

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1535
Finance Committee Substitute Adopted 7/3/90
Third Edition Engrossed 7/5/90

Short Title: Fees for Dam Permits.

(Public)

Sponsors:

Referred to:

June 5, 1990

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH FEES FOR PROCESSING APPLICATIONS FOR APPROVAL OF CONSTRUCTION OR REMOVAL OF DAMS.

The General Assembly of North Carolina enacts:

Section 1. Part 3 of Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-215.28A. Application fees.

(a) In accordance with G.S. 143-215.3(a)(1a), the Commission may establish a fee schedule for processing applications for approvals of construction, repair, alteration, or removal of dams issued under this Part. In establishing the fee schedule, the Commission shall consider the administrative and personnel costs incurred by the Department for processing the applications and for related compliance activities. The total amount of fees collected in any fiscal year may not exceed one-third of the total personnel and administrative costs incurred by the Department for processing the applications and for related compliance activities in the prior fiscal year, but in no event may any one approval fee exceed the larger of two hundred dollars (\$200.00) or two percent (2%) of the actual cost of construction, or removal of the applicable dam. The provisions of G.S. 143-215.3(a)(1b) do not apply to these fees.

(b) Fees collected under this section shall be credited to the General Fund and may be used to:

1 (1) Defray the expenses of any project or program, including educational
2 programs, supporting the application review and compliance activities
3 under this Part; and

4 (2) Establish additional permanent positions, subject to Chapter 126 of the
5 General Statutes, to conduct application review and compliance
6 activities under this Part.

7 (c) The Department shall make a biennial report to the Joint Legislative
8 Commission on Governmental Operations and the Director of the Fiscal Research
9 Division on the cost of the State's dam safety program. The report shall include the fees
10 established and collected under this section and any other information requested by the
11 General Assembly or the Commission."

12 Sec. 2. G.S. 143-215.3A reads as rewritten:

13 "**§ 143-215.3A. Use of application and permit fees.**

14 There is established a separate nonreverting account within the Department of
15 Environment, Health, and Natural Resources. The account ~~will~~may be used, to the
16 extent appropriated by the General Assembly, to (a) defray the expenses of any
17 project or program supporting the permitting and compliance activities needed to
18 protect the State's surface water, groundwater, and air quality, and (b) establish
19 additional permanent positions, under the Personnel Act, for water, groundwater, and air
20 quality permitting and compliance activities. All application fees and permit
21 administration fees collected by the State for permits issued under Articles 21, 21A,
22 21B, and 38, except those collected under Part 2 of Article 21A and deposited in the Oil
23 or Other Hazardous Substances Pollution Protection Fund, and except as provided in
24 G.S. 143-215.3B shall be deposited in the account. The total monies collected per year
25 from fees for permits under G.S. 143-215.3(a)(1a) shall not exceed thirty percent (30%)
26 of the total budgets from all sources of environmental permitting and compliance
27 programs within the Department of Environment, Health, and Natural Resources. The
28 Department shall make an annual report to the General Assembly and its Fiscal
29 Research Division on the cost of the State's environmental permitting programs
30 contained within such Department. The report shall include, but is not limited to, fees
31 set and established under this Article, fees collected under this Article, revenues
32 received from other sources for environmental permitting and compliance programs,
33 changes made in the fee schedule since the last report, anticipated revenues from all
34 other sources, interest earned and any other information requested by the General
35 Assembly."

36 Sec. 3. This act is effective upon ratification.