

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-149
SENATE BILL 959**

AN ACT TO AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO ADOPT RULES REGARDING MONITORING OF COASTAL RECREATION WATERS IN ORDER TO IMPLEMENT THE FEDERAL BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT OF 2000.

The General Assembly of North Carolina enacts:

SECTION 1. Part 3A of Article 8 of Chapter 130A of the General Statutes reads as rewritten:

"Part 3A. Monitor Water Quality of Coastal Fishing and Recreation Waters.

"§ 130A-233. Definitions.

The following definitions apply to this Part:

- (1) Coastal fishing waters. – Defined in G.S. 113-129(4).
- (2) Inland fishing waters. – Defined in G.S. 113-129(9).
- (3) Coastal recreation waters. – Defined in 33 U.S.C. § 1362.

"§ 130A-233.1. Monitoring program for State coastal fishing and recreation waters; development and implementation of program.

(a) For the protection of the public health of swimmers and others who use the State's coastal fishing waters for recreational activities, the Department shall develop and implement a program to monitor the State's coastal fishing waters for contaminants. The monitoring program shall cover all coastal fishing waters up to the point where those waters are classified as inland fishing waters.

(b) The Commission shall adopt rules to provide for a water quality monitoring program for the coastal recreation waters of the State and to allow the Department to implement the federal Beaches Environmental Assessment and Coastal Health Act of 2000 (Pub. L. No. 106-284; 114 Stat. 870, 875; 33 U.S.C. §§ 1313, 1362). The rules shall address, but are not limited to, definitions, surveys, sampling, action standards, and posting of information on the water quality of coastal recreation waters.

"§ 130A-233.2. Removal or destruction of warning signs.

No person shall remove, destroy, damage, deface, mutilate, or otherwise interfere with any sign posted by the Department pursuant to G.S. 130A-233.1. No person, without just cause or excuse, shall have in his possession any sign posted by the Department pursuant to G.S. 130A-233.1. Any person who violates this section is guilty of a Class 2 misdemeanor."

SECTION 2. This act is effective when it becomes law except that G.S. 130A-233.2, as enacted by Section 1 of this act, becomes effective 1 December 2003 and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 29th day of May, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:38 p.m. this 4th day of June, 2003