

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1535

Short Title: Fees for Dam Permits.

(Public)

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Sponsors: Senator Tally.

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Referred to: Finance.

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June 5, 1990

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH FEES FOR PROCESSING APPLICATIONS FOR  
2 APPROVAL OF CONSTRUCTION, REPAIR, ALTERATION, OR REMOVAL  
3 OF DAMS.  
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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 In accordance with G.S. 143-215.3(a)(1a), the Commission shall establish a  
10 reasonable fee schedule to be charged for processing applications for approvals of  
11 construction, repair, alteration, or removal of dams issued pursuant to this Part. Any  
12 fees collected under this section shall be deposited in the General Fund. In determining  
13 the amount of the fee, the Commission shall consider the administrative and personnel  
14 costs incurred by the Department for processing such applications and for related  
15 compliance activities. The total of the fees in any fiscal year shall not exceed the total  
16 personnel and administrative costs incurred by the Department for processing such  
17 applications and for related compliance activities in that fiscal year. The provisions of  
18 G.S. 143-215.3(a)(1b) do not apply to these fees."

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

20 "**§ 143-215.3A. Use of application and permit fees.**

21 There is established a separate nonreverting account within the Department of  
22 Environment, Health, and Natural Resources. The account will be used, to the extent  
23 appropriated by the General Assembly, to (a) defray the expenses of any project or  
24 program supporting the permitting and compliance activities needed to protect the

1 State's surface water, groundwater, and air quality, and (b) establish additional  
2 permanent positions, under the Personnel Act, for water, groundwater, and air quality  
3 permitting and compliance activities. All application fees and permit administration  
4 fees collected by the State for permits issued under Articles 21, 21A, 21B, and 38,  
5 except those collected under Part 2 of Article 21A and deposited in the Oil or Other  
6 Hazardous Substances Pollution Protection Fund, and except as provided in G.S. 143-  
7 215.28A and G.S. 143-215.3B shall be deposited in the account. The total monies  
8 collected per year from fees for permits under G.S. 143-215.3(a)(1a) shall not exceed  
9 thirty percent (30%) of the total budgets from all sources of environmental permitting  
10 and compliance programs within the Department of Environment, Health, and Natural  
11 Resources. The Department shall make an annual report to the General Assembly and  
12 its Fiscal Research Division on the cost of the State's environmental permitting  
13 programs contained within such Department. The report shall include, but is not limited  
14 to, fees set and established under this Article, fees collected under this Article, revenues  
15 received from other sources for environmental permitting and compliance programs,  
16 changes made in the fee schedule since the last report, anticipated revenues from all  
17 other sources, interest earned and any other information requested by the General  
18 Assembly."

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