

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 999
Second Edition Engrossed 4/23/97
Committee Substitute Favorable 4/30/97

Short Title: Soil and Water Commission/Inspections.

(Public)

Sponsors:

Referred to:

April 17, 1997

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THE AUTHORITY OF THE SOIL AND WATER
CONSERVATION COMMISSION TO CONDUCT INSPECTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-294 reads as rewritten:

"§ 143B-294. **Soil and Water Conservation Commission – creation; powers and
duties. duties; compliance inspections.**

(a) There is hereby created the Soil and Water Conservation Commission of the
Department of Environment, Health, and Natural Resources with the power and duty to
adopt rules to be followed in the development and implementation of a soil and water
conservation program.

(1) The Soil and Water Conservation Commission has all of the following
powers and duties:

a. To approve petitions for soil conservation ~~districts; districts.~~

b. To approve application for watershed ~~plans; and plans.~~

c. Such other duties as specified in Chapter 139.

d. To conduct any inspections in accordance with subsection (b) of
this section.

1 (2) The Commission shall adopt rules consistent with the provisions of this
2 Chapter. All rules not inconsistent with the provisions of this Chapter
3 heretofore adopted by the Soil and Water Conservation Committee shall
4 remain in full force and effect unless and until repealed or superseded
5 by action of the Soil and Water Conservation Commission. All rules
6 adopted by the Commission shall be enforced by the Department of
7 Environment, Health, and Natural Resources.

8 (b) Representatives of the Commission may with the consent of the owner enter
9 upon and inspect property, public or private, at reasonable times for the purposes of
10 investigating compliance with Commission or Department programs when such
11 investigation is reasonably necessary to carry out the Commission's duties. If consent for
12 entry is not obtained, an administrative search warrant shall be obtained pursuant to G.S.
13 15-27.2.

14 (c) Any person who willfully resists, delays, or obstructs an authorized
15 representative of the Commission while that person is in the process of carrying out
16 official duties shall, notwithstanding G.S. 15A-1340.23, be guilty of a Class 1
17 misdemeanor punishable by imprisonment not to exceed 90 days, or by a fine not to
18 exceed five thousand dollars (\$5,000), or both."

19 Section 2. This act is effective when it becomes law, except G.S. 143B-294(c),
20 as enacted by Section 1 of this act, becomes effective December 1, 1997, and applies to
21 offenses committed on or after that date.