

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2264

Short Title: Establish Fees for Dam Permits.

(Public)

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Sponsors: Representative Colton.

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Referred to: Finance.

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June 1, 1990

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH FEES FOR PROCESSING APPLICATIONS FOR APPROVAL OF CONSTRUCTION, REPAIR, ALTERATION, 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 shall establish a reasonable fee schedule to be charged for processing applications for approvals of construction, repair, alteration, or removal of dams issued pursuant to this Part. In determining the amount of the fee, the Commission shall consider the administrative and personnel costs incurred by the Department for processing such applications and for related compliance activities. The total of the fees in any fiscal year shall not exceed the total personnel and administrative costs incurred by the Department for processing such applications and for related compliance activities in that fiscal year. The provisions of G.S. 143-215.3(a)(1b) do not apply to these fees.

(b) There is established a separate nonreverting account within the Department. This account shall 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

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

4 All application fees collected pursuant to this section shall be deposited in the account.

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

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

11 **"§ 143-215.3A. Use of application and permit fees.**

12           There is established a separate nonreverting account within the Department of  
13 Environment, Health, and Natural Resources. The account will be used, to the extent  
14 appropriated by the General Assembly, to (a) defray the expenses of any project or  
15 program supporting the permitting and compliance activities needed to protect the  
16 State's surface water, groundwater, and air quality, and (b) establish additional  
17 permanent positions, under the Personnel Act, for water, groundwater, and air quality  
18 permitting and compliance activities. All application fees and permit administration  
19 fees collected by the State for permits issued under Articles 21, 21A, 21B, and 38,  
20 except those collected under Part 2 of Article 21A and deposited in the Oil or Other  
21 Hazardous Substances Pollution Protection Fund, and except as provided in G.S. 143-  
22 215.28A and G.S. 143-215.3B shall be deposited in the account. The total monies  
23 collected per year from fees for permits under G.S. 143-215.3(a)(1a) shall not exceed  
24 thirty percent (30%) of the total budgets from all sources of environmental permitting  
25 and compliance programs within the Department of Environment, Health, and Natural  
26 Resources. The Department shall make an annual report to the General Assembly and  
27 its Fiscal Research Division on the cost of the State's environmental permitting  
28 programs contained within such Department. The report shall include, but is not limited  
29 to, fees set and established under this Article, fees collected under this Article, revenues  
30 received from other sources for environmental permitting and compliance programs,  
31 changes made in the fee schedule since the last report, anticipated revenues from all  
32 other sources, interest earned and any other information requested by the General  
33 Assembly."

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