register of deeds in the county or counties where the condominium
40 is located ~~shall operate~~ operates as a correction of the declaration being corrected that relates
41 back to, and is effective as of, the date the declaration being corrected was originally recorded in
42 the office of the register of deeds, with the same effect as if the declaration were correct when
43 the declaration was first recorded."

44 **SECTION 56.** G.S. 47F-1-102 reads as rewritten:

45 **"§ 47F-1-102. Applicability.**

46 (a) This Chapter applies to all planned communities created within this State on or after
47 January 1, 1999, except as otherwise provided in this section.

48 (b) This Chapter does not apply to a planned community created within this State on or
49 after January 1, 1999: 1999; that satisfies either of the following:

50 (1) ~~Which~~ The planned community contains no more than 20 lots (including all
51 lots ~~which that~~ may be added or created by the exercise of development rights)

1 unless the declaration provides or is amended to provide that this Chapter does
2 apply to that planned ~~community; or community.~~
3 (2) ~~In which all~~ All the planned community's lots are restricted exclusively to
4 nonresidential purposes, unless the declaration provides or is amended to
5 provide that this Chapter does apply to that planned community.

6 (c) Notwithstanding ~~the provisions of~~ subsection (a) of this section, G.S. 47F-1-104
7 (Variation), G.S. 47F-2-103 (Construction and validity of declaration and bylaws),
8 G.S. 47F-2-117 (Amendment of declaration), G.S. 47F-3-102(1) through (6) and (11) through
9 (17) (Powers of owners' association), G.S. 47F-3-103(f) (Executive board members and officers),
10 G.S. 47F-3-104 (Transfer of special declarant rights), G.S. 47F-3-107(a), (b), and (c) (Upkeep of
11 planned community; responsibility and assessments for damages), G.S. 47F-3-107.1 (Procedures
12 for fines and suspension of planned community privileges or services), G.S. 47F-3-108
13 (Meetings), G.S. 47F-3-115 (Assessments for common expenses), G.S. 47F-3-116 (Lien for
14 assessments), (Lien for sums due the association; enforcement), G.S. 47F-3-118 (Association
15 records), and G.S. 47F-3-121 (American and State flags and political sign displays), and G.S.
16 47F-3-104 (Transfer of Special Declarant Rights) displays apply to all planned communities
17 created in this State before January 1, 1999, unless the articles of incorporation or the declaration
18 expressly provides to the contrary, and G.S. 47F-3-120 (Declaration limits on attorneys' fees)
19 applies to all planned communities created in this State before January 1, 1999. These sections
20 apply only with respect to events and circumstances occurring on or after January 1, 1999, and
21 do not invalidate existing provisions of the declaration, bylaws, or plats and plans of those
22 planned communities. G.S. 47F-1-103 (Definitions) also applies to all planned communities
23 created in this State before January 1, 1999, to the extent necessary in construing any of the
24 preceding sections.

25 (d) Notwithstanding ~~the provisions of~~ subsections (a) and (c) of this section, any planned
26 community created prior to January 1, 1999, may elect to make ~~the provisions of~~ this Chapter
27 applicable to it by amending its declaration to provide that this Chapter ~~shall apply~~ applies to that
28 planned community. The amendment may be made by affirmative vote or written agreement
29 signed by lot owners of lots to which at least sixty-seven percent (67%) of the votes in the
30 association are allocated or any smaller majority the declaration specifies. To the extent the
31 procedures and requirements for amendment in the declaration conflict with ~~the provisions of~~
32 this subsection, this subsection ~~shall control~~ controls with respect to any amendment to provide
33 that this Chapter applies to that planned community.

34 (e) This Chapter does not apply to planned communities or lots located outside this
35 State."

36 **SECTION 57.** G.S. 113-276 reads as rewritten:

37 **"§ 113-276. Exemptions and exceptions to license and permit requirements.**

38 (a), (b) Repealed by Session Laws 1979, c. 830, s. 1.

39 (c) Except as otherwise provided in this Subchapter, every landholder, landholder's
40 spouse, and ~~dependents~~ dependent under 18 years of age residing with the landholder may take
41 wildlife upon the land held by the landholder without any license required by G.S. 113-270.1B
42 or G.S. 113-270.3(a), except that these persons are not exempt from the American alligator
43 licenses established in G.S. 113-270.3(b)(6) and G.S. 113-270.3(b)(7), elk licenses established
44 in G.S. 113-270.3(b)(8) and G.S. 113-270.3(b)(9), bear management stamp established in
45 G.S. 113-270.3(b)(1b), and the falconry license described in G.S. 113-270.3(b)(4).

46 ...

47 (j) ~~A migrant farm worker who has in his possession a temporary certification of his~~
48 ~~status as such by the Rural Employment Service of the Division of Employment Security on a~~
49 ~~form provided by the Wildlife Resources Commission is entitled to the privileges of a resident~~
50 ~~of the State and of the county indicated on such certification during the term thereof for the~~

purposes of purchasing and using the resident fishing licenses provided by G.S. 113-271(d)(2), (4), and (6)a.

...."

SECTION 58.(a) Subdivision (b)(1) of G.S. 126-5 is recodified as subdivision (b)(3a) of that section.

SECTION 58.(b) G.S. 126-5, as amended by subsection (a) of this section, reads as rewritten:

"§ 126-5. Employees subject to Chapter; exemptions.

(a) ~~The provisions of this Chapter shall apply to:~~This Chapter applies to all of the following:

(1) All State employees not ~~herein exempt, and~~exempted by this section.

...

(b) ~~As used in this section:~~The following definitions apply in this section:

(1) Recodified.

(2) ~~"Exempt managerial position" means a~~Exempt managerial position. – A position delegated with significant managerial or programmatic responsibility that is essential to the successful operation of a State department, agency, or division, so that the application of G.S. 126-35 to an employee in the position would cause undue disruption to the operations of the agency, department, institution, or division.

(3) ~~"Exempt policymaking position" means a~~Exempt policymaking position. – A position delegated with the authority to impose the final decision as to a settled course of action to be followed within a department, agency, or division, so that a loyalty to the Governor or other elected department head in their respective offices is reasonably necessary to implement the policies of their offices. The term ~~shall does not~~ include personnel professionals.

(3a) ~~"Exempt position" means an~~Exempt position. – An exempt managerial position or an exempt policymaking position.

(4) ~~"Personnel professional" means any~~Personnel professional. – Any employee in a State department, agency, institution, or division whose primary job duties involve administrative personnel and human resources functions for that State department, agency, institution, or division.

(c) Except as to the policies, rules, and plans established by the Commission pursuant to G.S. 126-4(1), 126-4(2), 126-4(3), 126-4(4), 126-4(5), and 126-4(6), and 126-7, and except as to ~~the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall does not~~ apply ~~to~~to any of the following:

...

(3) Employees in exempt policymaking positions designated pursuant to ~~G.S. 126-5(d).~~subsection (d) of this section.

(4) The chief deputy or chief administrative assistant to the head of each State department who is designated either by statute or by the department head to act for and perform all of the duties of ~~such the~~ department head during ~~his~~ the department head's absence or incapacity.

(c1) Except as to ~~the provisions of Articles 6 and 7 of this Chapter, the provisions of this Chapter shall does not~~ apply ~~to~~to any of the following:

...

(6) Employees of the Office of the Governor that the Governor, at any time, in the Governor's discretion, exempts from the application of ~~the provisions of~~ this Chapter by means of a letter to the Director of the Office of State Human Resources designating these employees.

(7) Employees of the Office of the Lieutenant Governor, that the Lieutenant Governor, at any time, in the Lieutenant Governor's discretion, exempts from the application of ~~the provisions of~~ this Chapter by means of a letter to the Director of the Office of State Human Resources designating these employees.

...
(c2) ~~The provisions of this Chapter shall not apply to:~~ This Chapter does not apply to any of the following:

...
(3) Employees of community colleges whose salaries are fixed in accordance with ~~the provisions of~~ G.S. 115D-5 and ~~G.S. 115D-20,~~ G.S. 115D-20 and employees of the Community Colleges System Office whose salaries are fixed by the State Board of Community Colleges in accordance with ~~the provisions of~~ G.S. 115D-3.

(4) Employees of the Office of Proprietary Schools whose salaries are fixed by the State Board of Proprietary Schools in accordance with ~~the provisions of~~ G.S. 115D-89.2.

...
(c3) Except as to the policies, rules, and plans established by the Commission pursuant to G.S. 126-4(5) and ~~the provisions of~~ Article 6 of this Chapter, ~~the provisions of this Chapter shall does not apply to:~~ Teaching to teaching and related educational classes of employees of the Division of Juvenile Justice of the Department of Public Safety, the Department of Health and Human Services, and any other State department, ~~agency~~ agency, or institution, whose salaries shall be set in the same manner as set for corresponding public school employees in accordance with Chapter 115C of the General Statutes.

(c4) Repealed by Session Laws 1993, c. 321, s. 145(b).

(c5) Notwithstanding any other provision of this Chapter, Article 14 of this Chapter ~~shall apply~~ applies to all State employees, public school employees, and community college employees.

(c6) Article 15 of this Chapter ~~shall apply~~ applies to all State employees, public school employees, and community college employees.

(c7) Except as to the policies, rules, and plans established by the Commission pursuant to G.S. 126-4(1), 126-4(2), 126-4(3), 126-4(4), 126-4(5), 126-4(6), ~~126-7,~~ 126-14.3, and except as to ~~the provisions of~~ G.S. 126-14.2, ~~G.S. 126-34.1(a)(2),~~ G.S. 126-34.02(b)(1) and (2), and Articles 6 and 7 of this Chapter, ~~the provisions of this Chapter shall~~ does not apply to exempt managerial positions.

(c8) Except as to ~~the provisions of~~ Articles 5, 6, 7, and 14 of this Chapter, ~~the provisions of this Chapter shall~~ does not apply to to any of the following:

...
(c9) Notwithstanding any other provision of this section, ~~the provisions of~~ Article 16 of this Chapter ~~shall apply~~ applies to all exempt and nonexempt State employees in the executive, legislative, and judicial branches unless provided otherwise by Article 16 of this Chapter. ~~The provisions of~~ Article 16 of this Chapter ~~shall~~ does not apply to employees described in subdivisions (2) and (3) of subsection (a) of this section.

(c10) Notwithstanding any other provision of this section, ~~the provisions of~~ G.S. 126-8.5 ~~shall apply~~ applies to all exempt and nonexempt State employees in the executive, legislative, and judicial ~~branch~~ branches unless provided otherwise by G.S. 126-8.5. ~~The provisions of~~ G.S. 126-8.5 ~~shall~~ does not apply to employees described in subdivisions (2) and (3) of subsection (a) of this section.

(c11) The following are exempt ~~from:~~ from (i) the classification and compensation rules established by the State Human Resources Commission pursuant to G.S. 126-4(1) through (4); (ii) G.S. 126-4(5) only as it applies to hours and days of work, vacation, and sick leave; (iii)

G.S. 126-4(6) only as it applies to promotion and transfer; (iv) G.S. 126-4(10) only as it applies to the prohibition of the establishment of incentive pay programs; and (v) Article 2 of Chapter 126 of the General Statutes, except for G.S. 126-7.1:

(1) The Office of the Commissioner of Banks and its ~~employees; and~~ employees.

...

(c12) Except as to G.S. 126-13, 126-14, 126-14.1, and ~~the provisions of~~ Articles 6, 7, 14, 15, and 16 of this Chapter, ~~the provisions of this Chapter shall~~ does not apply to employees of the Department of State Treasurer possessing specialized skills or knowledge necessary for the proper administration of investment programs and compensated pursuant to G.S. 147-69.3(i2).

(c13) Except as to G.S. 126-13, 126-14, 126-14.1, and ~~the provisions of~~ Articles 6, 7, 14, 15, and 16 of this Chapter, ~~the provisions of this Chapter shall~~ does not apply to employees of the Department of State Treasurer possessing specialized skills or knowledge necessary for the proper administration of the Supplemental Retirement Plans and compensated pursuant to G.S. 135-91(c).

(c14) Notwithstanding any provision of this Chapter to the contrary, each Council of State agency ~~shall have~~ has the sole authority to set the salary of its exempt policymaking and exempt managerial positions within the minimum rates, and the maximum rates plus ten percent (10%), established by the State Human Resources Commission under G.S. 126-4(2).

(c15) Notwithstanding any provision of this Chapter to the contrary, the State Chief Information Officer (State CIO) ~~is authorized to~~ may do the following:

...

(c16) Except as to ~~the provisions of~~ Articles 6, 7, and 8 of this Chapter, ~~the provisions of~~ this Chapter ~~shall~~ does not apply to commissioned police officer positions of the University of North Carolina. Employees in positions covered by this exception ~~shall be~~ are eligible for all employment and retirement benefits provided to State law enforcement officers subject to this Chapter.

(d) (1) Exempt Positions in Cabinet Department. – Subject to ~~the provisions of~~ this Chapter, which is known as the North Carolina Human Resources Act, the Governor may designate a total of 425 exempt positions throughout the following departments and offices:

...

(2) Exempt Positions in Council of State Departments and Offices. – The Secretary of State, the Auditor, the Treasurer, the Attorney General, the Superintendent of Public Instruction, the Commissioner of Agriculture, the Commissioner of Insurance, and the Labor Commissioner may designate exempt positions. The number of exempt policymaking positions in each department headed by an elected department head listed ~~above~~ in this ~~sub-subdivision shall be~~ subdivision is limited to 25 exempt policymaking positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater. The number of exempt managerial positions ~~shall be~~ is limited to 25 positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater. The number of exempt policymaking positions designated by the Superintendent of Public Instruction ~~shall be~~ is limited to 70 exempt policymaking positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater. The number of exempt managerial positions designated by the Superintendent of Public Instruction ~~shall be~~ is limited to 70 exempt managerial positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater.

(2a) Designation of Additional Positions. – The Governor or elected department head may request that additional positions be designated as exempt. The

request shall be made by sending a list of exempt positions that exceed the limit imposed by this subsection to the Speaker of the North Carolina House of Representatives and the President of the North Carolina Senate. A copy of the list also shall be sent to the Director of the Office of State Human Resources. The General Assembly may authorize all, or part of, the additional positions to be designated as exempt positions. If the General Assembly is in session when the list is submitted and does not act within 30 days after the list is submitted, the list ~~shall be~~ is deemed approved by the General Assembly, and the positions shall be designated as exempt positions. If the General Assembly is not in session when the list is submitted, the 30-day period shall not begin to run until the next date that the General Assembly convenes or reconvenes, other than for a special session called for a specific purpose not involving the approval of the list of additional positions to be designated as exempt positions; the policymaking positions shall not be designated as exempt during the interim.

...

(2c) Repealed by Session Laws 2017-6, s. 1, effective May 1, 2017.

(3) Letter. – ~~These Exempt~~ positions shall be designated in a letter to the Director of the Office of State Human Resources, the Speaker of the House of Representatives, and the President of the Senate by July 1 of the year in which the oath of office is administered to each Governor unless ~~the provisions of subsection (d)(4) apply.~~ subdivision (4) of this subsection applies.

(4) Vacancies. – In the event of a vacancy in the Office of Governor or in the office of a member of the Council of State, the person who succeeds to or is appointed or elected to fill the unexpired term shall make ~~such~~ designations in a letter to the Director of the Office of State Human Resources, the Speaker of the House of Representatives, and the President of the Senate within 180 days after the oath of office is administered to that person.

(5) Creation, Transfer, or Reorganization. – The Governor or elected department head may designate as exempt a position that is created or transferred to a different department, or is located in a department in which reorganization has occurred, after October 1 of the year in which the oath of office is administered to the Governor. The designation ~~must~~ shall be made in a letter to the Director of the Office of State Human Resources, the Speaker of the North Carolina House of Representatives, and the President of the North Carolina Senate within 180 days after ~~such~~ the position is created, transferred, or in which reorganization has occurred.

(6) Reversal. – Subsequent to the designation of a position as an exempt ~~position as hereinabove provided,~~ position, the status of the position may be reversed and made subject to ~~the provisions of this Chapter~~ by the Governor or by an elected department head in a letter to the Director of the Office of State Human Resources, the Speaker of the North Carolina House of Representatives, and the President of the North Carolina Senate.

(7) No Designation for Certain Positions. – Except for deputy commissioners appointed pursuant to G.S. 97-79 and as otherwise specifically provided by this section, no employee, by whatever title, whose primary duties include the power to conduct hearings, take evidence, and enter a decision based on findings of fact and conclusions of law based on statutes and legal precedents shall be designated as exempt. ~~This subdivision shall apply beginning July 1, 1985, and no list submitted after that date shall designate as exempt any employee described in this subdivision.~~

1 ...

2 (g) No employee shall be placed in an exempt position without 10 working ~~days-days~~

3 prior written notification that ~~such-the~~ position is so designated. A person applying for a position

4 that is designated as exempt ~~must-shall~~ be notified in writing at the time ~~he-the person~~ makes the

5 application that the position is designated as exempt.

6 (h) In case of a dispute as to whether an employee is subject to ~~the provisions of this~~

7 Chapter, the dispute shall be resolved as provided in Article 3 of Chapter ~~150B-150B~~ of the

8 General Statutes."

9 **SECTION 58.5.** G.S. 130A-309.14 reads as rewritten:

10 **"§ 130A-309.14. Duties of State agencies.**

11 (a) Each State agency, including the General Assembly, the General Court of Justice, and

12 The University of North Carolina ~~shall:shall~~ do all of the following:

- 13 (1) Establish a program in cooperation with the Department and the Department
- 14 of Administration for the collection of all recyclable materials generated in
- 15 State offices throughout the State. The program shall provide that recycling
- 16 containers are readily accessible on each floor where State employees are
- 17 located in a building occupied by a State agency. Recycling containers
- 18 required pursuant to this subdivision shall be clearly labeled to identify the
- 19 types of recyclable materials to be deposited in each container and, to the
- 20 extent practicable, recycling containers for glass, plastic, and aluminum shall
- 21 be located near trash receptacles. The program shall provide for the collection
- 22 of all of the following recyclable ~~materials-materials:~~

- 23 a. Aluminum.
- 24 b. Newspaper.
- 25 c. Sorted office paper.
- 26 d. Recyclable glass.
- 27 e. Plastic bottles.

28 As used in this subdivision, the term "sorted office paper" means paper used

29 in offices that is of a high quality for purposes of recycling and includes copier

30 paper, computer paper, letterhead, ledger, white envelopes, and bond paper.

- 31 ...
- 32 (3) The Department of Administration and the Department of Transportation shall
- 33 each provide by ~~1-October-October 1~~ of each year to the Department of
- 34 Environmental Quality a detailed description of the respective Agency's
- 35 review and revision of bid procedures and purchase and use of reusable,
- 36 refillable, repairable, more durable, and less toxic supplies and products. The
- 37 information provided by the Department of Administration and the
- 38 Department of Transportation to the Department of Environmental Quality
- 39 shall also be included in the report required by G.S. 130A-309.06(c).

- 40 ...
- 41 (5) Prepare any written report in compliance with the model report under
- 42 subsection (j) of this section. The State agency ~~shall, in lieu of distributing the~~
- 43 ~~report in mass:shall~~ do all of the following:

- 44 a. Notify persons to whom each agency is required to report, and any
- 45 other persons it deems appropriate, that a report has been published,
- 46 its subject and title, and the locations, including State libraries, at
- 47 which the report is ~~available;available.~~
- 48 b. Deliver any report to only those State libraries that each agency
- 49 determines is likely to receive requests for a particular ~~report;~~
- 50 ~~and report.~~
- 51 c. Distribute a report to only those who request the report.

1 A State library that has received a report shall distribute a report only upon
2 request. Any State agency required by law to report to an entity ~~shall be~~ is in
3 compliance with that law by notifying that entity under sub-subdivision a. of
4 this subdivision.

5 (a1) The Department of Administration shall review and revise its bid procedures and
6 specifications set forth in Article 3 of Chapter 143 of the General Statutes and the Department of
7 Transportation shall review and revise its bid procedures and specifications set forth in Article 2
8 of Chapter 136 of the General Statutes to encourage the purchase or use of reusable, refillable,
9 repairable, more durable, and less toxic supplies and products. The following applies:

10 (1) The Department of Administration shall require the procurement of ~~such~~ these
11 supplies and products to the extent that the purchase or use is practicable and
12 cost-effective. The Department of Administration shall require the purchase
13 or use of remanufactured toner cartridges for laser printers to the extent
14 practicable.

15 (2) The Department of Transportation shall require the purchase or use of ~~such~~
16 these supplies and products in the construction and maintenance of highways
17 and bridges to the extent that the purchase or use is practicable and
18 cost-effective.

19 (3) The Department of Administration and the Department of Transportation shall
20 each provide by ~~1 October~~ October 1 of each year to the Department of
21 Environmental Quality a detailed description of the respective Agency's
22 review and revision of bid procedures and its purchase and use of reusable,
23 refillable, repairable, more durable, and less toxic supplies and products. The
24 information provided by the Department of Administration and the
25 Department of Transportation to the Department of Environmental Quality
26 shall also be included in the report required by G.S. 130A-309.06(c).

27 (b) The Department of Commerce shall assist and encourage the recycling industry in the
28 State. Assistance and encouragement of the recycling industry shall ~~include~~ include all of the
29 following:

30 (1) Assisting the Department in ~~the identification and analysis, by the Department~~
31 identifying and analyzing, pursuant to G.S. 130A-309.06, ~~of components of~~
32 the State's recycling industry and present and potential markets for recyclable
33 materials in this State, other states, and foreign ~~countries~~ countries.

34 (2) Providing information on the availability and benefits of using recycled
35 materials to businesses and industries in the ~~State; and~~ State.

36 ...

37 (d) The Department of Commerce shall investigate the potential markets for composted
38 materials and shall submit its findings to the Department for the waste registry informational
39 program administered by the Department in order to stimulate absorption of available composted
40 materials into ~~such~~ those markets.

41 (e) ~~On or before 1 March 1991, the Department of Commerce shall report to the General~~
42 ~~Assembly its findings relative to:~~

43 (1) ~~Potential markets for composted materials, including private and public sector~~
44 ~~markets;~~

45 (2) ~~The types of materials which may legally and effectively be used in a~~
46 ~~successful composting operation; and~~

47 (3) ~~The manner in which the composted materials should be marketed for~~
48 ~~optimum use.~~

49 (f) ~~(4)~~ All State agencies, including the Department of Transportation and the Department
50 of Administration, and units of local government are required to procure compost products when
51 they can be substituted for, and cost no more than, regular soil amendment products, provided so

long as the compost products meet all applicable engineering and environmental quality standards, specifications, and rules. This product preference shall apply to, but not be limited to, highway construction and maintenance projects, highway planting and beautification projects, recultivation and erosion control programs, and other projects.

(f1) (2) The Department of Transportation shall, consistent with economic feasibility and applicable engineering and environmental quality standards, use scrap tires, demolition debris, and untreated, stabilized, or encapsulated ash from boilers and incinerators in highway construction and maintenance projects.

(g) The Department of Public Instruction, with the assistance of the Department and The University of North Carolina, shall develop, distribute, and encourage the use of guidelines for the collection of recyclable materials and for solid waste reduction in the State system of education. At a minimum, the guidelines shall address solid waste generated in administrative offices, classrooms, dormitories, and cafeterias. ~~The guidelines shall be developed by 1 January 1991.~~

...

(i) The Department of Public Instruction ~~is directed to~~ shall develop, from funds appropriated for environmental education, curriculum materials and resource guides for a recycling awareness program for instruction at the elementary, middle, and high school levels.

(j) The Department of Administration shall develop a model report for reports published by any State agency, the General Assembly, the General Court of Justice, or The University of North Carolina. This model report shall satisfy the following:

...

(4) State publications that are of historical and enduring value and importance to the citizens of North Carolina shall be printed on alkaline (acid-free) ~~paper~~ according to G.S. 125-11.13, paper.

...

(l) Any State agency or agency of a political subdivision of the State that is using State funds, or any person contracting with any agency with respect to work performed under contract, shall procure products of recycled steel if all of the following conditions are satisfied:

- (1) The product ~~must be~~ is acquired competitively within a reasonable time frame.
- (2) The product ~~must meet~~ meets appropriate performance standards.
- (3) The product ~~must be~~ is acquired at a reasonable price.

...."

SECTION 59.(a) G.S. 160D-405 reads as rewritten:

"§ 160D-405. Appeals of administrative decisions.

(a) Appeals. – Except as provided in G.S. 160D-1403.1, appeals of administrative decisions made by the staff under this Chapter shall be made to the board of adjustment unless a different board is provided or authorized otherwise by statute or an ordinance adopted pursuant to this Chapter. If this function of the board of adjustment is assigned to any other board pursuant to G.S. 160D-302(b), that board shall comply with all of the procedures and processes applicable to a board of adjustment hearing appeals. Appeal of a decision made pursuant to an erosion and sedimentation control regulation, a stormwater control regulation, or a provision of the housing code shall not be made to the board of adjustment unless required by a local government ordinance or code provision. Appeals of administrative decisions on subdivision plats shall be made as provided in G.S. 160D-1403.

(b) Standing. – Any person who has standing under G.S. 160D-1402(c) or the local government may appeal an administrative decision to the board. An appeal is taken by filing a notice of appeal with the local government clerk or ~~such other a~~ local government official as designated by ordinance. The notice of appeal shall state the grounds for the appeal.

...

(f) Stays. – An appeal of a notice of violation or other enforcement order to the board of adjustment and any subsequent appeal in accordance with G.S. 160D-1402 stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal ~~to the board of adjustment and any subsequent appeal in accordance with G.S. 160D-1402~~ or during the pendency of any civil proceeding authorized by law or ~~appeals therefrom, unless related appeal. If, however,~~ the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development ~~regulation. In that case, regulation, then~~ enforcement proceedings are not stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after the request is filed.

Notwithstanding any other provision of this section, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation does not stay the further review of an application for development approvals to use the property; in these situations, the appellant or local government may request and the board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

(g) Alternative Dispute Resolution. – The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The development regulation may set standards and procedures to facilitate and manage ~~such~~ voluntary alternative dispute resolution.

(h) No Estoppel. – G.S. 160D-1403.2, limiting a local government's use of the defense of estoppel, applies to proceedings under this section."

SECTION 59.(b) G.S. 160D-808 reads as rewritten:

"§ 160D-808. Appeals of decisions on subdivision plats.

Appeals of subdivision decisions ~~may~~ shall be made pursuant to G.S. 160D-1403."

SECTION 59.(c) G.S. 160D-1403 reads as rewritten:

"§ 160D-1403. Appeals of decisions on subdivision plats.

(a) When a subdivision regulation adopted under this Chapter provides that the decision whether to approve or deny a preliminary or final subdivision plat is quasi-judicial, then that decision of the board ~~shall be~~ is subject to review by the superior court by ~~proceedings a proceeding~~ in the nature of certiorari. ~~The provisions of G.S. 160D-406 and this section shall~~ apply to those appeals.

(b) When a subdivision regulation adopted under this Chapter provides that the decision whether to approve or deny a preliminary or final subdivision plat is administrative, or for any other administrative decision implementing a subdivision regulation, the following applies:

(1) ~~then that decision of the board shall be~~ If made by the governing board or planning board, the decision is subject to review by filing an action in superior court seeking appropriate declaratory or equitable relief within 30 days from receipt of the written notice of the decision, which shall be made as provided in G.S. 160D-403(b).

(2) If made by the staff or a staff committee, the decision is subject to appeal as provided in G.S. 160D-405.

(c) For purposes of this section, a subdivision regulation ~~shall be~~ is deemed to authorize a quasi-judicial decision if the decision-making entity under G.S. 160D-803(c) is authorized to decide whether to approve or deny the plat based not only upon whether the application complies with the specific requirements set forth in the regulation but also on whether the application complies with one or more generally stated standards requiring a discretionary decision to be made."

SECTION 60.(a) The introductory language of Section 3(a) of S.L. 2021-39 reads as rewritten:

"SECTION 3.(a) Section 4 of the Charter of the Town of Cove City, being Chapter 64 of the 1907 ~~Session Private~~ Laws, as amended by Chapter 427 of the 1957 Session Laws, Chapter 1032 of the 1957 Session Laws, Chapter 649 of the 1963 Session Laws, and Ord. No. 2003-8-4, reads as rewritten:"

SECTION 60.(b) The introductory language of Section 4(a) of S.L. 2021-39 reads as rewritten:

"SECTION 4.(a) The Charter of the Town of Dover, being Chapter 375 of the 1901 ~~Session Private~~ Laws, is amended by adding new sections to read:"

PART III. ADDITIONAL TECHNICAL CORRECTION

SECTION 61. If Senate Bill 372, 2021 Regular Session, becomes law, then G.S. 160D-706(a), as amended by Section 17(a) of that act, reads as rewritten:

"(a) Unless otherwise prohibited by ~~G.S. 160A-704(b)~~, G.S. 160A-174(b), when regulations made under authority of this Article require a greater width or size of yards or courts, or require a lower height of a building or fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the regulations made under authority of this Article govern. Unless otherwise prohibited by ~~G.S. 160A-704(b)~~, G.S. 160A-174(b), when the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of a building or a fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Article, the provisions of that statute or local ordinance or regulation govern."

PART IV. EFFECTIVE DATE

SECTION 62. Except as otherwise provided, this act is effective when it becomes law.