

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 639

AMENDMENT NO. A1

(to be filled in by
Principal Clerk)

S639-ATQ-58 [v.4]

Page 1 of 4

Amends Title [NO]
Fourth Edition

Date _____, 2025

Senator Jackson

1 moves to amend the bill on page 2, lines 50 and 51, by rewriting the lines to read:

2
3 "where the primary purpose of the proposed land use is (i) the construction of buildings or
4 structures subject to the North Carolina Residential Code, (ii) use by an electric supplier, as
5 defined in G.S. 62-110.2(a)(3), or (iii) use by a natural gas local distribution company. Conditions
6 and safeguards imposed under this";

7
8 and on page 9, lines 2 through 20, by rewriting the lines to read:

9
10 **"DIRECT AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION**
11 **TO STUDY LOW-HANGING COMMUNICATION LINES**

12 **SECTION 15.** The Agriculture and Forestry Awareness Study Commission shall
13 collect information on communication lines that fall below the minimum height requirement and
14 create a public safety hazard, particularly to agricultural operations. In conducting the study, the
15 Commission shall seek input from the Office of Broadband Infrastructure of the Department of
16 Information Technology, telecommunications companies, agricultural trade associations,
17 commodity organizations, electric cooperatives, electric utility companies, third-party
18 contractors, and any other stakeholders the Commission deems necessary. The Commission shall
19 report its findings, including any recommendations or proposed legislation, prior to the
20 convening of the 2026 Regular Session of the General Assembly.";

21
22 and on page 12, line 5, by rewriting the line to read:

23
24 **"LARCENY OF CROPS AND FOR ROBBING OR INJURING AQUACULTURE**
25 **OPERATIONS";**

26
27 and on page 12, line 19, by rewriting the line to read:

28
29 **"SECTION 18.(b) G.S. 113-218 reads as rewritten:**

30 **"§ 113-218. Protection of private marine aquaculture rights.**

31 **(a) Offense. —** It is unlawful for any person, other than the holder of a lease issued under
32 this Article, to take or attempt to take marine species being produced under the license and



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S639-ATQ-58 [v.4]

Page 2 of 4

1 associated lease from any privately leased, franchised, or deeded marine aquaculture operation
2 without written authorization of the holder and with actual knowledge it is a marine aquaculture
3 leased area. The written authorization shall include the lease number or deed reference, name and
4 address of authorized person, date of issuance, and date of expiration, and it must be signed by
5 the holder of the marine aquaculture rights. Actual knowledge will be presumed when the marine
6 species are taken or attempted to be taken under either of the following circumstances:

7 (1) From within the confines of posted boundaries of the area as identified by
8 signs, whether the whole or any part of the area is ~~posted~~; or posted.
9 Identification signs shall include the lease number or deed reference and the
10 name of the holder.

11 (2) When the area has been regularly posted and identified and the person knew
12 the area to be the subject of private marine aquaculture rights.

13 (b) Penalty. ~~– A violation of this subsection shall be punishable as follows:~~

14 (1) For a first offense, the person is guilty of a Class H felony, punishable by a
15 fine of not less than two hundred fifty dollars (\$250.00) in addition to any
16 other punishment prescribed for the offense.

17 (2) For a second or subsequent offense, the person is guilty of a Class G felony,
18 punishable by a fine of not less than five hundred dollars (\$500.00) in addition
19 to any other punishment prescribed for the offense.

20 ~~shall constitute a Class A1 misdemeanor, which may include a fine of not more than five~~
21 ~~thousand dollars (\$5,000). The written authorization shall include the lease number or deed~~
22 ~~reference, name and address of authorized person, date of issuance, and date of expiration, and it~~
23 ~~must be signed by the holder of the marine aquaculture rights. Identification signs shall include~~
24 ~~the lease number or deed reference and the name of the holder."~~

25 **SECTION 18.(c)** G.S. 113-269 reads as rewritten:

26 **"§ 113-269. Robbing or injuring hatcheries and other aquaculture operations.**

27 (a) The definitions established in G.S. 106-758 are incorporated by reference into this
28 section. ~~For the purposes of this section, a shellfish lease issued pursuant to G.S. 113-202 is~~
29 ~~defined as an aquaculture facility only when it has been amended pursuant to G.S. 113-202.1 to~~
30 ~~authorize use of the water column and when it is or has been regularly posted and identified in~~
31 ~~accordance with the rules of the Marine Fisheries Commission.~~

32 (b) It is unlawful for any person without the authority of the owner of an aquaculture
33 facility to take fish or aquatic species being cultivated or reared by the owner from an aquaculture
34 facility.

35 (c) It is unlawful for any person to receive or possess fish or aquatic species stolen from
36 an aquaculture facility while knowing or having reasonable grounds to believe that the fish or
37 aquatic species are stolen.

38 (d) It is unlawful for any person to willfully destroy or injure an aquaculture facility or
39 aquatic species being reared in an aquaculture facility.

40 (e) Violation of ~~subsections (b) or subsection (c)~~ for fish or aquatic species valued at
41 more than four hundred dollars (\$400.00) is punishable under G.S. 14-72. Violation of
42 ~~subsections (b) or subsection (c)~~ for fish or aquatic species valued at four hundred dollars
43 (\$400.00) or less is a Class 1 misdemeanor.

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AMENDMENT NO. **A1**
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S639-ATQ-58 [v.4]

Page 3 of 4

(f) Violation of ~~subsection~~ subsections (b) or (d) is ~~a Class 1 misdemeanor~~ punishable as follows:

(1) For a first offense, the person is guilty of a Class H felony, punishable by a fine of not less than two hundred fifty dollars (\$250.00) in addition to any other punishment prescribed for the offense.

(2) For a second or subsequent offense, the person is guilty of a Class G felony, punishable by a fine of not less than five hundred dollars (\$500.00) in addition to any other punishment prescribed for the offense.

(g) In deciding to impose any sentence other than an active prison sentence, the sentencing judge shall consider and may require, in accordance with G.S. 15A-1343, restitution to the victim for the amount of damage to the aquaculture facility or aquatic species or for the value of the stolen fish or aquatic species.

(h) The district attorney shall dismiss any case brought pursuant to subsections (b) and (c) if defendant produces a notarized written authorization for taking fish or aquatic species from the aquaculture facility or if the fish or aquatic species taken from a shellfish lease aquaculture facility was not a shellfish authorized for cultivation on the lease."

SECTION 18.(d) This section becomes effective December 1, 2025, and applies to";

and on page 12, line 39, through page 13, line 15, by deleting those lines;

and on page 14, lines 14 through 51, by rewriting the lines to read:

"AUTHORIZE USE OF CERTAIN SUBSURFACE WASTEWATER DISPERSAL PRODUCTS FOR STORMWATER AND WASTEWATER STORAGE AND DISPERSAL IN TRAFFIC-RATED AREAS

SECTION 21.2. G.S. 130A-343 is amended by adding a new subsection to read:

"(j3) Authorize Certain Subsurface Dispersal Products for Use in Traffic-Rated Areas. – A wastewater dispersal product approved pursuant to this section shall be approved for use in stormwater and wastewater storage and dispersal under areas subject to vehicular traffic and traffic-bearing loads if a professional engineer, licensed pursuant to Chapter 89C, certifies that the product has been designed with a compatible load rating and the product manufacturer has approved the product for use in traffic-rated areas. With respect to approvals already issued by the Department or the Commission that include conditions or requirements regarding locating qualifying subsurface dispersal products in traffic-rated areas, the Department or Commission, as applicable, shall reissue those approvals, at the written request of the manufacturer, without conditions or requirements regarding locating the product in traffic-rated areas. For the purposes of this section, "traffic-rated areas" does not include Department of Transportation rated areas, but does include driveways and private parking areas with impervious or pervious pavement areas.".

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Page 4 of 4

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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