

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 976
SENATE BILL 1535

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) Defray the expenses of any project or program, including educational programs, supporting the application review and compliance activities under this Part; and
- (2) Establish additional permanent positions, subject to Chapter 126 of the General Statutes, to conduct application review and compliance activities under this Part.

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

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

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

There is established a separate nonreverting account within the Department of Environment, Health, and Natural Resources. The account ~~will~~may be used, to the extent appropriated by the General Assembly, to (a) defray the expenses of any project

or program supporting the permitting and compliance activities needed to protect the State's surface water, groundwater, and air quality, and (b) establish additional permanent positions, under the Personnel Act, for water, groundwater, and air quality permitting and compliance activities. All application fees and permit administration fees collected by the State for permits issued under Articles 21, 21A, 21B, and 38, except those collected under Part 2 of Article 21A and deposited in the Oil or Other Hazardous Substances Pollution Protection Fund, and except as provided in G.S. 143-215.28A and G.S. 143-215.3B shall be ~~deposited in~~ credited to the account. The total monies collected per year from fees for permits under G.S. 143-215.3(a)(1a) shall not exceed thirty percent (30%) of the total budgets from all sources of environmental permitting and compliance programs within the Department of Environment, Health, and Natural Resources. The Department shall make an annual report to the General Assembly and its Fiscal Research Division on the cost of the State's environmental permitting programs contained within such Department. The report shall include, but is not limited to, fees set and established under this Article, fees collected under this Article, revenues received from other sources for environmental permitting and compliance programs, changes made in the fee schedule since the last report, anticipated revenues from all other sources, interest earned and any other information requested by the General Assembly."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 19th day of July, 1990.