

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2264
Committee Substitute Favorable 6/26/90

Short Title: Fees for Dam Permits.

(Public)

Sponsors:

Referred to:

June 1, 1990

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH FEES FOR PROCESSING APPLICATIONS FOR
3 APPROVAL OF CONSTRUCTION, REPAIR, ALTERATION, OR REMOVAL
4 OF DAMS.

5 The General Assembly of North Carolina enacts:

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

8 "**§ 143-215.28A. Application fees.**

9 (a) In accordance with G.S. 143-215.3(a)(1a), the Commission may establish a
10 fee schedule for processing applications for approvals of construction, repair, alteration,
11 or removal of dams issued under this Part. In establishing the fee schedule, the
12 Commission shall consider the administrative and personnel costs incurred by the
13 Department for processing the applications and for related compliance activities. The
14 total amount of fees collected in any fiscal year may not exceed one-third (1/3) of the
15 total personnel and administrative costs incurred by the Department for processing the
16 applications and for related compliance activities in the prior fiscal year, but in no event
17 may any one approval fee exceed the larger of two hundred dollars (\$200.00) or two
18 percent (2%) of the actual cost of construction, repair, alteration or removal of the
19 applicable dam. The provisions of G.S. 143-215.3(a)(1b) do not apply to these fees.

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