

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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HOUSE BILL 23  
Senate State and Local Government Committee Substitute Adopted 5/22/25  
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Proposed Conference Committee Substitute H23-PCCS10555-BK-2

Short Title: Various State and Local Gov't Provisions. (Public)

Sponsors:

Referred to:

January 30, 2025

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO STATE AND LOCAL GOVERNMENT PROVISIONS.

The General Assembly of North Carolina enacts:

**PART I. STANLY COMMUNITY COLLEGE OFF MAIN CAMPUS CULINARY PROGRAM**

**SECTION 1.** Section 9.15 of S.L. 2017-57 is repealed.

**PART II. GULLAH GEECHEE HERITAGE TRAIL**

**SECTION 2.** The General Assembly authorizes the Gullah Geechee Greenway/Blueway Heritage Trail (Heritage Trail) in Brunswick County. The State shall support, promote, encourage, and facilitate the establishment of trail segments on State park lands and on lands of other federal, State, local, and private landowners. On segments of the Heritage Trail that cross property controlled by agencies or owners other than the State, the laws, rules, and policies of those agencies or owners shall govern the use of the property.

**PART III. STATE PROPERTY TRANSFER TO THE TOWN OF BURGAW**

**SECTION 3.1.** The State of North Carolina shall convey to the Town of Burgaw, for consideration of one dollar (\$1.00), all its rights, titles, and interests in approximately 11 acres of the approximately 355.73 acre parcel identified with Land Asset ID 6095 in the inventory of State-owned land maintained by the Department of Administration pursuant to G.S. 143-341. This is the same property identified with PIN Number 3229-04-1665-0000, as seen in the Office of the Tax Administrator in Pender County, and is described in part in Deed Book 211, Page 279 and Deed Book 922, Page 191 in the Pender County Register of Deeds. The Department of Administration, in consultation with the Town of Burgaw, shall determine specifically which portion of the land described in this section shall be transferred pursuant to this Part.

**SECTION 3.2.** The conveyance pursuant to Section 3.1 of this Part is subject to a reversionary interest reserved by the State. The property shall be conveyed to the Town of Burgaw for so long as it is utilized for public purposes.

**SECTION 3.3.** The State of North Carolina shall convey the real property described in Section 3.1 of this Part "as is" and "where is" without warranty. The State makes no representations or warranties concerning the title to the property, the boundaries of the property, the uses to which the property may be put, zoning, local ordinances, or any physical,



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1 environmental, health, and safety conditions relating to the property. All costs associated with  
2 the conveyance of the property shall be borne by the Town of Burgaw.

3 **SECTION 3.4.** The conveyance of the State's rights, titles, and interests in the real  
4 property described in Section 3.1 of this Part shall be exempt from the provisions of Article 7 of  
5 Chapter 146 of the General Statutes. The conveyance shall comply with the provisions of Article  
6 16 of Chapter 146 of the General Statutes, provided that the provisions of G.S. 146-74 shall not  
7 apply.

#### 8 9 **PART IV. AUTHORIZE ADDING SOUTH FORK PASSAGE STATE TRAIL TO THE** 10 **STATE PARKS SYSTEM**

11 **SECTION 4.1.** The General Assembly finds:

- 12 (1) The proposed South Fork Passage Trail corridor offers numerous economic  
13 benefits by expanding and enhancing the existing tourism industry. The  
14 diverse hydrology of the river in the corridor includes shoals, flatwater, class  
15 II rapids, and river tributaries that support a variety of recreational uses.
- 16 (2) The South Fork Passage Trail corridor is home to Spencer Mountain, the third  
17 highest peak in the Charlotte region, and the corridor passes through terrain  
18 that is emblematic of the Piedmont region of the State.
- 19 (3) The South Fork Passage Trail corridor also contains ecologically important  
20 habitat, including diverse wetlands, hardwood forests, and grasslands, that  
21 support numerous State and federal threatened or endangered species.
- 22 (4) The creation of a 60-mile hiking and paddling trail connecting Jacob Fork  
23 Park in Catawba County through Betty G. Ross Park in Lincoln County to  
24 George Poston Park, Goat Island Park, and Daniel Stowe Botanical Garden in  
25 Gaston County would expand existing recreational offerings and support  
26 ongoing efforts to conserve the South Fork of the Catawba River watershed.

27 **SECTION 4.2.** The General Assembly authorizes the Department of Natural and  
28 Cultural Resources (Department) to add the South Fork Passage Trail in Catawba, Lincoln, and  
29 Gaston Counties to the State Parks System as a State trail, as provided in G.S. 143B-135.54(b).  
30 The trail, which will run alongside the South Fork River, shall begin at the confluence of the  
31 Henry Fork and Jacob Fork at Jacob Fork Park and end at the boundary between the State and  
32 South Carolina on Lake Wylie.

33 **SECTION 4.3.** The Department shall support, promote, encourage, and facilitate the  
34 establishment of trail segments on State Park lands and on lands of other federal, State, local, and  
35 private landowners. On segments of the South Fork Passage State Trail that cross property  
36 controlled by agencies or owners other than the Department's Division of Parks and Recreation,  
37 the laws, rules, and policies of those agencies or owners shall govern the use of the property.

38 **SECTION 4.4.** The requirement of G.S. 143B-135.54(b) that additions be  
39 accompanied by adequate appropriations for land acquisition, development, and operations shall  
40 not apply to the authorization set forth in this Part; provided, however, that the State may receive  
41 donations of appropriate land and may purchase other needed lands for the South Fork Passage  
42 State Trail with existing funds in the Land and Water Fund, the Parks and Recreation Trust Fund,  
43 the Complete the Trails Fund, the federal Land and Water Conservation Fund, and other available  
44 sources of funding.

#### 45 46 **PART V. CODIFY LAKE NORMAN MARINE COMMISSION**

47 **SECTION 5.1.(a)** Chapter 77 of the General Statutes is amended by adding a new  
48 Article to read:

49 "Article 6B.

50 "Lake Norman Marine Commission.



1 **"§ 77-89.2. Creation of Commission authorized.**

2 (a) ~~The counties of Catawba, Iredell, Lincoln, and Mecklenburg are hereby authorized~~  
3 Three or more of the eligible local governments may by joint resolution to create the Lake  
4 Norman Marine Commission. Upon its creation, the Commission shall enjoy the powers  
5 and have the duties has the powers, duties, and responsibilities conferred upon it by the joint  
6 resolution, subject to the provisions of this Act. Article. The provisions of any joint resolution  
7 may be modified, amended, or rescinded by a subsequent joint resolution. The purpose of the  
8 Lake Norman Marine Commission is to ensure the coordinated governance applicable to Lake  
9 Norman and its shoreline area concerning all matters related to public recreation and water  
10 quality and safety.

11 (b) ~~A county participating local government may unilaterally withdraw from~~  
12 participation as required by any joint resolution or the provisions of this Act, Article, once the  
13 Commission has been created, and any county participating local government may unilaterally  
14 withdraw from said commission at the end of any budget period. the Commission by resolution  
15 of its board upon the conclusion of the informal settlement discussion provided in subsection  
16 (b1) of this section, not to exceed 90 days after the participating local government delivers to the  
17 Commission its notice of intent to withdraw.

18 (b1) Upon providing the Commission with notice of intent to withdraw, the participating  
19 local government and the Commission shall jointly appoint a mediation officer. The mediation  
20 officer shall make a reasonable effort to initiate settlement discussions between the participating  
21 local government and all other interested parties.

22 (c) Upon withdrawing from the Commission, a local government is no longer obligated  
23 to continue any financial or in-kind support of the Commission. By joint resolution of the  
24 participating local governments, presented to and approved by the Commission, an eligible local  
25 government may rejoin the Commission as a participating local government.

26 (d) ~~Upon~~ If upon the effectuation of such withdrawal, the withdrawal there are fewer than  
27 three counties that remain as participating local governments, the Commission is dissolved until  
28 reestablished under the provisions of this Act Article or any successor act, and all property of the  
29 Commission shall be distributed to or divided among the four counties participating local  
30 governments and any other public agency or agencies serving the Lake Norman area in a manner  
31 deemed equitable by the four counties participating local governments.

32 **"§ 77-89.3. Terms of members. Membership; terms of office; eligibility for appointment.**

33 (a) ~~Upon its creation, the Commission shall have~~ has a governing board of five  
34 commissioners. Except as otherwise provided for the first five year period, each commissioner  
35 shall serve a five year term, with commissioners to serve overlapping terms so that one  
36 commissioner appointment is made each year. Upon creation of the Commission, the board of  
37 Catawba County shall appoint two commissioners and the boards of the other three counties shall  
38 appoint one each. These initial appointees shall serve until September 30 following their  
39 appointment. Thereafter, appointments shall be made each October 1 by the respective boards of  
40 the four counties as follows: comprised of members appointed in accordance with subsections (b)  
41 and (c) of this section.

42 (1) ~~First year: Commissioner from Catawba, one year term; commissioner from~~  
43 ~~Iredell, two year term; commissioner from Lincoln, three year term;~~  
44 ~~commissioner from Mecklenburg, four year term; commissioner from~~  
45 ~~Catawba, five year term.~~

46 (2) ~~Second year: Commissioner from Iredell, five year term.~~

47 (3) ~~Third year: Commissioner from Lincoln, five year term.~~

48 (4) ~~Fourth year: Commissioner from Mecklenburg, five year term.~~

49 (5) ~~Fifth year: Commissioner from Catawba, five year term.~~

50 (6) ~~Sixth and succeeding years: appointments for five year terms in rotation by~~  
51 ~~county in the order set out above.~~

1       **(b)** Each participating local government shall appoint two members to the Commission,  
2 each of whom shall be individuals who have demonstrated proficiency in community  
3 engagement and consensus-building across multiple stakeholder groups. For the initial  
4 appointments, each participating local government shall appoint one commissioner to serve a  
5 four-year term and a second commissioner to serve a five-year term. Except as otherwise  
6 provided for the initial appointments, each commissioner shall serve a five-year term.

7       **(c)** The commissioners appointed in accordance with subsection (b) of this section shall  
8 select one at-large commissioner for a five-year term, subject to confirmation by joint resolution  
9 of all of the participating local governments. The at-large commissioner shall be an individual  
10 who has proficient knowledge of boater safety protocols and who possesses one or more of the  
11 following qualifications:

12           **(1)** Has served in the United States Coast Guard or a similar maritime  
13 organization with a long-standing tradition of leadership in promoting the  
14 safety and security of the navigable waterways of the United States.

15           **(2)** Has knowledge of water quality and aquatic vegetation management.

16           **(3)** Has experience in law enforcement.

17           **(4)** Has experience in public recreation management.

18           **(5)** Has experience in wildlife resources management.

19       **(d)** No more than thirty-five percent (35%) of the commissioners serving at any given  
20 time may reside in the same county.

21       **(e)** No commissioner shall have any ownership interest in, or financial relationship with,  
22 any business or property that is dependent on income generated from Lake Norman, or that  
23 otherwise presents a conflict of interest with the purposes or responsibilities of the Commission.

24       **(f)** Each commissioner shall complete a written disclosure statement by January 31 of  
25 each year that identifies any conflicts of interest he or she has, including any conflicts identified  
26 in subsection (e) of this section. These annual disclosures shall be posted on a public website  
27 maintained by the Commission by January 31 each year.

28       **(g)** A commissioner appointed pursuant to subsection (b) of this section shall maintain  
29 his or her primary residence in the county that appointed the commissioner, and shall reside at  
30 this location for at least nine months every calendar year. The at-large commissioner appointed  
31 pursuant to subsection (c) of this section shall maintain his or her primary residence at a location  
32 within any of the four counties and shall reside at this location for at least nine months every  
33 calendar year.

34       **(h)** In the event of death of a commissioner, resignation, incapacity or inability to serve,  
35 as determined by the board appointing ~~such~~ the commissioner, or removal of the commissioner  
36 for cause, as determined by the board appointing ~~such~~ the commissioner, ~~the~~ that board affected  
37 may appoint another commissioner to fill the unexpired term.

38 **"§ 77-89.4. Compensation; budgetary and accounting procedures.**

39 No commissioner shall receive compensation in the form of salary, wages, fees, or other  
40 forms of compensation for serving as a commissioner. The joint resolution of the ~~four counties~~  
41 participating local governments shall state the terms relating to ~~compensation to commissioners,~~  
42 ~~if any,~~ the compensation of consultants and staff members employed by the Commission, and  
43 reimbursement of expenses incurred by commissioners, consultants, and employees. The  
44 Commission ~~shall be~~ is governed by ~~such~~ any budgetary and accounting procedures ~~as may be~~  
45 specified by joint resolution.

46 **"§ 77-89.5. Organization and meetings.**

47       **(a)** Upon creation of the Commission, its governing board shall meet at a time and place  
48 agreed upon by the boards of the ~~four counties concerned.~~ participating local governments. The  
49 commissioners shall elect a ~~chairman~~ chair and ~~such~~ any other officers ~~as that they may choose.~~  
50 choose, except that no commissioner may serve as chair for more than two consecutive terms.  
51 All officers shall serve one-year terms. The governing board shall adopt ~~such~~ rules and

1 regulations ~~as it may deem necessary~~, not inconsistent with the provisions of this ~~Act~~ Article or  
 2 of any joint resolution, for the proper discharge of its duties and for the governance of the  
 3 Commission. The ~~chairman~~ chair may appoint ~~such committees as may be that have been~~  
 4 authorized by ~~such rules and regulations.~~ regulation. The Commission shall meet regularly at  
 5 ~~such any~~ times and places ~~as may be specified in its rules and regulations or in any joint~~  
 6 resolution. Special meetings may be called as specified in the ~~rules and regulations~~.

7 (b) The at-large commissioner shall have no vote except that, in the event of a tie in a  
 8 vote by the Commission, the at-large commissioner shall break the tie with an additional vote.

9 (c) The Commission is subject to the requirements of Chapter 132 of the General Statutes  
 10 and Article 33C of Chapter 143 of the General Statutes. All records produced or maintained by  
 11 the Commission are public records as defined in G.S. 132-1. The Commission shall maintain a  
 12 public website providing the public access to its public records.

13 **"§ 77-89.6. Powers of Commission; administrative provision.**

14 (a) Within the limits of funds available to it and subject to the provisions of this ~~Act~~  
 15 Article and of any joint resolution, the Commission ~~may~~ may do all of the following:

- 16 (1) Hire and ~~Fix~~ fix the compensation of permanent and temporary employees  
 17 and staff ~~as it may deem that are necessary in carrying out its duties.~~
- 18 (2) Contract with consultants for ~~such services as it may require.~~ services.
- 19 (3) Contract with the State of North Carolina or the ~~Federal Government,~~ federal  
 20 government, or any agency or department or subdivision thereof, ~~for such~~  
 21 ~~property or services as may be provided to or by such agencies, and carry out~~  
 22 ~~the provisions of such contracts or any other person.~~
- 23 (4) ~~Contract with persons, firms, and corporations generally as to all matters over~~  
 24 ~~which it has a proper concern, and carry out the provisions of such contracts.~~
- 25 (5)(4) Lease, rent, purchase, or otherwise obtain suitable quarters and office space  
 26 for its employees and ~~staff,~~ staff and lease, rent, purchase, or otherwise obtain  
 27 furniture, fixtures, aircraft, vessels, vehicles, firearms, uniforms, and other  
 28 supplies and ~~equipment necessary or desirable for carrying out the duties~~  
 29 ~~imposed in or under the authority of this Act.~~ equipment.
- 30 (6)(5) Lease, rent, purchase, construct, otherwise obtain, maintain, operate, repair,  
 31 and replace, either on its own or in cooperation with other public or private  
 32 agencies or individuals, any of the following: parks, shoreline and water  
 33 recreational areas, swimming pools and swimming areas, marinas, fishing  
 34 piers, boat docks, boating and fishing access areas, navigation aids, waterway  
 35 markers, public information signs and notices, and other items of real and  
 36 personal property designed to enhance public recreation, public safety in Lake  
 37 Norman and its shoreline area, or protection of property in the shoreline area.
- 38 (6) Assess fees as provided in G.S. 77-89.9, except as limited by any other  
 39 provisions of State or federal law.
- 40 (7) Request the Department of Environmental Quality to add certain species of  
 41 vegetation and algae, as specifically applicable to Lake Norman and its  
 42 shoreline area, to the Aquatic Weed Control Program.

43 (b) The Commission may accept, receive, and disburse in furtherance of its functions any  
 44 funds, grants, services, or property made available by the ~~Federal Government~~ federal  
 45 government or its agencies or subdivisions, by the State ~~Government~~ or its agencies or  
 46 subdivisions, municipalities and towns or their agencies, or by private and civic sources.

47 (c) The boards of the ~~four counties~~ participating local governments, municipalities, and  
 48 towns bordering Lake Norman may appropriate funds to the Commission out of surplus funds or  
 49 funds derived from nontax sources. They may also appropriate funds out of tax revenues and  
 50 may ~~also levy annually~~ levy taxes for the payment of ~~such the~~ the appropriation as a special ~~purpose,~~  
 51 in addition to any allowed by the Constitution. purpose.

1 (d) The Commission ~~shall be~~ is subject to ~~such~~ any audit requirements as ~~may be~~  
2 specified in any joint resolution.

3 (e) ~~In carrying out some or all of its duties and in either in addition to or in lieu of~~  
4 ~~exercising various provisions of the above authorizations, the~~ The Commission may, with the  
5 agreement of the board ~~of the county~~ concerned, utilize personnel and property of or assign  
6 responsibilities to any officer or employee of any of the ~~four counties~~. Such participating local  
7 governments. A contribution in kind, if substantial, may kind may, with the agreement of the  
8 other ~~three counties~~ participating local governments, be deemed ~~to substitute a~~ substitute, in  
9 whole or in ~~part~~ part, for the financial contribution required of ~~such county~~ the participating local  
10 government in support of the Commission.

11 (f) Unless otherwise specified by joint resolution, each of the ~~four counties~~ participating  
12 local governments shall annually contribute an equal financial contribution to the Commission  
13 in an amount appropriate to support the activities of the Commission in carrying out its duties.

14 (g) Before the close of each fiscal year, the Commission shall prepare a budget for the  
15 ensuing year for consideration by the boards of each participating local government for approval.  
16 Upon receiving the budget from the Commission, the board of each participating local  
17 government shall consider the budget and make recommendations as to any changes it deems  
18 advisable. Each participating local government shall complete its action on the Commission's  
19 budget on or before the beginning of the Commission's fiscal year, or such later date as specified  
20 by joint resolution.

21 **"§ 77-89.7. Filing and publication of joint resolutions.**

22 (a) A copy of the joint resolution creating the Commission and of any joint resolution  
23 amending or repealing the joint resolution creating the Commission shall be filed with the  
24 Executive Director of the Wildlife Resources Commission. When the Executive Director  
25 receives resolutions that are in substance identical from all ~~four counties concerned,~~ participating  
26 local governments, the Executive Director shall within ten days so certify and distribute a  
27 certified single resolution text to the following:

28 (1) The Secretary of State.

29 ~~(2) The Director of the Department of Local Affairs.~~

30 ~~(3)~~(2) The clerk to the board of each of the ~~four counties~~ participating local  
31 governments.

32 ~~(4)~~(3) The clerk of superior court of each of the four counties.

33 (4) The Secretary of the Department of Commerce.

34 (5) The Secretary of the Department of Environmental Quality.

35 (6) A news outlet serving a general audience throughout the four counties.

36 Upon request, the Executive Director shall also send a certified single copy of any and all  
37 applicable joint resolutions to the ~~chairman~~ chair of the Commission.

38 (b) Unless a joint resolution specifies a later date, it ~~shall take~~ takes effect when the  
39 Executive Director's certified text has been submitted to the Secretary of State for filing.  
40 Certifications of the Executive Director under the seal of the Commission as to the text or  
41 amended text of any joint resolution and of the date ~~or dates~~ of submission to the Secretary of  
42 State ~~shall be~~ are admissible in evidence in any court. Certifications by any clerk of superior  
43 court of the text of any certified resolution filed with ~~him~~ the clerk by the Executive Director  
44 ~~shall also be~~ are also admissible in ~~evidence~~ evidence, and the Executive Director's submission  
45 of the resolution for filing to the clerk ~~shall constitute~~ constitutes prima facie evidence that ~~such~~  
46 the resolution was on the date of submission also submitted for filing with the Secretary of State.  
47 Except for the certificate of a clerk as to receipt and date of submission, no evidence ~~may~~ shall  
48 be admitted in court concerning the submission of the certified text of any resolution by the  
49 Executive Director to any person other than the Secretary of State.

1 (c) Each participating local government shall incorporate a copy of the text of every joint  
2 resolution in its local code of ordinances, as maintained in accordance with G.S. 153A-49 or  
3 G.S. 160A-77.

4 "**§ 77-89.8. Regulatory authority.**

5 (a) ~~Except as limited in subsection (b) below, by subsection (c) of this section, by~~  
6 ~~restrictions in any joint resolution, and or by other supervening provisions of law, the~~  
7 ~~Commission may make regulations applicable to Lake Norman and its shoreline area concerning~~  
8 ~~all matters relating to or affecting public recreation and water safety. area. These regulations may~~  
9 ~~shall not conflict with or supersede provisions of general or special Acts or of regulations of State~~  
10 ~~agencies promulgated under the authority of general law. State or federal law, or the exercise of~~  
11 ~~any authority granted under any permit or license issued by any State or federal agency. In lieu~~  
12 ~~of or in addition to passing regulations supplementary to State law and regulations concerning~~  
13 ~~the operation of vessels on Lake Norman, these regulations, the Commission may, after public~~  
14 ~~notice, request that the Wildlife Resources Commission pass local regulations rules on this~~  
15 ~~subject in accordance with the procedure established in G.S. 75A-15.~~

16 (a1) Notwithstanding G.S. 75A-16.2, the Commission shall require any person born on or  
17 after January 1, 1988, to complete a boating education course, approved by the National  
18 Association of Safe Boating Law Administrators (NASBLA) and accepted by the Wildlife  
19 Resources Commission, to operate a motorized watercraft of 20 horsepower or greater on Lake  
20 Norman.

21 (b) Violation of any regulation of the Commission commanding or prohibiting an act  
22 shall be a misdemeanor punishable by a fine not to exceed is a Class 3 misdemeanor, which shall  
23 include a fine of not less than two hundred dollars (\$200.00) but not more than five hundred  
24 dollars (\$500.00) per violation.(\$500.00).

25 (c) ~~The regulations promulgated under this Section take effect upon passage or upon such~~  
26 ~~dates as may be stipulated in the regulations except that no regulation may No regulation adopted~~  
27 ~~under this section shall be enforced unless adequate notice of the regulation has been posted in~~  
28 ~~or on Lake Norman or its shoreline area. Adequate notice as to a regulation affecting only a~~  
29 ~~particular location may be by a sign, uniform waterway marker, posted notice, or other effective~~  
30 ~~method of communicating the essential provisions of the regulation in the immediate vicinity of~~  
31 ~~the location in question. Where location. If a regulation applies generally as to Lake Norman or~~  
32 ~~its shoreline area, or both, there must shall be a posting of notices, signs, or markers~~  
33 ~~communicating the its essential provisions in at least three different places throughout the area.~~

34 (d) A copy of each regulation promulgated under this Section must adopted under this  
35 section shall be filed by the Commission with the following persons:

- 36 (1) The Secretary of State, in accordance with G.S. 143-195 to 198.State.
- 37 (2) The clerk of superior court of each of the four counties, in accordance with  
38 G.S. 143-198.1.counties.
- 39 (3) The Executive Director of the Wildlife Resources Commission.
- 40 (4) ~~The Director of the Department of Local Affairs.~~The Secretary of the  
41 Department of Commerce.
- 42 (5) The Secretary of the Department of Environmental Quality.
- 43 (6) The General Manager of Water Strategy, Hydro Licensing & Lake Services  
44 for the federal licensee of the Catawba-Wateree Hydro Project (FERC Project  
45 No. 2232).

46 (e) Any official designated in subsection (d) above of this section may issue certified  
47 copies of regulations filed with him under the seal of his office. Such the official. The certified  
48 copies may be received in evidence in any proceeding.

49 (e1) Each participating local government shall incorporate a copy of the text of every  
50 regulation adopted by the Commission in its local code of ordinances, as maintained in  
51 accordance with G.S. 153A-49 or G.S. 160A-77.

1 (f) Publication and filing of regulations promulgated under this Section as required above  
2 is adopted under this section are for informational purposes and shall not be are not a prerequisite  
3 to their validity if they in fact have been duly promulgated, adopted, the public has been notified  
4 as to the substance of the regulations, their substance, a copy of the text of all regulations is in  
5 fact available to any person who that may be affected, and no party to any proceeding has been  
6 prejudiced by any defect that may exist with respect to publication and filing. Rules and  
7 regulations promulgated Regulations adopted by the Commission under the provisions of other  
8 sections of this Act Article relating to internal governance of the Commission need not are not  
9 required to be filed or published. Where If posting of any sign, notice, or marker or the making  
10 of other communication is essential to the validity of a regulation duly promulgated, regulation,  
11 it shall be is presumed in any proceeding that proper notice was given and maintained and the  
12 burden shall lie lies upon the party asserting to the contrary to prove lack of adequate notice of  
13 any the regulation.

14 (g) Under authorization of a joint resolution, and subject to the limitations of this section,  
15 the Commission may regulate personal watercraft operation in Lake Norman and from its  
16 shoreline shoreline area.

17 "§ 77-89.10. Enforcement.

18 (a) Where If a joint resolution so provides, all law enforcement officers (or such any  
19 officers as may be designated in the joint resolution) with territorial jurisdiction as to any part of  
20 Lake Norman or its shoreline area shall, area, within the limitations of their subject matter  
21 jurisdiction, have the authority of peace officers in enforcing the laws over all of Lake Norman  
22 and its shoreline area area, including any applicable ordinances or regulations adopted by local  
23 governments.

24 (b) Where a joint resolution so provides, the Commission may hire special officers to  
25 patrol and enforce the laws on Lake Norman and its shoreline area. Such special officers shall  
26 have and exercise all the powers of peace officers generally within the area in question and shall  
27 take the oaths and be subject to all provisions of law relating to law enforcement officers.

28 (c) Unless a joint resolution provides to the contrary, all courts in the four counties, within  
29 the limits of their subject matter jurisdiction, shall have concurrent jurisdiction as to all criminal  
30 offenses arising within the boundaries of Lake Norman and its shoreline area.

31 (d) Where If a law enforcement officer with jurisdiction over any part of Lake Norman  
32 or its shoreline area is performing duties relating to the enforcement of the laws on Lake Norman  
33 or in its shoreline area, he shall have such the officer also has any extra-territorial jurisdiction as  
34 may be that is necessary to perform such these duties. These duties include investigations any of  
35 the following:

36 (1) Investigations of crimes an officer reasonably believes have been, or are about  
37 to be, committed within the area in question; traversing area.

38 (2) Traversing by reasonable routes from one portion of such the area to another  
39 although across territory not within the boundaries of Lake Norman and its  
40 shoreline area; conducting portion even if the route is not contained within the  
41 area.

42 (3) Conducting prisoners in custody to such a court or detention facilities as may  
43 be authorized by law, although this may involve going outside the area in  
44 question; execution facility even if the court or facility is not within the area.

45 (4) Execution of process connected with any criminal offense alleged to have  
46 been committed within the boundaries in question, except that such process  
47 may not be executed by virtue of this provision area. This subdivision,  
48 however, does not apply beyond the boundaries of the four continuing  
49 eounties;counties.

50 (5) Continuing pursuit of and arresting any violator or suspected violator as to  
51 which whose grounds for arrest arose within the area in question area.

1 (e) ~~Where~~ If any law enforcement officers are given additional territorial jurisdiction  
 2 under ~~the provisions of this Section, this section, this shall be section is~~ deemed an extension of  
 3 the duties of the office held and no officer shall take any additional oath or title of office."

4 **SECTION 5.1.(d)** Article 6B of Chapter 77 of the General Statutes, as enacted by  
 5 subsection (a) of this section and amended by subsections (b) and (c) of this section, is amended  
 6 by adding a new section to read:

7 "**§ 77-89.9. Fees.**

8 (a) Except as limited by any other provisions of State or federal law, the Commission  
 9 may assess fees related only to the following:

10 (1) Participation in education, training, or certification services provided by the  
 11 Commission.

12 (2) Use of facilities owned or operated by the Commission.

13 (3) Application for a permit administered by the Commission to regulate  
 14 privileged or special uses of Lake Norman and its shoreline area.

15 (b) In setting fee amounts to be charged for activities provided in subsection (a) of this  
 16 section, the Commission shall not do any of the following:

17 (1) Set a fee in an excessive amount that is neither reasonable nor customary for  
 18 the services and privileges provided by the Commission.

19 (2) Set a fee in an amount that exceeds the Commission's actual costs for the  
 20 service provided.

21 (3) Charge fees for general access to or use of Lake Norman or its shoreline area.

22 (4) Discriminate on the basis of race, color, sex, religious creed, or national origin.

23 (c) Each year by January 31, the Commission shall produce a publicly available and  
 24 auditable report that includes an accounting of all of its fee collections and funding from other  
 25 sources compared to its program-specific expenses during the prior calendar year. This annual  
 26 financial report shall include adequate detail to determine that the Commission has met each of  
 27 the requirements of this section, accompanied by a formal written certification of the same by  
 28 the chair of the Commission. If there is a surplus of fee collections or funding in a given calendar  
 29 year, it shall be applied to program-specific expenses for the next calendar year."

30 **SECTION 5.2.** G.S. 138A-3 reads as rewritten:

31 "**§ 138A-3. Definitions.**

32 The following definitions apply in this Chapter:

33 ...

34 (70) Public servants. – All of the following:

35 ...

36 w. Commissioners appointed to the Lake Norman Marine Commission.

37 ...."

38 **SECTION 5.3.** G.S. 77-113 reads as rewritten:

39 "**§ 77-113. Membership; terms of office; eligibility for appointment; meetings.**

40 (a) The Catawba/Wateree River Basin Advisory Commission shall be composed of 15  
 41 members as follows:

42 ...

43 (10) One person to represent the following commissions, appointed jointly by the  
 44 three ~~chief executive officers chairs~~ of the commissions: the Lake Wylie  
 45 Marine Commission established pursuant to Article 4 of Chapter 77 of the  
 46 General Statutes, the Mountain Island Lake Marine Commission established  
 47 pursuant to Article 6 of Chapter 77 of the General Statutes, and the Lake  
 48 Norman Marine Commission established pursuant to ~~Chapter 1089 of the~~  
 49 ~~1969 Session Laws~~ Article 6B of Chapter 77 of the General Statutes.

50 ...

1 (c) Each member appointed to the commissions pursuant to subdivisions (1) and (2) of  
2 subsections (a) and (b) of this section shall serve at the pleasure of the appointing authority so  
3 long as the member remains a Representative or Senator. Each member appointed to the  
4 commissions pursuant to subdivisions (3) and (4) of subsections (a) and (b) of this section shall  
5 serve as provided by the General Assembly of South Carolina. Each member appointed to the  
6 commissions pursuant to subdivisions (7) through (9) of subsection (a) and subdivisions (8)  
7 through (10) of subsection (b) of this section shall serve for so long as the member continues in  
8 the qualifying position or, if the member is a designee, at the pleasure of the designating  
9 authority. Each member appointed to the commissions pursuant to subdivisions (6) and (10) of  
10 subsection (a) and subdivisions (7) and (11) of subsection (b) of this section shall serve a term of  
11 two years and may be reappointed to serve no more than three consecutive full terms or 84  
12 consecutive months, whichever is greater. The term of a person appointed to the commission  
13 pursuant to subdivision (10) of subsection (a) of this section ~~shall expire~~ expires on 1 January of  
14 even-numbered years. The term of a person appointed to the commission pursuant to subdivision  
15 (6) of subsection (a) of this section ~~shall expire~~ expires on 1 January of odd-numbered years. The  
16 term of a member who is appointed to the commissions pursuant to subdivisions (5) and (11) of  
17 subsection (a) and subdivisions (5) and (6) of subsection (b) of this section shall serve as provided  
18 by the General Assembly of South Carolina. An appointment to fill a vacancy on the commissions  
19 shall be for the unexpired portion of the term. A vacancy on the commissions shall be filled in  
20 the same manner as the original appointment. Members of the commissions who are appointed  
21 from or reside in North Carolina may be removed by the Governor of North Carolina for  
22 misfeasance, malfeasance, or nonfeasance, as provided in G.S. 143B-13.

23 ...

24 (f) Each commission shall meet upon the call of the Chair. A majority of each  
25 commission ~~shall constitute~~ constitutes a quorum for the transaction of business.

26 ...."

27 **SECTION 5.4.** The initial appointments to the governing board of the Lake Norman  
28 Marine Commission will become effective on the date that is seven calendar days following the  
29 adoption by three or more eligible local governments of a joint resolution reconstituting the Lake  
30 Norman Marine Commission.

31 **SECTION 5.5.** All rules, regulations, and decisions made by the predecessor Lake  
32 Norman Marine Commission, reconstituted in accordance with this Part, shall remain in full force  
33 and effect until and unless duly modified by the successor entity.

## 34 **PART VI. ROAD AND BRIDGE NAMING DESIGNATIONS**

35 **SECTION 6.** Notwithstanding any provision of law to the contrary, the Department  
36 of Transportation shall make the following naming designations:

- 37 (1) The bridge on North Carolina Highway 904 that crosses the Columbus and  
38 Robeson County Line, also known as Robeson Bridge 31, shall be renamed  
39 the "Assistant Chief Lenneau D. Hammond Bridge."
- 40 (2) The bridge on Rock Barn Road NE that crosses Interstate 40, also known as  
41 Catawba Bridge 173, shall be renamed the "Mayor Bruce R. Eckard Bridge."
- 42 (3) Complex Street located in the Town of Tabor City shall be renamed "Shane  
43 Miller Street."

## 44 **PART VII. AMEND THE NORTH CAROLINA STATE BUILDING CODE TO ALLOW 45 CERTAIN UNLIMITED AREA BUILDING CLEARANCES TO INCLUDE RAILROAD 46 RIGHTS-OF-WAY**

47 **SECTION 7.(a)** Definitions. – For the purposes of this section, the following  
48 definitions apply:  
49  
50

1 (1) Code. – The North Carolina State Building Code, and amendments to the  
2 Code, as adopted by the Councils.

3 (2) Councils. – The Residential Code Council and the Building Code Council.

4 **SECTION 7.(b)** Unlimited Area Building Conversions. – Until the effective date of  
5 the rules to amend Section 507, Unlimited Area Buildings, are adopted in accordance with this  
6 section, the Office of the State Fire Marshal, the Councils, and State and local governments  
7 enforcing the Code shall adhere to requirements as provided in subsection (c) of this section.

8 **SECTION 7.(c)** Implementation. – For the purposes of application of Section 507.4  
9 and Section 507.5 of the North Carolina Building Code, "public ways" shall include railroad  
10 rights-of-way, provided that a building or structure meet the following additional requirements:

11 (1) The building or structure will consist of new nonseparated mixed use  
12 occupancies within an existing building.

13 (2) The building or structure is located on a single parcel of land which is between  
14 8 acres and 10 acres.

15 (3) The building or structure is located on a single parcel of land which abuts a  
16 railroad right-of-way for a distance of less than 1,200 feet along the parcel  
17 boundary.

18 (4) The building or structure footprint is between 150,000 square feet and 300,000  
19 square feet in area.

20 (5) The building or structure prior to improvement or occupancy change was  
21 previously classified as a Factory Group F occupancy.

22 **SECTION 7.(d)** Additional Building Code Council Rulemaking Authority. – The  
23 Building Code Council shall adopt rules to amend the North Carolina Building Code consistent  
24 with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the  
25 Building Code Council pursuant to this subsection shall be substantively identical to the  
26 provisions of subsection (c) of this section. Rules adopted pursuant to this subsection are not  
27 subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant  
28 to this subsection shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or  
29 more written objections had been received as provided in G.S. 150B-21.3(b2).

30 **SECTION 7.(e)** Sunset. – This section expires when permanent rules adopted as  
31 required by subsection (d) of this section become effective.

32  
33 **PART VIII. EFFECTIVE DATE**

34 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes  
35 law.