

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2022-75
HOUSE BILL 911**

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

The General Assembly of North Carolina enacts:

CLARIFY REQUESTING BOARD FOR RESIDENCY LICENSE

SECTION 1.(a) G.S. 115C-270.20 reads as rewritten:

"§ 115C-270.20. Licensure requirements.

(a) Teacher Licenses. – The State Board shall adopt rules for the issuance of the following classes of teacher licenses, including required levels of preparation for each classification:

...

(5) Residency License or RL. – A one-year license, renewable twice, that meets both of the following requirements:

- a. Is requested by the ~~local board of education~~ governing body of a public school unit and accompanied by a certification of supervision from the recognized educator preparation program in which the individual is enrolled.
- b. The individual for whom the license is requested meets all of the following requirements:
 1. Holds at least one of the following:
 - I. A bachelor's degree.
 - II. An advanced degree.
 2. Has either completed coursework relevant to the requested licensure area or passed the content area examination relevant to the requested licensure area that has been approved by the State Board.
 3. Is enrolled in a recognized educator preparation program.
 4. Meets all other requirements established by the State Board, including completing preservice requirements prior to teaching.

...."

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

TOLLING THE TERMS OF CHARTERS TO ALLOW TIME TO OBTAIN LAND USE APPROVALS

SECTION 2. G.S. 115C-218.5 is amended by adding a new subsection to read:

"(g) A charter school shall be entitled to automatically extend any deadline to begin operations or commence the term of its charter until the next school year if it notifies the State Board by June 30 that it is seeking land use or development approvals for its selected site or facilities or if it is challenging the denial of any requested land use or development approvals.



The term of the charter issued by the State Board shall be tolled during the period of any extension or extensions issued under this section."

AUTHORIZE SANITARY DISTRICTS TO CREATE, MAINTAIN, AND OPERATE PARKS AND RECREATION PROGRAMS AND FACILITIES

SECTION 3. G.S. 130A-55 reads as rewritten:

"§ 130A-55. Corporate powers.

A sanitary district board shall be a body politic and corporate and may sue and be sued in matters relating to the sanitary district. Notwithstanding any limitation in the petition under G.S. 130A-48, but subject to the provisions of G.S. 130A-55(17)e, each sanitary district may exercise all of the powers granted to sanitary districts by this Article. In addition, the sanitary district board shall have the following powers:

...
(4a) To provide for the creation, maintenance, and operation of parks and recreation programs and facilities with all the powers provided to cities and counties in G.S. 160A-353. However, a sanitary district may not exercise the condemnation powers granted either in this Article or as set forth in G.S. 160A-353 to acquire real property for parks and recreation programs or facilities.

...."

CLARIFY NC VETERINARY MEDICAL BOARD AUTHORITY TO ISSUE CERTAIN CIVIL PENALTIES

SECTION 4.(a) G.S. 90-187.8 reads as rewritten:

"§ 90-187.8. Discipline of licensees.

...
(b) The Board may impose and collect from a ~~licensee~~-licensee, or a veterinary facility ~~permittee~~, a civil monetary penalty of up to five thousand dollars (\$5,000) for each violation of this Article or a rule adopted under this Article. The clear proceeds of these civil penalties shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

The amount of the civil penalty, up to the maximum, shall be determined upon a finding of one or more of the following factors:

- (1) The degree and extent of harm to the public health or to the health of the animal under the licensee's care.
- (2) The duration and gravity of the violation.
- (3) Whether the violation was committed willfully or intentionally or reflects a continuing pattern.
- (4) Whether the violation involved elements of fraud or deception either to the client or to the Board, or both.
- (5) The prior disciplinary record with the Board of the licensee.
- (6) Whether and the extent to which the licensee profited by the violation.

...."

SECTION 4.(b) This section is effective when it becomes law and applies to civil penalties issued on or after that date.

STATE AUDITOR TECHNICAL CHANGE

SECTION 5. G.S. 143C-6-23 reads as rewritten:

"§ 143C-6-23. State grant funds: administration; oversight and reporting requirements.

...
(d) Office of State Budget Rules Must Require Uniform Administration of State Grants.
– The Office of State Budget and Management shall adopt rules to ensure the uniform

administration of State grants by all grantor State agencies and grantees or subgrantees. The Office of State Budget and Management shall consult with the Office of the State Auditor and the Attorney General in establishing the rules required by this subsection. The rules shall establish policies and procedures for disbursements of State grants and for State agency oversight, monitoring, and evaluation of grantees and subgrantees. The policies and procedures shall:

...

(6) Establish mandatory periodic reporting requirements for grantees and subgrantees, including methods of reporting, to provide financial and program performance information. ~~The mandatory periodic reporting requirements shall require grantees and subgrantees to file with the State Auditor copies of reports and statements that are filed with State agencies pursuant to this subsection. Compliance with the mandatory periodic reporting requirements of this subdivision shall not require grantees and subgrantees to file with the State Auditor the information described in subsections (b) and (c) of this section.~~

...

(8) ~~Require grantees and subgrantees to ensure that work papers in the possession of their auditors are available to the State Auditor for the purposes set out in subsection (i) of this section.~~

...

(i) ~~State Agencies to Submit Grant List to Auditor. No later than October 1 of each year, each State agency shall submit a list to the State Auditor, in the format prescribed by the State Auditor, of every grantee to which the agency disbursed grant funds in the prior fiscal year. The list shall include the amount disbursed to each grantee and other information as required by the State Auditor to comply with the requirements of this section.~~

...."

CONFORMING CHANGE TO LEAD DUST STANDARDS

SECTION 6.(a) G.S. 130A-131.7 reads as rewritten:

"§ 130A-131.7. Definitions.

The following definitions apply in this Part:

...

(4) "Department" means the Department of ~~Environmental Quality~~ Health and Human Services or its authorized agent.

...

(7) "Lead poisoning hazard" means any of the following:

...

c. Any concentration of lead dust that is equal to or greater than ~~40-10~~ micrograms per square foot on floors or 250 floors, 100 micrograms per square foot on interior windowsills, or 250 micrograms per square foot on vinyl miniblinds, bathtubs, kitchen sinks, or lavatories.

...."

SECTION 6.(b) G.S. 130A-131.9C(i), as amended by S.L. 2021-69, reads as rewritten:

"(i) All remediation plans shall require that the lead poisoning hazards be reduced to the following levels:

- (1) ~~Fewer-Less~~ than 40-10 micrograms per square foot for lead dust on floors.
- (2) ~~Fewer-Less~~ than 250-100 micrograms per square foot for lead dust on interior windowsills, bathtubs, kitchen sinks, and lavatories. windowsills.

- (2a) Less than 250 micrograms per square foot for lead dust on vinyl miniblinds, bathtubs, kitchen sinks, and lavatories.
 - (3) ~~Fewer~~ Less than 400 micrograms per square foot for lead dust on window troughs.
 - (4) ~~Fewer~~ Less than 400 parts per million for lead in bare soil in play areas, gardens, pet sleeping areas, and areas within three feet of the residential housing unit or child-occupied facility. Lead in bare soil in other locations of the yard shall be reduced to less than 1,200 parts per million.
 - (5) ~~Fewer~~ Less than 10 parts per billion for lead in drinking water."
- SECTION 6.(c)** This section becomes effective on December 1, 2022.

SENSITIVE PUBLIC SECURITY INFORMATION PUBLIC RECORDS CHANGES

SECTION 7.(a) G.S. 132-1.7 reads as rewritten:

"§ 132-1.7. Sensitive public security information.

(a) Public records, as defined in G.S. 132-1, shall not include ~~information~~ sensitive public security information, which means any of the following:

- (1) Information containing specific details of public security plans and arrangements or the detailed plans and drawings of public buildings and infrastructure facilities or plans, facilities, including detailed plans and drawings contained in, or capable of being produced from, information storage systems or geographic information system databases.
- (2) Plans, schedules, or other documents that include information regarding patterns or practices associated with executive protection and security.
- (3) Specific security information or detailed plans, patterns, or practices associated with prison or local confinement facilities operations.
- (4) Specific security information or detailed plans, patterns, or practices to prevent or respond to criminal, gang, or organized illegal activity.
- (5) Specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure, whether physical or virtual, for the production, generation, transmission, or distribution of energy.

~~(a1) Public records, as defined in G.S. 132-1, shall not include specific security information or detailed plans, patterns, or practices associated with prison operations.~~

~~(a2) Public records, as defined in G.S. 132-1, shall not include specific security information or detailed plans, patterns, or practices to prevent or respond to criminal, gang, or organized illegal activity.~~

...."

SECTION 7.(b) G.S. 130A-304 reads as rewritten:

"§ 130A-304. Confidential information protected.

(a) The following information received or prepared by the Department in the course of carrying out its duties and responsibilities under this Article is confidential information and shall not be subject to disclosure under G.S. 132-6:

- (1) Information which the Secretary determines is entitled to confidential treatment pursuant to G.S. 132-1.2. If the Secretary determines that information received by the Department is not entitled to confidential treatment, the Secretary shall inform the person who provided the information of that determination at the time such determination is made. The Secretary may refuse to accept or may return any information that is claimed to be confidential that the Secretary determines is not entitled to confidential treatment.
- (2) Information that is confidential under any provision of federal or state law.

(3) Information compiled in anticipation of enforcement or criminal proceedings, but only to the extent disclosure could reasonably be expected to interfere with the institution of such proceedings.

(4) Sensitive public security information, as defined in G.S. 132-1.7.

(b) Confidential information may be disclosed to officers, employees, or authorized representatives of federal or state agencies if such disclosure is necessary to carry out a proper function of the Department or the requesting agency or when relevant in any proceeding under this Article.

(c) Except as provided in subsection (b) of this section or as otherwise provided by law, any officer or employee of the State who knowingly discloses information designated as confidential under this section shall be guilty of a Class 1 misdemeanor and shall be removed from office or discharged from employment."

SECTION 7.(c) G.S. 143-215.3C reads as rewritten:

"§ 143-215.3C. Confidential information protected.

(a) Information obtained under this Article or Article 21A or 21B of this Chapter shall be available to the public except that, upon a showing satisfactory to the Commission by any person that information to which the Commission has access, if made public, would divulge methods or processes entitled to protection as trade secrets pursuant to G.S. 132-1.2, or would divulge sensitive public security information, as defined in G.S. 132-1.7, the Commission shall consider the information confidential.

(b) Effluent data, as defined in 40 Code of Federal Regulations § 2.302 (1 July 1993 Edition) and emission data, as defined in 40 Code of Federal Regulations § 2.301 (1 July 1993 Edition) is not entitled to confidential treatment under this section.

(c) Confidential information may be disclosed to any officer, employee, or authorized representative of any federal or state agency if disclosure is necessary to carry out a proper function of the Department or other agency or when relevant in any proceeding under this Article or Article 21A or Article 21B of this Chapter.

(d) The Commission shall provide for adequate notice to any person who submits information of any decision that the information is not entitled to confidential treatment and of any decision to release information that the person who submits the information contends is entitled to confidential treatment. Any person who requests information and any person who submits information who is dissatisfied with a decision of the Commission to withhold or release information may request a declaratory ruling from the Commission under G.S. 150B-4 within 10 days after the Commission notifies the person of its decision. The information may not be released by the Commission until the Commission issues a declaratory ruling or, if judicial review of the final agency decision is sought by any party, the information may not be released by the Commission until a final judicial determination has been made."

EXEMPT OFF-FRAME MODULAR HOMES FROM CERTAIN DESIGN ELEMENTS REQUIRED BY THE NORTH CAROLINA BUILDING CODE

SECTION 9. G.S. 143-139.1 reads as rewritten:

"§ 143-139.1. Certification of manufactured buildings, structures or components by recognized independent testing laboratory; minimum standards for single-family, on-frame modular homes.

(a) Certification. – The State Building Code may provide, in circumstances deemed appropriate by the Building Code Council, for testing, evaluation, inspection, and certification of buildings, structures or components manufactured off the site on which they are to be erected, by a recognized independent testing laboratory having follow-up inspection services approved by the Building Code Council. Approval of such buildings, structures or components shall be evidenced by labels or seals acceptable to the Council. All building units, structures or components bearing such labels or seals shall be deemed to meet the requirements of the State

Building Code and this Article without further inspection or payment of fees, except as may be required for the enforcement of the Code relative to the connection of units and components and enforcement of local ordinances governing zoning, utility connections, and foundations permits. The Building Code Council shall adopt and may amend from time to time such reasonable and appropriate rules and regulations as it deems necessary for approval of agencies offering such testing, evaluation, inspection, and certification services and for overseeing their operations. Such rules and regulations shall include provisions to insure that such agencies are independent and free of any potential conflicts of interest which might influence their judgment in exercising their functions under the Code. Such rules and regulations may include a schedule of reasonable fees to cover administrative expenses in approving and overseeing operations of such agencies and may require the posting of a bond or other security satisfactory to the Council guaranteeing faithful performance of duties under the Code.

The Building Code Council may also adopt rules to insure that any person that is not licensed, in accordance with G.S. 87-1, and that undertakes to erect a North Carolina labeled manufactured modular building, meets the manufacturer's installation instructions and applicable provisions of the State Building Code. Any such person, before securing a permit to erect a modular building, shall provide the code enforcement official proof that he has in force for each modular building to be erected a \$5,000 surety bond insuring compliance with the regulations of the State Building Code governing installation of modular buildings.

(b) Minimum Standards for Single-Family, On-Frame Modular Homes. – To qualify for a label or seal under subsection (a) of this section, a ~~single-family~~ single-family, on-frame modular home must meet or exceed the following construction and design standards:

- (1) Roof pitch. – For homes with a single predominant roofline, the pitch of the roof shall be no less than five feet rise for every 12 feet of run.
- (2) Eave projection. – The eave projections of the roof shall be no less than 10 inches, which may not include a gutter around the perimeter of the home, unless the roof pitch is 8/12 or greater.
- (3) Exterior wall. – The minimum height of the exterior wall shall be at least seven feet six inches for the first story.
- (4) Siding and roofing materials. – The materials and texture for the exterior materials shall be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.
- (5) Foundations. – The home shall be designed to require foundation supports around the perimeter. The supports may be in the form of piers, pier and curtain wall, piling foundations, a perimeter wall, or other approved perimeter supports."

EXTEND DEADLINE FOR SMALL MUNICIPALITIES TO ADOPT COMPREHENSIVE LAND-USE PLANS

SECTION 10. Section 2.9(c) of S.L. 2019-111 reads as rewritten:

"**SECTION 2.9.(c)** Any local government that has adopted zoning regulations but that has not adopted a comprehensive plan shall adopt such plan no later than July 1, 2022, in order to retain the authority to adopt and apply zoning ~~regulations-regulations~~, except that municipalities with a population of 1,500 or less according to the most recent federal decennial census shall adopt such plan no later than July 1, 2023."

PERMIT A CONSUMER FINANCE LICENSEE TO TAKE A CONFESSION OF JUDGMENT FROM A BORROWER FOLLOWING THE BORROWER'S FAILURE TO MAKE A PAYMENT AS REQUIRED UNDER THE LOAN CONTRACT

SECTION 11. G.S. 53-181(c) reads as rewritten:

"(c) Power of Attorney or Confession of Judgment Prohibited. – No licensee shall take any confession of judgment or permit any borrower to execute a power of attorney in favor of any licensee or in favor of any third person to confess judgment or to appear for the borrower in any judicial proceeding and any such confession of judgment or power of attorney to confess judgment shall be absolutely void. Nothing in this subsection prohibits a licensee from taking a confession of judgment from a borrower following the borrower's failure to make a payment as required under the loan contract."

CLARIFY SCOPE OF LICENSED WATER HEATER INSTALLATION AND REPAIR

SECTION 12. G.S. 87-21 reads as rewritten:

"§ 87-21. Definitions; contractors licensed by Board; examination; posting license, etc.

...

(c) To Whom Article Applies. – The provisions of this Article shall apply to all persons, firms, or corporations who engage in, or attempt to engage in, the business of plumbing, heating, or fire sprinkler contracting, or any combination thereof as defined in this ~~Article~~. Article, which includes the installation or replacement of condensing units, air handlers, gas furnaces, package units, boilers, water heaters, heat exchangers, or whole-house water purification or treatment systems, as well as the connection, repair, or alteration to the plumbing drainage, waste, or venting system or the potable water system. The provisions of this Article shall not apply to those who clean plumbing drains or those who make minor repairs or minor replacements to an already installed system of plumbing, heating or air conditioning, but shall apply to those who make repairs, replacements, or modifications to an already installed fire sprinkler system. Minor repairs or minor replacements within the meaning of this subsection shall include the replacement of parts in an installed system which do not require any change in energy source, fuel type, or routing or sizing of venting or piping. Parts shall include a compressor, coil, contactor, motor, or capacitor.

...

(i) The provisions of this Article shall not apply to a retailer, as defined in G.S. 105-164.3(229), who, in the ordinary course of business, enters into a transaction with a buyer in which the retailer of a water heater sold for installation in a one- or two-family residential dwelling contracts with a licensee under this Article to provide the installation services for the water heater if the retail sales and installation contract with the buyer is signed by the ~~buyer,~~ buyer and the retailer, ~~retailer~~ and identifies the licensee and ~~bears the~~ provides the licensee's license number and telephone number. All installation services rendered by the licensee in connection with any such contract must be performed in compliance with all building code, permit, and inspection requirements.

...."

WATERSLIDE DISPATCHER CHANGE

SECTION 13.(a) G.S. 95-111.3 reads as rewritten:

"§ 95-111.3. Definitions.

...

(e) The term "operator" shall mean any person having direct control of the operation of an amusement device. The term "operator" shall not include a waterslide dispatcher or any person on the device for the purpose of receiving amusement, pleasure, thrills, or excitement.

...

(i) The term "waterslide dispatcher" shall mean an employee who is stationed at the top of a waterslide for the purpose of managing the ride queue and dispatching users of the waterslide."

SECTION 13.(b) G.S. 95-111.11 reads as rewritten:

"§ 95-111.11. ~~Operators~~Operators; waterslide dispatchers.

(a) Any operator of a device subject to the provisions of this Article shall be at least 18 years of age. An operator shall operate no more than one device at any given time. An operator shall be in attendance at all times the device is in operation.

(b) No person shall operate any amusement device equipment while under the influence of alcohol or any other impairing substance as defined by G.S. 20-4.01(14a). It shall be a violation of this subsection to knowingly permit the operation of any amusement device while the operator is under the influence of an impairing substance.

(c) Any waterslide dispatcher shall be at least 16 years of age."

ALLOW LOCAL GOVERNMENTS TO ENTER INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH MILITARY TO PROVIDE INSTALLATION-SUPPORT SERVICES

SECTION 14.(a) Article 23 of Chapter 153A of the General Statutes is amended by adding a new section to read as follows:

"§ 153A-460. Intergovernmental Support Agreements with military installations.

A county may enter into Intergovernmental Support Agreements with the Secretary of a military branch of the Armed Forces of the United States to provide installation-support services as authorized by 10 U.S.C. § 2679."

SECTION 14.(b) Article 21 of Chapter 160A of the General Statutes is amended by adding a new section to read as follows:

"§ 160A-499.5. Intergovernmental Support Agreements with military installations.

A city may enter into Intergovernmental Support Agreements with the Secretary of a military branch of the Armed Forces of the United States to provide installation-support services as authorized by 10 U.S.C. § 2679."

AMEND LICENSURE REQUIREMENTS FOR COSMETIC ARTS

SECTION 15.(a) G.S. 88B-11 reads as rewritten:

"§ 88B-11. Qualifications for licensing teachers.

(a) Applicants for any teacher's license issued by the Board shall meet all of the following requirements:

- (1) Possession of a high school diploma or a high school graduation equivalency certificate.
- (2) Payment of the fees required by G.S. 88B-20.

(b) The Board shall issue a license to practice as a cosmetology teacher to any individual who meets the requirements of subsection (a) of this section and who meets all of the following:

- (1) Holds in good standing a cosmetologist license issued by the Board.
- (2) Submits proof of either practice of cosmetic art in a cosmetic art shop, or any Board-approved employment capacity in the cosmetic arts industry, for a period equivalent to ~~five years~~ one year of full-time work immediately prior to application or successful completion of at least 800 hours of a ~~cosmetology~~ teacher curriculum in an approved cosmetic art school.
- (3) Passes an examination for ~~cosmetology~~ teachers conducted by the Board.

(c) The Board shall issue a license to practice as an esthetician teacher to any individual who meets the requirements of subsection (a) of this section and who meets all of the following:

- (1) Holds in good standing a cosmetologist or an esthetician license issued by the Board.
- (2) Submits proof of either practice as an esthetician in a cosmetic art shop, or any Board-approved employment capacity in the cosmetic arts industry, for a period equivalent to ~~three years~~ one year of full-time work immediately prior to application or successful completion of at least 650 hours of an ~~esthetician~~ a teacher curriculum in an approved cosmetic art school.

- (3) Passes an examination for ~~esthetician~~ teachers conducted by the Board.
- (d) The Board shall issue a license to practice as a manicurist teacher to any individual who meets the requirements of subsection (a) of this section and who meets all of the following:
 - (1) Holds in good standing a cosmetologist or manicurist license issued by the Board.
 - (2) Submits proof of either practice as a manicurist in a cosmetic art shop, or any Board-approved employment capacity in the cosmetic arts industry, for a period equivalent to ~~two years~~ one year of full-time work immediately prior to application or successful completion of at least 320 hours of a ~~manicurist~~ teacher curriculum in an approved cosmetic art school.
 - (3) Passes an examination for ~~manicurist~~ teachers conducted by the Board.
- (e) The Board shall issue a license to practice as a natural hair care teacher to any individual who meets the requirements of subsection (a) of this section and who meets all of the following:
 - (1) Holds in good standing a natural hair care license issued by the Board.
 - (2) Submits proof of either practice as a natural hair care specialist in a cosmetic art shop or any Board-approved employment capacity in the cosmetic art industry for a period equivalent to ~~two years~~ one year of full-time work immediately prior to application or successful completion of at least 320 hours of a ~~natural hair care~~ teacher curriculum in an approved cosmetic art school.
 - (3) Passes an examination for teachers conducted by the Board."

SECTION 15.(b) This section becomes effective October 1, 2022, and applies to applications for licensure on or after that date.

ADD APPROVED FIREARM SAFETY AND TRAINING COURSE

SECTION 16.(a) G.S. 14-415.12(a)(4) reads as rewritten:

"(4) The applicant has successfully completed an approved firearms safety and training course which involves the actual firing of handguns and instruction in the laws of this State governing the carrying of a concealed handgun and the use of deadly force. The North Carolina Criminal Justice Education and Training Standards Commission shall prepare and publish general guidelines for courses and qualifications of instructors which would satisfy the requirements of this subdivision. An approved course shall be any course which satisfies the requirements of this subdivision and is certified or sponsored by by any of the following:

- a. The North Carolina Criminal Justice Education and Training Standards ~~Commission, Commission.~~
- b. The National Rifle Association, ~~or Association.~~
- b1. The United States Concealed Carry Association.
- c. A law enforcement agency, college, private or public institution or organization, or firearms training school, taught by instructors certified by the North Carolina Criminal Justice Education and Training Standards ~~Commission or Commission, the United States Concealed Carry Association, or the National Rifle Association.~~

Every instructor of an approved course shall file a copy of the firearms course description, outline, and proof of certification annually, or upon modification of the course if more frequently, with the North Carolina Criminal Justice Education and Training Standards Commission."

SECTION 16.(b) This section becomes effective July 1, 2022, and applies to permit applications submitted on or after that date.

AMEND NORTH CAROLINA TIMESHARE ACT TRANSFER PROVISIONS

SECTION 17.(a) G.S. 93A-41(45) reads as rewritten:

"(45) Timeshare transfer services. – Any service ~~offered or provided in this State, or offered or provided anywhere in connection with a timeshare program containing timeshare units or a timeshare property located in this State, State~~ that provides assistance in the resale, transfer, relinquishment, or other disposition of a consumer timeshare reseller's timeshare, including a reconveyance or other transfer to a developer or managing entity, whether referred to as timeshare exit, timeshare cancellation, timeshare relief, or any similar phrase. The term does not include resale advertising services."

SECTION 17.(b) G.S. 93A-68, as enacted by Section 1(c) of S.L. 2021-163, reads as rewritten:

"§ 93A-68. Timeshare transfer services.

...
(n) Providing timeshare transfer services ~~with respect to a consumer resale timeshare in a timeshare property located or offered within this State, or in a multisite timeshare program registered or required to be registered to be offered in this State,~~ including acting as an agent or third-party service provider for a transfer service provider, constitutes operating, conducting, engaging in, or carrying on a business or business venture in this State.

...."

CHANGE PERTAINING TO THE REORGANIZATION OF CHILD AND FAMILY WELL-BEING PROGRAMS AND SERVICES WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

SECTION 18. If House Bill 103, 2021 Regular Session, becomes law, then Section 9B.1(c) of that act is repealed effective July 1, 2022.

AMEND PARAMETERS FOR ECONOMIC DEVELOPMENT HIGH-YIELD PROJECT FUNDS

SECTION 19.(a) If House Bill 103, 2021 Regular Session, becomes law, then Section 11.10(a) of that act reads as rewritten:

"SECTION 11.10.(a) Appropriation. – Provided the Economic Investment Committee awards a Job Development Investment Grant for a qualifying project in Chatham County, there is appropriated from the Economic Development Project Reserve established in Section 2.2 of S.L. 2021-180 to the Department of Commerce (Department) for the 2022-2023 fiscal year the sum of one hundred twelve million five hundred thousand dollars (\$112,500,000) in nonrecurring funds. The definitions of G.S. 143B-437.51 apply in this subsection, and, as used in this section, a qualifying project is a high-yield project for which the agreement requires that ~~business manufacture computer chips the business,~~ at the project site, engage in manufacturing, invest at least four billion eight hundred million dollars (\$4,800,000,000) in private funds, and create at least 1,800 eligible positions. The Department shall allocate the funds appropriated in this subsection as follows:

- (1) Fifty-seven million five hundred thousand dollars (\$57,500,000) to reimburse the business for costs the Department certifies the business incurred for site work and wetlands mitigation associated with such works needed at the site of the qualifying project. For purposes of this section, site work includes clearing, grading, and development of a build-ready pad.
- (2) Fifty-five million dollars (\$55,000,000) to be granted to the City of Asheboro for water infrastructure improvements needed to support the qualifying project."

SECTION 19.(b) This section becomes effective July 1, 2022.

AMEND PARAMETERS FOR QUALIFYING PROJECT FUNDING IN RANDOLPH COUNTY

SECTION 20.(a) If House Bill 103, 2021 Regular Session, becomes law, then Section 11.13(a) of that act reads as rewritten:

"SECTION 11.13.(a) Provided (i) the condition regarding election in Section 11.19(c) of S.L. 2021-180 imposed on the manufacturer is met and (ii) the manufacturer agrees to, no later than December 31, 2034, both create at least ~~5,000~~ 4,500 eligible and expansion positions in, and invest at least four billion seven hundred million dollars (\$4,700,000,000) in private funds in, this State, there is appropriated from the Economic Development Project Reserve established in Section 2.2 of S.L. 2021-180 to the Department of Commerce (Department) for the 2022-2023 fiscal year the sum of two hundred twenty-five million dollars (\$225,000,000). Private funds, as used in this section, do not include funds received from or reimbursed by the State. The Department shall allocate the funds appropriated in this section as follows:

- (1) One hundred seventy-five million dollars (\$175,000,000) for reimbursement of costs incurred by the manufacturer for purposes listed in Section 11.19(c) of S.L. 2021-180. Funds appropriated in this subsection are subject to proportionate recapture in the event the manufacturer fails to meet the ~~requirements set forth in this section.~~ preceding requirements.
- (2) Fifty million dollars (\$50,000,000) for payments to the manufacturer for creating and maintaining, ~~of the 5,000 up to 1,125~~ eligible and expansion positions required by this section, the final 1,125 positions (qualifying positions) above 3,875 such positions. For the year in which a qualifying position is first filled, the Department shall pay the manufacturer the sum of forty-four thousand four hundred forty-four dollars and forty-four cents (\$44,444.44). A manufacturer that fails to maintain a qualifying position through the requirement term is disqualified from retaining the full amount received for the qualifying position in the year in which the failure occurs, may not again be paid for the qualifying position for any remaining year of the requirement term, and must pay to the Department a forfeiture amount. The forfeiture amount is equal to the product of forty-four thousand four hundred forty-four dollars and forty-four cents (\$44,444.44) multiplied by a fraction, the numerator of which is the number of years remaining in the requirement term, including the year of the failure, and the denominator of which is 20. The requirement term ends 20 years from the date that ~~all 5,000~~ eligible and expansion positions are filled or December 31, 2054, whichever is earlier. A manufacturer may receive an annual disbursement of a grant amount owed pursuant to the economic development agreement under G.S. 143B-437.57 only after the Economic Investment Committee established pursuant to G.S. 143B-437.54 has certified there are no outstanding forfeiture amounts."

SECTION 20.(b) This section becomes effective July 1, 2022.

REPEAL ALTERNATE GRANT DISBURSEMENT PROCEDURE FOR CERTAIN WATER AND WASTEWATER INFRASTRUCTURE FUNDS

SECTION 21.(a) If House Bill 103, 2021 Regular Session, becomes law, then Section 12.9(f) of that act is repealed.

SECTION 21.(b) This section becomes effective July 1, 2022.

PROVIDE ADDITIONAL GUIDELINES FOR DEVELOPMENT OF THE FLOOD RESILIENCY BLUEPRINT

SECTION 22.(a) Flood Resiliency Blueprint Development. – The organization contracted by the Department of Environmental Quality, Division of Mitigation Services (DMS), to develop the Flood Resiliency Blueprint (Blueprint), under Section 5.9(c) of S.L. 2021-180, shall do all of the following:

- (1) Set up a standardized method to create requirements and guidelines for major flood risk modeling datasets with statewide application, including the collection, updating, and storing of GIS data.
- (2) Develop consistent guidelines to ensure common standard hydrology and hydraulic watershed models can be used for regional studies.
- (3) Create and maintain a publicly accessible repository for data and modeling outputs and technical reports to allow local government units and other organizations to access the information.

SECTION 22.(b) Report. – In the annual report required by Section 5.9(c) of S.L. 2021-180, due by July 1, 2023, DMS shall include an update on the following information:

- (1) Recommendations on how data can be incorporated into decision making through local planning and State project prioritization for capital improvement plans.
- (2) Decision support tools and an implementation plan to reduce the cost and complexity for local government units to develop projects that reduce flood risks.

EFFECTIVE DATE

SECTION 23. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1st day of July, 2022.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

This bill having been presented to the Governor for signature on the 1st day of July, 2022 and the Governor having failed to approve it within the time prescribed by law, the same is hereby declared to have become a law.

This 12th day of July, 2022,

s/ Olwen Blessing
Enrolling Clerk