

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2001**

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**HOUSE BILL 1312**  
**Committee Substitute Favorable 4/24/01**

Short Title: Extend Swine Moratoria/Animal Waste Amends-5. (Public)

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Sponsors:

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Referred to:

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April 12, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO EXTEND THE MORATORIA ON CONSTRUCTION OR EXPANSION  
3 OF SWINE FARMS, TO AUTHORIZE THE LEGISLATIVE RESEARCH  
4 COMMISSION TO STUDY FUNDING OPTIONS TO IMPROVE ANIMAL  
5 WASTE MANAGEMENT SYSTEMS, AND TO DIRECT THE DEPARTMENT  
6 OF COMMERCE TO DEVELOP A PLAN TO IDENTIFY AND DEVELOP  
7 MARKETS FOR BY-PRODUCTS OF ANIMAL WASTE MANAGEMENT  
8 SYSTEMS.

9 The General Assembly of North Carolina enacts:

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

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

28 **SECTION 2.** Section 1.2 of S.L. 1997-458, as amended by Section 3 of S.L.  
29 1998-188 and Section 2.2 of S.L. 1999-329, reads as rewritten:

1 "Section 1.2. (a) As used in this section, 'swine farm' and 'lagoon' have the same  
2 meaning as in G.S. 106-802. As used in this section, 'animal waste management system'  
3 has the same meaning as in G.S. 143-215.10B. There is hereby established a  
4 moratorium for any new or expanding swine farm or lagoon for which a permit is  
5 required under Parts 1 or 1A of Article 21 of Chapter 143 of the General Statutes in any  
6 county in the State: (i) that has a population of less than 75,000 according to the most  
7 recent decennial federal census; (ii) in which there is more than one hundred fifty  
8 million dollars (\$150,000,000) of expenditures for travel and tourism based on the most  
9 recent figures of the Department of Commerce; and (iii) that is not in the coastal area as  
10 defined by G.S. 113A-103. Effective 1 January 1997, until 1 July ~~2001,2003~~, the  
11 Environmental Management Commission shall not issue a permit for an animal waste  
12 management system, as defined in G.S. 143-215.10B, or for a new or expanded swine  
13 farm or lagoon, as defined in G.S. 106-802. The exemptions set out in subsection (b) of  
14 Section 1.1 of this act do not apply to the moratorium established under this section.

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

23 **SECTION 3.** The Legislative Research Commission may study ways to fund  
24 improvements in animal waste management systems. This study shall consider all of the  
25 following issues and any other issues the committee determines are relevant to its main  
26 charge:

- 27 (1) How to fund the implementation of environmentally superior animal  
28 waste management technology.
- 29 (2) How to fund the closure of inactive animal waste lagoons.

30 **SECTION 4.** The Department of Commerce shall, in consultation with the  
31 Department of Agriculture and Consumer Services, the Department of Transportation,  
32 and the North Carolina Utilities Commission, develop a plan to identify and develop  
33 markets for by-products of animal waste management systems. The Department of  
34 Commerce shall present the completed plan to the General Assembly and to the  
35 Environmental Review Commission no later than 1 May 2002.

36 **SECTION 5.** If any section or provision of this act is declared  
37 unconstitutional or invalid by the courts, the unconstitutional or invalid section or  
38 provision does not affect the validity of this act as a whole or any part of this act other  
39 than the part declared to be unconstitutional or invalid.

40 **SECTION 6.** This act is effective when it becomes law.