

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1335
Committee Substitute Favorable 5/12/09
Committee Substitute #2 Favorable 5/13/09
PROPOSED SENATE COMMITTEE SUBSTITUTE H1335-PCS30434-SB-71

Short Title: Moratorium on EMC Rule Making.

(Public)

Sponsors:

Referred to:

April 9, 2009

- 1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE ENVIRONMENTAL MANAGEMENT COMMISSION
3 FROM ADOPTING PERMANENT RULES FROM THE EFFECTIVE DATE OF THIS
4 ACT UNTIL JULY 1, 2011, EXCEPT UNDER CERTAIN CIRCUMSTANCES.
5 The General Assembly of North Carolina enacts:
6 **SECTION 1.** Notwithstanding any other provision of law and except as provided
7 in Section 2 of this act, the Environmental Management Commission shall not adopt any
8 permanent rule for the period beginning the day this act becomes law and ending July 1, 2011.
9 **SECTION 2.** Notwithstanding the moratorium on the adoption of permanent rules
10 established by Section 1 of this act, the Environmental Management Commission may adopt a
11 permanent rule during the moratorium period if the adoption of the rule is required by one or
12 more of the following:
13 (1) A serious and unforeseen threat to public health, safety, welfare, the
14 environment, or natural resources.
15 (2) An act of the General Assembly or the United States Congress specifically
16 directing the Commission to adopt a rule.
17 (3) A change in federal or State budgetary policy.
18 (4) A federal regulation.
19 (5) A court order.
20 **SECTION 3.** This act is effective when it becomes law.



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