

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

H

3

HOUSE BILL 1670  
Committee Substitute Favorable 7/18/02  
Third Edition Engrossed 7/24/02

Short Title: 2002 Fee Bill.

(Public)

Sponsors:

Referred to:

June 13, 2002

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH, SET, OR MODIFY VARIOUS FEES.

The General Assembly of North Carolina enacts:

**PART I. JUSTICE AND PUBLIC SAFETY FEES**

**SECTION 1.1.(a)** G.S. 15A-1371(i) reads as rewritten:

"(i) A fee of ~~one hundred dollars (\$100.00)~~ two hundred dollars (\$200.00) shall be paid by all persons who participate in the Community Service Parole Program. That fee must be paid to the clerk of court in the county in which the parolee is released. The fee must be paid in full within two weeks unless the Post-Release Supervision and Parole Commission, upon a showing of hardship by the person, allows ~~him~~ the person additional time to pay the fee. The parolee may not be required to pay the fee before ~~he~~ the person begins the community service unless the Post-Release Supervision and Parole Commission specifically orders that ~~he~~ the person do so. Fees collected under this subsection shall be deposited in the General Fund. The fee imposed under this ~~section~~ subsection may be paid as prescribed by the supervising parole officer."

**SECTION 1.1.(b)** G.S. 20-179.4(c) reads as rewritten:

"(c) A fee of ~~one hundred dollars (\$100.00)~~ two hundred dollars (\$200.00) shall be paid by all persons serving a community service sentence. That fee shall be paid to the clerk of court in the county in which the person is convicted. The fee shall be paid in full within two weeks unless the court, upon a showing of hardship by the person, allows additional time to pay the fee. The person may not be required to pay the fee before beginning the community service unless the court specifically orders the person to do so."

**SECTION 1.1.(c)** G.S. 143B-262.4(b) reads as rewritten:

"(b) Unless a fee is assessed pursuant to G.S. 20-179.4 or G.S. 15A-1371(i), a fee of ~~one hundred dollars (\$100.00)~~ two hundred dollars (\$200.00) shall be paid by all

1 persons who participate in the program or receive services from the program staff. Fees  
2 collected pursuant to this subsection shall be deposited in the General Fund. If the  
3 person is convicted in a court in this State, the fee shall be paid to the clerk of court in  
4 the county in which ~~he~~ the person is convicted. If the person is participating in the  
5 program as a result of a deferred prosecution or similar program, the fee shall be paid to  
6 the clerk of court in the county in which the agreement is filed. Persons participating in  
7 the program for any other reason shall pay the fee to the clerk of court in the county in  
8 which the services are provided by the program staff. The fee shall be paid in full within  
9 two weeks from the date the person is ordered to perform the community service, and  
10 before ~~he begins his~~ the person may participate in the community service, service  
11 program, except that:

- 12 (1) A person convicted in a court in this State may be given an extension  
13 of time or allowed to begin the community service before ~~he~~ the  
14 person pays the fee by the court in which ~~he~~ the person is convicted; or
- 15 (2) A person performing community service pursuant to a deferred  
16 prosecution or similar agreement may be given an extension of time or  
17 allowed to begin ~~his~~ community service before the fee is paid by the  
18 official or agency representing the State in the agreement.

19 ~~Fees collected pursuant to this subsection shall be deposited in the General Fund."~~

20 **SECTION 1.1.(d)** This section becomes effective October 1, 2002, and  
21 applies to fees assessed or collected on or after that date.

22 **SECTION 1.2.(a)** G.S. 15A-1343(c1) reads as rewritten:

23 "(c1) Supervision Fee. – Any person placed on supervised probation pursuant to  
24 subsection (a) shall pay a supervision fee of ~~twenty dollars (\$20.00)~~ thirty dollars  
25 (\$30.00) per month, unless exempted by the court. The court may exempt a person from  
26 paying the fee only for good cause and upon written motion of the person placed on  
27 supervised probation. No person shall be required to pay more than one supervision fee  
28 per month. The court may require that the fee be paid in advance or in a lump sum or  
29 sums, and a probation officer may require payment by such methods if he is authorized  
30 by subsection (g) to determine the payment schedule. Supervision fees must be paid to  
31 the clerk of court for the county in which the judgment was entered or the deferred  
32 prosecution agreement was filed. Fees collected under this subsection shall be  
33 transmitted to the State for deposit into the State's General Fund."

34 **SECTION 1.2.(b)** G.S. 15A-1368.4(f) reads as rewritten:

35 "(f) Required Supervision Fee. – The Commission shall require as a condition of  
36 post-release supervision that the supervisee pay a supervision fee of ~~twenty dollars~~  
37 ~~(\$20.00)~~ thirty dollars (\$30.00) per month. The Commission may exempt a supervisee  
38 from this condition only if it finds that requiring payment of the fee is an undue  
39 economic burden. The fee shall be paid to the clerk of superior court of the county in  
40 which the supervisee was convicted. The clerk shall transmit any money collected  
41 pursuant to this subsection to the State to be deposited in the State's General Fund. In no  
42 event shall a supervisee be required to pay more than one supervision fee per month."

43 **SECTION 1.2.(c)** G.S. 15A-1374(c) reads as rewritten:

1       "(c) Supervision Fee. – The Commission must require as a condition of parole that  
2 the parolee pay a supervision fee of ~~twenty dollars (\$20.00)~~ thirty dollars (\$30.00) per  
3 month. The Commission may exempt a parolee from this condition of parole only if it  
4 finds that requiring him to pay the fee will constitute an undue economic burden. The  
5 fee must be paid to the clerk of superior court of the county in which the parolee was  
6 convicted. The clerk must transmit any money collected pursuant to this subsection to  
7 the State to be deposited in the general fund of the State. In no event shall a person  
8 released on parole be required to pay more than one supervision fee per month."

9       **SECTION 1.2.(d)** This section becomes effective October 1, 2002, and  
10 applies to supervision fees assessed or collected on or after that date.

11       **SECTION 1.3.** Reserved.

12       **SECTION 1.4.** Reserved.

13       **SECTION 1.5.(a)** G.S. 7A-304(a)(4) reads as rewritten:

14       "(a) In every criminal case in the superior or district court, wherein the defendant  
15 is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed  
16 against the prosecuting witness, the following costs shall be assessed and collected,  
17 except that when the judgment imposes an active prison sentence, costs shall be  
18 assessed and collected only when the judgment specifically so provides, and that no  
19 costs may be assessed when a case is dismissed.

20       ...

21       (4) For support of the General Court of Justice, the sum of ~~sixty-five~~  
22 ~~dollars (\$65.00)~~ seventy-five dollars (\$75.00) in the district court,  
23 including cases before a magistrate, and the sum of ~~seventy-two~~  
24 ~~dollars (\$72.00)~~ eighty-two dollars (\$82.00) in the superior court, to be  
25 remitted to the State Treasurer. For a person convicted of a felony in  
26 superior court who has made a first appearance in district court, both  
27 the district court and superior court fees shall be assessed. The State  
28 Treasurer shall remit the sum of one dollar and five cents (\$1.05) of  
29 each fee collected under this subdivision to the North Carolina State  
30 Bar for the provision of services described in G.S. 7A-474.4.

31       ...."

32       **SECTION 1.5.(b)** G.S. 7A-305(a)(2) reads as rewritten:

33       "(2) For support of the General Court of Justice, the sum of ~~fifty-nine~~  
34 ~~dollars (\$59.00)~~ sixty-nine dollars (\$69.00) in the superior court, and  
35 the sum of ~~forty-four dollars (\$44.00)~~ fifty-four dollars (\$54.00) in the  
36 district court except that if the case is assigned to a magistrate the sum  
37 shall be ~~thirty-three dollars (\$33.00)~~ forty-three dollars (\$43.00).  
38 Sums collected under this subdivision shall be remitted to the State  
39 Treasurer. The State Treasurer shall remit the sum of one dollar and  
40 five cents (\$1.05) of each fee collected under this subdivision to the  
41 North Carolina State Bar for the provision of services described in  
42 G.S. 7A-474.4."

43       **SECTION 1.5.(c)** This section becomes effective September 1, 2002, and  
44 applies to offenses committed and civil cases filed on or after that date.

1           **SECTION 1.6.(a)** G.S. 15A-145(c) reads as rewritten:

2           "(c) The court shall also order that the said misdemeanor conviction be expunged  
3 from the records of the court, and direct all law-enforcement agencies bearing record of  
4 the same to expunge their records of the conviction. The clerk shall forward a certified  
5 copy of the order to the sheriff, chief of police, or other arresting agency. The sheriff,  
6 chief or head of such other arresting agency shall then transmit the copy of the order  
7 with a form supplied by the State Bureau of Investigation to the State Bureau of  
8 Investigation, and the State Bureau of Investigation shall forward the order to the  
9 Federal Bureau of Investigation. ~~The cost of expunging such records shall be taxed~~  
10 ~~against the petitioner."~~

11           **SECTION 1.6.(b)** G.S. 15A-145 is amended by adding a new subsection to  
12 read:

13           "(e) A person who files a petition for expunction of a criminal record under this  
14 section must pay the clerk of superior court a fee of sixty-five dollars (\$65.00) at the  
15 time the petition is filed. Fees collected under this subsection shall be deposited in the  
16 General Fund. This subsection does not apply to petitions filed by an indigent."

17           **SECTION 1.6.(c)** G.S. 15A-146(b) reads as rewritten:

18           "(b) The court may also order that the said entries shall be expunged from the  
19 records of the court, and direct all law-enforcement agencies bearing record of the same  
20 to expunge their records of the entries. The clerk shall forward a certified copy of the  
21 order to the sheriff, chief of police, or other arresting agency. The sheriff, chief or head  
22 of such other arresting agency shall then transmit the copy of the order with the form  
23 supplied by the State Bureau of Investigation to the State Bureau of Investigation, and  
24 the State Bureau of Investigation shall forward the order to the Federal Bureau of  
25 Investigation. ~~The costs of expunging such records shall be taxed against the petitioner.~~  
26 The costs of expunging these records shall not be taxed against the petitioner."

27           **SECTION 1.6.(e)** G.S. 90-96 is amended by adding a new subsection to  
28 read:

29           "(f) A person who files a petition for expunction of a criminal record under this  
30 section must pay the clerk of superior court a fee of sixty-five dollars (\$65.00) at the  
31 time the petition is filed. Fees collected under this subsection shall be deposited in the  
32 General Fund. This subsection does not apply to petitions filed by an indigent."

33           **SECTION 1.6.(f)** This section becomes effective October 1, 2002, and  
34 applies to petitions filed on or after that date.

35           **SECTION 1.7.** Reserved.

36           **SECTION 1.8.(a)** G.S. 50B-2 reads as rewritten:

37           "**§ 50B-2. Institution of civil action; motion for emergency relief; temporary**  
38 **orders.**

39           (a) Any person residing in this State may seek relief under this Chapter by filing  
40 a civil action or by filing a motion in any existing action filed under Chapter 50 of the  
41 General Statutes alleging acts of domestic violence against himself or herself or a minor  
42 child who resides with or is in the custody of such person. Any aggrieved party entitled  
43 to relief under this Chapter may file a civil action and proceed pro se, without the  
44 assistance of legal counsel. The district court division of the General Court of Justice

1 shall have original jurisdiction over actions instituted under this Chapter. No court costs  
2 shall be assessed for the filing, issuance, registration, or service of a protective order or  
3 petition for a protective order or witness subpoena in compliance with the Violence  
4 Against Women Act, 42 U.S.C. § 3796gg-5.

5 (b) Emergency Relief. – A party may move the court for emergency relief if he  
6 or she believes there is a danger of serious and immediate injury to himself or herself or  
7 a minor child. A hearing on a motion for emergency relief, where no ex parte order is  
8 entered, shall be held after five days' notice of the hearing to the other party or after five  
9 days from the date of service of process on the other party, whichever occurs first,  
10 provided, however, that no hearing shall be required if the service of process is not  
11 completed on the other party. If the party is proceeding pro se and does not request an  
12 ex parte hearing, the clerk shall set a date for hearing and issue a notice of hearing  
13 within the time periods provided in this subsection, and shall effect service of the  
14 summons, complaint, notice, and other papers through the appropriate law enforcement  
15 agency where the defendant is to be served, ~~upon payment of the required service~~  
16 ~~fees.~~served.

17 (c) Ex Parte Orders. – Prior to the hearing, if it clearly appears to the court from  
18 specific facts shown, that there is a danger of acts of domestic violence against the  
19 aggrieved party or a minor child, the court may enter such orders as it deems necessary  
20 to protect the aggrieved party or minor children from such acts provided, however, that  
21 a temporary order for custody ex parte and prior to service of process and notice shall  
22 not be entered unless the court finds that the child is exposed to a substantial risk of  
23 bodily injury or sexual abuse. Upon the issuance of an ex parte order under this  
24 subsection, a hearing shall be held within 10 days from the date of issuance of the order  
25 or within seven days from the date of service of process on the other party, whichever  
26 occurs later. If an aggrieved party acting pro se requests ex parte relief, the clerk of  
27 superior court shall schedule an ex parte hearing with the district court division of the  
28 General Court of Justice within 72 hours of the filing for said relief, or by the end of the  
29 next day on which the district court is in session in the county in which the action was  
30 filed, whichever shall first occur. If the district court is not in session in said county, the  
31 aggrieved party may contact the clerk of superior court in any other county within the  
32 same judicial district who shall schedule an ex parte hearing with the district court  
33 division of the General Court of Justice by the end of the next day on which said court  
34 division is in session in that county. Upon the issuance of an ex parte order under this  
35 subsection, if the party is proceeding pro se, the Clerk shall set a date for hearing and  
36 issue a notice of hearing within the time periods provided in this subsection, and shall  
37 effect service of the summons, complaint, notice, order and other papers through the  
38 appropriate law enforcement agency where the defendant is to be served, ~~upon payment~~  
39 ~~of the required service fees.~~served.

40 (c1) Ex Parte Orders by Authorized Magistrate. – The chief district court judge  
41 may authorize a magistrate or magistrates to hear any motions for emergency relief ex  
42 parte. Prior to the hearing, if the magistrate determines that at the time the party is  
43 seeking emergency relief ex parte the district court is not in session and a district court  
44 judge is not and will not be available to hear the motion for a period of four or more

1 hours, the motion may be heard by the magistrate. If it clearly appears to the magistrate  
2 from specific facts shown that there is a danger of acts of domestic violence against the  
3 aggrieved party or a minor child, the magistrate may enter such orders as it deems  
4 necessary to protect the aggrieved party or minor children from such acts, except that a  
5 temporary order for custody ex parte and prior to service of process and notice shall not  
6 be entered unless the magistrate finds that the child is exposed to a substantial risk of  
7 bodily injury or sexual abuse. An ex parte order entered under this subsection shall  
8 expire and the magistrate shall schedule an ex parte hearing before a district court judge  
9 by the end of the next day on which the district court is in session in the county in which  
10 the action was filed. Ex parte orders entered by the district court judge pursuant to this  
11 subsection shall be entered and scheduled in accordance with subsection (c) of this  
12 section.

13 (c2) The authority granted to authorized magistrates to award temporary child  
14 custody to pursuant subsection (c1) of this section and pursuant to G.S. 50B-3(a)(4) is  
15 granted subject to custody rules to be established by the supervising chief district judge  
16 of each judicial district.

17 (d) Pro Se Forms. – The clerk of superior court of each county shall provide to  
18 pro se complainants all forms which are necessary or appropriate to enable them to  
19 proceed pro se pursuant to this section. The Clerk shall provide a supply of pro se forms  
20 to authorized magistrates who shall make the forms available to complainants seeking  
21 relief under subsection (c1) of this section."

22 **SECTION 1.8.(b)** G.S. 50B-3(a) reads as rewritten:

23 "(a) The court, including magistrates as authorized under G.S. 50B-2(c1), may  
24 grant any protective order or approve any consent agreement to bring about a cessation  
25 of acts of domestic violence. The orders or agreements may:

26 ...

27 (10) Award ~~costs and~~ attorney's fees to either party;

28 ..."

29 **SECTION 1.8.(c)** G.S. 50B-4 reads as rewritten:

30 "(a) A party may file a motion for contempt for violation of any order entered  
31 pursuant to this Chapter. This party may file and proceed with that motion pro se, using  
32 forms provided by the clerk of superior court or a magistrate authorized under G.S.  
33 50B-2(c1). Upon the filing pro se of a motion for contempt under this subsection, the  
34 clerk, or the authorized magistrate, if the facts show clearly that there is danger of acts  
35 of domestic violence against the aggrieved party or a minor child and the motion is  
36 made at a time when the clerk is not available, shall schedule and issue notice of a show  
37 cause hearing with the district court division of the General Court of Justice at the  
38 earliest possible date pursuant to G.S. 5A-23. The Clerk, or the magistrate in the case of  
39 notice issued by the magistrate pursuant to this subsection, shall effect service of the  
40 motion, notice, and other papers through the appropriate law enforcement agency where  
41 the defendant is to be served, ~~upon payment of the required service fees.~~served."

42 **SECTION 1.8.(d)** G.S. 1-110(a)(6) is repealed.

43 **SECTION 1.8.(e)** G.S. 7A-305(a) reads as rewritten:

1       "(a) In every civil action in the superior or district ~~court~~ court, except for actions  
2 brought under Chapter 50B of the General Statutes, the following costs shall be  
3 assessed:

- 4           (1) For the use of the courtroom and related judicial facilities, the sum of  
5 twelve dollars (\$12.00) in cases heard before a magistrate, and the sum  
6 of sixteen dollars (\$16.00) in district and superior court, to be remitted  
7 to the county in which the judgment is rendered, except that in all  
8 cases in which the judgment is rendered in facilities provided by a  
9 municipality, the facilities fee shall be paid to the municipality. Funds  
10 derived from the facilities fees shall be used in the same manner, for  
11 the same purposes, and subject to the same restrictions, as facilities  
12 fees assessed in criminal actions.
- 13           (2) For support of the General Court of Justice, the sum of fifty-nine  
14 dollars (\$59.00) in the superior court, and the sum of forty-four dollars  
15 (\$44.00) in the district court except that if the case is assigned to a  
16 magistrate the sum shall be thirty-three dollars (\$33.00). Sums  
17 collected under this subdivision shall be remitted to the State  
18 Treasurer. The State Treasurer shall remit the sum of one dollar and  
19 five cents (\$1.05) of each fee collected under this subdivision to the  
20 North Carolina State Bar for the provision of services described in  
21 G.S. 7A-474.4."

22       **SECTION 1.8.(f)** G.S. 7A-311(a) reads as rewritten:

23       "(a) In a civil action or special proceeding, except for actions brought under  
24 Chapter 50B of the General Statutes, the following fees and commissions shall be  
25 assessed, collected, and remitted to the county:

- 26           (1) a. For each item of civil process served, including summons,  
27 subpoenas, notices, motions, orders, writs and pleadings, the  
28 sum of five dollars (\$5.00). When two or more items of civil  
29 process are served simultaneously on one party, only one five  
30 dollar (\$5.00) fee shall be charged.
- 31           b. When an item of civil process is served on two or more persons  
32 or organizations, a separate service charge shall be made for  
33 each person or organization. If the process is served, or  
34 attempted to be served, by a city policeman, the fee shall be  
35 remitted to the city rather than the county. If the process is  
36 served, or attempted to be served by the sheriff, the fee shall be  
37 remitted to the county. This subsection shall not apply to  
38 service of summons to jurors."

39       **SECTION 1.8.(g)** G.S. 7A-311(b) reads as rewritten:

40       "(b) All fees that are required to be assessed, collected, and remitted under  
41 subsection (a) of this section shall be collected in advance (except in suits in forma  
42 pauperis) except those contingent on expenses or sales prices. When the fee is not  
43 collected in advance or at the time of assessment, a lien shall exist in favor of the county  
44 on all property of the party owing the fee. If the fee remains unpaid it shall be entered as

1 a judgment against the debtor and shall be docketed in the judgment docket in the office  
2 of the clerk of superior court."

3 **SECTION 1.8.(h)** This section becomes effective October 1, 2002.

4 **SECTION 1.9.(a)** G.S. 7A-308(c) reads as rewritten:

5 "(c) A person who participates in a program for the collection of worthless checks  
6 under G.S. 14-107.2 must pay a fee of ~~fifty dollars (\$50.00)~~ sixty dollars (\$60.00). The  
7 fee collected under this subsection must be remitted to the State by the clerk of the court  
8 in the county in which the program is established and credited to the Collection of  
9 Worthless Checks Fund. The Collection of Worthless Checks Fund is created as a  
10 special revenue fund. Revenue in the Fund does not revert at the end of the fiscal year,  
11 and interest and other investment income earned by the Fund accrues to the Fund. The  
12 money in the Fund is subject to appropriation by the General Assembly and may be  
13 used solely for the expenses of the programs established under G.S. 14-107.2 for the  
14 collection of ~~worthless checks~~ checks, including personnel, equipment, and other costs  
15 of district attorneys' offices that are attributable to the provision of these programs."

16 **SECTION 1.9.(b)** This section becomes effective October 1, 2002.

17 **SECTION 1.10.(a)** G.S. 7A-304(a) is amended by adding a new subdivision  
18 to read:

19 "(a) In every criminal case in the superior or district court, wherein the defendant  
20 is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed  
21 against the prosecuting witness, the following costs shall be assessed and collected,  
22 except that when the judgment imposes an active prison sentence, costs shall be  
23 assessed and collected only when the judgment specifically so provides, and that no  
24 costs may be assessed when a case is dismissed.

25 ...

26 (7) For the services of the State Bureau of Investigation laboratory  
27 facilities, the district or superior court judge shall, upon conviction,  
28 order payment of the sum of three hundred dollars (\$300.00) to be  
29 remitted to the Department of Justice for support of the State Bureau  
30 of Investigation. This cost shall be assessed only in cases in which, as  
31 part of the investigation leading to the defendant's conviction, the  
32 laboratories have performed DNA analysis of the crime, tests of bodily  
33 fluids of the defendant for the presence of alcohol or controlled  
34 substances, or analysis of any controlled substance possessed by the  
35 defendant or the defendant's agent. The court may waive or reduce the  
36 amount of the payment required by this subdivision upon a finding of  
37 just cause to grant such a waiver or reduction."

38 **SECTION 1.10.(b)** G.S. 90-95.3(b) is repealed.

39 **SECTION 1.10.(c)** Subsection (a) of this section becomes effective October  
40 1, 2002, and applies to court costs assessed or paid on or after that date. Subsection (b)  
41 of this section becomes effective October 1, 2002, but the provisions of G.S. 90-95.3(b)  
42 continue to apply to any defendant who was ordered to make restitution under the  
43 provisions of that subsection prior to October 1, 2002.

44 **SECTION 1.11.(a)** G.S. 114-10.1(c) reads as rewritten:



1       "(c) The Attorney General, after consultation with participating agencies, shall  
2 adopt rules and regulations governing the organization and administration of the Police  
3 Information Network, including rules and regulations governing the types of  
4 information relating to the administration of criminal justice to be entered into the  
5 system, ~~and who shall have access to such information~~ that information, and fees for  
6 access to that information. The rules and regulations governing access to the Police  
7 Information Network shall not prohibit an attorney who has entered a criminal  
8 proceeding in accordance with G.S. 15A-141 from obtaining information relevant to  
9 that criminal proceeding. The rules and regulations governing access to the Police  
10 Information Network shall not prohibit an attorney who represents a person in  
11 adjudicatory or dispositional proceedings for an infraction from obtaining the person's  
12 driving record or criminal history."

13       **SECTION 1.11.(b)** The Division of Criminal Information shall charge the  
14 following monthly fees for the Police Information Network for the 2002-2003 fiscal  
15 year:

16           (1) Circuit fee: \$67.00.

17           (2) Terminal fee: \$6.00.

18       **SECTION 1.11.(c)** This section becomes effective January 1, 2003.

19       **SECTION 1.12.(a)** Article 36 of Chapter 7A of the General Statutes is  
20 amended by adding a new section to read:

21       "**§ 7A-455.1. Appointment fee in criminal cases.**

22           (a) Each person who requests the appointment of counsel in a criminal case shall  
23 pay to the clerk of court a nonrefundable appointment fee of fifty dollars (\$50.00) at the  
24 time of appointment. Partial payments shall be credited against the amount of the  
25 fifty-dollar (\$50.00) fee due. No fee shall be due if the court finds that the person is not  
26 entitled to the appointment of counsel.

27           (b) The appointment fee in this section is due regardless of the outcome of the  
28 proceedings. If paid before the final determination of the action at the trial level, the  
29 amount of the fee paid shall be credited against any amounts the court determines to be  
30 owed for the value of legal services rendered to the defendant. If not paid before the  
31 final determination of the action at the trial level, the unpaid amount of the fee shall be  
32 added to any amounts the court determines to be owed for the value of legal services  
33 rendered to the defendant and shall be collected in the same manner as attorney's fees  
34 are collected for such representation. If no attorney's fees are found due when the action  
35 is finally determined at the trial level, a judgment shall be entered, docketed, and  
36 indexed pursuant to G.S. 1-233 in the amount of the unpaid fee and shall constitute a  
37 lien as prescribed by the general law of the State applicable to judgments.

38           (c) The attorney representing the defendant when the action is finally determined  
39 at the trial level shall advise the court whether the appointment fee required by this  
40 section has been paid.

41           (d) Inability, failure, or refusal to pay the appointment fee shall not be grounds  
42 for denying appointment of counsel, for withdrawal of counsel, or for contempt.

43           (e) The appointment fee required by this section shall be assessed only once for  
44 each affidavit of indigency submitted by a defendant or other determination of

1 indigency by the court, regardless of the number of cases for which an attorney is  
2 appointed. An additional appointment fee shall not be assessed for any additional cases  
3 thereafter assigned to an attorney if any cases for which a defendant was previously  
4 assessed an appointment fee are still pending. Nor shall an additional appointment fee  
5 be assessed if the charges for which an attorney was appointed are dismissed and  
6 subsequently refiled or if the defendant is appointed an attorney on appeal on a matter  
7 for which the defendant was assessed an appointment fee at the trial level.

8 (f) Of each appointment fee collected under this section, the sum of forty-five  
9 dollars (\$45.00) shall be credited to the Indigent Persons' Attorney Fee Fund and the  
10 sum of five dollars (\$5.00) shall be credited to the Court Information Technology Fund  
11 under G.S. 7A-343.2. These fees shall not revert.

12 (g) The Office of Indigent Defense Services shall adopt rules and develop forms  
13 to govern implementation of this section."

14 **SECTION 1.12.(b)** G.S. 7A-304(d)(1) reads as rewritten:

- 15 "(d) (1) In any criminal case in which the liability for costs, fines, restitution,  
16 or any other lawful charge has been finally determined, the clerk of  
17 superior court shall, unless otherwise ordered by the presiding judge,  
18 disburse such funds when paid in accordance with the following  
19 priorities:  
20 a. Sums in restitution to the victim entitled thereto;  
21 b. Costs due the county;  
22 c. Costs due the city;  
23 d. Fines to the county school fund;  
24 e. Sums in restitution prorated among the persons other than the  
25 victim entitled thereto;  
26 f. Costs due the State;  
27 g. Attorney's fees- fees, including appointment fees assessed  
28 pursuant to G.S. 7A-455.1."

29 **SECTION 1.12.(c)** This section becomes effective October 1, 2002.

30 **SECTION 1.13.(a)** The Department of Justice shall charge a fee of ten  
31 dollars (\$10.00) per night to those persons who lodge in the dormitories at the North  
32 Carolina Justice Academy. This fee shall apply to both the Salemburg and the  
33 Edneyville locations of the Academy.

34 **SECTION 1.13.(b)** This section becomes effective October 1, 2002.

35 **SECTION 1.14.(a)** G.S. 7A-309 reads as rewritten:

36 "**§ 7A-309. Magistrate's special fees.**

37 The following special fees shall be collected by the magistrate and remitted to the  
38 clerk of superior court for the use of the State in support of the General Court of Justice:

- 39 (1) Performing marriage ceremony..... ~~\$10.00~~\$20.00  
40 (2) Hearing petition for year's allowance to surviving spouse or  
41 child, issuing notices to commissioners, allotting the same,  
42 and making return.....~~4.00~~8.00  
43 (3) Taking a deposition ..... ~~5.00~~10.00  
44 (4) Proof of execution or acknowledgment of any instrument ..... ~~1.00~~2.00

(5) Performing any other statutory function not incident to a civil or criminal action .....1.002.00"

SECTION 1.14.(b) This section becomes effective October 1, 2002.

**PART II. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FEES**

SECTION 2.1. G.S. 130A-294.1(e) reads as rewritten:

"(e) A person who generates either one kilogram or more of any acute hazardous waste as listed in 40 C.F.R. § 261.30(d) or § 261.33(e) as revised 1 July 1987, or 1000 kilograms or more of hazardous waste, in any calendar month during the year beginning 1 July and ending 30 June shall pay an annual fee of ~~five hundred dollars (\$500.00)~~ seven hundred fifty dollars (\$750.00)."

SECTION 2.2. G.S. 130A-294.1(f) reads as rewritten:

"(f) A person who generates 100 kilograms or more of hazardous waste in any calendar month during the year beginning 1 July and ending 30 June but less than 1000 kilograms of hazardous waste in each calendar month during that year shall pay an annual fee of ~~twenty five dollars (\$25.00)~~ thirty-seven dollars and fifty cents (\$37.50)."

SECTION 2.3.(a) G.S. 130A-248(d) reads as rewritten:

"(d) The Department shall charge each establishment subject to this section, except nutrition programs for the elderly administered by the Division of Aging of the Department of Health and Human Services, establishments that prepare and sell meat food products or poultry products, and public school cafeterias, an annual fee of ~~twenty five dollars (\$25.00)~~ fifty dollars (\$50.00). The Department shall charge an additional twenty-five dollar (\$25.00) late payment fee to any establishment that fails to pay the required fee within 45 days after billing by the Department. The Department may, in accordance with G.S. 130A-23, suspend the permit of an establishment that fails to pay the required fee within 60 days after billing by the Department. The Department shall charge a reinstatement fee of one hundred fifty dollars (\$150.00) to any establishment that requests reinstatement of its permit after the permit has been suspended. The Commission shall adopt rules to implement this subsection. Fees collected under this subsection shall be used for State and local food, lodging, and institution sanitation programs and activities. No more than thirty-three and one-third percent (33-1/3%) of the fees collected under this subsection may be used to support State health programs and activities."

SECTION 2.3.(b) The Legislative Research Commission may study the current program within the Department of Environment and Natural Resources regarding the regulation of food and lodging facilities to determine whether the annual fee paid by establishments under G.S. 130A-248(d), as amended by subsection (a) of this section, is sufficient for the State and local food, lodging, and institution sanitation programs and activities. The Legislative Research Commission shall report no later than the convening of the 2004 Regular Session of the 2003 General Assembly. This report shall include a recommendation as to whether the annual fee paid by establishments should remain at fifty dollars (\$50.00) or should be changed, and if so, to

1 what amount it should be changed in order to improve the State and local food, lodging,  
2 and institution sanitation programs and activities. This report shall include any  
3 legislative proposals needed to accomplish the Commission's recommendations.

4 **SECTION 2.4.** G.S. 130A-248 is amended by adding two new subsections  
5 to read:

6 "(e) In addition to the fees under subsection (d) of this section, the Department  
7 may charge a fee of two hundred dollars (\$200.00) for plan review by the Department of  
8 plans for prototype franchised or chain facilities for food establishments subject to this  
9 section. All of the fees collected under this subsection may be used to support the State  
10 food, lodging, and institution sanitation programs and activities under this Part.

11 (f) Any local health department may charge a fee not to exceed two hundred  
12 dollars (\$200.00) for plan review by that local health department of plans for food  
13 establishments subject to this section that are not subject to subsection (e) of this  
14 section. All of the fees collected under this subsection may be used for local food,  
15 lodging, and institution sanitation programs and activities. No food establishment that  
16 pays a fee under subsection (e) of this section is liable for a fee under this subsection."

17 **SECTION 2.5.** The Department of Environment and Natural Resources shall  
18 adopt temporary rules to increase the entry fee for use of State recreation areas at Jordan  
19 Lake and at Falls Lake from four dollars (\$4.00) per vehicle to five dollars (\$5.00) per  
20 vehicle. This section is not intended to preempt the Department's authority under G.S.  
21 113-35 to charge and collect reasonable fees in the future for the use of State lakes. The  
22 fee increases under this section shall remain in effect until the Department subsequently  
23 adopts rules under G.S. 113-35 to change these fees other than the rules that are adopted  
24 to implement this section.

25 **SECTION 2.6.** Except as otherwise provided, this part becomes effective  
26 October 1, 2002.

### 27 28 **PART III. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES** 29 **FEES**

30  
31 **SECTION 3.1.** G.S. 19A-27 reads as rewritten:

#### 32 **"§ 19A-27. License required for operation of pet shop.**

33 No person shall operate a pet shop unless a license to operate such establishment  
34 shall have been granted by the Director. Application for such license shall be made in  
35 the manner provided by the Director. The license shall be for the fiscal year and the  
36 license fee shall be ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) for each license  
37 period or part thereof beginning with the first day of the fiscal year."

38 **SECTION 3.2.** G.S. 19A-28 reads as rewritten:

#### 39 **"§ 19A-28. License required for public auction or boarding kennel.**

40 No person shall operate a public auction or a boarding kennel unless a license to  
41 operate such establishment shall have been granted by the Director. Application for  
42 such license shall be made in the manner provided by the Director. The license period  
43 shall be the fiscal year and the license fee shall be ~~fifty dollars (\$50.00)~~ one hundred

dollars (\$100.00) for each license period or part thereof beginning with the first day of the fiscal year."

**SECTION 3.3.** G.S. 19A-29 reads as rewritten:

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

No person shall be a dealer unless a license to deal shall have been granted by the Director to such person. Application for such license shall be in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be  ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) for each license period or part thereof, beginning with the first day of the fiscal year."

**SECTION 3.4.** G.S. 80-62 reads as rewritten:

**"§ 80-62. Fees for recording.**

The Commissioner is authorized to collect a fee of ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00) for the recording of each new brand, or for rerecording of each brand, and shall issue one certified copy of each brand recording to the holder of said brand. Duplicate certificates of registration may be issued by the Commissioner upon payment of a fee of two dollars (\$2.00). Revenues collected pursuant to this Article shall be deposited with the State Treasurer to the account of the North Carolina Department of Agriculture and Consumer Services."

**SECTION 3.5.(a)** G.S. 81A-11 is repealed.

**SECTION 3.5.(b)** Chapter 81A of the General Statutes is amended by adding a new section to read:

**"§ 81A-12. Fee schedule.**

(a) The following fees apply to all weights that are tested and certified to meet tolerances less stringent than American Society for Testing and Materials (ASTM) Standard E617 Class 4. This includes the National Institutes of Standards and Technology (NIST) Class F tolerance. If the weight error exceeds three--fourths of the applicable tolerance, adjustment may be required at an additional fee of one--half the normal fee. No extra fee will be charged for the normal adjustment of a weight cart. Even if weights are rejected or condemned, fees shall be assessed for the test performed.

<u>Customary</u>	<u>Fee/Unit</u>	<u>Metric</u>	<u>Fee/Unit</u>
<u>0-10 lb</u>	<u>\$ 5.00</u>	<u>0-5 kg</u>	<u>\$ 5.00</u>
<u>11-100 lb</u>	<u>\$ 7.50</u>	<u>6-50 kg</u>	<u>\$ 7.50</u>
<u>101-1000 lb</u>	<u>\$ 15.00</u>	<u>51-500 kg</u>	<u>\$ 15.00</u>
<u>1001-2500 lb</u>	<u>\$ 30.00</u>	<u>501-1000 kg</u>	<u>\$ 30.00</u>
<u>2501-6000 lb</u>	<u>\$ 50.00</u>	<u>1001-2500 kg</u>	<u>\$ 50.00</u>
<u>Weight Carts</u>			
<u>3000 to 6000 lb</u>	<u>\$100.00</u>		

(b) The following fees apply to all weights that are tested and certified to meet ASTM Standard E617 Class 4 or International Organization of Legal Metrology (OIML) R111 Class F2 tolerances. If the weight error exceeds three-fourths of the applicable tolerance, adjustment may be required at an additional fee equal to the normal fee. Even if weights are rejected or condemned, fees shall be assessed for the test performed.

<u>Customary</u>	<u>Fee/Unit</u>	<u>Metric</u>	<u>Fee/Unit</u>
------------------	-----------------	---------------	-----------------

1	<u>0-10 lb</u>	<u>\$ 10.00</u>	<u>0-5 kg</u>	<u>\$ 10.00</u>
2	<u>11-100 lb</u>	<u>\$ 15.00</u>	<u>6-50 kg</u>	<u>\$ 15.00</u>
3	<u>101-1000 lb</u>	<u>\$ 30.00</u>	<u>51-500 kg</u>	<u>\$ 30.00</u>
4	<u>1001-2500 lb</u>	<u>\$ 60.00</u>	<u>501-1000 kg</u>	<u>\$ 60.00</u>
5	<u>2501-6000 lb</u>	<u>\$100.00</u>	<u>1001-2500 kg</u>	<u>\$100.00</u>

6 (c) The following fees apply to all weights that are calibrated. Calibration means  
7 determining actual mass and conventional mass values with an assigned uncertainty  
8 specific to the test. If necessary and considered feasible by the metrologist, adjustments  
9 to ASTM Class 1, 2, or 3 tolerances or OIML Class E2, F1, or F2 tolerances may be  
10 made for an additional fee of two times the normal fee. Tolerance testing fees shall be  
11 assessed on weights that can only be adjusted to a lower tolerance or are rejected for any  
12 reason.

13	<u>Customary</u>	<u>Fee/Unit</u>	<u>Metric</u>	<u>Fee/Unit</u>
14	<u>0-20 lb</u>	<u>\$ 20.00</u>	<u>0-10 kg</u>	<u>\$ 20.00</u>
15	<u>21-50 lb</u>	<u>\$ 40.00</u>	<u>11-30 kg</u>	<u>\$ 40.00</u>
16	<u>51-1000 lb</u>	<u>\$ 70.00</u>	<u>31-450 kg</u>	<u>\$ 70.00</u>
17	<u>1001-2500 lb</u>	<u>\$130.00</u>	<u>451-1000 kg</u>	<u>\$130.00</u>
18	<u>2501-6000 lb</u>	<u>\$200.00</u>	<u>1001-2500 kg</u>	<u>\$200.00</u>

19 (d) The following fees apply to all weights that are calibrated using NIST  
20 weighing designs. These weights are tested in groups and are subject to the minimum  
21 per series fee shown. The best uncertainty possible from the North Carolina Standards  
22 Laboratory will be assigned to the mass values of the weights. No adjustments will be  
23 made.

24	<u>Weight Range</u>	<u>Fee/Unit or Series</u>	<u>Minimum Charge</u>
25	<u>0 – 1 kg</u>	<u>\$30.00 each</u>	<u>\$90.00 (3 weights) per series</u>
26	<u>2 – 30 kg</u>	<u>\$50.00 each</u>	<u>\$150.00 (3 weights) per series</u>
27	<u>0 – 2 lb</u>	<u>\$30.00 each</u>	<u>\$90.00 (3 weights) per series</u>
28	<u>3 – 50 lb</u>	<u>\$50.00 each</u>	<u>\$150.00 (3 weights) per series</u>

29 (e) The following fees apply to volumetric flasks, graduates, or test measures.

30	<u>Customary</u>	<u>Fee/Test Point</u>	<u>Metric</u>	<u>Fee/Test Point</u>
31	<u>0 – 5 gal</u>	<u>\$ 30.00</u>	<u>0 – 20 liters</u>	<u>\$ 30.00</u>
32	<u>Over 4 gal</u>	<u>Add \$0.40 per each</u>	<u>Over 20 liters</u>	<u>Add \$0.10 per each</u>
33		<u>additional gallon</u>		<u>additional liter</u>

34 (f) The following fees apply to tape measures and rigid rules.

35	<u>Set Up Fee</u>	<u>\$ 40.00 per instrument</u>
36	<u>Calibration</u>	<u>\$ 10.00 calibration point</u>

37 (g) The following fees apply to liquid-in-glass and electronic thermometers.

38	<u>Set Up Fee</u>	<u>\$ 40.00 per instrument</u>
39	<u>Calibration</u>	<u>\$ 20.00 per calibration point</u>

40 (h) Any special tests or weight cleaning shall be billed at the rate of \$50.00 per  
41 hour prorated to the nearest tenth of an hour, with a minimum charge of \$25.00.

42 (i) A minimum charge of \$25.00 per invoice will apply.

43 (j) If travel is required in connection with the performance of any of these  
44 services, the Department shall be reimbursed at the rates provided in G.S. 138-6.

(k) The Department may refuse to accept for testing any weight or measure the Department deems unsuited for its intended use.

(l) The fee for tests performed on weights or measures that will be used primarily outside of the State of North Carolina shall be twice the amounts set forth in this section."

**SECTION 3.6.** G.S. 106-254 reads as rewritten:

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

For the purpose of defraying the expenses incurred in the enforcement of this Article, the owner, proprietor or operator of each ice cream factory where ice cream, milk shakes, milk sherbet, sherbet, water ices, mixes for frozen or semifrozen desserts and other similar frozen or semifrozen food products are made or stored, or any cheese factory or butter-processing plant that disposes of its products at wholesale to retail dealers for resale in this State shall pay to the Commissioner of Agriculture each year an inspection fee of ~~forty dollars (\$40.00)~~ sixty dollars (\$60.00). Each maker of ice cream, milk shakes, milk sherbet, sherbet, water ices and/or other similar frozen or semifrozen food products who disposes of his product at retail only, and cheese factories, shall pay to the Commissioner of Agriculture an inspection fee of ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) each year. The inspection fee of ~~ten dollars (\$10.00)~~ shall not apply to conventional spindle-type milk-shake mixers, but shall apply to milk-shake dispensing and vending machines, which operate on a continuous or automatic basis."

**SECTION 3.7.** G.S. 106-277.28 reads as rewritten:

**"§ 106-277.28. License and inspection fees.**

For the purpose of providing a fund to defray the expense of inspection, examination, and analysis of seeds and the enforcement of this Article:

- (1) Repealed by Session Laws 1991, c. 588, s. 1.
- (2) Each seed dealer who offers for sale any agricultural, vegetable, or lawn or turf seeds for seeding purposes shall register with the Commissioner and shall obtain an annual license, for each location where activities are conducted, by January 1 of each year and shall pay the following license fee:
  - a. Wholesale or combined wholesale and retail seed dealer ..... ~~\$100.00~~ \$145.00
  - b. Retail seed dealer with sales of no more than \$500.00..... ~~5.00~~ 10.00
  - c. Retail seed dealer with sales of more than \$500.00 but no more than \$1,000..... ~~15.00~~ 25.00
  - d. Retail seed dealer with sales of more than \$1,000 ..... ~~25.00~~ 40.00.
- (3) Each seed dealer or grower who has seed, whether originated or labeled by the dealer or grower, that is offered for sale in this State

1 shall report the quantity of seed offered for sale and pay an inspection  
2 fee of two cents (2¢) for each container of seeds weighing 10 pounds  
3 or more. Seed shall be subject to the inspection fee and reporting  
4 requirements only once in any 12-month period. This fee does not  
5 apply to seed grown by a farmer and offered for sale by the farmer at  
6 the farm where the seed was grown.

7 Each seed dealer or grower shall keep accurate records of the quantity of seeds and  
8 container weights offered for sale from each distribution point in the State. These  
9 records shall be available to the Commissioner or an authorized representative of the  
10 Commissioner at any and all reasonable hours for the purpose of verifying the quantity  
11 of seed offered for sale and the fees paid. Each seed dealer or grower shall report  
12 quarterly on forms furnished by the Commissioner the quantity and container weight of  
13 seeds first offered for sale that quarter. The reports shall be made on the first day of  
14 January, April, July, and October, or within 10 days thereafter. Inspection fees shall be  
15 due and paid with the next quarterly report filed after the seed is first offered for sale. If  
16 the report is not filed and the inspection fees paid to the Department of Agriculture and  
17 Consumer Services by the tenth day following the date due, or if the report of the  
18 quantity or container weights is false, the Commissioner may issue a stop-sale order for  
19 all seed offered for sale by the dealer or grower. If the inspection fees are unpaid more  
20 than 15 days after the due date, the amount due shall bear a penalty of ten percent (10%)  
21 which shall be added to the inspection fees due."

22 **SECTION 3.8.(a)** G.S. 106-284.34(c) reads as rewritten:

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

32 **SECTION 3.8.(b)** G.S. 106-284.40(b)(4) reads as rewritten:

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

37 ...

38 (4) In the case of a commercial feed other than canned pet food which is  
39 distributed in the State only in packages of five pounds or less, an  
40 annual registration fee of ~~thirty dollars (\$30.00)~~ forty-five dollars  
41 (\$45.00) shall be paid in lieu of the inspection fee specified above."

42 **SECTION 3.9.** G.S. 106-406 reads as rewritten:

43 **"§ 106-406. Permits from Commissioner of Agriculture for operation of public**  
44 **livestock markets; application therefor; hearing on application.**



1 Any person, firm or corporation desiring to operate a public livestock market within  
2 the State of North Carolina shall be required to file an application with the  
3 Commissioner of Agriculture for a permit authorizing the operation of such market;  
4 provided that, those markets operating under a valid permit and in accordance with G.S.  
5 106-406 through 106-418 at the time this Article becomes effective shall be issued a  
6 license upon payment of the annual license fee and upon satisfying the requirement for  
7 bonding as specified in G.S. 106-407. An application for a permit shall include the  
8 following information:

- 9 (1) The name and address of the applicant, name of market and a listing of  
10 the names and addresses of all persons having any financial interest in  
11 the proposed livestock market and the amount and nature of such  
12 interest, and such other information as is required to complete an  
13 application form supplied by the Commissioner; and
- 14 (2) The plans and specifications for the facilities proposed to be built, or  
15 for existing structures.

16 The application for a permit shall be accompanied by a permit fee of ~~two hundred~~  
17 ~~fifty dollars (\$250.00), three hundred fifty dollars (\$350.00),~~ two hundred dollars  
18 (\$200.00) of which shall be returned to the applicant if the application is denied, plus  
19 one hundred dollars (\$100.00) annual permit fee for the first year of operation of the  
20 market, all of which shall be returned to the applicant if the application is denied. There  
21 shall be an annual renewal fee of ~~one hundred dollars (\$100.00)~~ one hundred fifty  
22 dollars (\$150.00) for each year of operation thereafter.

23 Upon the filing of said application, the Commissioner shall determine whether all  
24 necessary information has been furnished. If all information required has not been  
25 furnished, the Commissioner shall notify the applicant by mail of the additional  
26 information needed; it shall be furnished the Commissioner by the applicant within 10  
27 days of such notification. Upon receipt of all required information, the Commissioner  
28 shall issue a license or fix the date of a hearing on said application, to be held in  
29 Raleigh. Notice of the time and date of the hearing shall be published in a newspaper  
30 having general circulation in the county in which the livestock market is proposed to be  
31 located; said notice shall appear at least 10 days prior to such hearing. The applicant  
32 shall be notified by mail by the Commissioner at least 20 days prior to the hearing of the  
33 time and place of said hearing. The Commissioner shall also notify by mail the  
34 members of the Public Livestock Market Advisory Board of the time and place of said  
35 hearing, at least 10 days before the date on which the hearing will be held.

36 A public hearing shall be conducted by the Commissioner on said application. If,  
37 after the hearing, at which any person may appear in support or opposition thereto, the  
38 North Carolina Public Livestock Market Advisory Board finds that the public livestock  
39 market for which a permit or license is sought fulfills the requirements of all applicable  
40 laws, it shall recommend to the Commissioner that a permit be issued to the applicant. If  
41 the Commissioner denies the application, the applicant may commence a contested case  
42 under G.S. 150B-23 by filing a petition within 10 days after receiving notice of the  
43 denial. Unless revoked by the Board of Agriculture pursuant to any applicable law or  
44 regulation, permits will be renewed each July 1 on payment of the annual renewal fee."

1           **SECTION 3.10.** G.S. 106-418.11(a) reads as rewritten:

2           "(a) Any person desiring to be licensed as a livestock dealer shall make  
3 application to the Commissioner. ~~Such~~The application shall contain the address, both  
4 business and personal, of the ~~applicant~~applicant, and must be accompanied by a  
5 nonrefundable fee of fifty dollars (\$50.00). No financial information shall be required  
6 from the applicant.

7           Whenever an applicant has complied with this Article, the Commissioner shall issue  
8 to such applicant a license which shall entitle the licensee to engage in the business of  
9 livestock dealer for a period of one year, unless such license is sooner suspended, or  
10 revoked in accordance with the provisions of this Article.

11           The license may be renewed annually by written request to the Commissioner on a  
12 form prepared by the Department of Agriculture and Consumer Services, which form  
13 shall require only the name and current address of the licensee. ~~No~~A renewal fee of  
14 fifty dollars (\$50.00) shall be charged."

15           **SECTION 3.11.(a)** G.S. 106-542(b1) reads as rewritten:

16           "(b1) It shall be unlawful for any person, firm, or corporation to operate as a live  
17 poultry or ratite dealer without first ~~registering with~~obtaining an annual license from  
18 the Department of Agriculture and Consumer Services.~~Services, for a fee of twenty~~  
19 dollars (\$20.00) a year."

20           **SECTION 3.11.(b)** This section becomes effective January 1, 2003.

21           **SECTION 3.12.** G.S. 143-442(b) reads as rewritten:

22           "(b) The applicant shall pay an annual registration fee of ~~thirty dollars (\$30.00)~~  
23 forty-five dollars (\$45.00) plus an additional annual assessment for each brand or grade  
24 of pesticide registered. The annual assessment shall be fifty dollars (\$50.00) if the  
25 applicant's gross sales of the pesticide in this State for the preceding 12 months for the  
26 period ending September 30th were more than five thousand dollars (\$5,000.00) and  
27 twenty-five dollars (\$25.00) if gross sales were less than five thousand dollars  
28 (\$5,000.00). An additional two hundred dollars (\$200.00) delinquent registration  
29 penalty shall be assessed against the registrant for each brand or grade of pesticide  
30 which is marketed in North Carolina prior to registration as required by this Article. In  
31 the case of multi-year registration, the annual fee and additional assessment for each  
32 year shall be paid at the time of the initial registration. The Board shall give a pro rata  
33 refund of the registration fee and additional assessment to the registrant in the event that  
34 registration is canceled by the Board or by the United States Environmental Protection  
35 Agency."

36           **SECTION 3.13.** G.S. 143-448 reads as rewritten:

37           "**§ 143-448. Licensing of pesticide dealers; fees.**

38           (a) No person shall act in the capacity of a pesticide dealer, or shall engage or  
39 offer to engage in the business of, advertise as, or assume to act as a pesticide dealer  
40 unless he is licensed annually as provided in this Part. A separate license and fee shall  
41 be obtained for each location or outlet from which restricted use pesticides are  
42 distributed, sold, held for sale, or offered for sale.

43           (b) Applications for a pesticide dealer license shall be in the form and shall  
44 contain the information prescribed by the Board. Each application shall be accompanied

1 by a non-refundable fee of ~~thirty dollars (\$30.00)~~ forty-five dollars (\$45.00). All  
2 licenses issued under this Part shall expire on December 31 of the year for which they  
3 are issued.

4 (c) The license for a pesticide dealer may be renewed annually upon application  
5 to the Board, accompanied by a fee of ~~thirty dollars (\$30.00)~~ forty-five dollars (\$45.00)  
6 for each license, on or before the first day of January of the calendar year for which the  
7 license is issued.

8 (d) Repealed by Session Laws 1981, c. 592, s. 6.

9 (e) Every licensed pesticide dealer who changes his address or place of business  
10 shall immediately notify the Board.

11 (f) The Board shall issue to each applicant that satisfies the requirements of this  
12 Part a license which entitles the applicant to conduct the business described in the  
13 application for the calendar year for which the license is issued, unless the license is  
14 sooner revoked or suspended."

15 **SECTION 3.14.** G.S. 143-452(b) reads as rewritten:

16 "(b) Applications for pesticide applicator license shall be in the form and shall  
17 contain the information prescribed by the Board. Each application shall be accompanied  
18 by a non-refundable fee of ~~thirty dollars (\$30.00)~~ forty-five dollars (\$45.00) for each  
19 pesticide applicator's license. In addition, an annual inspection fee of ~~ten dollars~~  
20 ~~(\$10.00)~~ fifteen dollars (\$15.00) shall be submitted for each aircraft to be licensed.  
21 Should any aircraft fail to pass inspection, making it necessary for a second inspection  
22 to be made, the Board shall require an additional ~~ten dollar (\$10.00)~~ fifteen dollar  
23 (\$15.00) inspection fee. In addition to the required inspection, unannounced inspections  
24 may be made without charge to determine if equipment is properly calibrated and  
25 maintained in conformance with the laws and regulations. All aircraft licensed to apply  
26 pesticides shall be identified by a license plate or decal furnished by the Board at no  
27 cost to the licensee, which plate or decal shall be affixed on the aircraft in a location and  
28 manner prescribed by the Board. No applicator inspection or license fee, original or  
29 renewal, shall be charged to State agencies or local governments or their employees.  
30 Inspections of ground pesticide application equipment may be made. Any such  
31 equipment determined to be faulty or unsafe shall not be used for the purpose of  
32 applying a pesticide(s) until such time as proper repairs and/or alterations are made."

33 **SECTION 3.15.** G.S. 143-455(a) reads as rewritten:

34 "(a) No person shall perform services as a pest control consultant without first  
35 procuring from the Board a license. Applications for a consultant license shall be in the  
36 form and shall contain the information prescribed by the Board. The application for a  
37 license shall be accompanied by a non-refundable annual fee of ~~thirty dollars~~  
38 ~~(\$30.00)~~ forty-five dollars (\$45.00)."

39 **SECTION 3.16.** The Board of Agriculture shall charge the following fees  
40 for agronomic services:

- |    |  |         |
|----|--|---------|
| 41 | (1) Nematode assays for nonresidents                           | \$10.00 |
| 42 | (2) Plant tissue and solution sample analysis for nonresidents | \$15.00 |
| 43 | (3) Waste sample analysis for nonresidents                     | \$25.00 |
| 44 | (4) Nematode species identification/soybean                    |         |

1	cyst nematode race identification	\$20.00
2	(5) Waste N breakout	\$15.00
3	(6) Waste heavy metals	\$25.00
4	(7) Heavy metal analysis in soils	\$25.00
5	(8) Nematode assay in-state research	\$10.00
6	(9) Plant/Waste/Solution in-state research	\$20.00
7	(10) Routine analysis of in-State research soil samples	\$ 5.00
8	(11) Routine analysis soil samples	\$ 3.00".

9 **SECTION 3.17.** The Board of Agriculture shall charge the following fees  
 10 for animal disease diagnostic tests or services:

11	<u>Test/Service</u>	<u>Fee</u>
12	(1) Pullorum	\$0.10
13	(2) M Synoviae	0.50
14	(3) EIA	5.00
15	(4) M. meleagridis	0.50
16	(5) Necropsy	25.00
17	(6) M Gallisep	0.50
18	(7) Mg,Ms,Mm-HI	1.25
19	(8) Histopathology	25.00
20	(9) Cytology	10.00
21	(10) Necropsy Disposal	
22	10 to 100 pounds	5.00
23	100 to 500 pounds	15.00
24	More than 500 pounds	30.00
25	(11) Health Certificates	8.00
26	(12) Equine Health Certificates	10.00

27 **SECTION 3.18.** Except as otherwise provided, this part becomes effective  
 28 October 1, 2002.

29  
 30 **PART IV. DEPARTMENT OF HEALTH AND HUMAN SERVICES FEES**

31  
 32 **SECTION 4.1.(a)** G.S. 130A-93.1 reads as rewritten:

33 **§ 130A-93.1. Fees for vital records copies or search; automation fund.**

34 (a) The State Registrar shall collect, process, and utilize fees for services as  
 35 follows:

- 36 (1) A fee not to exceed ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) shall  
 37 be charged for issuing any copy of a vital record or for conducting a  
 38 routine search of the files for the record when no copy is made. When  
 39 certificates are issued or searches conducted by local agencies using  
 40 databases maintained by the State Registrar, the local agency shall  
 41 charge this fee and shall forward five dollars (\$5.00) of this fee to the  
 42 State Registrar for purposes established in subsection (b) of this  
 43 section.

1 (2) A fee not to exceed ~~ten dollars (\$10.00)~~fifteen dollars (\$15.00) shall be  
2 charged in addition to the fee charged under subdivision (1) of this  
3 subsection and to all shipping and commercial charges when expedited  
4 service is specifically requested.

5 (2a) The fee for a copy of a computer or microform database shall not  
6 exceed the cost to the agency of making and providing the copy.

7 (3) Except as provided in subsection (b) of this section, fees collected  
8 under this subsection shall be used by the Department for public health  
9 purposes.

10 (b) The Vital Records Automation Account is established as a nonreverting  
11 account within the Department. Five dollars (\$5.00) of each fee collected pursuant to  
12 subdivision (a)(1) shall be credited to this Account. The Department shall use the  
13 revenue in the Account to fully automate and maintain the vital records system. When  
14 funds sufficient to fully automate and maintain the system have accumulated in the  
15 Account, fees shall no longer be credited to the Account but shall be used as specified in  
16 subdivision (a)(3) of this section."

17 **SECTION 4.1.(b)** G.S. 130A-118(d) reads as rewritten:

18 "(d) For the amendment of a certificate of birth or death after its acceptance for  
19 filing, or for the making of a new certificate of birth under this Article, the State  
20 Registrar shall be entitled to a fee not to exceed ~~seven dollars and fifty cents~~  
21 ~~(\$7.50)~~fifteen dollars (\$15.00) to be paid by the applicant."

22 **SECTION 4.2.** The Department of Health and Human Services shall charge  
23 a fee in the amount of ten dollars (\$10.00) for a laboratory test performed by the State  
24 Public Health Laboratory under the Newborn Screening Program pursuant to G.S.  
25 130A-125. If the actual cost to perform the test exceeds the amount of the fee  
26 authorized under this section, then the Department may increase the fee in accordance  
27 with its authority under G.S. 130A-125(c) to cover the cost.

28 **SECTION 4.3.** Except as otherwise provided, this part becomes effective  
29 October 1, 2002.

## 30 31 **PART V. SECRETARY OF STATE FEES**

32  
33 **SECTION 5.1** G.S. 10A-4(b)(6) reads as rewritten:

34 "(b) A person qualified for a notarial commission shall meet all of the following  
35 requirements:

36 ...

37 (6) Pay a nonrefundable fee of ~~thirty dollars (\$30.00)~~fifty dollars  
38 (\$50.00)."

39 **SECTION 5.2.** G.S. 78A-17(9) reads as rewritten:

40 "(9) Any transaction pursuant to an offer directed by the offeror to not  
41 more than 25 persons, other than those persons designated in  
42 subdivision (8), in this State during any period of 12 consecutive  
43 months, whether or not the offeror or any of the offerees is then  
44 present in this State, if the seller reasonably believes that all the buyers

in this State are purchasing for investment. The Administrator may by rule or order withdraw, amend, or further condition this exemption for any security or security ~~transaction and establish~~ transaction. There is established a fee of one hundred fifty dollars (\$150.00) to recover costs for any filing required, not to exceed one hundred fifty dollars (\$150.00), required."

**SECTION 5.3.** G.S. 78A-17(17) reads as rewritten:

"(17) Any transaction that is exempt pursuant to rules established by the Administrator creating limited offering transactional exemptions that are consistent with the objectives of compatibility with federal limited offering exemptions and uniformity among the states. ~~The Administrator may establish~~ There is established a fee of one hundred fifty dollars (\$150.00) to recover costs for any filing required by such rules, not to exceed one hundred fifty dollars (\$150.00), rules."

**SECTION 5.4.** G.S. 78A-31(b) reads as rewritten:

"(b) With regard to any security that is covered under section 18(b)(4)(D) of the Securities Act of 1933 (15 U.S.C. § 77r(b)(4)(d)), the Administrator, by rule or order, may require the issuer to file a notice on SEC Form D (17 C.F.R. § 239.500) and a consent to service of process signed by the issuer no later than 15 days after the first sale of the security in this State. ~~The Administrator may, by rule, establish~~ There is established a fee of one hundred fifty dollars (\$150.00) to recover costs for filing required by this section, not to exceed one hundred fifty dollars (\$150.00), section."

**SECTION 5.5.** G.S. 55-1-22(a) reads as rewritten:

"(a) The Secretary of State shall collect the following fees when the documents described in this subsection are delivered to the Secretary for filing:

Document	Fee
(1) Articles of incorporation	\$125.00
(2) Application for reserved name	<del>10.00</del> 30.00
(3) Notice of transfer of reserved name	10.00
(4) Application for registered name	10.00
(5) Application for renewal of registered name	10.00
(6) Corporation's statement of change of registered agent or registered office or both	5.00
(7) Agent's statement of change of registered office for each affected corporation	5.00
(8) Agent's statement of resignation	No fee
(9) Designation of registered agent or registered office or both	5.00
(10) Amendment of articles of incorporation	50.00
(11) Restated articles of incorporation	10.00
with amendment of articles	50.00
(12) Articles of merger or share exchange	50.00
(12a) Articles of conversion (other than articles of conversion included as part of another document)	50.00
(13) Articles of dissolution	30.00

1	(14) Articles of revocation of dissolution	10.00
2	(15) Certificate of administrative dissolution	No fee
3	(16) Application for reinstatement following administrative dissolution	100.00
4	(17) Certificate of reinstatement	No fee
5	(18) Certificate of judicial dissolution	No fee
6	(19) Application for certificate of authority	250.00
7	(20) Application for amended certificate of authority	<del>50.00</del> <u>75.00</u>
8	(21) Application for certificate of withdrawal	<del>10.00</del> <u>25.00</u>
9	(22) Certificate of revocation of authority to transact business	No fee
10	(23) Annual report	20.00
11	(24) Articles of correction	10.00
12	(25) Application for certificate of existence or authorization ( <u>paper</u> )	<del>5.00</del> <u>15.00</u>
13	<u>(25a) Application for certificate of existence or authorization (electronic)</u>	<u>10.00</u>
14	(26) Any other document required or permitted to be filed by this Chapter	10.00
15	(27) Repealed by Session Laws 2001-358, s. 6(b)."	

**SECTION 5.6.** G.S. 55-1-22(c) reads as rewritten:

"(c) The Secretary of State shall collect the following fees for copying, comparing, and certifying a copy of any filed document relating to a domestic or foreign corporation:

- (1) One dollar (\$1.00) a page for copying or comparing a copy to the original; and
- (2) ~~Five dollars (\$5.00) for the certificate.~~ Fifteen dollars (\$15.00) for a paper certificate.
- (3) Ten dollars (\$10.00) for an electronic certificate."

**SECTION 5.7.** G.S. 55A-1-22(a)(26) reads as rewritten:

"(a) The Secretary of State shall collect the following fees when the documents described in this subsection are delivered to the Secretary for filing:

- ...
- (26) Application for certificate of existence or authorization (paper) ~~\$5.00~~ \$15.00
- (26a) Application for certificate of existence or authorization (electronic) \$10.00"

**SECTION 5.8.** G.S. 55A-1-22(c) reads as rewritten:

"(c) The Secretary of State shall collect the following fees for copying, comparing, and certifying a copy of any filed document relating to a domestic or foreign corporation:

- (1) One dollar (\$1.00) a page for copying or comparing a copy to the original; and
- (2) ~~Five dollars (\$5.00) for the certificate.~~ Fifteen dollars (\$15.00) for a paper certificate.
- (3) Ten dollars (\$10.00) for an electronic certificate."

**SECTION 5.9.** G.S. 57C-1-22(a)(24) reads as rewritten:

"(a) The Secretary of State shall collect the following fees when the documents described in this subsection are delivered to the Secretary of State for filing:

- ...
- (24) Application for certificate of existence or authorization (paper) ~~5.00~~ 15.00

1       (24a) Application for certificate of existence or authorization (electronic)       10.00"

2       **SECTION 5.10.** G.S. 57C-1-22(c) reads as rewritten:

3       "(c) The Secretary of State shall collect the following fees for copying,  
4 comparing, and certifying a copy of any filed document relating to a domestic or foreign  
5 limited liability company:

6           (1) One dollar (\$1.00) a page for copying or comparing a copy to the  
7 original; and

8           (2) ~~Five dollars (\$5.00) for the certificate.~~ Fifteen dollars (\$15.00) for a  
9 paper certificate.

10          (3) Ten dollars (\$10.00) for an electronic certificate."

11       **SECTION 5.11.** G.S. 59-1106(c) reads as rewritten:

12       "(c) The Secretary of State shall collect the following fees for copying,  
13 comparing, and certifying a copy of any filed document relating to a domestic or foreign  
14 limited partnership:

15           (1) One dollar (\$1.00) a page for copying or comparing a copy to the  
16 original; and

17           (2) ~~Five dollars (\$5.00) for the certificate.~~ Fifteen dollars (\$15.00) for a  
18 paper certificate.

19           (3) Ten dollars (\$10.00) for an electronic certificate.

20       **SECTION 5.12.** G.S. 147-37 reads as rewritten:

21       "**§ 147-37. Secretary of State; fees to be collected.**

22       When no other charge is provided by law, the Secretary of State shall collect such  
23 fees for copying any document or record on file in his office which in his discretion  
24 bears a reasonable relation to the quantity of copies supplied and the cost of purchasing  
25 or leasing and maintaining copying equipment. These fees may be changed from time to  
26 time, but a schedule of fees shall be available on request at all times. In addition to  
27 copying charges, the Secretary of State shall collect a fee of ten dollars (\$10.00) for  
28 certifying any document or record on file in his office or for issuing any certificate as to  
29 the facts shown by the records on file in his ~~office-office, except that if two or more~~  
30 certificates for foreign adoption are requested concurrently, the fee for the second and  
31 subsequent certificates is five dollars (\$5.00)."

32       **SECTION 5.13.** G.S. 120-47.3 reads as rewritten:

33       "**§ 120-47.3. Registration fee.**

34       Every lobbyist's principal shall pay to the Secretary of State a fee of ~~seventy-five~~  
35 ~~dollars (\$75.00) which fee shall be~~ two hundred dollars (\$200.00) that is due and  
36 payable by either the lobbyist or the lobbyist's principal at the time of registration.

37       A separate registration, together with a separate registration fee of ~~seventy-five~~  
38 ~~dollars (\$75.00), shall be~~ two hundred dollars (\$200.00) is required for each lobbyist's  
39 principal for which a person acts as a lobbyist. Fees so collected shall be deposited in  
40 the General Fund of the State."

41       **SECTION 5.14.** G.S. 78A-37(b) reads as rewritten:

42       "(b) Every applicant for initial or renewal registration shall pay a filing fee of ~~two~~  
43 ~~hundred dollars (\$200.00)~~ three hundred dollars (\$300.00) in the case of a dealer and  
44 ~~fifty-five dollars (\$55.00)~~ seventy-five dollars (\$75.00) in the case of a salesman. The



1 Administrator may by rule reduce the registration fee proportionately when the  
2 registration will be in effect for less than a full year."

3 **SECTION 5.15.** G.S. 78C-17(b) reads as rewritten:

4 "(b) Every applicant for initial or renewal registration shall pay a filing fee of two  
5 hundred dollars (\$200.00) in the case of an investment adviser, and ~~forty-five dollars~~  
6 ~~(\$45.00)~~ seventy-five dollars (\$75.00) in the case of an investment adviser  
7 representative. When an application is denied or withdrawn, the Administrator shall  
8 retain the fee.

9 **SECTION 5.16.** G.S. 80-3(b) reads as rewritten:

10 "(b) The application shall be signed and verified by the applicant, by a partner, by  
11 a member of the firm, or an officer of the corporation or association applying for  
12 registration. In states in which a notary is not required by law to obtain a notary's stamp  
13 or seal, an original certificate of authority of the notary issued by the appropriate State  
14 agency shall be submitted with the application. If the application is signed by a person  
15 acting pursuant to a power of attorney from the applicant, an original power of attorney  
16 or a certified copy of the power of attorney shall accompany the application.

17 The application shall be accompanied by three specimens of the mark as currently  
18 used and by a filing fee of ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00), payable  
19 to the Secretary."

20 **SECTION 5.17.** G.S. 78A-31(a)(4) reads as rewritten:

21 "(a) The Administrator, by rule or order, may require the filing of any of the  
22 following documents with regard to a security covered under section 18(b)(2) of the  
23 Securities Act of 1933 (15 U.S.C. § 77r(b)(2)):

24 ...

25 (4) A notice filing pursuant to this section shall expire on December 31 of  
26 each year or some other date not more than one year from its effective  
27 date as the Administrator may by rule or order provide. A notice filing  
28 of the offer of securities covered under federal law that are to be  
29 offered for a period in excess of one year shall be renewed annually by  
30 payment of a renewal fee of ~~one~~ two hundred dollars  
31 ~~(\$100.00)~~ (\$200.00) and by filing any documents and reports that the  
32 Administrator may by rule or order require consistent with this section.  
33 The renewal shall be effective upon the expiration of the prior notice  
34 period."

35 **SECTION 5.18.** Except as otherwise provided, this part becomes effective  
36 October 1, 2002.

## 37 38 PART VI. EFFECTIVE DATE

39 **SECTION 6.** Except as otherwise provided, this act becomes effective  
40 October 1, 2002.  
41