

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 130

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

H130-ATQ-3 [v.1]

Page 1 of 2

Amends Title [NO]
First Edition

Date _____, 2023

Representative Cervania

1 moves to amend the bill on page 1, lines 9 through 13, by rewriting the lines to read:

2
3 "(a) A city shall not adopt an ordinance that prohibits, or has the effect of prohibiting, the
4 construction, operation, connection, reconnection, modification, or expansion of an energy
5 service or energy generating facility based upon the type or source of energy to be delivered to
6 an individual or any other person as the end-user of the energy service, or a public utility.
7 Notwithstanding any authority granted to cities to adopt local ordinances, any city ordinance that
8 prohibits, or has the effect of prohibiting, the construction, operation, connection, reconnection,
9 modification, or expansion of an energy service or energy generating facility based upon the type
10 or source of energy to be delivered to an individual or any other person as the end-user of the
11 energy service or a public utility shall be invalid. Local zoning or land use ordinances that are
12 generally applicable to development, including stormwater regulations and buffer requirements,
13 shall be presumed to be valid as to the construction, operation, connection, reconnection,
14 modification, or expansion of an energy service or energy generating facility.

15 (b) As used in this section, "energy service" means (i) the sale of electricity to a public
16 utility, and (ii) the energy source that a consumer";

17
18 and on page 2, lines 1 through 5, by rewriting the lines to read:

19
20 "(a) A county shall not adopt an ordinance that prohibits, or has the effect of prohibiting,
21 the construction, operation, connection, reconnection, modification, or expansion of an energy
22 service or energy generating facility based upon the type or source of energy to be delivered to
23 an individual or any other person as the end-user of the energy service, or a public utility.
24 Notwithstanding any authority granted to cities to adopt local ordinances, any county ordinance
25 that prohibits, or has the effect of prohibiting, the construction, operation, connection,
26 reconnection, modification, or expansion of an energy service or energy generating facility based
27 upon the type or source of energy to be delivered to an individual or any other person as the end-
28 user of the energy service or a public utility shall be invalid. Local zoning or land use ordinances
29 that are generally applicable to development, including stormwater regulations and buffer
30 requirements, shall be presumed to be valid as to the construction, operation, connection,
31 reconnection, modification, or expansion of an energy service or energy generating facility.



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Page 2 of 2

1 (b) As used in this section, "energy service" means (i) the sale of electricity to a public
2 utility, and (ii) the energy source that a consumer";

3
4 and on page 2, line 22, by rewriting the line to read:

5
6 "SECTION 2. G.S. 160D-107 is amended by adding a new subsection to read:

7 "(a1) Energy Moratoria Limitation. – A development moratorium applied to construction,
8 operation, connection, reconnection, modification, or expansion of an energy service, as defined
9 in G.S. 153A-145.8 and G.S. 160A-205.4, or an energy generating facility shall not extend for a
10 cumulative period of more than 12 months."

11 SECTION 3. This act is effective when it becomes law."
12

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**