

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

2

HOUSE BILL 1430
Committee Substitute Favorable 6/25/01

Short Title: Budget Fee Provisions.

(Public)

Sponsors:

Referred to:

May 9, 2001

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE COMMISSIONER OF LABOR TO ESTABLISH CERTAIN FEES; TO ALLOW CERTAIN COUNTIES TO ACQUIRE PROPERTY FOR PUBLIC SCHOOLS; TO AUTHORIZE DHHS FACILITY SERVICES FEES; AND TO EXEMPT PRISONS LOCATED ON LAND OWNED BY THE STATE AND BUILT PURSUANT TO A CONTRACT WITH THE STATE FROM PROPERTY TAX.

The General Assembly of North Carolina enacts:

LABOR COMMISSIONER FEE AUTHORITY

SECTION 1.(a) G.S. 95-105 and G.S. 95-106 are repealed.

SECTION 1.(b) G.S. 95-107 reads as rewritten:

"§ 95-107. Assessment and collection of fees; certificates of safe operation.

The assessment of the fees ~~pursuant to this Article~~ adopted by the Commissioner pursuant to G.S. 95-110.5 and G.S. 95-111.4 shall be made against the owner or operator of ~~such~~ the equipment and may be collected at the time of inspection. If the fees are not collected at the time of inspection, the Department must bill the owner or operator of the equipment for the amount of the fee assessed ~~under this Article~~ for the inspection of the equipment and the amount assessed is payable by the owner or operator of the equipment upon receipt of the bill. Certificates of safe operation may be withheld by the Department of Labor until such time as the assessed fees are collected."

SECTION 1.(c) G.S. 95-108 reads as rewritten:

"§ 95-108. Disposition of fees.

All fees collected by the Department of Labor pursuant to ~~this Article~~ G.S. 95-110.5 and G.S. 95-111.4 shall be deposited with the State Treasurer and shall be used ~~exclusively for inspection purposes of the equipment referenced in this Article. and certification purposes.~~

SECTION 1.(d) G.S. 95-110.5 is amended by adding a new subdivision to read:

1 "(20) To establish reasonable fees for the inspection and issuance of
2 certificates of operation for all devices and equipment subject to this
3 Article upon installation or alteration, for each follow-up inspection,
4 and for periodic inspections thereafter."

5 **SECTION 1.(e)** G.S. 95-111.4 is amended by adding a new subdivision to
6 read:

7 "(19) To establish reasonable fees for the inspection and issuance of
8 certificates of operation for devices subject to this Article that are in
9 use."

10 **SECTION 1.(f)** Subsection (a) of this section becomes effective October 1,
11 2001. The remainder of this section is effective when it becomes law.

13 **CERTAIN COUNTIES MAY ACQUIRE PROPERTY FOR PUBLIC SCHOOLS**

14 **SECTION 2.(a)** G.S. 153A-158.1(e), as amended by S.L. 2001-76, reads as
15 rewritten:

16 "(e) Scope. – This section applies to Alamance, Alexander, Alleghany, Anson,
17 Ashe, Avery, Bertie, Bladen, Brunswick, Burke, Cabarrus, Caldwell, Camden, Carteret,
18 Catawba, Chatham, Cherokee, Chowan, Columbus, Craven, Cumberland, Currituck,
19 Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates,
20 Graham, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Hyde,
21 Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin,
22 McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Nash, New Hanover, Onslow,
23 Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond,
24 Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry,
25 Transylvania, Union, Vance, Wake, Watauga, Wayne, Wilkes, ~~and Wilson~~ Wilson, and
26 Yadkin Counties."

27 **SECTION 2.(b)** This section is effective when it becomes law.

29 **DHHS FACILITY SERVICES FEES**

30 **SECTION 3.(a)** G.S. 131D-2(b)(1) reads as rewritten:

31 "(b) Licensure; inspections. –

32 (1) The Department of Health and Human Services shall inspect and
33 license, under rules adopted by the Medical Care Commission, all
34 adult care homes for persons who are aged or mentally or physically
35 disabled except those exempt in subsection (c) of this section. Licenses
36 issued under the authority of this section shall be valid for one year
37 from the date of issuance unless revoked earlier by the Secretary for
38 failure to comply with any part of this section or any rules adopted
39 hereunder adult care. Licenses shall be renewed annually upon filing
40 and the Department's approval of the renewal application. The
41 Department shall charge the adult care home a nonrefundable annual
42 license fee in the amount of ten dollars (\$10.00) per licensed bed. If

1 the total annual fee is not received within 60 days of the annual
2 renewal or due date, the Department may revoke the license. A license
3 shall not be renewed if outstanding fines and penalties imposed by the
4 State against the home have not been paid. Fines and penalties for
5 which an appeal is pending are exempt from consideration. The
6 renewal application shall contain all necessary and reasonable
7 information that the Department may by rule require. Except as
8 otherwise provided in this subdivision, the Department may amend a
9 license by reducing it from a full license to a provisional license for a
10 period of not more than 90 days whenever the Department finds that:

- 11 a. The licensee has substantially failed to comply with the
12 provisions of Articles 1 and 3 of Chapter 131D of the General
13 Statutes and the rules adopted pursuant to these Articles;
- 14 b. There is a reasonable probability that the licensee can remedy
15 the licensure deficiencies within a reasonable length of time;
16 and
- 17 c. There is a reasonable probability that the licensee will be able
18 thereafter to remain in compliance with the licensure rules for
19 the foreseeable future.

20 The Department may extend a provisional license for not more than
21 one additional 90-day period upon finding that the licensee has made
22 substantial progress toward remedying the licensure deficiencies that
23 caused the license to be reduced to provisional status.

24 The Department may revoke a license whenever:

- 25 a. The Department finds that:
 - 26 1. The licensee has substantially failed to comply with the
27 provisions of Articles 1 and 3 of Chapter 131D of the
28 General Statutes and the rules adopted pursuant to these
29 Articles; and
 - 30 2. It is not reasonably probable that the licensee can remedy
31 the licensure deficiencies within a reasonable length of
32 time; or
- 33 b. The Department finds that:
 - 34 1. The licensee has substantially failed to comply with the
35 provisions of Articles 1 and 3 of Chapter 131D of the
36 General Statutes and the rules adopted pursuant to these
37 Articles; and
 - 38 2. Although the licensee may be able to remedy the
39 deficiencies within a reasonable time, it is not reasonably
40 probable that the licensee will be able to remain in
41 compliance with licensure rules for the foreseeable
42 future; or

1 c. The Department finds that the licensee has failed to comply
2 with the provisions of Articles 1 and 3 of Chapter 131D of the
3 General Statutes and the rules adopted pursuant to these
4 Articles, and the failure to comply endangered the health,
5 safety, or welfare of the patients in the facility.

6 The Department may also issue a provisional license to a facility,
7 pursuant to rules adopted by the Medical Care Commission, for
8 substantial failure to comply with the provisions of this section or rules
9 adopted pursuant to this section. Any facility wishing to contest the
10 issuance of a provisional license shall be entitled to an administrative
11 hearing as provided in the Administrative Procedure Act, Chapter
12 150B of the General Statutes. A petition for a contested case shall be
13 filed within 30 days after the Department mails written notice of the
14 issuance of the provisional license."

15 **SECTION 3.(b)** G.S. 131E-77(d) reads as rewritten:

16 "(d) Upon receipt of an application for a license, the Department shall issue a
17 license if it finds that the applicant complies with the provisions of this Article and the
18 rules of the Commission. The Department shall renew each license in accordance with
19 the rules of the Commission. The Department shall charge the applicant a
20 nonrefundable annual license fee in the amount of ten dollars (\$10.00) per licensed bed.
21 If the total annual fee is not received within 60 days of the annual renewal or due date,
22 the Department may revoke the license."

23 **SECTION 3.(c)** G.S. 131E-102(b) reads as rewritten:

24 "(b) Applications shall be available from the Department, and each application
25 filed with the Department shall contain all necessary and reasonable information that
26 the Department may by rule require. A license shall be granted to the applicant upon a
27 determination by the Department that the applicant has complied with the provisions of
28 this Part and the rules promulgated under this Part. The Department shall charge the
29 applicant a nonrefundable annual license fee in the amount of ten dollars (\$10.00) per
30 licensed bed. If the total annual fee is not received within 60 days of the annual renewal
31 or due date, the Department may revoke the license."

32 **SECTION 3.(d)** G.S. 131E-138(c) reads as rewritten:

33 "(c) An application for a license shall be available from the Department, and each
34 application filed with the Department shall contain all information requested by the
35 Department. A license shall be granted to the applicant upon a determination by the
36 Department that the applicant has complied with the provisions of this Part and the rules
37 promulgated by the Commission under this Part. The Department shall charge the
38 applicant a nonrefundable annual license fee in the amount of one hundred dollars
39 (\$100.00). If the total annual fee is not received within 60 days of the annual renewal or
40 due date, the Department may revoke the license."

41 **SECTION 3.(e)** G.S. 131E-147(b) reads as rewritten:

1 "(b) Applications shall be available from the Department, and each application
2 filed with the Department shall contain all necessary and reasonable information that the
3 Department may by rule require. A license shall be granted to the applicant upon a
4 determination by the Department that the applicant has complied with the provisions of
5 this Part and the rules promulgated by the Commission under this Part. The Department
6 shall charge the applicant a nonrefundable annual license fee in the amount of four
7 hundred dollars (\$400.00). If the total annual fee is not received within 60 days of the
8 annual renewal or due date, the Department may revoke the license."

9 **SECTION 3.(f)** G.S. 131E-167(a) reads as rewritten:

10 "(a) Applications for certification shall be available from the Department, and
11 each application filed with the Department shall contain all necessary and reasonable
12 information that the Department may by rule require. A certificate shall be granted to
13 the applicant for a period not to exceed two years upon a determination by the
14 Department that the applicant has substantially complied with the provisions of this
15 Article and the rules promulgated by the Department under this Article. The Department
16 shall charge the applicant a nonrefundable annual certification fee in the amount of four
17 hundred dollars (\$400.00). If the total annual fee is not received within 60 days of the
18 annual renewal or due date, the Department may revoke the certification."

19 **SECTION 3.(g)** G.S. 131E-202(b) reads as rewritten:

20 "(b) The Department shall provide applications for hospice licensure. Each
21 application filed with the Department shall contain all information requested therein. A
22 license shall be granted to the applicant upon determination by the Department that the
23 applicant has complied with the provisions of this Article and with the rules adopted by
24 the Commission thereunder. Each license shall be issued only for the premises and
25 persons named therein, shall not be transferable or assignable except with the written
26 approval of the Department, and shall be posted in a conspicuous place on the licensed
27 premises. The Department shall charge the applicant a nonrefundable annual license fee
28 in the amount of one hundred dollars (\$100.00). If the total annual fee is not received
29 within 60 days of the annual renewal or due date, the Department may revoke the
30 license."

31 **SECTION 3.(h)** G.S. 14-45.1(a) reads as rewritten:

32 "(a) Notwithstanding any of the provisions of G.S. 14-44 and 14-45, it shall not be
33 unlawful, during the first 20 weeks of a woman's pregnancy, to advise, procure, or cause
34 a miscarriage or abortion when the procedure is performed by a physician licensed to
35 practice medicine in North Carolina in a hospital or clinic certified by the Department of
36 Health and Human Services to be a suitable facility for the performance of abortions.
37 The Department of Health and Human Services shall charge the facility a nonrefundable
38 annual certification fee in the amount of four hundred dollars (\$400.00). If the total
39 annual fee is not received within 60 days of the annual renewal or due date, the
40 Department may revoke the certification."

41 **SECTION 3.(i)** G.S. 122C-23 is amended by adding the following new
42 subsection to read:

1 "(h) The Secretary shall charge all facilities licensed under this Chapter that have
2 licensed beds a nonrefundable annual licensure fee in the amount of ten dollars (\$10.00)
3 per licensed bed. If the total annual fee is not received within 60 days of the annual
4 renewal or due date, the Department may revoke the license."

5 **SECTION 3.(j)** This section becomes effective October 1, 2001.
6

7 **PRISON PROPERTY TAX EXEMPTION**

8 **SECTION 4.(a)** G.S. 105-275 is amended by adding a new subdivision to
9 read:

10 **"§ 105-275. Property classified and excluded from the tax base.**

11 The following classes of property are hereby designated special classes under
12 authority of Article V, Sec. 2(2), of the North Carolina Constitution and shall not be
13 listed, appraised, assessed, or taxed:

14 ...

15 (39a) A correctional facility, including construction in progress, that is
16 located on land owned by the State and is constructed pursuant to a
17 contract with the State, and any leasehold interest in the land owned by
18 the State upon which the correctional facility is located."

19 **SECTION 4.(b)** This section is effective for taxes imposed for taxable years
20 beginning on or after July 1, 2001.