

TABLED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 385

AMENDMENT NO. A5
(to be filled in by
Principal Clerk)

H385-ANBfa-33 [v.5]

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Amends Title [NO]
Third Edition

Date _____, 2024

Senator Meyer

1 moves to amend the bill on page 1, lines 3-4, by inserting between the lines the following
2 language to read:

3 "Whereas, scientific consensus has established that climate change is a significant and
4 pressing global issue, driven predominantly by human activities such as the burning of fossil
5 fuels, deforestation, and various industrial processes, leading to an increase in greenhouse gas
6 emissions; and

7 Whereas, for decades, North Carolina Republicans have largely dismissed the urgent
8 warnings and scientific consensus about climate change, obstructing progress and denying the
9 necessity for action, and whereas North Carolina Democrats, underpinned by scientific evidence,
10 have consistently advocated for robust measures to address climate change, thereby safeguarding
11 our environment and public health; and

12 Whereas Governor Roy Cooper of North Carolina has been prescient in his warnings
13 about the impacts of climate change, leading efforts to implement sustainable and
14 forward-thinking policies; and

15 Whereas, the state of North Carolina is already experiencing the adverse effects of
16 climate change, including but not limited to, more frequent and severe hurricanes, increased
17 flooding, prolonged heatwaves, and shifting agricultural zones, which threaten the health, safety,
18 and economic well-being of our residents; and

19 Whereas, coastal areas in North Carolina are particularly vulnerable to rising sea
20 levels, which exacerbate the risks of storm surges, erosion, and saltwater intrusion, posing
21 significant challenges to communities, infrastructure, and ecosystems along our coastlines; and

22 Whereas, the increasing frequency and intensity of extreme weather events, such as
23 hurricanes and floods, strain emergency response systems, disrupt communities, and lead to
24 significant economic losses, highlighting the urgent need for enhanced resilience and adaptive
25 capacity across the state; and

26 Whereas, public health is at risk due to climate change-induced phenomena such as
27 higher temperatures, which can lead to heat-related illnesses and exacerbate respiratory
28 conditions, and the potential spread of vector-borne diseases, thus necessitating a proactive
29 approach to protect vulnerable populations; and

30 Whereas, North Carolina's rich biodiversity and natural heritage, including its forests,
31 wetlands, and marine environments, are under threat from climate change, necessitating
32 concerted efforts to preserve and protect these vital ecosystems for future generations; and



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1 Whereas, the transition to a clean energy economy presents significant opportunities
2 for North Carolina, including job creation, technological innovation, and improved energy
3 security, while reducing greenhouse gas emissions and mitigating the impacts of climate change;
4 and

5 Whereas, addressing climate change requires a coordinated effort across all levels of
6 government, private sector, and civil society, including the implementation of policies and
7 practices that promote sustainability, resilience, and environmental stewardship; and

8 Whereas, the agricultural sector, a cornerstone of North Carolina's economy, faces
9 unprecedented challenges from changing weather patterns, which affect crop yields, livestock
10 health, and the viability of farming practices, thereby threatening food security and the
11 livelihoods of farmers; and

12 Whereas, North Carolina has a responsibility to lead by example in reducing
13 greenhouse gas emissions, promoting renewable energy sources, and implementing adaptive
14 measures to protect its residents, economy, and natural environment from the impacts of climate
15 change; Now, therefore,"; and

16
17 on page 16, lines 39-40, by inserting between the lines the following language to read:

18 **"PART XVIII-A. ADAPTIVE MULTI-PADDOCK GRAZING INCENTIVE ACT**

19 **SECTION 18A.(a)** Chapter 106 of the General Statutes is amended by adding a new
20 Article to read:

21 "Article 89.

22 "Adaptive Multi-Paddock Grazing Incentive Act.

23 **"§ 106-1085. Short Title.**

24 This Act may be cited as the "Adaptive Multi-Paddock Grazing Incentive Act."

25 **"§ 106-1086. Findings; purpose.**

26 The North Carolina General Assembly makes the following findings:

- 27 (1) Recognize adaptive multi-paddock grazing practices' ecological and
28 economic benefits.
- 29 (2) Acknowledge the importance of sustainable agriculture in preserving natural
30 resources and promoting environmental health.
- 31 (3) The purpose of this Article is to encourage and subsidize farmers and ranchers
32 engaging in adaptive multi-paddock grazing to enhance soil health,
33 biodiversity, and overall sustainability.

34 **"§ 106-1087. Definitions.**

35 For the purposes of this Article, the term "adaptive multi-paddock grazing" means a holistic
36 grazing management system that involves the planned movement of livestock through multiple
37 paddocks to optimize forage utilization and land regeneration.

38 **"§ 106-1088. Incentives; subsidies; eligibility.**

39 (a) The Department of Agriculture shall establish a program to provide financial
40 incentives and subsidies for farmers and ranchers adopting and implementing adaptive
41 multi-paddock grazing practices.

42 (b) Incentives may include, but are not limited to, all of the following:

- 43 (1) Direct subsidies for infrastructure development (fencing, water systems, etc.).

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- 1 (2) Tax credits for expenses related to implementing adaptive multi-paddock
2 grazing, as otherwise enacted by an act of the General Assembly.
3 (3) Technical assistance and education programs to support the transition to this
4 grazing management system.
5 (4) Grants for research projects focused on improving and refining adaptive
6 multi-paddock grazing methods.
7 (c) To be eligible for incentives and subsidies under this Article, farmers and ranchers
8 must demonstrate a commitment to adopting and maintaining adaptive multi-paddock grazing
9 practices.

10 **"§ 106-1089. Reporting and evaluation.**

11 The Department of Agriculture shall establish reporting requirements to assess the impact of
12 the incentives and subsidies provided under this Article. An annual evaluation report shall be
13 submitted to the North Carolina General Assembly, summarizing the effectiveness of the
14 program and recommending any necessary adjustments.

15 **"§ 106-1090. Funding.**

16 Appropriations shall be made to fund the implementation of this Article, including the
17 provision of incentives and subsidies.

18 **"§ 106-1091. Severability.**

19 If any provision of this Article or its application is held invalid, the invalidity does not affect
20 other provisions or applications of this Article that can be given effect without the invalid
21 provisions or application, and to this end the provisions of this Article are severable."

22 **SECTION 18A.(b)** This Part becomes effective October 1, 2024.

23
24 **PART XVIII-B. PROTECTION OF ISOLATED WETLANDS**

25 **SECTION 18B.(a)** Establishment and Purpose of Fund. – The sum of fifteen million
26 dollars (\$15,000,000) in recurring funds for the 2024-2025 fiscal year is appropriated from the
27 General Fund to the Department of Environmental Quality (Department). Funds appropriated by
28 this section shall be used by the Department to establish the Wetlands Restoration and Protection
29 Fund (Fund) as a special fund in the Department. The Fund consists of appropriations by the
30 General Assembly as well as contributions and grants from public or private sources. The purpose
31 of the Fund is to provide financial support for (i) wetland restoration projects, (ii) acquisition of
32 conservation easements, (iii) public awareness campaigns to educate citizens about the
33 importance of wetlands and the need for their protection and opportunities for volunteer wetlands
34 protection and restoration projects, through the Department's Office of Environmental Education
35 and Public Affairs, and (iv) enforcement of wetland protection laws to restore protection of
36 certain wetlands in the State that were removed from federal protection under the Clean Water
37 Act by the United States Supreme Court ruling in Sackett v. EPA, 598 U.S. 651 (2023).

38 **SECTION 18B.(b)** Reservation of Funds for Monitoring and Research. – Five
39 million dollars (\$5,000,000) of the funds appropriated by subsection (a) of this section is
40 designated for wetland monitoring and research initiatives. The Department, in collaboration
41 with relevant stakeholders and research institutions, will conduct comprehensive monitoring and
42 research to assess the health and ecological value of wetlands throughout the State.

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1 **SECTION 18B.(c)** Report. – The Department shall submit a report no later than
2 September 1, 2025, and annually thereafter to the Joint Legislative Oversight Committee on
3 Agriculture and Natural and Economic Resources and the Fiscal Research Division on the
4 projects and activities funded by this section during the prior fiscal year. The Department shall
5 include in its initial report and may include in subsequent reports recommendations regarding
6 further legislative changes needed to provide comprehensive protection for isolated wetlands at
7 the State level in response to the Sackett decision. The reports shall also include, at a minimum,
8 the following:

- 9 (1) The beginning and ending balance of the Fund for the fiscal year.
10 (2) A listing of funding recipients, and the amount provided to each recipient.
11 (3) An overview of the use of funds by funding recipients, including a description
12 of projects constructed or planning milestones achieved.
13 (4) The findings of the monitoring and research efforts funded under subsection
14 (b) of this section and how they have informed wetland conservation strategies
15 and regulatory decisions by the Department.

16 **SECTION 18B.(d)** Section 54 of S.L. 2014-120 is repealed.

17 **SECTION 18B.(e)** Section 4.18 of S.L. 2015-286 is repealed.

18 **SECTION 18B.(f)** G.S. 143-212 reads as rewritten:

19 **"§ 143-212. Definitions.**

20 Unless a different meaning is required by the context, the following definitions apply to this
21 Article and Articles 21A and 21B of this Chapter:

22 ...

23 (3a) "Isolated wetlands" means (i) wetlands confirmed to be isolated by the United
24 States Army Corps of Engineers prior to June 22, 2020, and (ii) wetlands
25 described as isolated in the North Carolina Wetland Assessment User Manual
26 prepared by the North Carolina Wetland Functional Assessment Team,
27 version 4.1, October 2010. The term "isolated wetland" does not include an
28 isolated man-made ditch or pond constructed for stormwater management
29 purposes or any other man-made isolated pond.

30 ...

31 (6) "Waters" means any stream, river, brook, swamp, lake, sound, tidal estuary,
32 bay, creek, reservoir, ~~waterway~~, waterway, wetland, or other body or
33 accumulation of water, whether surface or underground, public or private, or
34 natural or artificial, that is contained in, flows through, or borders upon any
35 portion of this State, including any portion of the Atlantic Ocean over which
36 the State has jurisdiction.

37 (7) "Wetland" means waters that are areas that are inundated or saturated by an
38 accumulation of surface or groundwater at a frequency and duration sufficient
39 to support, and that under normal circumstances do support, a prevalence of
40 vegetation typically adapted for life in saturated soil conditions. Wetlands do
41 not include prior converted cropland as defined in the National Food Security
42 Act Manual, Fifth Edition. Wetlands classified as waters of the State are

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1 limited to (i) waters of the United States as defined by 33 C.F.R. § 328.3 and
2 40 C.F.R. § 230.3 and (ii) isolated wetlands."

3 **SECTION 18B.(g)** Subsections (a) through (c) of this Part become effective July 1,
4 2024. The remainder of this Part is effective when it becomes law.

5
6 **PART XVIII-C. COASTAL PLAIN RESILIENCE AND ECONOMIC PROSPERITY**
7 **ACT**

8 **SECTION 18C.(a)** There is appropriated from the General Fund to the Department
9 of Environmental Quality, Division of Coastal Management, the sum of one million seven
10 hundred ten thousand dollars (\$1,710,000) in recurring funds for the 2024-2025 fiscal year to be
11 used for the following purposes:

- 12 (1) To provide funding for two full-time positions to staff the Resilient Coastal
13 Communities Program.
14 (2) To provide grant funding, including federal match funding, and technical
15 assistance for targeted projects designed to reduce flood risk and promote
16 long-term resilience.

17 **SECTION 18C.(b)** There is appropriated from the General Fund to the Department
18 of Environmental Quality, Division of Coastal Management, the sum of four hundred seventy
19 thousand dollars (\$470,000) in recurring funds for the 2024-2025 fiscal year to provide funding
20 for five full-time positions to staff the Coastal Habitat Assessment Program.

21 **SECTION 18C.(c)** There is appropriated from the General Fund to the Department
22 of Environmental Quality the sum of nine hundred ninety thousand dollars (\$990,000) in
23 recurring funds for the 2024-2025 fiscal year to provide funding for six full-time positions to
24 continue implementation of the Flood Resiliency Blueprint described in Section 5.9(c) of S.L.
25 2021-180, as amended.

26 **SECTION 18C.(d)** There is appropriated from the General Fund to the Department
27 of Environmental Quality (the "Department") the sum of one million two hundred ten thousand
28 dollars (\$1,210,000) in recurring funds and five hundred thousand dollars (\$500,000) in
29 nonrecurring funds for the 2024-2025 fiscal year to provide funding for eight full-time positions
30 to (i) offer relevant technical assistance to the business community in dealings with the
31 Department, (ii) assist in grant administration for recycling industry growth, and (iii) provide
32 improved customer service in the Department's regional offices.

33 **SECTION 18C.(e)** There is appropriated from the General Fund to the Department
34 of Environmental Quality, Division of Marine Fisheries, the sum of six hundred thousand dollars
35 (\$600,000) in recurring funds and ten thousand dollars (\$10,000) in nonrecurring funds for the
36 2024-2025 fiscal year to provide funding for five full-time marine patrol officer positions.

37 **SECTION 18C.(f)** There is appropriated from the General Fund to Department of
38 Environmental Quality, Division of Air Quality, the sum of four hundred thousand dollars
39 (\$400,000) in recurring funds and five hundred fifty thousand dollars (\$550,000) in nonrecurring
40 funds for the 2024-2025 fiscal year to provide funding for three full-time positions to staff the
41 mobile air quality monitoring unit.

42 **SECTION 18C.(g)** There is appropriated from the General Fund to the Department
43 of Environmental Quality the sum of three million one hundred fifty thousand dollars

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1 (\$3,150,000) in nonrecurring funds for the 2024-2025 fiscal year to fund overtopping studies for
2 all remaining high and intermediate hazard dams in the State, in accordance with
3 G.S. 143-215.32A.

4 **SECTION 18C.(h)** There is appropriated from the General Fund to the Department
5 of Environmental Quality the sum of one million five hundred thousand dollars (\$1,500,000) in
6 nonrecurring funds for the 2024-2025 fiscal year to be used for the ten percent (10%) cost-share
7 required for Superfund cleanups on the National Priority List sites and to pay the operating and
8 maintenance costs associated with those Superfund cleanups.

9 **SECTION 18C.(i)** There is appropriated from the General Fund to the Department
10 of Environmental Quality (the "Department") the sum of four million ten thousand dollars
11 (\$4,010,000) in recurring funds and five hundred ninety thousand dollars (\$590,000) in
12 nonrecurring funds for the 2024-2025 fiscal year to provide funding for 24 full-time positions to
13 assist the Department in addressing the emerging compounds (including PFAS) issue in the State.

14 **SECTION 18C.(j)** There is appropriated from the General Fund to the Department
15 of Environmental Quality the sum of two billion dollars (\$2,000,000,000) in nonrecurring funds
16 for the 2024-2025 fiscal year for the Water Infrastructure Fund to be allocated to the Drinking
17 Water Reserve and the Wastewater Reserve to provide project construction grants for public
18 water systems and wastewater systems. The limits set forth in G.S. 159G-369(c) shall not apply
19 to grants awarded from funds allocated by this subsection.

20 **SECTION 18C.(k)** This Part becomes effective July 1, 2024.

21
22 **PART XVIII-D. SUNDAY HUNTING PROVISIONS**

23 **SECTION 18D.(a)** G.S. 103-2 reads as rewritten:

24 **"§ 103-2. Method of take when hunting on Sunday.**

25 (a) Any landowner or member of the landowner's family, or any person with written
26 permission from the landowner, may, subject to rules established by the Wildlife Resources
27 Commission, hunt wild animals and upland game birds with the use of firearms on Sunday on
28 the landowner's property, except that all of the following limitations apply:

29 (1) ~~Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited, except~~
30 ~~on controlled hunting preserves licensed pursuant to G.S. 113-273(g).~~

31 (2) Repealed by Session Laws 2017-182, s. 1, effective July 25, 2017.

32 (3) ~~The use of a firearm to take deer that are run or chased by dogs on Sunday is~~
33 ~~prohibited.~~

34 (4) Hunting on Sunday within 500 yards of a place of religious worship, as
35 defined by G.S. 14-54.1(b), or any accessory structure thereof, is
36 ~~prohibited.~~prohibited between the hours of 9:30 A.M. and 12:30 P.M.

37 (5) Repealed by Session Laws 2017-182, s. 1, effective July 25, 2017.

38 (a1) Any person may, subject to rules established by the Wildlife Resources Commission,
39 hunt wild animals and upland game birds with the use of firearms on Sunday on public lands of
40 the State managed for hunting, except that the following limitations apply:

41 (1) ~~Hunting on Sunday between 9:30 A.M. and 12:30 P.M. is prohibited.~~

42 (2) The use of a firearm to take deer that are run or chased by dogs on Sunday is
43 prohibited.

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- 1 (3) Hunting on Sunday within 500 yards of a place of religious worship, as
2 defined by G.S. 14-54.1(b), or any accessory structure thereof, is
3 ~~prohibited~~prohibited between the hours of 9:30 A.M. and 12:30 P.M.
4 (a2) The hunting of migratory birds on Sunday is prohibited unless authorized by
5 proclamation or rules of the Wildlife Resources Commission, subject to the following limitations:
6 (1) Hunting on Sunday between 9:30A.M. and 12:30 P.M. is prohibited, except
7 on controlled hunting preserves licensed pursuant to G.S. 113-273(g).
8 (2) Hunting on Sunday within 500 yards of a place of religious worship, as
9 defined by G.S. 14-54.1(b), or any accessory structure thereof, is prohibited.
10 (3) The Wildlife Resources Commission shall not authorize hunting of migratory
11 birds on Sunday prior to March 1, 2018.
12 (b) A person who hunts on Sunday in a manner prohibited under this section or rules
13 adopted by the Wildlife Resources Commission shall be guilty of a Class 3 misdemeanor.
14 Provided, that the provisions of this section are not applicable to military reservations, the
15 jurisdiction of which is exclusively in the federal government, to field trials authorized by the
16 Wildlife Resources Commission, or to actions taken in defense of a person's property. Wildlife
17 protectors are granted authority to enforce the provisions of this section."

18 **SECTION 18D.(b)** This Part is effective when it becomes law.

19
20 **PART XVIII-E. WATER TRANSPORTATION EXCEPTIONS**

21 **SECTION 18E.(a)** Article 6 of Chapter 136 of the General Statutes is amended by
22 adding a new section to read:

23 **"§ 136-82.4. Residential Exemptions.**

24 (a) Purpose. – The purpose of this section is to ensure that residents who rely on the North
25 Carolina ferry system for work or educational purposes are exempt from fees, including if the
26 ferry system fully transitions to a paid model.

27 (b) Definitions. – The following definitions apply in this section:

28 (1) Education. – Enrollment in an educational institution that requires regular
29 commuting, including (i) a public or nonpublic school providing elementary
30 or secondary education, (ii) a constituent institution of The University of
31 North Carolina, as defined in G.S. 116-2(4), (iii) a community college, as
32 defined in G.S. 115D-2(2), and (iv) an eligible private postsecondary
33 institution, as defined in G.S. 116-280(3).

34 (2) Resident. – Any individual who resides in North Carolina and can provide
35 proof of residency.

36 (3) Work. – Employment activities that require regular commuting.

37 (c) Fee exemption. – Notwithstanding G.S. 136-82(b), a resident who uses the ferry
38 system for commuting to work or education shall be exempt from paying ferry fees. To qualify
39 for the exemption, residents must provide proof of residency and proof of employment or
40 educational enrollment to the Department of Transportation.

41 (d) Application Process. – The North Carolina Department of Transportation shall
42 establish a process for residents to apply for the fee exemption, including an online application

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1 system and designated service centers at ferry terminals. The Department shall issue exemption
2 cards or digital passes to eligible residents, which must be presented at the time of boarding.

3 (e) The Department shall maintain records of exempted residents and monitor the usage
4 of the ferry system by exempted individuals. An annual report shall be submitted to the General
5 Assembly detailing the number of exempted residents, the impact on ferry system revenues, and
6 any recommendations for improvements."

7 **SECTION 18E.(b)** The North Carolina Department of Transportation (Department)
8 shall establish a process for residents to apply for the fee exemption in accordance with
9 G.S. 136-82.4, as enacted by this section, including an online application system and designated
10 service centers at ferry terminals. The Department shall issue exemption cards or digital passes
11 to eligible residents, which must be presented at the time of boarding.

12 **SECTION 18E.(c)** The Department shall maintain records of exempted residents and
13 monitor the usage of the ferry system by exempted individuals. An annual report shall be
14 submitted to the Joint Legislative Transportation Oversight Committee detailing the number of
15 exempted residents, the impact on ferry system revenues, and any recommendations for
16 improvements.

17 **SECTION 18E.(d)** This Part is effective when it becomes law and applies to
18 residents who use the ferry system for commuting for work or for education on or after July 1,
19 2024.

20
21 **PART XVIII-F. REFERENDA FOR LAND CONNECTOR AND WATER CROSSING**
22 **USAGE FEES**

23 **SECTION 18F.(a)** Article 6 of Chapter 153A of the General Statutes is amended by
24 adding the following new sections to read:

25 **"§ 153A-145.12 Prohibition on Certain Land Connector Usage Fees.**

26 (a) No county may implement or impose a usage fee on any man-made land connector
27 above water between (i) the 34th and 35th North Parallels and (ii) the 77th and 78th West
28 Parallels.

29 **"§ 153A-145.13 Prohibition on Certain Water Crossing Usage Fees.**

30 (a) No county may implement or impose a usage fee on any water crossing involving a
31 man-made system east of Interstate 95."

32 **SECTION 18F.(b)** This Part is effective when it becomes law.

33
34 **PART XVIII-G. REPEAL OUTDOOR ADVERTISING LAW CHANGES**

35 **SECTION 18G.(a)** The General Assembly finds that the aesthetic charm of the
36 State's highways and the protection of the State's ecosystems adjacent thereto are a priority and
37 require the protection of roadside vegetation and the prevention of adverse environmental and
38 aesthetic impacts resulting from the indiscriminate clearing of roadside vegetation around
39 billboards located along the State's highways. The General Assembly also finds that there has
40 been significant public opposition to recent proposed changes in outdoor advertising laws in this
41 State and that residents and environmental groups have voiced concerns about the detrimental
42 effects on the environment, aesthetics, and local economies associated therewith. The General
43 Assembly further finds that increased vegetation clearing around billboards along the State's

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1 highways has significant negative impacts to the State and its citizens, environmentally,
2 economically, and aesthetically, to wit:

- 3 (1) The disruption of local ecosystems, increased runoff and erosion, the loss of
4 habitat for native wildlife, and the loss of biodiversity.
- 5 (2) Adverse effects upon tourism and local property values resulting from the
6 visual and environmental degradation caused by the indiscriminate clearing
7 of roadside vegetation.
- 8 (3) Compromised aesthetic beauty along the State's highways due to the removal
9 of native vegetation, including flowering plants, trees, and shrubs, that
10 contribute the scenic beauty crucial to tourism and local quality of life.

11 **SECTION 18G.(b)** If House Bill 198, 2023 Regular Session, becomes law, Section
12 17 of that act is repealed.

13 **SECTION 18G.(c)** This section is effective when it becomes law and applies to
14 outdoor advertising vegetation cutting or removal and the issuance or denial of a selective
15 vegetation removal permit occurring on or after that date.

16
17 **PART XVIII-H. ENHANCE REGULATIONS AND ACCOUNTABILITY FOR PFAS**
18 **POLLUTION**

19 **SECTION 18H.(a)** G.S. 130A-313 reads as rewritten:

20 **"§ 130A-313. Definitions.**

21 The following definitions shall apply throughout this ~~Article~~:Article and Article 10A of this
22 Chapter:

- 23 ...
- 24 (9a) "PFAS" means per- and polyfluoroalkyl substances, a group of man-made
25 chemicals that includes PFOA, PFOS, GenX, and many other chemicals.
 - 26 (9b) "Polluter" means any entity, including corporations and industrial facilities,
27 responsible for the discharge, release, or disposal of PFAS into the
28 environment.
 - 29 (10) "Public water system" means a system for the provision to the public of water
30 for human consumption through pipes or other constructed conveyances if the
31 system serves 15 or more service connections or which regularly serves 25 or
32 more individuals. The term includes:
 - 33 a. Any collection, treatment, storage or distribution facility under control
34 of the operator of the system and used primarily in connection with the
35 system; and
 - 36 b. Any collection or pretreatment storage facility not under the control of
37 the operator of the system that is used primarily in connection with the
38 system.
39 A public water system is either a "community water system" or a
40 "noncommunity water system" as follows:
 - 41 a. "Community water system" means a public water system that serves
42 at least 15 service connections used by year-round residents or
43 regularly serves at least 25 year-round residents.

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1 b. "Noncommunity water system" means a public water system that is
2 not a community water system.

3 A connection to a system that delivers water by a constructed conveyance
4 other than a pipe is not a connection within the meaning of this subdivision
5 under any one of the following circumstances:

6 a. The water is used exclusively for purposes other than residential uses.
7 As used in this subdivision, "residential uses" mean drinking, bathing,
8 cooking, or other similar uses.

9 b. The Department determines that alternative water to achieve the
10 equivalent level of public health protection pursuant to applicable
11 drinking water rules is provided for residential uses.

12 c. The Department determines that the water provided for residential uses
13 is centrally treated or treated at the point of entry by the provider, a
14 pass-through entity, or the user to achieve the equivalent level of
15 protection provided by the applicable drinking water rules.

16 (10a) "Secretary" means the Secretary of Environmental Quality.

17 (11) "Supplier of water" means a person who owns, operates or controls a public
18 water system.

19 (12) "Treatment technique requirement" means a requirement of the drinking water
20 rules which specifies a specific treatment technique for a contaminant which
21 leads to reduction in the level of the contaminant sufficient to comply with the
22 drinking water rules."

23 **SECTION 18H.(b)** Chapter 130A of the General Statutes is amended by adding a
24 new Article to read:

25 "Article 10A.

26 "PFAS Mitigation and Regulation.

27 **"§ 130A-332.10. Findings; purpose.**

28 (a) The General Assembly finds that PFAS, commonly known as "forever chemicals,"
29 pose significant risks to public health and the environment. PFAS contamination has been linked
30 to various adverse health effects, including cancer, liver damage, and immune system disorders.
31 Given their persistence and resistance to degradation, PFAS compounds can accumulate in the
32 environment and in human and animal tissues over time.

33 (b) The purpose of this section is to enhance regulatory oversight, ensure comprehensive
34 testing and monitoring of PFAS in public water systems, and hold polluters accountable for
35 contamination. This section aims to protect North Carolina's residents from the harmful effects
36 of PFAS exposure and to mitigate future risks through stringent environmental regulations and
37 enforcement mechanisms.

38 **"§ 130A-332.11. Adoption of maximum contaminant levels for PFAS compounds.**

39 (a) Notwithstanding authority given to the Commission for Public Health to adopt
40 maximum contaminant levels (MCLs) for drinking water contaminants under this Article, the
41 Environmental Management Commission is authorized to adopt a maximum contaminant level,
42 enforceable by the Secretary, which is acceptable for human consumption for one or more
43 per- and polyfluoroalkyl substances (PFAS) compounds. Any such maximum contaminant level

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1 shall be set at a level that is as close as possible to the corresponding maximum contaminant level
2 goal recommended by the United States Environmental Protection Agency and any other relevant
3 federal agency.

4 (b) The Environmental Management Commission shall specify the compliance date for
5 any maximum contaminant level for all public water systems. The Department shall provide
6 technical assistance and resources to help public water systems achieve compliance under this
7 section.

8 **"§ 130A-332.12. Polluter liability and remediation.**

9 (a) Entities responsible for PFAS contamination shall be held liable for the costs of
10 testing, remediation, and any health impacts resulting from exposure. This includes covering the
11 costs of providing clean drinking water to affected communities.

12 (b) Polluters shall be required to develop and implement remediation plans to remove
13 PFAS contamination from the environment. These plans must be approved by the Department
14 and subject to ongoing monitoring and evaluation.

15 **"§ 130A-332.13. PFAS Mitigation Fund.**

16 There is created within the Department a special, nonreverting fund to be known as the PFAS
17 Mitigation Fund to support testing, remediation, and public education efforts. The Fund shall be
18 financed through fees imposed on industries that manufacture, use, or discharge PFAS, as well
19 as through any State appropriation.

20 **"§ 130A-332.14. Public Awareness; education.**

21 (a) The Department shall conduct public education campaigns to raise awareness about
22 the risks associated with PFAS exposure and the measures being taken to address contamination.
23 These campaigns shall include information on how residents can reduce their exposure to PFAS.

24 (b) The Department shall engage with affected communities through public meetings,
25 informational sessions, and other outreach efforts to ensure transparency and responsiveness to
26 public concerns.

27 **"§ 130A-332.15. PFAS Testing and monitoring.**

28 (a) All public water systems in North Carolina shall conduct regular testing for PFAS
29 compounds. The frequency and scope of testing shall be determined by the Department based on
30 the size and type of the public water system.

31 (b) The results of PFAS testing shall be publicly reported and made accessible to all
32 residents of North Carolina. The Department shall maintain an online database where test results
33 are regularly updated and available for public review."

34 **SECTION 18H.(c)** As provided in G.S. 150B-2(8a)h., scientific standards and
35 procedures are exempt from the requirements of Article 2A of Chapter 150B of the General
36 Statutes. Further, as scientific standards and procedures for the Department's development of
37 MCLs for PFAS are set forth in this Article, as enacted by subsection (a) of this section, in
38 accordance with G.S. 150B-2(8a)h., such standards and procedures are not required to be adopted
39 as rules pursuant to G.S. 150B-2(8a)d.

40
41 **PART XVIII-I. LOWER CAPE FEAR WATER AND SEWER AUTHORITY FUNDING**

42 **SECTION 18I.(a)** Findings and Purpose. – The North Carolina General Assembly
43 finds that the Authority plays a critical role in providing clean and safe water to the residents and

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1 industries in the Lower Cape Fear region. Due to increasing demands and aging infrastructure,
2 there is an urgent need for additional funding to support necessary upgrades and expansions. The
3 purpose of this Part is to allocate funds to the Authority to ensure the continued provision of
4 reliable and safe water services. This amendment aims to enhance water quality, support
5 economic growth, and protect public health in the region.

6 **SECTION 18I.(b)** Definitions. – The following definitions apply in this Part:

7 (1) Authority. – Lower Cape Fear Water and Sewer Authority.

8 (2) Biomedical company. – Any entity involved in the research, development, or
9 manufacturing of medical devices, pharmaceuticals, or biotechnological
10 products.

11 (3) Department. – The Department of Environmental Quality.

12 (3) Project. – Any infrastructure improvement, expansion, or upgrade undertaken
13 by the Authority to enhance water and sewer services.

14 **SECTION 18I.(c)** Appropriation. – There is appropriated from the General Fund to
15 the Authority, the nonrecurring sum of ten million dollars (\$10,000,000) for the 2024-2025 fiscal
16 year. These funds shall be used for infrastructure improvements, including but not limited to,
17 upgrading water treatment facilities, expanding sewer capacity, and replacing aging pipelines.
18 The funds appropriated by this subsection shall only be used for these purposes, and the Authority
19 shall ensure that all projects funded by these funds comply with State and federal regulations and
20 standards for water and sewer services.

21 **SECTION 18I.(d)** Project Implementation. – The Authority shall develop a
22 comprehensive plan for the use of the allocated funds, prioritizing projects based on urgency,
23 impact, and cost-effectiveness. This plan shall be submitted to the Department for approval
24 within six months of the effective date of this Part. The Authority shall submit quarterly reports
25 to the Department and the Joint Legislative Oversight Committee on Agriculture and Natural and
26 Economic Resources detailing the progress of funded projects, expenditures, and any challenges
27 encountered. These reports shall be made available to the public to ensure transparency and
28 accountability.

29 **SECTION 18I.(e)** Public Engagement. – The Authority shall engage with the
30 communities it serves through public meetings, informational sessions, and other outreach
31 efforts. This engagement is intended to inform residents about the planned projects, gather
32 feedback, and address any concerns. The Authority shall conduct educational campaigns to raise
33 awareness about the importance of water and sewer infrastructure, the benefits of the planned
34 projects, and ways in which residents can contribute to water conservation and environmental
35 protection.

36 **SECTION 18I.(f)** Environmental Considerations. – All projects funded by this Part
37 shall undergo environmental impact assessments to identify and mitigate any potential adverse
38 effects on the environment. The Authority shall work closely with environmental experts and
39 regulatory agencies to ensure sustainable practices. The Authority is encouraged to incorporate
40 green infrastructure solutions, such as natural water filtration systems and rain gardens, into its
41 projects to enhance environmental benefits and resilience to climate change.

42 **SECTION 18I.(g)** Exceptions for Biomedical Companies. – Biomedical companies
43 that require water for their critical operations and research shall be granted an exception from

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1 usage fees related to any infrastructure improvements funded by appropriations or grants in
2 accordance with this Part. This exception is provided to support the biomedical industry's
3 contribution to public health and innovation. Biomedical companies benefiting from this
4 exemption must demonstrate compliance with all applicable water usage and environmental
5 regulations. The Department shall monitor their water usage and ensure adherence to
6 environmental standards.

7 **SECTION 18L(h)** Effective Date; Reversion. – This Part becomes effective July 1,
8 2024. Any funds unexpended by the Authority at the end of the 2024-2025 fiscal year shall not
9 revert, but shall remain available for expenditure by the Authority until expended."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____