

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 872

Short Title: Fee Changes.

(Public)

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Sponsors: Senator Walker.

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Referred to: Finance.

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April 12, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE MISCELLANEOUS CHANGES IN FEE STATUTES, TO  
3 IMPLEMENT BASE BUDGET RECOMMENDATIONS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 106-604 reads as rewritten:

6 "**§ 106-604. License fee; bond required; exemption.**

7 All applications shall be accompanied by an initial or renewal license fee of ~~twenty-~~  
8 ~~five dollars (\$25.00) plus twenty dollars (\$20.00) fifty dollars (\$50.00) plus thirty dollars~~  
9 ~~(\$30.00)~~ per certificate or decal for each separate buying station or truck and a good and  
10 sufficient bond in the amount of ten thousand dollars (\$10,000) to satisfy the initial  
11 license application. A fee of ~~one dollar (\$1.00) five dollars (\$5.00)~~ shall be charged for  
12 each duplicate license, certificate or decal. 'Cash buyers' upon written request to the  
13 Commissioner showing proof satisfactory to the Commissioner that the person is a 'cash  
14 buyer' under this Article shall be exempted from bonding requirements hereunder. The  
15 exemption shall be granted within 20 days of the receipt of the exemption request or  
16 unless the Commissioner requests the dealer to provide additional necessary information  
17 or unless the request is denied."

18 Sec. 2. G.S. 106-624 reads as rewritten:

19 "**§ 106-624. Sign furnished by Commissioner.**

20 It shall be the duty of the Commissioner to cause to be prepared and furnished for a  
21 fee of ~~five dollars (\$5.00) ten dollars (\$10.00)~~ each to all grain dealers, as defined in this  
22 Article, in the State a sign not less than 11 x 15 inches, which shall contain information  
23 that it is a violation of law for any person to sell, offer for sale or deliver adulterated  
24 grain. Said sign shall also set out the penalties for violation of this Article. Duplicate

1 signs, and replacement for signs lost, stolen, worn or otherwise unusable, shall be  
2 purchased from the Department of Agriculture for a fee of five dollars (\$5.00) per sign."

3 Sec. 3. G.S. 106-607 reads as rewritten:

4 **"§ 106-607. Renewal of license.**

5 Licenses shall be renewed upon application and payment of renewal fees on or  
6 before the fifteenth day of June following the date of expiration of any license  
7 hereunder issued. Applications received after June 15 of any year shall be subject to a  
8 late filing fee of ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) in addition to other  
9 applicable fees."

10 Sec. 4. G.S. 106-22 reads as rewritten:

11 **"§ 106-22. Joint duties of Commissioner and Board.**

12 The Commissioner of Agriculture, by and with the consent and advice of the Board  
13 of Agriculture shall:

14 (1) General. – Investigate and promote such subjects relating to the  
15 improvement of agriculture, the beneficial use of commercial  
16 fertilizers and composts, and for the inducement of immigration and  
17 capital as he may think proper; but he is especially charged:

18 (2) Commercial Fertilizers. – With such supervision of the trade in  
19 commercial fertilizers as will best protect the interests of the farmers,  
20 and shall report to district attorneys and to the General Assembly  
21 information as to the existence or formation of trusts or combinations  
22 in fertilizers or fertilizing materials which are or may be offered for  
23 sale in this State, whereby the interests of the farmers may be  
24 injuriously affected, and shall publish such information in the Bulletin  
25 of the Department;

26 (3) Cattle and Cattle Diseases. – With investigations adapted to promote  
27 the improvement of milk and beef cattle, and especially investigations  
28 relating to the diseases of cattle and other domestic animals, and shall  
29 publish and distribute from time to time information relative to any  
30 contagious diseases of stock, and suggest remedies therefor, and shall  
31 have power in such cases to quarantine the infected animals and to  
32 regulate the transportation of stock in this State, or from one section of  
33 it to another, and may cooperate with the United States Department of  
34 Agriculture in establishing and maintaining cattle districts or  
35 quarantine lines, to prevent the infection of cattle from splenic or  
36 Spanish fever. Any person willfully violating such regulations shall be  
37 liable in a civil action to any person injured, and for any and all  
38 damages resulting from such conduct, and shall also be guilty of a  
39 misdemeanor;

40 (4) Honey and Bee Industry. – With investigations adapted to promote the  
41 improvement of the honey and bee industry in this State, and  
42 especially investigations relating to the diseases of bees, and shall  
43 publish and distribute from time to time information relative to such  
44 diseases, and such remedies therefor, and shall have power in such

1 cases to quarantine the infected bees and to control or eradicate such  
2 infections and to regulate the transportation or importation into North  
3 Carolina from any other state or country of bees, honey, hives, or any  
4 apiary equipment, or from one section of the State to another, and may  
5 cooperate with the United States Department of Agriculture in  
6 establishing and maintaining quarantine lines or districts. The  
7 Commissioner of Agriculture, by and with the consent and advice of  
8 the Board of Agriculture, shall have power to make rules and  
9 regulations to carry out the provisions of this section; and in event of  
10 failure to comply with any such rules and regulations, the  
11 Commissioner of Agriculture or his duly authorized agent is  
12 authorized to confiscate and destroy any infected bees and equipment  
13 and any bees and/or used apiary equipment moved in violation of these  
14 regulations;

15 (5) Insect Pests. – With investigations relative to the ravages of insects  
16 and with the dissemination of such information as may be deemed  
17 essential for their abatement, and making regulations for destruction of  
18 such insects. The willful violation of any of such regulations by any  
19 person shall be a misdemeanor;

20 (6) New Agricultural Industries. – With investigations and experiments  
21 directed to the introduction and fostering of new agricultural  
22 industries, adapted to the various climates and soils of the State,  
23 especially the culture of truck and market gardens, the grape and other  
24 fruits;

25 (7) Drainage and Irrigation; Fertilizer Sources. – With the investigations  
26 of the subject of drainage and irrigation and publication of information  
27 as to the best methods of both, and what surfaces, soils, and locations  
28 may be most benefited by such improvements; also with the collection  
29 and publication of information in regard to localities, character,  
30 accessibility, cost, and modes of utilization of native mineral and  
31 domestic sources of fertilizers, including formulae for composting  
32 adapted to the different crops, soils, and materials;

33 (8) Farm Fences. – With the collection of statistics relating to the subject  
34 of farm fences, with suggestions for diminishing their cost, and the  
35 conditions under which they may be dispensed with altogether;

36 (9) Sales of Fertilizers, Seeds, and Food Products. – With the enforcement  
37 and supervision of the laws which are or may be enacted in this State  
38 for the sale of commercial fertilizers, seeds and food products, with the  
39 authority to make regulations concerning the same;

40 (10) Inducement of Capital and Immigration. – With the inducement of  
41 capital and immigration by the dissemination of information relative to  
42 the advantages of soil and climate and to the natural resources and  
43 industrial opportunities offered in this State, by the keeping of a land  
44 registry and by the publication of descriptions of agricultural, mineral,

1 forest, and trucking lands which may be offered the Department for  
2 sale; which publication shall be in tabulated form, setting forth the  
3 county, township, number of acres, names and addresses of owners,  
4 and such other information as may be needful in placing inquiring  
5 homeseekers in communication with landowners; and he shall publish  
6 a list of such inquiries in the Bulletin for the benefit of those who may  
7 have land for sale;

8 (11) Diversified Farming. – With such investigations as will best promote  
9 the improvement and extension of diversified farming, including the  
10 rotation of crops, the raising of home supplies, vegetables, fruits,  
11 stock, grasses, etc.;

12 (12) Farmers' Institutes. – With the holding of farmers' institutes in the  
13 several counties of the State, as frequently as may be deemed  
14 advisable, in order to instruct the people in improved methods in  
15 farming, in the beneficial use of fertilizers and composts, and to  
16 ascertain the wants and necessities of the various farming  
17 communities; and may collect the papers and addresses made at these  
18 institutes and publish the same in pamphlet form annually for  
19 distribution among the farmers of the State. He may secure such  
20 assistants as may be necessary or beneficial in holding such institutes;

21 (13) Publication of Bulletin. – The Commissioner shall publish bulletins  
22 which shall contain a list of the fertilizers and fertilizing materials  
23 registered for sale each year, the guaranteed constituents of each  
24 brand, reports of analyses of fertilizers, the dates of meeting and  
25 reports of farmers' institutes and similar societies, description of farm  
26 buildings suited to our climate and needs, reports of interesting  
27 experiments of farmers, and such other matters as may be deemed  
28 advisable. The Department may determine the number of bulletins  
29 which shall be issued each year;

30 (14) Reports to Legislature. – He shall transmit to the General Assembly at  
31 each session a report of the operations of the Department with  
32 suggestions of such legislation as may be deemed needful;

33 (15) State Museum. – He shall keep a museum or collection to illustrate the  
34 cultural and other resources and the natural history of the State;

35 (16) State Agricultural Policies. – Establish State government policies  
36 relating to agriculture.

37 (17) Agronomic Testing. – Provide agronomic testing services and charge  
38 reasonable fees for plant analysis and nematode testing. The Board  
39 shall charge at least four dollars (\$4.00) for plant analysis and at least  
40 two dollars (\$2.00) for nematode testing.”

41 Sec. 5. G.S. 106-660 reads as rewritten:

42 "**§ 106-660. Registration of brands; licensing of manufacturers and distributors;**  
43 **fluid fertilizers.**

1 (a) Each brand of commercial fertilizer for tobacco, specialty fertilizer, fertilizer  
2 materials, manipulated manure and fortified mulch shall be registered by the person  
3 whose name appears upon the label before being offered for sale, sold or distributed in  
4 this State, except those brands expressly produced for experimental and demonstration  
5 purposes only. Other fertilizers may be manufactured and sold without registration after  
6 obtaining a license as required in G.S. 106-661(a). The application for registration shall  
7 be submitted in duplicate to the Commissioner for his approval on forms furnished by  
8 the Commissioner, and shall include a fee of ~~two dollars (\$2.00)~~ five dollars (\$5.00) per  
9 brand and grade for all packages greater than five pounds. The registration fee for  
10 packages of five pounds or less shall be ~~twenty-five dollars (\$25.00)~~ thirty dollars  
11 (\$30.00). All approved registrations expire on June 30 of each year. The application  
12 shall include such information as deemed necessary by the Board of Agriculture.

13 (b) The distributor of any brand and grade of commercial fertilizer shall not be  
14 required to register the same if it has already been registered under this Article by a  
15 person entitled to do so and such registration is then outstanding.

16 (c) The grade of any brand of mixed fertilizer shall not be changed during the  
17 registration period, but the guaranteed analysis may be changed in other respects and the  
18 sources of materials may be changed: Provided, prompt notification of such change is  
19 given to the Commissioner and the change is noted on the container or tag: Provided,  
20 further, that the guaranteed analysis shall not be changed if it, in any way, lowers the  
21 quality of the fertilizer: Provided, further, that if at a subsequent registration period, the  
22 registrant desires to make any change in the registration of a given brand and grade of  
23 fertilizer, said registrant shall notify the Commissioner of such change 30 days in  
24 advance of such registration. If the Commissioner, after consultation with the director of  
25 the agricultural experiment station decides that such change materially lowers the crop  
26 producing value of the fertilizer, he shall notify the registrant of his conclusions, and if  
27 the registrant registers the brand and grade with the proposed changes, then the  
28 Commissioner shall give due publicity to said changes through the Agricultural Review  
29 or by such other means as he may deem advisable.

30 (d) Any person desiring to manufacture or distribute fertilizers not required to be  
31 registered shall first secure a license. Application for said license shall be made on  
32 forms provided by the Commissioner and shall be accompanied by a reasonable fee to  
33 be determined by the Board of Agriculture. The Board shall charge at least one hundred  
34 dollars (\$100.00) for said license. Said license shall be renewable annually on the first  
35 day of July. Said license may be suspended, revoked or terminated for a violation of this  
36 Article or any rule promulgated thereunder.

37 (e) When fluid fertilizer is offered for sale or sold in this State, the method of  
38 transfer of custody shall be by weight expressed in pounds, and shall be invoiced in  
39 such a manner as to show the name of the seller, the name of the purchaser, the date of  
40 sale, the grade, and the net weight; provided, however, that fluid fertilizer may be  
41 measured in gallons of 231 cubic inches and its equivalent expressed in pounds, with a  
42 formula for converting from gallons to pounds shown on the invoice.

43 (g) Before any anhydrous ammonia installation shall be built in this State, a  
44 general layout of such installation shall be submitted in duplicate and approved by the

1 Commissioner. In order that such a layout may be approved it must conform to the  
2 minimum standards and rules and regulations, relating to safe handling, storage,  
3 distribution and/or application adopted by the Board of Agriculture. All storage tanks,  
4 transfer or transport containers, applicator containers, and attached equipment shall  
5 conform to the minimum standards adopted by the Board of Agriculture. It shall be the  
6 duty of the contractors referred to in G.S. 106-657(4) to obtain, maintain and operate in  
7 accordance with the minimum standards and rules and regulations adopted by the Board  
8 of Agriculture, any and all equipment which he may use in the application of anhydrous  
9 ammonia. It shall be the duty of the Commissioner to inspect and ascertain whether or  
10 not the provisions of this section are complied with."

11 Sec. 6. G.S. 106-284.40 reads as rewritten:

12 **"§ 106-284.40. Inspection fees and reports.**

13 (a) An inspection fee at the rate of ~~two cents (2¢)~~ three cents (3¢) for each carton  
14 of 48 cans shall be paid on canned pet food distributed in this State by the person whose  
15 name appears on the label as the manufacturing distributor or guarantor subject to  
16 (b)(1), (2), (3), and (5) of this section.

17 (b) An inspection fee at the rate of twelve cents (12¢) per ton shall be paid on  
18 commercial feeds distributed in the State by the person whose name appears on the label  
19 of the commercial feed as the manufacturer, distributor or guarantor of the commercial  
20 feed, subject to the following:

- 21 (1) No fee shall be paid on a commercial feed if the payment has been  
22 made by a previous distributor.
- 23 (2) No fee shall be paid on customer-formula feeds if the inspection fee is  
24 paid on the commercial feeds which are used as ingredients therein.
- 25 (3) No fee shall be paid on commercial feeds which are used as  
26 ingredients or a base for the manufacture of commercial feeds which  
27 are registered, if the fee has already been paid. If the inspection fee has  
28 already been paid on such commercial feed, the amount paid shall be  
29 deducted from the gross amount due on the total feed produced.
- 30 (4) In the case of a commercial feed other than canned pet food which is  
31 distributed in the State only in packages of five pounds or less, an  
32 annual registration fee of ~~twenty-five dollars (\$25.00)~~ thirty dollars  
33 (\$30.00) shall be paid in lieu of the inspection fee specified above.
- 34 (5) The minimum inspection fee shall be ten dollars (\$10.00) per quarter  
35 unless no feed was sold in the State during the quarter.
- 36 (6) Manufacturers of commercial feeds may appear before the Board, and  
37 after finding there exists a contract feeder relationship between a  
38 manufacturer of commercial feeds and an independent contractor, the  
39 Board may issue annual numbered permits exempting that  
40 manufacturer of commercial feed from paying the inspection fee  
41 assessed by the provisions of this law for that feed delivered to the  
42 contract feeder. The manufacturer of ingredients who sells such  
43 ingredients to manufacturers of commercial feeds under this  
44 subdivision shall have in his possession the exemption number of the

1 permit referred to in G.S. 106-284.34(b) and/or the permit issued by  
2 the Board under this subdivision before the supplier may be relieved of  
3 the responsibility for payment of the inspection fee. The holder of a  
4 valid contract feeder exemption permit shall be exempt from paying  
5 the inspection fee on all ingredients purchased for its own use,  
6 provided that at least one-half of the ingredients purchased in the  
7 previous calendar year were used in feed delivered to contract feeders.

8 The holder of said permit may voluntarily return said permit to the  
9 Commissioner for cancellation at which time said holder may not  
10 apply for or receive another exemption permit under this subdivision  
11 for a period of 12 months. The exemption permits under this  
12 subdivision shall be renewable automatically every year by the Board  
13 without additional findings of fact unless it is brought to the Board's  
14 attention by the Commissioner or his duly designated officer or  
15 employee that there no longer exists the relationship of a contract  
16 feeder between the manufacturer of commercial feeds and an  
17 independent contractor. In the event the Commissioner or his duly  
18 designated officer or employee notifies the Board when the permit is to  
19 be automatically renewed or anytime the permit is in effect, that there  
20 no longer exists a contract feeder relationship for the permit holder, the  
21 Board shall determine the veracity of the notification and revoke said  
22 permit if the facts are found to be true by the Board.

23 Commercial feeds exempt from inspection fees under this  
24 subdivision shall not be subject to sampling and analysis other than as  
25 may be necessary to determine compliance with good manufacturing  
26 practice regulations pertaining to medicated animal feed and  
27 medicated feed premixes established under G.S. 106-284.38(4) of this  
28 law.

29 (c) Each person who is liable for the payment of such fee shall:

30 (1) File, not later than the last day of January, April, July and October of  
31 each year, a quarterly statement setting forth the number of net tons of  
32 commercial feeds and/or cases of canned pet food distributed in this  
33 State during the preceding calendar quarter, and upon filing such  
34 statements shall pay the inspection fee at the rate stated in subsections  
35 (a) and (b) of this section. Inspection fees which are due and owing  
36 and have not been remitted to the Commissioner within 15 days  
37 following the due date shall have a penalty fee of ten percent (10%)  
38 (minimum ten dollars (\$10.00)) added to the amount due when  
39 payment is finally made. The assessment of this penalty fee shall not  
40 prevent the Commissioner from taking other actions as provided in this  
41 Chapter.

42 (2) Keep such records as may be necessary or required by the  
43 Commissioner to indicate accurately the tonnage of commercial feed  
44 distributed in this State, and the Commissioner or his duly designated

1 agent shall have the right to examine such records during normal  
2 business hours, to verify statements of tonnage. Failure to make an  
3 accurate statement of tonnage or to pay the inspection fee or comply as  
4 provided herein shall constitute sufficient cause for the cancellation of  
5 all registrations on file for the distributor."

6 Sec. 7. G.S. 106-284.34 reads as rewritten:

7 **"§ 106-284.34. Registration.**

8 (a) No person shall manufacture or distribute a commercial feed in this State,  
9 unless he has filed with the Commissioner on forms provided by the Commissioner, his  
10 name, place of business, and location of each manufacturing facility in this State, if any,  
11 and made application to the Commissioner for a permit to report the quantity of  
12 commercial feed distributed in this State.

13 (b) Manufacturers of registered feeds may apply for, and the Commissioner at his  
14 discretion may issue, numbered permits authorizing manufacturers of registered feeds to  
15 purchase commercial feed as defined in G.S. 106-284.33(4), and the responsibility for  
16 the payment of the inspection fee assessed by the provisions of this Article will be  
17 assumed by the purchaser to whom such permit has been issued. The Commissioner  
18 may at his discretion, and without notice, cancel any permit issued under the provision  
19 of this section. The use of permits issued under the provisions of this section shall be  
20 governed by rules and regulations promulgated by the Commissioner.

21 (c) No person shall distribute in this State a commercial feed, except a customer-  
22 formula feed, which has not been registered pursuant to the provisions of this section.  
23 The application for registration shall be submitted in the manner prescribed by the  
24 Commissioner. Upon approval by the Commissioner or his duly designated agent the  
25 registration shall be issued to the applicant. All registrations expire on the thirty-first  
26 day of December of each year. An annual registration fee of ~~one dollar (\$1.00)~~ three  
27 dollars (\$3.00) for each commercial feed other than canned pet food shall accompany  
28 each request for registration. An annual registration fee of ~~five dollars (\$5.00)~~ ten dollars  
29 (\$10.00) for each canned pet food shall accompany each request for registration.

30 (d) The Commissioner is empowered to refuse registration of any commercial  
31 feed not in compliance with the provisions of this Article and to cancel any registration  
32 subsequently found not to be in compliance with any provisions of this Article:  
33 Provided, that no registration shall be refused or canceled unless the registrant shall  
34 have been given an opportunity to be heard before the Commissioner or his duly  
35 designated agent and to amend his application in order to comply with the requirements  
36 of this Article.

37 (e) The manufacturer of commercial feed that has not been registered and is  
38 found being distributed in the State shall pay a ~~twenty-five dollar (\$25.00)~~ thirty dollars  
39 (\$30.00) delinquent registration fee in addition to the regular registration fee."

40 Sec. 8. G.S. 106-50.31 reads as rewritten:

41 **"§ 106-50.31. Registration of additives.**

42 Every soil additive distributed in North Carolina shall be registered with the  
43 Commissioner by the person whose name appears on the label on forms furnished by  
44 the Commissioner. The applicant shall furnish such information as the Commissioner



1 may require. In determining the acceptability of any product for registration, the  
2 Commissioner may require proof of claims made for the soil additive. If no specific  
3 claims are made, the Commissioner may require proof of usefulness and value of the  
4 soil additive. As evidence of proof, the Commissioner may rely on experimental data  
5 furnished by the applicant and may require that such data be developed by a recognized  
6 research or experimental institution. The Commissioner may further require that such  
7 data be developed from tests conducted under conditions identical to or closely related  
8 to those present in North Carolina. The Commissioner may reject any data not  
9 developed under such conditions and may rely on the advice of the Director of the  
10 North Carolina Agricultural Experiment Station in evaluating data for registration.

11 The registration fee shall be ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) per  
12 year for each product. Registration shall expire on December 31, annually, unless an  
13 application for renewal has been received prior to the expiration date.

14 The application for registration shall include the following:

- 15 (1) The name and address of the registrant;
- 16 (2) Product name;
- 17 (3) Guaranteed analysis;
  - 18 a. Active ingredients (name of each ingredient and percent)
  - 19 b. Inert ingredients (name of each ingredient and percent)
- 20 (4) Directions for use;
- 21 (5) Purpose of product.

22 The application shall be accompanied by the label for the product and all  
23 advertisements including brochures, posters, or other information promoting the  
24 product. The registrant is responsible for all guaranteed analysis and claims appearing  
25 on the label."

26 Sec. 9. G.S. 106-21.1 reads as rewritten:

27 "**§ 106-21.1. Feed Advisory Service; fee.**

28 The Department of Agriculture shall establish, as a pilot program, a Feed Advisory  
29 Service for the analysis of animal feeds in order to provide a feeding management  
30 service to all animal producers in North Carolina. A fee of ~~five dollars (\$5.00)~~ ten dollars  
31 (\$10.00) shall accompany each feed sample sent to the Department for testing."

32 Sec. 10. G.S. 143-452(b) reads as rewritten:

33 "(b) Applications for pesticide applicator license shall be in the form and shall  
34 contain the information prescribed by the Board. Each application shall be accompanied  
35 by a non-refundable fee of ~~twenty five dollars (\$25.00)~~ thirty dollars (\$30.00) for each  
36 pesticide applicator's license. In addition, an annual inspection fee of ten dollars  
37 (\$10.00) shall be submitted for each aircraft to be licensed. Should any aircraft fail to  
38 pass inspection, making it necessary for a second inspection to be made, the Board shall  
39 require an additional ten dollar (\$10.00) inspection fee. In addition to the required  
40 inspection, unannounced inspections may be made without charge to determine if  
41 equipment is properly calibrated and maintained in conformance with the laws and  
42 regulations. All aircraft licensed to apply pesticides shall be identified by a license plate  
43 or decal furnished by the Board at no cost to the licensee, which plate or decal shall be  
44 affixed on the aircraft in a location and manner prescribed by the Board. No applicator

1 inspection or license fee, original or renewal, shall be charged to State agencies or local  
2 governments or their employees. Inspections of ground pesticide application equipment  
3 may be made. Any such equipment determined to be faulty or unsafe shall not be used  
4 for the purpose of applying a pesticide(s) until such time as proper repairs and/or  
5 alterations are made."

6 Sec. 11. G.S. 143-448(b) reads as rewritten:

7 "(b) Applications for a pesticide dealer license shall be in the form and shall contain  
8 the information prescribed by the Board. Each application shall be accompanied by a  
9 non-refundable fee of ~~twenty-five dollars (\$25.00)~~ thirty dollars (\$30.00). All licenses  
10 issued under this Part shall expire on December 31 of the year for which they are  
11 issued."

12 Sec. 12. G.S. 143-455(a) reads as rewritten:

13 "(a) No person shall perform services as a pest control consultant without first  
14 procuring from the Board a license. Applications for a consultant license shall be in the  
15 form and shall contain the information prescribed by the Board. The application for a  
16 license shall be accompanied by a non-refundable annual fee of ~~twenty-five dollars~~  
17 ~~(\$25.00)~~ thirty dollars (\$30.00)."

18 Sec. 13. G.S. 143-442(b) reads as rewritten:

19 "(b) The applicant shall pay an annual registration fee of ~~twenty-five dollars (\$25.00)~~  
20 thirty dollars (\$30.00) for each brand or grade of pesticide registered. An additional ~~one~~  
21 ~~hundred dollars (\$100.00)~~ two hundred dollars (\$200.00) delinquent registration penalty  
22 shall be assessed against the registrant for each brand or grade of pesticide which is  
23 marketed in North Carolina prior to registration as required by this Article. In the case  
24 of multi-year registration, the annual fee for each year shall be paid at the time of the  
25 initial registration, provided that a pro rata refund of the registration fee shall be made to  
26 the registrant in the event that registration is canceled by the North Carolina Pesticide  
27 Board or by the United States Environmental Protection Agency."

28 Sec. 14. G.S. 106-267.1 reads as rewritten:

29 **"§ 106-267.1. License required; fee; term of license; examination required.**

30 Every person who shall test milk or cream in this State by, or sample milk for, the  
31 Babcock method or otherwise for the purpose of determining the percentage of butterfat  
32 or milk fat contained therein, where such milk or cream is bought and paid for on the  
33 basis of the amount of butterfat contained therein, shall first obtain a license from the  
34 Commissioner of Agriculture. Any person applying for such license or renewal of  
35 license shall make written and signed application on blanks to be furnished by the  
36 Commissioner of Agriculture. The granting of a license shall be conditioned upon the  
37 passing by the applicant of an examination, to be conducted by or under the direction of  
38 the Commissioner of Agriculture. All licenses so issued or renewed shall expire on  
39 December 31 of each year, unless sooner revoked, as provided in G.S. 106-267.3. A  
40 license fee of ~~two dollars (\$2.00)~~ five dollars (\$5.00) for each license so granted or  
41 renewed shall be paid to the Commissioner of Agriculture by the applicant before any  
42 license is granted."

43 Sec. 15. G.S. 106-254 reads as rewritten:

44 **"§ 106-254. Inspection fees; wholesalers; retailers and cheese factories.**

1 For the purpose of defraying the expenses incurred in the enforcement of this  
2 Article, the owner, proprietor or operator of each ice cream factory where ice cream,  
3 milk shakes, milk sherbet, sherbet, water ices, mixes for frozen or semifrozen desserts  
4 and other similar frozen or semifrozen food products are made or stored, or any cheese  
5 factory or butter-processing plant that disposes of its products at wholesale to retail  
6 dealers for resale in this State shall pay to the Commissioner of Agriculture each year an  
7 inspection fee of ~~twenty dollars (\$20.00)~~ forty dollars (\$40.00). Each maker of ice cream,  
8 milk shakes, milk sherbet, sherbet, water ices and/or other similar frozen or semifrozen  
9 food products who disposes of his product at retail only, and cheese factories, shall pay  
10 to the Commissioner of Agriculture an inspection fee of ~~five dollars (\$5.00)~~ ten dollars  
11 (\$10.00) each year. The inspection fee of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) shall  
12 not apply to conventional spindle-type milk-shake mixers, but shall apply to milk-shake  
13 dispensing and vending machines, which operate on a continuous or automatic basis."

14 Sec. 16. G.S. 106-65.31 reads as rewritten:

15 "**§ 106-65.31. Annual certified applicator card and license fee; registration of**  
16 **servicemen, salesmen, solicitors, and estimators; identification cards.**

17 (a) Certified Applicator's Card. – The fee for issuance or renewal of a certified  
18 applicator's identification card for any one phase or more of structural pest control, as  
19 the same is defined in G.S. 106-65.25, shall be thirty dollars (\$30.00). Certified  
20 applicator's identification cards shall expire on June 30 of each year and shall be  
21 renewed annually. All certified applicators who fail or neglect to renew their certified  
22 applicator's identification card issued under the provisions of this Article on or before  
23 June 30 of each year in which they hold a valid certified applicator's identification card  
24 but make application before October 1 of that year shall be renewed without the  
25 applicant having to be reexamined unless under the provisions of this Article the  
26 applicant is scheduled for periodic reexamination (G.S. ~~106-65.27(e)(2)~~ 106-65.27(d)(3)).  
27 All applicants submitting applications for the renewal of their certified applicator's  
28 identification cards after June 30 and before October 1 of that year shall (i) not use or  
29 supervise the use of any restricted use pesticides after June 30 of that year until he has  
30 been issued a valid certified applicator's identification card and (ii) pay, in addition to  
31 the annual certification fee, the sum of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) for each  
32 phase of structural pest control in which he is applying for certification before his  
33 certified applicator's identification card is renewed. Any certified applicator whose  
34 employment is terminated with a licensee or agent prior to the end of said license year  
35 may at any time prior to the end of said license year be reissued a certified applicator's  
36 identification card for the remainder of the license year as an employee of another  
37 licensee or agency or as an individual for a fee of five dollars (\$5.00).

38 Any certified applicator whose identification card is lost or destroyed may secure a  
39 duplicate identification card for a fee of five dollars (\$5.00).

40 The fees for a certified applicator's identification shall not apply to agents or  
41 agencies of the federal, State, or local governments.

42 (b) License. – The fee for the issuance of a license for any phase of structural  
43 pest control, as the same is defined in G.S. 106-65.25, shall be ~~one hundred dollars~~  
44 ~~(\$100.00)~~; one hundred twenty-five dollars (\$125.00); provided, that when or any time

1 after the fee for a license for any one phase is paid, the holder of said license may secure  
2 a license for either or both of the other two phases for an additional fee of fifty dollars  
3 (\$50.00) per license phase. Licenses shall expire on June 30 of each year and shall be  
4 renewed annually. Any licensee who fails or neglects to renew any license issued under  
5 the provisions of this Article on or before August 1 of each year shall pay, in addition to  
6 the annual fee, the sum of ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) for each phase  
7 before his license is renewed.

8 Any licensee whose license is lost or destroyed may secure a duplicate license for a  
9 fee of ~~five dollars (\$5.00)~~ ten dollars (\$10.00).

10 A license holder shall register with the North Carolina Department of Agriculture  
11 within 75 days of employment the names of all certified applicators, estimators,  
12 salesmen, servicemen and solicitors (not common laborers) and shall pay a registration  
13 fee of ~~twenty dollars (\$20.00)~~ twenty-five dollars (\$25.00) for each name registered,  
14 which fee shall accompany the registration. This registration fee shall not apply to a  
15 certified applicator. All registrations expire when a license expires. Each employee of a  
16 licensee for whom registration is made and registration fee paid shall be issued an  
17 identification card which shall be carried on the person of the employee at all times  
18 when performing any phase of structural pest control work. An identification card shall  
19 be renewed annually by payment of a renewal fee of ~~twenty dollars (\$20.00)~~ twenty-five  
20 dollars (\$25.00). An identification card shall be displayed upon demand to the  
21 Commissioner, or his authorized representative, or to the person for whom any phase of  
22 structural pest control work is being performed. When an identification card is lost or  
23 destroyed, the licensee shall secure a duplicate identification card for which he shall pay  
24 a fee of one dollar (\$1.00). This one dollar (\$1.00) fee shall not apply to a certified  
25 applicator's identification card. The licensee shall be responsible for registering and  
26 securing identification cards for all employees who are estimators, salesmen,  
27 servicemen, and solicitors.

28 It shall be unlawful for an estimator, serviceman, salesman or solicitor to engage in  
29 the performance of any work covered by this Article without having first secured and  
30 having in his possession an identification card. It shall be unlawful for a licensee to  
31 direct or procure any salesman, serviceman or estimator to engage in the performance of  
32 any work covered by this Article without having first applied for an identification card  
33 for such employee or agent; provided, however, that the licensee shall have 75 days  
34 after employing a serviceman, salesman or estimator within which to apply for an  
35 identification card.

36 All registrations and applications for licenses and identification cards shall be filed  
37 with the North Carolina Department of Agriculture.

38 No person shall act as an estimator, serviceman, salesman, solicitor, or agent for any  
39 licensee under this Article nor shall any such person be issued an identification card by  
40 the Structural Pest Control Committee who has within three years of the date of  
41 application for an identification card been convicted of, plead guilty or nolo contendere,  
42 or forfeited bond in any court, State or federal, to a crime involving moral turpitude or  
43 to any violation of the North Carolina Structural Pest Control Act or to any regulation

1 promulgated by the Structural Pest Control Committee. This provision shall not apply  
2 to any person whose citizenship has been restored as provided by law.

3 No person or business shall advertise as a contractor for structural pest control  
4 services nor actually contract for such services unless that person or business advertises  
5 or contracts in the name of the company shown on the license certificate of the licensee  
6 or identification card of the certified applicator who will perform the services.

7 (c) Notwithstanding any other provision of this law, the Committee may  
8 adopt rules to provide for the issuance of licenses, certified applicator's cards, and  
9 operator's identification cards with staggered expiration dates and may prorate renewal  
10 fees on a monthly basis to implement such rules."

11 Sec. 17. G.S. 19A-27 reads as rewritten:

12 **"§ 19A-27. License required for operation of pet shop.**

13 No person shall operate a pet shop unless a license to operate such establishment  
14 shall have been granted by the Director. Application for such license shall be made in  
15 the manner provided by the Director. The license shall be for the fiscal year and the  
16 license fee shall be ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00) for each license  
17 period or part thereof beginning with the first day of the fiscal year."

18 Sec. 18. G.S. 19A-28 reads as rewritten:

19 **"§ 19A-28. License required for public auction or boarding kennel.**

20 No person shall operate a public auction or a boarding kennel unless a license to  
21 operate such establishment shall have been granted by the Director. Application for  
22 such license shall be made in the manner provided by the Director. The license period  
23 shall be the fiscal year and the license fee shall be ~~twenty-five dollars (\$25.00)~~ fifty  
24 dollars (\$50.00) for each license period or part thereof beginning with the first day of  
25 the fiscal year."

26 Sec. 19. G.S. 19A-29 reads as rewritten:

27 **"§ 19A-29. License required for dealer.**

28 No person shall be a dealer unless a license to deal shall have been granted by the  
29 Director to such person. Application for such license shall be in the manner provided by  
30 the Director. The license period shall be the fiscal year and the license fee shall be  
31 ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00) for each license period or part thereof,  
32 beginning with the first day of the fiscal year."

33 Sec. 20. G.S. 81A-52 reads as rewritten:

34 **"§ 81A-52. License.**

35 All public weighmasters shall be licensed. Any person not less than 18 years of age  
36 who wishes to be a public weighmaster shall apply to the Department on a form  
37 provided by the Department. The Board may adopt rules for determining the  
38 qualifications of the applicant for a license. Public weighmasters shall be licensed for a  
39 period of one year beginning the first day of July and ending on the thirtieth day of  
40 June, and a fee of ~~ten dollars (\$10.00)~~ twelve dollars (\$12.00) shall be paid for each  
41 person licensed at the time of the filing of the application."

42 Sec. 21. G.S. 81A-54 reads as rewritten:

43 **"§ 81A-54. Official seal of the public weighmaster.**

1 It shall be the duty of every public weighmaster to obtain from the Department an  
 2 official seal for the sum of ~~five dollars (\$5.00)~~, six dollars (\$6.00), inscribed with the  
 3 following words: 'North Carolina Public Weighmaster' and any other design or legend  
 4 the Commissioner considers necessary. The seal shall be stamped or impressed on every  
 5 certificate issued pursuant to this Article. The weighers of tobacco in leaf tobacco  
 6 warehouses may use, instead of the seal, their signatures in ink or other indelible  
 7 substance posted in a conspicuous and accessible place in the warehouse. All seals  
 8 remain the property of the State and shall be returned to the Commissioner upon  
 9 termination of duties as a public weighmaster."

10 Sec. 21.1. G.S. 95-105 reads as rewritten:

11 **"§ 95-105. Elevator, escalator, dumbwaiter, and special equipment inspection fees.**

12 The Department of Labor shall assess and collect the following inspection service  
 13 fees for the installation and alteration of elevators, escalators, dumbwaiters that are not  
 14 installed or altered in restaurants, and special equipment based on the cost of installation  
 15 or alteration:

Cost of Installation or Alteration	Unit	Fee
\$0 - \$ 10,000		<del>\$80</del> <u>100</u>
10,000- 30,000		<del>120</del> <u>150</u>
30,000- 50,000		<del>170</del> <u>200</u>
50,000- 80,000		<del>215</del> <u>250</u>
80,000- 100,000		<del>235</del> <u>300</u>
Over 100,000		<del>285</del> <u>350</u>

24 An additional fee of ~~seventy-five dollars (\$75.00)~~ one hundred dollars (\$100.00) shall be  
 25 assessed for each follow-up inspection of a new installation required subsequent to the  
 26 original inspection.

27 The Department of Labor shall assess and collect a fee of ten dollars (\$10.00) for the  
 28 periodic inspection of special equipment and shall assess and collect the following fees  
 29 for the periodic inspection of elevators, escalators, and dumbwaiters:

Number of Building Floors	Unit	Fee
1-5 Floors	<del>\$13</del>	<u>\$20</u>
6-10 Floors	<del>20</del>	<u>30</u>
11-15 Floors	<del>35</del>	<u>40</u>
<del>16 Floors and over</del> <u>16-20 Floors</u>	<del>45</del>	<u>50</u>
<u>21 Floors and over</u>	<del>60.</del>	<u>"</u>

36 Sec. 21.2. G.S. 95-106 reads as rewritten:

37 **"§ 95-106. Amusement, aerial tramway, and inclined railroad inspection fees.**

38 The Department of Labor shall assess and collect the following inspection service  
 39 fees for annual inspections for each location within the State of amusement devices,  
 40 aerial passenger tramways, and inclined railroads:

Type Inspection	Unit	Fee
Amusement Devices		<del>\$12</del> <u>15</u>
Gondolas, Chairlifts, and Inclined Railroads		137

1 J- or T-Bar 62

2 Rope Tows 31."

3 Sec. 22. Rules amended to comply with this act may be filed as temporary  
4 rules pursuant to G.S. 150B-13, and shall become permanent without any further rule-  
5 making procedures.

6 Sec. 23. This act shall become effective July 1, 1989, except that rules may  
7 be adopted and filed to implement it at any time after ratification.