

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

Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/22/97

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.

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

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6 remain in full force and effect unless and until repealed or superseded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

10 (b) An employee or agent of the Soil and Water Conservation Commission or the
11 Department of Environment, Health, and Natural Resources may enter property, with the
12 consent of the owner or person having control over property, at reasonable times for the
13 purposes of investigating compliance with Commission or Department programs when
14 the investigation is reasonably necessary to carry out the duties of the Commission. If the
15 Commission or Department is unable to obtain the consent of the owner of the property,
16 the Commission or Department may obtain an administrative search warrant pursuant to
17 G.S. 15-27.2.

18 (c) Any person who refuses entry or access to property by an employee or agent of
19 the Commission or the Department or who willfully resists, delays, or obstructs an
20 employee or agent of the Commission or the Department while the employee or agent is
21 in the process of carrying out official duties after the employee or agent has obtained the
22 consent of the owner or person having control of the property or, if consent is not
23 obtained, after the employee or agent has obtained an administrative search warrant, shall
24 be guilty of a Class 1 misdemeanor."

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