

LEGAL TIDES

From the North Carolina Coastal Resources Law, Planning and Policy Center • Summer 2016

Bills Passed During the 2016 Short Session of the North Carolina General Assembly Affecting Coastal Resources Use and Conservation

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AGRICULTURE

H 992 / S.L. 2016-93

Amend Industrial Hemp Program

Representatives Steinburg, Brody, Dixon, Langdon, Cleveland, Faircloth, Fisher, Floyd, Harrison, Shepard, B. Turner

This Act modifies the Industrial Hemp Research Program by increasing the responsibilities of program participants and introduces civil and criminal penalties for participants who violate the Act. It also changes the number of members of the North Carolina Industrial Hemp Commission from five to nine.

S 770 / S.L. 2016-113

North Carolina Farm Act of 2016

Senators Cook, B. Jackson, Brock, McInnis

This Act authorizes the N.C. Department of Agriculture and Consumer Services to appoint and deploy agricultural emergency response teams in agricultural emergencies when the Commissioner of Agriculture, in consultation with the Governor, determines that there is an imminent threat of an agricultural emergency or that an agricultural emergency exists within the State that threatens or has caused damage to agricultural lands or operations. These teams are to aid in prevention measures and recovery efforts on the premises of agricultural landowners throughout the State.

This Act also allows local school boards to have a preference for food grown in North Carolina when taking bids for food procurement. It also

extends the tax credit for constructing renewable energy facilities from 2017 to 2020. The Act also exempts all activities related or incidental to the production of agricultural products from the Sedimentation Pollution Control Act.

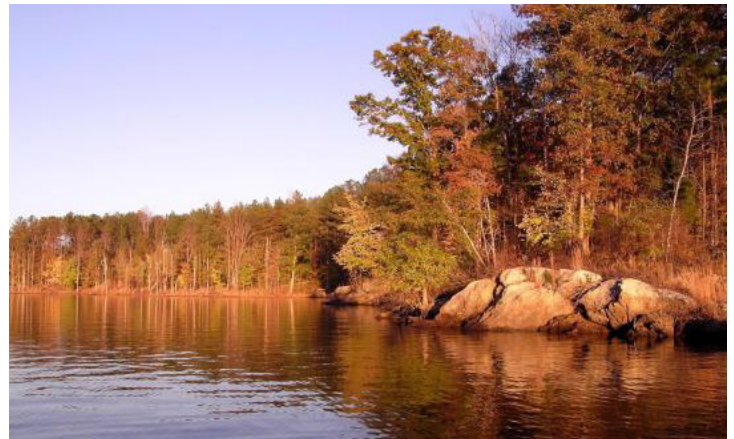
WATER

H 630 / S.L. 2016-95

Drinking Water Protection/Coal Ash Cleanup Act

Representative Yarborough

This Act requires the owners of coal ash impoundments to provide permanent water supplies by October 2018 to all residents who have a drinking water well within a one-half mile radius of an impoundment. It also disbands the Coal Ash Management Commission and changes the classifications and closure requirements for existing coal ash impoundments. Owners of existing impoundments must install and operate at least three ash-processing facilities located near impoundments by July 1, 2017. These facilities will recycle coal ash into cementitious products. Lastly, the Act modifies appointments to the Mining Commission and the Oil and Gas Commission.



Falls Lake. Courtesy N.C. State Parks

ENERGY

S 673 / S.L. 2016-118

Natural Gas Econ. Dev. Infrastructure
Senator Apodaca

This Act allows a local natural gas distribution company to recover some of the costs incurred when constructing natural gas infrastructure to serve a project the N.C. Department of Commerce determines eligible under G.S. 143B-437.021. A project is eligible if: (1) it provides opportunities for natural gas usage, jobs and other economic development benefits; (2) the business has invested, or intends to invest, at least \$2 million into improvements to real and personal property; and (3) the business employs, or intends to employ, at least 1,500 full-time employees for the duration of the project.



Crab pots. Courtesy N.C. Coastal Federation

MISCELLANEOUS

H 1030 / S.L. 2016-94
2016 Appropriations Act
Representatives Dollar, L. Johnson, Lambeth,
McGrady, Dobson

The Act makes changes to the Nutrient Management Strategies for Falls Lake and Jordan Lake. Specifically, it eliminates the Solar Bees Pilot Project on Jordan Lake and allocates \$500,000 per year, from 2016 to 2022, for the University of North Carolina at Chapel Hill to oversee a study and analysis of the Nutrient

Management Strategies of Jordan and Falls Lake. The results of this study are to be reviewed by the Environmental Management Commission, which will ultimately make recommendations for rule changes to current Nutrient Management Strategies by 2019. The Act also instructs the N.C. Department of Environmental Quality to study alternative technologies for in situ approaches to nutrient management in Falls Lake and Jordan Lake.

This Act also allows for the transfer of shellfish cultivation leases and water column leases without the approval of the Secretary of the N.C. Department of Environmental Quality and increases the threshold for commercial production from \$1,000 to \$5,000.

The Act also appropriates \$100,000 to North Carolina Sea Grant to administer a crab pot removal pilot program.

Lastly, the Act instructs the N.C. Division of Coastal Management and the N.C. Department of Environmental Quality to study the benefits of out-of-state coastal storm damage reduction and beach nourishment projects.

To receive *Legal Tides*, comment on articles, or suggest topics, contact Lisa Schiavinato at lisa_schiavinato@ncsu.edu or 919-515-1895. Or write to: *Legal Tides*, North Carolina Sea Grant, NC State University, Campus Box 8605, Raleigh, NC 27695-8605. Let us know if want to receive *Legal Tides* electronically, or be sent an e-mail alert when a new issue is available online.

H 292 / S.L. 2016-27
Beach Bingo Licenses – AB
Representatives Hurley, Faircloth

This Act requires any individual operating a beach bingo game to acquire a license from the State Bureau of Investigation.

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