



HOUSE BILL 374: Business Freedom Act.

2017-2018 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	June 26, 2017
Introduced by:	Reps. McElraft, Howard, Johnson, Hurley	Prepared by:	Cindy Avrette
Analysis of:	Third Edition		Wendy Ray Staff Attorney

OVERVIEW: *House Bill 374 would make various changes to the laws governing businesses.*

BILL ANALYSIS: House Bill 374 does the following:

- Section 1 makes a number of technical, conforming, and other changes to the labor laws of North Carolina. Section 1 would become effective July 1, 2017, except for Section 1(c), which would become effective October 1, 2017, and would apply to violations occurring and offenses committed on or after that date.
- Section 2 codifies the Carolina Star Program in the Department of Labor. Section 2 would become effective July 1, 2017.
- Section 3 amends provisions enacted in the Regulatory Reform Act of 2016-2017 that modified provisions enacted in 2015 to establish life-of-site permits for sanitary landfills and transfer stations.
- Section 4 modifies provisions under existing law that requires the owner of a coal ash pond or impoundment to install and operate ash beneficiation projects.
- Section 5 provides an exemption to building code provisions allowing construction of a parking garage to extend across a lot line between a city-owned lot and a privately-owned lot without meeting certain requirements that apply to exterior walls approaching a lot line.
- Section 5 clarifies the definition of commercial real estate for purposes of commercial real estate broker liens by including property used for agricultural or forestry purposes.
- Section 7 exempts certain pressure vessels from inspection and regulation under the Uniform Boiler and Pressure Vessel Act.
- Section 8 extends to January 2020 the validity of improvement and wastewater system construction permits that were issued between 2000 and 2015, if they have not been acted on and would have otherwise expired.
- Section 9 changes the tax base and the tax rate for the scrap tire disposal tax. It changes the rate from a percentage of the cost of the tire to a flat rate of \$1.00 for tires with a bead diameter of less than 20 inches and a flat rate of \$2.00 for tires with a bead diameter of 20 inches or greater. The tax base is expanded to include used tires as well as new ones. This section would become effective October 1, 2017, and would apply to sales or purchases of tires on or after that date.

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House Bill 374

Page 2

- Section 10 directs the North Carolina Medical Care Commission to adopt the American Society of Healthcare Engineers Facility Guidelines Institute "Guidelines for Design and Construction of Hospitals and Outpatient Facilities".
- Section 11 restricts what stormwater runoff requirements a local government can apply to public airports.
- Section 12 creates alternative procedures for contested cases for certain decisions of the Department of Environmental Quality and the Environmental Management Commission. Section 12 would become effective January 1, 2019, and would apply to contested cases filed on or after that date.