

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 1100*

Short Title: Express Review Program. (Public)

Sponsors: Senators Hoyle, Apodaca, Garwood, Hagan, Hargett, Malone, Smith, Swindell, and Thomas.

Referred to: Agriculture/Environment/Natural Resources.

May 17, 2004

A BILL TO BE ENTITLED
AN ACT TO MAKE PERMANENT THE EXPRESS REVIEW PROGRAM.
The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 31. Express Review Program.

"§ 143B-344.40. Express Review Program.

The Department of Environment and Natural Resources may develop the Express Review Program to provide express permit and certification reviews. Participation in the Express Review Program is voluntary, and the program is to become supported by the fees determined pursuant to G.S. 143B-344.41. The Express Review Program may be applied to any one or all of the permits, approvals, or certifications in the following programs: the erosion and sedimentation control program, the coastal management program, and the water quality programs, including water quality certifications and stormwater management. The Express Review Program shall focus on the following permits or certifications:

- (1) Stormwater permits under Part 1 of Article 21 of Chapter 143 of the General Statutes.
- (2) Stream origination certifications under Article 21 of Chapter 143 of the General Statutes.
- (3) Water quality certification under Article 21 of Chapter 143 of the General Statutes.
- (4) Erosion and sedimentation control permits under Article 4 of Chapter 113A of the General Statutes.
- (5) Permits under the Coastal Area Management Act (CAMA), Part 4 of Article 7 of Chapter 113A of the General Statutes.

"§ 143B-344.41. Fees for express review permits.

1 The Department of Environment and Natural Resources may determine the fees for
2 express application review under the Express Review Program. Notwithstanding
3 G.S. 143-215.3D, the maximum permit application fee to be charged under this section
4 for the express review of a project application requiring all of the permits under
5 subdivisions (1) through (5) of G.S. 143B-344.40 shall not exceed five thousand five
6 hundred dollars (\$5,500). Notwithstanding G.S. 143-215.3D, the maximum permit
7 application fee to be charged for the express review of a project application requiring all
8 of the permits under subdivisions (1) through (4) of G.S. 143B-344.40 shall not exceed
9 four thousand five hundred dollars (\$4,500). Notwithstanding G.S. 143-215.3D, the
10 maximum permit application fee charged for the express review of a project application
11 for any other combination of permits under subdivisions (1) through (5) of
12 G.S. 143B-344.40 shall not exceed four thousand dollars (\$4,000). Express review of a
13 project application involving additional permits or certifications issued by the
14 Department of Environment and Natural Resources other than those under subdivisions
15 (1) through (5) of G.S. 143B-344.40 may be allowed by the Department, and,
16 notwithstanding G.S. 143-215.3D or any other statute or rule that sets a permit fee, the
17 maximum permit application fee charged for the express review of a project application
18 shall not exceed four thousand dollars (\$4,000), plus one hundred fifty percent (150%)
19 of the fee that would otherwise apply by statute or rule for that particular permit or
20 certification. Additional fees, not to exceed fifty percent (50%) of the original permit
21 application fee under this section, may be charged for subsequent reviews due to the
22 insufficiency of the permit applications. The Department of Environment and Natural
23 Resources may establish the procedure by which the amount of the fees under this
24 section is determined.

25 **"§ 143B-344.42. Express Review Fund.**

26 The Express Review Fund is created as a special nonreverting fund. The Express
27 Review Fund shall be used for the costs of implementing the Express Review Program
28 under this Part. All fees collected under this Part shall be credited to the Express Review
29 Fund. If the Express Review Program is abolished, the funds in the Express Review
30 Fund shall be credited to the General Fund."

31 **SECTION 2.** This act is effective when it becomes law.