

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1245\*

Short Title: Delegation of Env. Program Authority.

(Public)

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Sponsors: Senators Kinnaird, Odom; and Robinson.

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Referred to: Agriculture/Environment/Natural Resources.

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May 16, 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.