

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1995

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SENATE BILL 962*

Short Title: Watershed Protection Repeal.

(Public)

Sponsors: Senators Conder, Plyler, and Kincaid.

Referred to: Agriculture/Environment/Natural Resources

May 2, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO REPEAL THE WATERSHED PROTECTION PROVISIONS OF
3 ARTICLE 21 OF CHAPTER 143 OF THE GENERAL STATUTES AND TO
4 MAKE CORRESPONDING AMENDMENTS TO OTHER RELATED
5 PROVISIONS OF CURRENT LAWS.

Whereas, the rules and regulations governing land use within the water supply watersheds adopted by the Environmental Management Commission pursuant to the legislative authority of Article 21 of Chapter 143 of the General Statutes are extremely restrictive and are presently choking off economic development in many North Carolina counties and threatening their economic well-being by severely limiting the sites where new business and industry might locate; and

Whereas, the rules and regulations adopted by the Environmental Management Commission for water supply watershed management substantially exceed the original legislative grant of authority, in that the specific standards being followed by the Environmental Management Commission currently amount to a taking of property by the State and affected local governments without private property owners being compensated; and

Whereas, the Environmental Management Commission has resisted the adoption of any reasonable rules for the implementation of the existing law as contemplated and required by the provisions of Section 2 of Chapter 520 of the 1993 Session Laws; and

Whereas, the General Assembly recognizes the importance of environmental protection for the water supply watersheds of this State, but economic development is also essential for the long-term viability of all North Carolina counties; Now, therefore,

1 The General Assembly of North Carolina enacts:

2 Section 1. G.S. 143-214.5 and G.S. 143-214.6 are repealed.

3 Sec. 2. All rules promulgated by the Environmental Management Commission
4 pursuant to G.S. 143-214.5 are rescinded in their entirety.

5 Sec. 3. Effective July 1, 1995, the Environmental Management Commission is
6 stayed from enforcing the provisions of G.S. 143-214.5 and all rules promulgated
7 thereunder.

8 Sec. 4. All local governments that adopted local ordinances to implement the
9 provisions of G.S. 143-214.5 and the rules of the Environmental Management
10 Commission may readopt, modify, or rescind their local watershed protection ordinances
11 after public notice and hearing within 90 days following the effective date of this act.
12 Any permits insured by local governments pursuant to local ordinances which derive
13 from G.S. 143-214.5 and the rules of the Environmental Management Commission shall
14 remain valid.

15 Sec. 5. Sections 1 and 2 of Chapter 520 of the 1993 Session Laws are
16 repealed.

17 Sec. 6. All funds appropriated for the implementation and administration of
18 G.S. 143-214.5 and G.S. 143-214.6 that have not been expended shall revert to the
19 General Fund on June 30, 1995.

20 Sec. 7. Nothing in this act shall be construed to obligate the General Assembly
21 to appropriate any funds to implement the provisions of this act.

22 Sec. 8. This act becomes effective July 1, 1995.