

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1581*

Short Title: Delegation of Env. Program Authority.

(Public)

Sponsors: Representatives Gibson; and Culp.

Referred to: Environment and Natural Resources.

May 18, 2000

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND
2 NATURAL RESOURCES AND VARIOUS COMMISSIONS RESPONSIBLE FOR
3 THE PROTECTION OF THE ENVIRONMENT TO DELEGATE
4 RESPONSIBILITY FOR THE IMPLEMENTATION OF CERTAIN PROGRAMS
5 TO UNITS OF LOCAL GOVERNMENT.
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7 The General Assembly of North Carolina enacts:

8 Section 1. Article 7 of Chapter 143B of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 143B-279.11. Delegation of program implementation to a unit of local**
11 **government.**

12 (a) The Secretary of Environment and Natural Resources, the Coastal Resources
13 Commission, the Commission for Health Services, and the Environmental Management
14 Commission may delegate to a unit of local government the authority to implement an
15 environmental permitting and enforcement program.

16 (b) The Secretary or the responsible Commission may only delegate
17 implementation authority to a unit of local government that has developed a local
18 program that:

19 (1) Includes an ordinance that provides maintenance and inspection
20 procedures.

- 1 (2) Establishes standards that equal or exceed minimum statewide
2 standards.
- 3 (3) Provides for the adequate enforcement of its standards.
- 4 (4) Provides for the administrative resources necessary to effectively and
5 efficiently carry out the program.
- 6 (c) A local government may create or designate agencies to administer and enforce
7 a delegated program.
- 8 (d) The Secretary or the responsible Commission shall assume responsibility for a
9 delegated program if the local government fails to adequately administer and enforce the
10 provisions of the program. Prior to assuming control of the program, the Secretary or
11 responsible Commission shall notify the local government in writing of any deficiencies
12 and include recommendations for correction of these deficiencies. If the local
13 government has failed to correct the noticed deficiencies within 30 days of receipt of
14 notice, the Secretary or responsible Commission shall assume responsibility for the
15 delegated program. A decision by the Secretary or the responsible Commission to
16 assume responsibility for a delegated program is not subject to review in an
17 administrative hearing under Article 3 of Chapter 150B of the General Statutes. A
18 decision by the Secretary or the responsible Commission to assume responsibility for a
19 delegated program is a final agency decision and is subject to judicial review as provided
20 in Article 4 of Chapter 150B of the General Statutes."
- 21 Section 2. This act becomes effective July 1, 2000.