

February 27, 2007

S 396. RESTRICTION ON EMC RULEMAKING AUTHORITY. Filed 2/27/07. *TO LIMIT THE RULES THAT MAY BE ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION.*

Rewrites GS 143-214.1(e) to provide that the Environmental Management Commission may not adopt rules that condition granting of a permit, approval, or certification on fulfillment of a requirement that is beyond the authority of the applicant and that is within the authority of someone other than the applicant.

Intro. by Hoyle.

GS 143

May 21, 2007

S 396. CLARIFY EMC AND DENR AUTHORITY (NEW). Filed 2/27/07. Senate committee substitute makes the following changes to 1st edition. Removes the proposed change to GS 143-214.1(e). Amends GS 143-211(c) to state that it is the intent of the General Assembly that the Environmental Management Commission and the Department of Environment and Natural Resources may not impose any requirement as a condition of a permit, approval, or certification, that is beyond the applicant's authority to satisfy or any condition that is not specifically authorized by an act of the General Assembly. Also prohibits imposing a condition that is not supported by a preponderance of evidence justifying its imposition. Makes a conforming title change.

May 23, 2007

S 396. CLARIFY EMC AND DENR AUTHORITY. Filed 2/27/07. Senate amendment makes the following changes to 2nd edition. Deletes proposed new requirement in GS 143-211(c) that the Environmental Management Commission and the Department of Environment and Natural Resources cannot impose a condition on any permit, approval, or certification that is not supported by a preponderance of evidence justifying its imposition.