GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

SESSION LAW 2003-433
HOUSE BILL 566

AN ACT TO APPROVE IN PART AND TO DEFER ACTION ON PART OF THE ADMINISTRATIVE RULE RECLASSIFICATION BY THE ENVIRONMENTAL MANAGEMENT COMMISSION OF PORTIONS OF SWIFT CREEK AND SANDY CREEK IN THE TAR-PAMLICO RIVER BASIN AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO EVALUATE HOW BEST TO PROTECT WATER QUALITY AND ENDANGERED SPECIES IN THE EASTERN PORTION OF SWIFT CREEK AND ITS WATERSHED.

The General Assembly of North Carolina enacts:

SECTION 1. Pursuant to G.S. 150B-21.3(b), 15A NCAC 2B.0225 (Outstanding Resource Waters) and 15A NCAC 2B.0316 (Tar-Pamlico River Basin), as adopted by the Environmental Management Commission on 11 July 2002 and approved by the Rules Review Commission on 15 August 2002, are approved effective 1 August 2003 with respect to all waters and lands that are located west of Nash County State Road 1003 (Red Oak Road).

SECTION 2. With respect to all waters and lands that are located east of Nash County State Road 1003 (Red Oak Road), 15A NCAC 2B.0225 (Outstanding Resource Waters) and 15A NCAC 2B.0316 (Tar-Pamlico River Basin), as adopted by the Environmental Management Commission on 11 July 2002 and approved by the Rules Review Commission on 15 August 2002, shall not become effective as provided in G.S. 150B-21.3(b) and shall become effective only as the 2004 Regular Session of the 2003 General Assembly may provide by law.

SECTION 3. The Environmental Review Commission may identify and evaluate options to protect water quality and endangered species in the portion of Swift Creek and its watershed in the Tar-Pamlico River Basin that are located east of Nash County State Road 1003 (Red Oak Road). The Environmental Review Commission may report its findings, together with any recommended legislation, to the 2004 Regular Session of the 2003 General Assembly.

SECTION 4. The Environmental Management Commission shall adopt temporary and permanent rules to amend the North Carolina Administrative Code to incorporate the provisions of Section 1 of this act. Notwithstanding G.S. 150B-21.1, this act shall not be construed to authorize the Environmental Management Commission to adopt a temporary rule related to the subject matter of this act except as specifically provided by this section, and the Environmental Management Commission shall not be required to provide prior notice or a hearing to adopt the temporary rule required by this section. Reference to this section shall satisfy the requirement for a statement of finding of need for a temporary rule set out in G.S. 150B-21.1.

SECTION 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 19th day of July, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 6:36 p.m. this 19th day of August, 2003