

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 999
Second Edition Engrossed 4/23/97

Short Title: Soil and Water Commission/Inspections.

(Public)

Sponsors: Representative Rogers.

Referred to: Agriculture, if favorable, Judiciary II.

April 17, 1997

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

4 The General Assembly of North Carolina enacts:

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

6 "**§ 143B-294. Soil and Water Conservation Commission – creation; powers and**
7 **~~duties.~~ duties; compliance inspections.**

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

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

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

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

16 c. Such other duties as specified in Chapter 139.

17 d. To conduct any inspections consistent with subsection (b) of this
18 section for inspections it deems reasonably necessary to carry out
19 its duties.

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4 remain in full force and effect unless and until repealed or superseded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) Inspections authorized by subsection (1)d. of this section may be conducted**
9 **by authorized representatives of the Commission. When conducting inspections, the**
10 **Commission may enter at reasonable times upon any property, public or private, for the**
11 **purpose of investigating compliance with Commission or Department programs.**

12 **(c) No person shall refuse entry or access to a person who requests entry for the**
13 **purposes of an inspection under this section and who presents appropriate credentials.**
14 **Any person who refuses entry or access to a person conducting an inspection or obstructs,**
15 **hampers, or interferes with any such person while that person is in the process of carrying**
16 **out 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.