

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 990

Short Title: CAMA Administrative Permit Review.

(Public)

Sponsors: Senator Rand.

Referred to: Agriculture/Environment/Natural Resources

May 4, 1995

A BILL TO BE ENTITLED

**AN ACT TO PROVIDE FOR MORE EFFECTIVE ADMINISTRATIVE PERMIT
REVIEW UNDER THE COASTAL AREA MANAGEMENT ACT.**

The General Assembly of North Carolina enacts:

Section 1. G. S. 113A-121.1(b) reads as rewritten:

"(b) A person other than a permit applicant or the Secretary who is dissatisfied with a decision to deny or grant a minor or major development permit may file a petition for a contested case hearing only if the Commission determines that a hearing is appropriate. A request for a determination of the appropriateness of a contested case hearing shall be made in writing and received by the Commission within 20 days after the disputed permit decision is made. A determination of the appropriateness of a contested case shall be made within 15 days after a request for a determination is received and shall be based on whether the person seeking to commence a contested case:

(1) Has alleged that the decision is contrary to a statute or rule;

(2) Is directly affected by the decision; and

(3) Has a substantial likelihood of prevailing in a contested case.

If the Commission determines a contested case is appropriate, the petition for a contested case shall be filed within 20 days after the Commission makes its determination. A determination that a person may not commence a contested case is a final agency decision and is subject to judicial review under Article 4 of Chapter 150B of

1 the General Statutes. If, on judicial review, the court determines that the Commission
2 erred in determining that a contested case would not be appropriate, the court shall
3 remand the matter for a contested case hearing under G.S. 150B-23 and final
4 Commission decision on the permit pursuant to G.S. 113A-122. Decisions in such cases
5 shall be rendered pursuant to those rules, regulations, and other applicable laws in effect
6 at the time of the commencement of the contested case."

7 Sec. 2. This act is effective upon ratification.