

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 106*

Agriculture/Environment/Natural Resources Committee Substitute Adopted 7/14/09

Short Title: Moratorium on EMC Rule Making.

(Public)

Sponsors:

Referred to:

February 11, 2009

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM ADOPTING PERMANENT RULES FROM THE EFFECTIVE DATE OF THIS ACT UNTIL JULY 1, 2011, EXCEPT UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding any other provision of law and except as provided in Section 2 of this act, the Environmental Management Commission shall not adopt any permanent rule for the period beginning the day this act becomes law and ending July 1, 2011.

SECTION 2. Notwithstanding the moratorium on the adoption of permanent rules established by Section 1 of this act, the Environmental Management Commission may adopt a permanent rule during the moratorium period if the adoption of the rule is required by one or more of the following:

- (1) A serious and unforeseen threat to public health, safety, welfare, the environment, or natural resources.
- (2) An act of the General Assembly or the United States Congress specifically directing the Commission to adopt a rule.
- (3) A change in federal or State budgetary policy.
- (4) A federal regulation.
- (5) A court order.

SECTION 3. This act is effective when it becomes law.

