

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 1216**

Short Title: Extend Swine Farm Moratoria-4.

(Public)

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Sponsors: Representative Hackney.

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Referred to: Rules, Calendar, and Operations of the House.

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April 12, 2001

A BILL TO BE ENTITLED

1 AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION  
2 OF SWINE FARMS.  
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Subsection (a1) of Section 1.1 of S.L. 1997-458, as amended  
6 by Section 2 of S.L. 1998-188 and Section 2.1 of S.L. 1999-329, reads as rewritten:

7 "(a1) There is hereby established a moratorium on the construction or expansion of  
8 swine farms and on lagoons and animal waste management systems for swine farms.  
9 The purposes of this moratorium are to allow counties time to adopt zoning ordinances  
10 under G.S. 153A-340, as amended by Section 2.1 of this act; to allow time for the  
11 completion of the studies authorized by the 1995 General Assembly (1996 Second Extra  
12 Session); and to allow the 1999 General Assembly to receive and act on the findings  
13 and recommendations of those studies. Except as provided in subsection (b) of this  
14 section, the Environmental Management Commission shall not issue a permit for an  
15 animal waste management system for a new swine farm or the expansion of an existing  
16 swine farm for a period beginning on 1 March 1997 and ending on ~~1 July 2001.~~  
17 September 2003. The construction or expansion of a swine farm or animal waste  
18 management system for a swine farm is prohibited during the period of the moratorium  
19 regardless of the date on which a site evaluation for the swine farm is completed and  
20 regardless of whether the animal waste management system is permitted under G.S.  
21 143-215.1 or Part 1A of Article 21 of Chapter 143 of the General Statutes or deemed  
22 permitted under 15A North Carolina Administrative Code 2H.0217."

23 **SECTION 2.** Section 1.2 of S.L. 1997-458, as amended by Section 3 of S.L.  
24 1998-188 and Section 2.2 of S.L. 1999-329, reads as rewritten:

25 "Section 1.2. (a) As used in this section, 'swine farm' and 'lagoon' have the same  
26 meaning as in G.S. 106-802. As used in this section, 'animal waste management system'  
27 has the same meaning as in G.S. 143-215.10B. There is hereby established a  
28 moratorium for any new or expanding swine farm or lagoon for which a permit is

1 required under Parts 1 or 1A of Article 21 of Chapter 143 of the General Statutes in any  
2 county in the State: (i) that has a population of less than 75,000 according to the most  
3 recent decennial federal census; (ii) in which there is more than one hundred fifty  
4 million dollars (\$150,000,000) of expenditures for travel and tourism based on the most  
5 recent figures of the Department of Commerce; and (iii) that is not in the coastal area as  
6 defined by G.S. 113A-103. Effective 1 January 1997, until ~~1 July 2001~~, 1 September  
7 2003, the Environmental Management Commission shall not issue a permit for an  
8 animal waste management system, as defined in G.S. 143-215.10B, or for a new or  
9 expanded swine farm or lagoon, as defined in G.S. 106-802. The exemptions set out in  
10 subsection (b) of Section 1.1 of this act do not apply to the moratorium established  
11 under this section.

12 (b) In order to protect travel and tourism, effective ~~1 July 2001~~, 1 September  
13 2003, no animal waste management system shall be permitted except under an  
14 individual permit issued under Part 1 of Article 21 of Chapter 143 of the General  
15 Statutes in any county in the State: (i) that has a population of less than 75,000  
16 according to the most recent decennial federal census; (ii) in which there is more than  
17 one hundred fifty million dollars (\$150,000,000) of expenditures for travel and tourism  
18 based on the most recent figures of the Department of Commerce; and (iii) that is not in  
19 the coastal area as defined by G.S. 113A-103."

20 **SECTION 3.** If any section or provision of this act is declared  
21 unconstitutional or invalid by the courts, the unconstitutional or invalid section or  
22 provision does not affect the validity of this act as a whole or any part of this act other  
23 than the part declared to be unconstitutional or invalid.

24 **SECTION 4.** This act is effective when it becomes law.