

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1199*

Finance Committee Substitute Adopted 6/25/98
House Committee Substitute Favorable 8/10/98
House Committee Substitute #2 Favorable 9/17/98

Short Title: Increase Various Fees/Set Reg. Fees.

(Public)

Sponsors:

Referred to:

May 21, 1998

A BILL TO BE ENTITLED

AN ACT TO INCREASE VARIOUS FEES, TO ESTABLISH A FEE FOR FAIRNESS HEARING CONDUCTED BY THE OFFICE OF THE SECRETARY OF STATE, TO INCREASE THE AUTOPSY FEE, TO REVISE AND PLACE INTO THE GENERAL STATUTES THE SCHEDULE OF FEES FOR PERMITS UNDER THE WATER QUALITY PROGRAM, TO INCREASE THE PROCESS AND FACILITIES FEES IN THE GENERAL COURT OF JUSTICE, TO SET THE PUBLIC UTILITY REGULATORY FEE, AND TO SET THE INSURANCE REGULATORY CHARGE.

The General Assembly of North Carolina enacts:

PART I. SECRETARY OF STATE FEES

Section 1. G.S. 10A-7 reads as rewritten:

"§ 10A-7. Fee with commission application.

Every applicant for a notarial commission shall pay to this State a nonrefundable fee of ~~twenty-five dollars (\$25.00).~~ thirty dollars (\$30.00). Every applicant for recommissioning shall pay to this State a nonrefundable fee of ~~twenty-five dollars (\$25.00).~~ thirty dollars (\$30.00)."

1 Section 2. G.S. 78A-28 reads as rewritten:

2 **"§ 78A-28. Provisions applicable to registration generally.**

3 (a) A registration statement may be filed by the issuer, any other person on whose
4 behalf the offering is to be made, or a registered dealer.

5 (b) Every person filing a registration statement shall pay a filing fee of ~~one~~
6 ~~hundred dollars (\$100.00), plus a registration fee of one-tenth of one percent (1/10 of~~
7 ~~1%) of the maximum aggregate offering price at which the registered securities are to be~~
8 ~~offered in this State, but the registration fee may not be less than twenty-five dollars~~
9 ~~(\$25.00) nor more than one thousand five hundred dollars (\$1,500). two thousand dollars~~
10 ~~(\$2,000).~~ When a registration statement is withdrawn before the effective date or a pre-
11 effective stop order is entered under G.S. 78A-29, the Administrator shall retain the filing
12 fee. A registration statement relating to ~~securities issued or to be issued by a mutual fund,~~
13 ~~open end management company, or unit investment trust or relating to other~~ redeemable
14 securities, other than a security covered under federal law, to be offered for a period in
15 excess of one year, must be renewed annually by payment of a renewal fee of one
16 hundred dollars (\$100.00) and by filing any documents or reports that the Administrator
17 may by rule or order require.

18 (c) Every registration statement shall specify (i) the amount of securities to be
19 offered in this State; (ii) the states in which a registration statement or similar document
20 in connection with the offering has been or is expected to be filed; and (iii) any adverse
21 order, judgment, or decree entered in connection with the offering by the regulatory
22 authorities in each state or by any court or the Securities and Exchange Commission.

23 (d) Any document filed under this Chapter or a predecessor law within five years
24 preceding the filing of a registration statement may be incorporated by reference in the
25 registration statement to the extent that the document is currently accurate.

26 (e) The Administrator may by rule or otherwise permit the omission of any item of
27 information or document from any registration statement.

28 (f) In the case of a nonissuer distribution, information may not be required under
29 G.S. 78A-27 or 78A-28(i) unless it is known to the person filing the registration
30 statement or to the persons on whose behalf the distribution is to be made, or can be
31 furnished by them without unreasonable effort or expense.

32 (g) The Administrator may by rule or order require as a condition of registration
33 by qualification or coordination (i) that any security issued within the past three years or
34 to be issued to a promoter for a consideration substantially different from the public
35 offering price, or to any person for a consideration other than cash, be deposited in
36 escrow; and (ii) that the proceeds from the sale of the registered security in this State be
37 impounded until the issuer receives a specified amount from the sale of the securities
38 either in this State or elsewhere. The Administrator may by rule or order determine the
39 conditions of any escrow or impounding required hereunder, but he may not reject a
40 depository solely because of location in another state.

41 (h) Except during the time a stop order is in effect under G.S. 78A- 29, a
42 registration statement relating to ~~securities issued or to be issued by a mutual fund, open end~~
43 ~~management company, or unit investment trust or relating to other~~ redeemable securities, other

1 than a security covered under federal law, to be offered for a period in excess of one year,
2 expires on December 31 of each year or some other date not more than one year from its
3 effective date as the Administrator may by rule or order provide. Every other registration
4 statement is effective for one year from its effective date, or any longer period during
5 which the security is being offered or distributed in a nonexempted transaction by or for
6 the account of the issuer or other person on whose behalf the offering is being made or by
7 any underwriter or dealer who is still offering part of an unsold allotment or subscription
8 taken by him as a participant in the distribution, except during the time a stop order is in
9 effect under G.S. 78A-29. All outstanding securities of the same class as a registered
10 security are considered to be registered for the purpose of any nonissuer transaction (i) so
11 long as the registration statement is effective and (ii) between the thirtieth day after the
12 entry of any stop order suspending or revoking the effectiveness of the registration
13 statement under G.S. 78A-29 (if the registration statement did not relate in whole or in
14 part to a nonissuer distribution) and one year from the effective date of the registration
15 statement. A registration statement may not be withdrawn for one year from its effective
16 date if any securities of the same class are outstanding. A registration statement may be
17 withdrawn otherwise only in the discretion of the Administrator.

18 (i) So long as a registration statement is effective, the Administrator may by rule
19 or order require the person who filed the registration statement to file reports, not more
20 often than quarterly, to keep reasonably current the information contained in the
21 registration statement and to disclose progress of the offering.

22 (j) A registration statement filed in accordance with subsection (b) of this section
23 may be amended after its effective date to increase the securities specified as proposed to
24 be offered. Such an amendment becomes effective when the Administrator so orders.
25 Every person filing such an amendment shall pay a ~~registration fee calculated in the manner~~
26 ~~specified in subsection (b) and a filing fee of fifty dollars (\$50.00) with respect to the~~
27 ~~additional securities proposed to be offered."~~

28 Section 3. G.S. 78A-30 is amended by adding a new subsection to read:

29 "(g) The Administrator shall charge a fee for a fairness hearing that the
30 Administrator holds under this section. The Administrator shall set the fee based upon
31 the time and expenses incurred by the Administrator. The fee may not be less than five
32 hundred dollars (\$500.00), and it may not exceed five thousand dollars (\$5,000)."

33 Section 4. G.S. 78A-31(a) reads as rewritten:

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

37 (1) Prior to the initial offer of the security in this State, all documents that
38 are part of a federal registration statement filed with the Securities and
39 Exchange Commission under the Securities Act of 1933, or, in lieu
40 thereof, a form prescribed by the Administrator, together with a consent
41 to service of process signed by the issuer and with the payment of a
42 notice filing fee of ~~one-tenth of one percent (1/10 of 1%) of the maximum~~
43 ~~aggregate offering price at which the securities covered under federal law are~~

1 to be offered in this State, but the notice filing fee shall not be less than
2 twenty five dollars (\$25.00) or more than one thousand six hundred dollars
3 (\$1,600). two thousand dollars (\$2,000).

4 (2) After the initial offer of the security in this State, all documents that are
5 part of an amendment to a federal registration statement filed with the
6 Securities and Exchange Commission under the Securities Act of 1933,
7 or, in lieu thereof, a form prescribed by the Administrator, which shall
8 be filed concurrently with the Administrator.

9 (3) A report of the value of securities covered under federal law that are
10 offered or sold in this State.

11 (4) A notice filing pursuant to this section shall expire on December 31 of
12 each year or some other date not more than one year from its effective
13 date as the Administrator may by rule or order provide. A notice filing
14 of the offer of securities covered under federal law that are to be offered
15 for a period in excess of one year shall be renewed annually by payment
16 of a renewal fee of one hundred dollars (\$100.00) and by filing any
17 documents and reports that the Administrator may by rule or order
18 require consistent with this section. The renewal shall be effective upon
19 the expiration of the prior notice period.

20 (5) A notice filed in accordance with this section may be amended after its
21 effective date to increase the securities specified as proposed to be
22 offered. An amendment becomes effective upon receipt by the
23 Administrator. Every person submitting an amended notice filing shall
24 pay a fee calculated in the manner specified in subdivision (1) of this
25 subsection and a filing fee of fifty dollars (\$50.00) with respect to the
26 additional securities proposed to be offered."

27 Section 5. G.S. 147-37 reads as rewritten:

28 "**§ 147-37. Secretary of State; fees to be collected.**

29 When no other charge is provided by law, the Secretary of State shall collect such fees
30 for copying any document or record on file in his office which in his discretion bears a
31 reasonable relation to the quantity of copies supplied and the cost of purchasing or
32 leasing and maintaining copying equipment. These fees may be changed from time to
33 time, but a schedule of fees shall be available on request at all times. In addition to
34 copying charges, the Secretary of State shall collect a fee of ~~six dollars and twenty five~~
35 ~~cents (\$6.25)~~ ten dollars (\$10.00) for certifying any document or record on file in his
36 office or for issuing any certificate as to the facts shown by the records on file in his
37 office."

38 **PART II. INCREASE AUTOPSY FEE**

39 Section 6. G.S. 130A-389(a) reads as rewritten:

40 "(a) If, in the opinion of the medical examiner investigating the case or of the Chief
41 Medical Examiner, it is advisable and in the public interest that an autopsy or other study
42 be made; or, if an autopsy or other study is requested by the district attorney of the county
43 or by any superior court judge, an autopsy or other study shall be made by the Chief

1 Medical Examiner or by a competent pathologist designated by the Chief Medical
2 Examiner. A complete autopsy report of findings and interpretations, prepared on forms
3 designated for the purpose, shall be submitted promptly to the Chief Medical Examiner.
4 Copies of the report shall be furnished the authorizing medical examiner, district attorney
5 or superior court judge. A copy of the report shall be furnished to other persons upon
6 request. A fee for the autopsy or other study shall be paid by the State. However, if the
7 deceased is a resident of the county in which the death or fatal injury occurred, that
8 county shall pay the fee. The fee shall be ~~four hundred dollars (\$400.00)~~ one thousand
9 dollars (\$1,000)."

10 PART III. WATER QUALITY FEES

11 Section 7. Part 1 of Article 21 of Chapter 143 of the General Statutes is
12 amended by adding a new section to read:

13 "§ 143-215.3D. Fee schedule for water quality permits.

- 14 (a) Annual fees for discharge and nondischarge permits under G.S. 143-215.1. –
- 15 (1) Major Individual NPDES Permits. – The annual fee for an individual
16 permit for a point source discharge of 1,000,000 or more gallons per
17 day, a publically owned treatment works (POTW) that administers a
18 POTW pretreatment program, as defined in 40 Code of Federal
19 Regulations § 403.3 (1 July 1996 Edition), or an industrial waste
20 treatment works that has a high toxic pollutant potential shall be two
21 thousand eight hundred sixty-five dollars (\$2,865).
- 22 (2) Minor Individual NPDES Permits. – The annual fee for an individual
23 permit for a point source discharge other than a point source discharge
24 to which subdivision (1) of this subsection applies shall be seven
25 hundred fifteen dollars (\$715.00).
- 26 (3) Single-Family Residence. – The annual fee for a certificate of coverage
27 under a general permit for a point source discharge or an individual
28 nondischarge permit from a single-family residence shall be fifty dollars
29 (\$50.00).
- 30 (4) Stormwater and Wastewater Discharge General Permits. – The annual
31 fee for a certificate of coverage under a general permit for a point source
32 discharge of stormwater or wastewater shall be eighty dollars (\$80.00).
- 33 (5) Recycle Systems. – The annual fee for an individual permit for a recycle
34 system nondischarge permit shall be three hundred dollars (\$300.00).
- 35 (6) Major Nondischarge Permits. – The annual fee for an individual permit
36 for a nondischarge of 10,000 or more gallons per day or requiring 300
37 or more acres of land shall be one thousand ninety dollars (\$1,090).
- 38 (7) Minor Nondischarge Permits. – The annual fee for an individual permit
39 for a nondischarge of less than 10,000 gallons per day or requiring less
40 than 300 acres of land shall be six hundred seventy-five dollars
41 (\$675.00).
- 42 (8) Animal Waste Management Systems. – The annual fee for animal
43 waste management systems shall be as set out in G.S. 143-215.10G.

1 **(b)** Application fee for new discharge and nondischarge permits. – An application
2 for a new permit of the type set out in subsection (a) of this section shall be accompanied
3 by an initial application fee equal to the annual fee for that permit. If a permit is issued,
4 the application fee will be applied as the annual fee for the first year that the permit is in
5 effect. If the application is denied, the application fee shall not be refunded.

6 **(c)** Application and annual fees for consent special orders. –

7 **(1)** Major consent special orders. – If the Commission enters into a consent
8 special order, assurance of voluntary compliance, or similar document
9 pursuant to G.S. 143-215.2 for an activity subject to an annual fee under
10 subdivision (1) or (6) of subsection (a) of this section, the initial project
11 fee shall be four hundred dollars (\$400.00) and the annual fee shall be
12 five hundred dollars (\$500.00). These fees shall be in addition to the
13 annual fee due under subsection (a) of this section.

14 **(2)** Minor consent special orders. – If the Commission enters into a consent
15 special order, assurance of voluntary compliance, or similar document
16 pursuant to G.S. 143-215.2 for an activity subject to an annual fee under
17 subdivision (2) or (7) of subsection (a) of this section, the initial project
18 fee shall be four hundred dollars (\$400.00) and the annual fee shall be
19 two hundred fifty dollars (\$250.00). These fees shall be in addition to
20 the annual fee due under subsection (a) of this section.

21 **(d)** Fee for major permit modifications. – An application for a major modification
22 of a permit of the type set out in subsection (a) of this section shall be accompanied by an
23 application fee equal to thirty percent (30%) of the annual fee applicable to that permit.
24 A major modification of a permit is any modification that would allow an increase in the
25 volume or pollutant load of the discharge or nondischarge or that would result in a
26 significant relocation of the point of discharge, as determined by the Commission. This
27 fee shall be in addition to the fees due under subsections (a) and (c) of this section. If the
28 application is denied, the application fee shall not be refunded.

29 **(e)** Other fees under this Article. –

30 **(1)** Sewer system extension permits. – The application fee for a permit for
31 the construction of a new sewer system or for the extension of an
32 existing sewer system shall be four hundred dollars (\$400.00).

33 **(2)** State stormwater permits. – The application fee for a permit regulating
34 stormwater runoff under G.S. 143-214.7 and G.S. 143-215.1 shall be
35 four hundred twenty dollars (\$420.00).

36 **(3)** Major water quality certifications. – The fee for a water quality
37 certification involving one acre or more of wetland fill or 150 feet or
38 more of stream impact shall be four hundred seventy-five dollars
39 (\$475.00).

40 **(4)** Minor water quality certifications. – The fee for a water quality
41 certification involving less than one acre of wetland fill or less than 150
42 feet of stream impact shall be two hundred dollars (\$200.00).

1 (5) Permit for land application of petroleum contaminated soils. – The fee
2 for a permit to apply petroleum contaminated soil to land shall be four
3 hundred dollars (\$400.00).

4 (6) Fee nonrefundable. – If an application for a permit or a certification
5 described in this subsection is denied, the application or certification fee
6 shall not be refunded."

7 Section 8. G.S. 143-215.3(a) reads as rewritten:

8 "(a) Additional Powers. – In addition to the specific powers prescribed elsewhere in
9 this Article, and for the purpose of carrying out its duties, the Commission shall have the
10 power:

11 (1) To make rules implementing Articles 21, 21A, 21B, or 38 of this
12 Chapter.

13 (1a) ~~To charge~~ adopt fee schedules and collect fees for the following:

14 a. Processing of applications for permits or registrations issued
15 under ~~Articles~~ Article 21, other than Parts 1 and 1A, Articles 21A,
16 21B, and 38 of this Chapter;

17 b. Administering permits or registrations issued under ~~Articles~~
18 Article 21, other than Parts 1 and 1A, Articles 21A, 21B, or ~~and~~
19 38 of this Chapter including monitoring compliance with the
20 terms of those permits; and

21 c. Reviewing, processing, and publicizing applications for
22 construction grant awards under the Federal Water Pollution
23 Control Act.

24 No fee may be charged under this provision, however, to a farmer who
25 submits an application that pertains to his farming operations.

26 (1b) ~~The fee to be charged pursuant to G.S. 143-215.3(a)(1a) for processing~~
27 ~~an application for a permit under G.S. 143-215.1 of Article 21 may not~~
28 ~~exceed four hundred dollars (\$400.00). The fee to be charged pursuant~~
29 to G.S. 143-215.3(a)(1a) for processing an application for a permit
30 under G.S. 143-215.108 and G.S. 143-215.109 of Article 21B of this
31 Chapter may not exceed five hundred dollars (\$500.00). The fee to be
32 charged pursuant to G.S. 143-215.3(a)(1a) for processing a registration
33 under Part 2A of this Article or Article 38 of this Chapter may not
34 exceed fifty dollars (\$50.00) for any single registration. An additional
35 fee of twenty percent (20%) of the registration processing fee may be
36 assessed for a late registration under Article 38 of this Chapter. The fee
37 for administering and compliance monitoring under ~~G.S. 143-215.1 of~~
38 ~~Article 21~~ Article 21, other than Parts 1 and 1A, and G.S. 143-215.108
39 and G.S. 143-215.109 of Article 21B shall be charged on an annual
40 basis for each year of the permit term and may not exceed one thousand
41 five hundred dollars (\$1,500) per year. Fees for processing all permits
42 under Article 21A and all other sections of ~~Articles 21 and Article 21B~~
43 shall not exceed one hundred dollars (\$100.00) for any single permit.

1 ~~Notwithstanding any other provision of this subdivision, the~~ The total
2 ~~payment for fees required that are set by the Commission under this~~
3 ~~subsection for all permits under this subsection~~ for any single facility
4 shall not exceed seven thousand five hundred dollars (\$7,500) per year,
5 which amount shall include all application fees and fees for
6 administration and compliance monitoring. A single facility is defined
7 to be any contiguous area under one ownership and in which permitted
8 activities occur. For all permits issued under these Articles where a fee
9 schedule is not specified in the statutes, the Commission, or other
10 commission specified by statute shall adopt a fee schedule in a rule
11 following the procedures established by the Administrative Procedure
12 Act. Fee schedules shall be established to reflect the size of the emission
13 or discharge, the potential impact on the environment, the staff costs
14 involved, relative costs of the issuance of new permits and the
15 reissuance of existing permits, and shall include adequate safeguards to
16 prevent unusual fee assessments which would result in serious economic
17 burden on an individual applicant. A system shall be considered to
18 allow consolidated annual payments for persons with multiple permits.
19 In its rulemaking to establish fee schedules, the Commission is also
20 directed to consider a method of rewarding facilities which achieve full
21 compliance with administrative and self-monitoring reporting
22 requirements, and to consider, in those cases where the cost of renewal
23 or amendment of a permit is less than for the original permit, a lower fee
24 for the renewal or amendment.

- 25 (1c) Moneys collected pursuant to G.S. 143-215.3(a)(1a) shall be used to:
- 26 a. Eliminate, insofar as possible, backlogs of permit applications
27 awaiting agency action;
 - 28 b. Improve the quality of permits issued;
 - 29 c. Improve the rate of compliance of permitted activities with
30 environmental standards; and
 - 31 d. Decrease the length of the processing period for permit
32 applications.

- 33 (1d) The Commission may adopt and implement a graduated fee schedule
34 sufficient to cover all direct and indirect costs required for the State to
35 develop and administer a permit program which meets the requirements
36 of Title V. The provisions of subdivision (1b) of this subsection do not
37 apply to the adoption of a fee schedule under this subdivision. In
38 adopting and implementing a fee schedule, the Commission shall
39 require that the owner or operator of all air contaminant sources subject
40 to the requirement to obtain a permit under Title V to pay an annual fee,
41 or the equivalent over some other period, sufficient to cover costs as
42 provided in section 502(b)(3)(A) of Title V. The fee schedule shall be

1 adopted according to the procedures set out in Chapter 150B of the
2 General Statutes.

3 a. The total amount of fees collected under the fee schedule adopted
4 pursuant to this subdivision shall conform to the requirements of
5 section 502(b)(3)(B) of Title V. No fee shall be collected for
6 more than 4,000 tons per year of any individual regulated
7 pollutant, as defined in section 502(b)(3)(B)(ii) of Title V,
8 emitted by any source. Fees collected pursuant to this subdivision
9 shall be credited to the Title V Account.

10 b. The Commission may reduce any permit fee required under this
11 section to take into account the financial resources of small
12 business stationary sources as defined under Title V and
13 regulations promulgated by the United States Environmental
14 Protection Agency.

15 c. When funds in the Title V Account exceed the total amount
16 necessary to cover the cost of the Title V program for the next
17 fiscal year, the Secretary shall reduce the amount billed for the
18 next fiscal year so that the excess funds are used to supplement
19 the cost of administering the Title V permit program in that fiscal
20 year.

21 (1e) The Commission shall collect the application, annual, and project fees
22 for processing and administering permits, certificates of coverage under
23 general permits, and certifications issued under Parts 1 and 1A of this
24 Article and for compliance monitoring under Parts 1 and 1A of this
25 Article as provided in G.S. 143-215.3D and G.S. 143-215.10G.

26 (2) To direct that such investigation be conducted as it may reasonably
27 deem necessary to carry out its duties as prescribed by this Article or
28 Article 21A or Article 21B of this Chapter, and for this purpose to enter
29 at reasonable times upon any property, public or private, for the purpose
30 of investigating the condition of any waters and the discharge therein of
31 any sewage, industrial waste, or other waste or for the purpose of
32 investigating the condition of the air, air pollution, air contaminant
33 sources, emissions, or the installation and operation of any air-cleaning
34 devices, and to require written statements or the filing of reports under
35 oath, with respect to pertinent questions relating to the operation of any
36 air-cleaning device, sewer system, disposal system, or treatment works.
37 In the case of effluent or emission data, any records, reports, or
38 information obtained under this Article or Article 21A or Article 21B of
39 this Chapter shall be related to any applicable effluent or emission
40 limitations or toxic, pretreatment, or new source performance standards.
41 No person shall refuse entry or access to any authorized representative
42 of the Commission or Department who requests entry for purposes of
43 inspection, and who presents appropriate credentials, nor shall any

1 person obstruct, hamper or interfere with any such representative while
2 in the process of carrying out his official duties.

3 (3) To conduct public hearings and to delegate the power to conduct public
4 hearings in accordance with the procedures prescribed by this Article or
5 by Article 21B of this Chapter.

6 (4) To delegate such of the powers of the Commission as the Commission
7 deems necessary to one or more of its members, to the Secretary or any
8 other qualified employee of the Department. The Commission shall not
9 delegate to persons other than its own members and the designated
10 employees of the Department the power to conduct hearings with
11 respect to the classification of waters, the assignment of classifications,
12 air quality standards, air contaminant source classifications, emission
13 control standards, or the issuance of any special order except in the case
14 of an emergency under subdivision (12) of this subsection for the
15 abatement of existing water or air pollution. Any employee of the
16 Department to whom a delegation of power is made to conduct a
17 hearing shall report the hearing with its evidence and record to the
18 Commission.

19 (5) To institute such actions in the superior court of any county in which a
20 violation of this Article, Article 21B of this Chapter, or the rules of the
21 Commission has occurred, or, in the discretion of the Commission, in
22 the superior court of the county in which any defendant resides, or has
23 his or its principal place of business, as the Commission may deem
24 necessary for the enforcement of any of the provisions of this Article,
25 Article 21B of this Chapter, or of any official action of the Commission,
26 including proceedings to enforce subpoenas or for the punishment of
27 contempt of the Commission.

28 (6) To agree upon or enter into any settlements or compromises of any
29 actions and to prosecute any appeals or other proceedings.

30 (7) To direct the investigation of any killing of fish and wildlife which, in
31 the opinion of the Commission, is of sufficient magnitude to justify
32 investigation and is known or believed to have resulted from the
33 pollution of the waters or air as defined in this Article, and whenever
34 any person, whether or not he shall have been issued a certificate of
35 approval, permit or other document of approval authorized by this or
36 any other State law, has negligently, or carelessly or unlawfully, or
37 willfully and unlawfully, caused pollution of the waters or air as defined
38 in this Article, in such quantity, concentration or manner that fish or
39 wildlife are killed as the result thereof, the Commission, may recover, in
40 the name of the State, damages from such person. The measure of
41 damages shall be the amount determined by the Department and the
42 North Carolina Wildlife Resources Commission, whichever has
43 jurisdiction over the fish and wildlife destroyed to be the replacement

1 cost thereof plus the cost of all reasonable and necessary investigations
2 made or caused to be made by the State in connection therewith. Upon
3 receipt of the estimate of damages caused, the Department shall notify
4 the persons responsible for the destruction of the fish or wildlife in
5 question and may effect such settlement as the Commission may deem
6 proper and reasonable, and if no settlement is reached within a
7 reasonable time, the Commission shall bring a civil action to recover
8 such damages in the superior court in the county in which the discharge
9 took place. Upon such action being brought the superior court shall have
10 jurisdiction to hear and determine all issues or questions of law or fact,
11 arising on the pleadings, including issues of liability and the amount of
12 damages. On such hearing, the estimate of the replacement costs of the
13 fish or wildlife destroyed shall be prima facie evidence of the actual
14 replacement costs of such fish or wildlife. In arriving at such estimate,
15 any reasonably accurate method may be used and it shall not be
16 necessary for any agent of the Wildlife Resources Commission or the
17 Department to collect, handle or weigh numerous specimens of dead
18 fish or wildlife.

19 The State of North Carolina shall be deemed the owner of the fish or
20 wildlife killed and all actions for recovery shall be brought by the
21 Commission on behalf of the State as the owner of the fish or wildlife.
22 The fact that the person or persons alleged to be responsible for the
23 pollution which killed the fish or wildlife holds or has held a certificate
24 of approval, permit or other document of approval authorized by this
25 Article or any other law of the State shall not bar any such action. The
26 proceeds of any recovery, less the cost of investigation, shall be used to
27 replace, insofar as and as promptly as possible, the fish and wildlife
28 killed, or in cases where replacement is not practicable, the proceeds
29 shall be used in whatever manner the responsible agency deems proper
30 for improving the fish and wildlife habitat in question. Any such funds
31 received are hereby appropriated for these designated purposes. Nothing
32 in this paragraph shall be construed in any way to limit or prevent any
33 other action which is now authorized by this Article.

- 34 (8) After issuance of an appropriate order, to withhold the granting of any
35 permit or permits pursuant to G.S. 143-215.1 or G.S. 143-215.108 for
36 the construction or operation of any new or additional disposal system
37 or systems or air-cleaning device or devices in any area of the State.
38 Such order may be issued only upon determination by the Commission,
39 after public hearing, that the permitting of any new or additional source
40 or sources of water or air pollution will result in a generalized condition
41 of water or air pollution within the area contrary to the public interest,
42 detrimental to the public health, safety, and welfare, and contrary to the
43 policy and intent declared in this Article or Article 21B of this Chapter.

1 The Commission may make reasonable distinctions among the various
2 sources of water and air pollution and may direct that its order shall
3 apply only to those sources which it determines will result in a
4 generalized condition of water or air pollution.

5 The determination of the Commission shall be supported by detailed
6 findings of fact and conclusions set forth in the order and based upon
7 competent evidence of record. The order shall describe the geographical
8 area of the State affected thereby with particularity and shall prohibit the
9 issuance of permits pending a determination by the Commission that the
10 generalized condition of water or air pollution has ceased.

11 Notice of hearing shall be given in accordance with the provisions of
12 G.S. 150B-21.2.

13 A person aggrieved by an order of the Commission under this
14 subdivision may seek judicial review of the order under Article 4 of
15 Chapter 150B of the General Statutes without first commencing a
16 contested case. An order may not be stayed while it is being reviewed.

17 (9) If an investigation conducted pursuant to this Article or Article 21B of
18 this Chapter reveals a violation of any rules, standards, or limitations
19 adopted by the Commission pursuant to this Article or Article 21B of
20 this Chapter, or a violation of any terms or conditions of any permit
21 issued pursuant to G.S. 143-215.1 or 143-215.108, or special order or
22 other document issued pursuant to G.S. 143-215.2 or G.S. 143-215.110,
23 the Commission may assess the reasonable costs of any investigation,
24 inspection or monitoring survey which revealed the violation against the
25 person responsible therefor. If the violation resulted in an unauthorized
26 discharge to the waters or atmosphere of the State, the Commission may
27 also assess the person responsible for the violation for any actual and
28 necessary costs incurred by the State in removing, correcting or abating
29 any adverse effects upon the water or air resulting from the
30 unauthorized discharge. If the person responsible for the violation
31 refuses or fails within a reasonable time to pay any sums assessed, the
32 Commission may institute a civil action in the superior court of the
33 county in which the violation occurred or, in the Commission's
34 discretion, in the superior court of the county in which such person
35 resides or has his or its principal place of business, to recover such
36 sums.

37 (10) To require a laboratory facility that performs any tests, analyses,
38 measurements, or monitoring required under this Article or Article 21B
39 of this Chapter to be certified annually by the Department, to establish
40 standards that a laboratory facility and its employees must meet and
41 maintain in order for the laboratory facility to be certified, and to charge
42 a laboratory facility a fee for certification. Fees collected under this
43 subdivision shall be credited to the Water and Air Account and used to

1 administer this subdivision. These fees shall be applied to the cost of
2 certifying commercial, industrial, and municipal laboratory facilities.

3 (11) Repealed by Session Laws 1983, c. 296, s. 6.

4 (12) To declare an emergency when it finds that a generalized condition of
5 water or air pollution which is causing imminent danger to the health or
6 safety of the public. Regardless of any other provisions of law, if the
7 Department finds that such a condition of water or air pollution exists
8 and that it creates an emergency requiring immediate action to protect
9 the public health and safety or to protect fish and wildlife, the Secretary
10 of the Department with the concurrence of the Governor, shall order
11 persons causing or contributing to the water or air pollution in question
12 to reduce or discontinue immediately the emission of air contaminants
13 or the discharge of wastes. Immediately after the issuance of such order,
14 the chairman of the Commission shall fix a place and time for a hearing
15 before the Commission to be held within 24 hours after issuance of such
16 order, and within 24 hours after the commencement of such hearing, and
17 without adjournment thereof, the Commission shall either affirm,
18 modify or set aside the order.

19 In the absence of a generalized condition of air or water pollution of
20 the type referred to above, if the Secretary finds that the emissions from
21 one or more air contaminant sources or the discharge of wastes from
22 one or more sources of water pollution is causing imminent danger to
23 human health and safety or to fish and wildlife, he may with the
24 concurrence of the Governor order the person or persons responsible for
25 the operation or operations in question to immediately reduce or
26 discontinue the emissions of air contaminants or the discharge of wastes
27 or to take such other measures as are, in his judgment, necessary,
28 without regard to any other provisions of this Article or Article 21B of
29 this Chapter. In such event, the requirements for hearing and affirmance,
30 modification or setting aside of such orders set forth in the preceding
31 paragraph of this subdivision shall apply.

32 (13) Repealed by Session Laws 1983, c. 296, s. 6.

33 (14) To certify and approve, by appropriate delegations and conditions in
34 permits required by G.S. 143-215.1, requests by publicly owned
35 treatment works to implement, administer and enforce a pretreatment
36 program for the control of pollutants which pass through or interfere
37 with treatment processes in such treatment works; and to require such
38 programs to be developed where necessary to comply with the Federal
39 Water Pollution Control Act and the Resource Conservation and
40 Recovery Act, including the addition of conditions and compliance
41 schedules in permits required by G.S. 143-215.1. Pretreatment programs
42 submitted by publicly owned treatment works shall include, at a
43 minimum, the adoption of pretreatment standards, a permit or equally

1 effective system for the control of pollutants contributed to the
2 treatment works, and the ability to effectively enforce compliance with
3 the program.

4 (15) To adopt rules for the prevention of pollution from underground tanks
5 containing petroleum, petroleum products, or hazardous substances.
6 Rules adopted under this section may incorporate standards and
7 restrictions which exceed and are more comprehensive than comparable
8 federal regulations.

9 (16) To adopt rules limiting the manufacture, storage, sale, distribution or
10 use of cleaning agents containing phosphorus pursuant to G.S. 143-
11 214.4(e), and to adopt rules limiting the manufacture, storage, sale,
12 distribution or use of cleaning agents containing nitrilotriacetic acid.

13 (17) To adopt rules to implement Part 2A of Article 21A of Chapter 143."

14 Section 9. G.S. 143-215.3A reads as rewritten:

15 **"§ 143-215.3A. Water and Air Quality Account; use of application and permit fees;
16 Title V Account; I & M Air Pollution Control Account; reports.**

17 (a) The Water and Air Quality Account is established as a nonreverting account
18 within the Department. Revenue in the Account shall be applied to the costs of
19 administering the programs for which the fees were collected. Revenue credited to the
20 Account pursuant to G.S. 105-449.125, 105-449.134, and 105-449.43 shall be used to
21 administer the air quality program. Except for the following fees, all application fees and
22 permit administration fees collected by the State for permits issued under Articles 21,
23 21A, 21B, and 38 of this Chapter shall be credited to the Account:

24 (1) Fees collected under Part 2 of Article 21A and credited to the Oil or
25 Other Hazardous Substances Pollution Protection Fund.

26 (2) Fees credited to the Title V Account.

27 (3) Fees credited to the Wastewater Treatment Works Emergency
28 Maintenance, Operation and Repair Fund under G.S. 143-215.3B.

29 (4) Fees collected under G.S. 143-215.28A.

30 (5) Fees collected under G.S. 143-215.94C shall be credited to the
31 Commercial Leaking Petroleum Underground Storage Tank Cleanup
32 Fund.

33 (a1) The total monies collected per year from fees for permits under G.S. 143-
34 215.3(a)(1a), after deducting those monies collected under G.S. ~~143-215.3(A)(1d)~~, ~~143-~~
35 ~~215.3(a)(1d)~~, shall not exceed thirty percent (30%) of the total budgets from all sources
36 of environmental permitting and compliance programs within the Department. This
37 subsection shall not be construed to relieve any person of the obligation to pay a fee
38 established under this Article or Articles 21A, 21B, or 38 of this Chapter.

39 (b) The Title V Account is established as a nonreverting account within the
40 Department. Revenue in the Account shall be used for developing and implementing a
41 permit program that meets the requirements of Title V. The Title V Account shall consist
42 of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees
43 collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect

1 costs required to develop and administer the Title V permit program, and fees collected
2 under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V
3 program. Expenses of the Air Quality Compliance Advisory Panel, the ombudsman for
4 the Small Business Stationary Source Technical and Environmental Compliance
5 Assistance Program, support staff, equipment, legal services provided by the Attorney
6 General, and contracts with consultants and program expenses listed in section
7 502(b)(3)(A) of Title V shall be included among Title V program expenses.

8 (b1) The I & M Air Pollution Control Account is established as a nonreverting
9 account within the Department. Fees transferred to the Division of Air Quality of the
10 Department pursuant to G.S. 20-183.7(c)(2) shall be credited to the I & M Air Pollution
11 Control Account and shall be applied to the costs of developing and implementing an air
12 pollution control program for mobile sources.

13 (c) The Department shall make an annual report to the General Assembly and its
14 Fiscal Research Division on the cost of the State's environmental permitting programs
15 contained within such Department. In addition, the Department shall make an annual
16 report to the General Assembly and its Fiscal Research Division on the cost of the Title V
17 program. The reports shall include, but are not limited to, fees set and established under
18 this Article, fees collected under this Article, revenues received from other sources for
19 environmental permitting and compliance programs, changes made in the fee schedule
20 since the last report, anticipated revenues from all other sources, interest earned and any
21 other information requested by the General Assembly."

22 Section 10. G.S. 143-215.10G reads as rewritten:

23 "**§ 143-215.10G. Fees for animal waste management systems.**

24 (a) Department shall charge an annual permit fee of all animal operations that are
25 subject to a permit under G.S. 143-215.10C for animal waste management systems
26 according to the following schedule:

- 27 (1) For a system with a design capacity of 38,500 or more and less than
28 100,000 pounds steady state live weight, fifty dollars (\$50.00).
- 29 (2) For a system with a design capacity of 100,000 or more and less than
30 800,000 pounds steady state live weight, one hundred fifty dollars
31 ~~(\$100.00)~~ (\$150.00).
- 32 (3) For a system with a design capacity of 800,000 pounds or more steady
33 state live weight, ~~two three~~ two hundred dollars ~~(\$200.00)~~ (\$300.00).

34 (b) An application for a new permit under this section shall be accompanied by an
35 initial application fee equal to the annual fee for that permit. If a permit is issued, the
36 application fee will be applied as the annual fee for the first year that the permit is in
37 effect. If the application is denied, the application fee shall not be refunded.

38 (c) Fees collected under this section shall be credited to the Water and Air Quality
39 Account. The Department shall use fees collected pursuant to this section to cover the
40 costs of administering this Part."

41 Section 11. G.S. 90A-42(a) reads as rewritten:

42 "(a) The Commission, in establishing procedures for implementing the
43 requirements of this Article, shall impose the following schedule of fees:

- 1 (1) Examination including Certificate, ~~\$75.00;~~ \$85.00;
- 2 (2) Temporary Certificate, \$200.00;
- 3 (3) Temporary Certification Renewal, \$300.00;
- 4 (4) Conditional Certificate, \$75.00;
- 5 (5) Repealed by Session Laws 1987, c. 582, s. 3.
- 6 (6) Reciprocity Certificate, \$100.00;
- 7 (6a) Voluntary Conversion Certificate, \$50.00;
- 8 (7) Annual Renewal, ~~\$30.00;~~ \$35.00;
- 9 (8) Replacement of Certificate, \$20.00;
- 10 (9) Late Payment of Annual Renewal, \$50.00 penalty in addition to all
- 11 current and past due annual renewal fees plus one hundred dollars
- 12 (\$100.00) penalty per year for each year for which annual renewal fees
- 13 were not paid prior to the current year; and
- 14 (10) Mailing List Charges – The Commission may provide mailing lists of
- 15 certified water pollution control system operators and of water pollution
- 16 control system operators to persons who request such lists. The charge
- 17 for such lists shall be twenty-five dollars (\$25.00) for each such list
- 18 provided."

19 Section 12. G.S. 90A-47.4(a) reads as rewritten:

20 "(a) An applicant for certification under this Part shall pay a fee of ~~ten dollars~~
21 ~~(\$10.00)~~ twenty-five dollars (\$25.00) for the examination and the certificate."

22 Section 13. Subsection (d) of Section 27.13 of Chapter 18 of the 1995 Session
23 Laws (1996 Second Extra Session) is repealed.

24 Section 14. This Part of this act shall not be construed to relieve any person of
25 the obligation to pay any fee due for any activity described in this Part under the schedule
26 of fees in effect prior to the date this Part becomes effective.

27 **PART IV. INCREASE COURT FEES**

28 Section 15. G.S. 7A-304(a) reads as rewritten:

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

35 (1) For each arrest or personal service of criminal process, including
36 citations and subpoenas, the sum of ~~five dollars (\$5.00);~~ ten dollars
37 (\$10.00), to be remitted to the county wherein the arrest was made or
38 process was served, except that in those cases in which the arrest was
39 made or process served by a law-enforcement officer employed by a
40 municipality, the fee shall be paid to the municipality employing the
41 officer.

42 (2) For the use of the courtroom and related judicial facilities, the sum of ~~six~~
43 ~~dollars (\$6.00)~~ twelve dollars (\$12.00) in the district court, including

1 cases before a magistrate, and the sum of ~~twenty-four dollars (\$24.00)~~
2 thirty dollars (\$30.00) in superior court, to be remitted to the county in
3 which the judgment is rendered. In all cases where the judgment is
4 rendered in facilities provided by a municipality, the facilities fee shall
5 be paid to the municipality. Funds derived from the facilities fees shall
6 be used exclusively by the county or municipality for providing,
7 maintaining, and constructing adequate courtroom and related judicial
8 facilities, including: adequate space and furniture for judges, district
9 attorneys, public defenders, magistrates, juries, and other court related
10 personnel; office space, furniture and vaults for the clerk; jail and
11 juvenile detention facilities; free parking for jurors; and a law library
12 (including books) if one has heretofore been established or if the
13 governing body hereafter decides to establish one. In the event the funds
14 derived from the facilities fees exceed what is needed for these
15 purposes, the county or municipality may, with the approval of the
16 Administrative Officer of the Courts as to the amount, use any or all of
17 the excess to retire outstanding indebtedness incurred in the construction
18 of the facilities, or to reimburse the county or municipality for funds
19 expended in constructing or renovating the facilities (without incurring
20 any indebtedness) within a period of two years before or after the date a
21 district court is established in such county, or to supplement the
22 operations of the General Court of Justice in the county.

23 (3) For the retirement and insurance benefits of both State and local
24 government law-enforcement officers, the sum of seven dollars and
25 twenty-five cents (\$7.25), to be remitted to the State Treasurer. Fifty
26 cents (50¢) of this sum shall be administered as is provided in Article
27 12C of Chapter 143 of the General Statutes. Five dollars and seventy-
28 five cents (\$5.75) of this sum shall be administered as is provided in
29 Article 12E of Chapter 143 of the General Statutes, with one dollar and
30 twenty-five cents (\$1.25) being administered in accordance with the
31 provisions of G.S. 143-166.50(e). One dollar (\$1.00) of this sum shall
32 be administered as is provided in Article 12F of Chapter 143 of the
33 General Statutes.

34 (3a) For the supplemental pension benefits of sheriffs, the sum of seventy-
35 five cents (75¢) to be remitted to the Department of Justice and
36 administered under the provisions of Article 12G of Chapter 143 of the
37 General Statutes.

38 (4) For support of the General Court of Justice, the sum of sixty-one dollars
39 (\$61.00) in the district court, including cases before a magistrate, and
40 the sum of sixty-eight dollars (\$68.00) in the superior court, to be
41 remitted to the State Treasurer.

42 (5) For using pretrial release services, the district or superior court judge
43 shall, upon conviction, impose a fee of fifteen dollars (\$15.00) to be

1 remitted to the county providing the pretrial release services. This cost
2 shall be assessed and collected only if the defendant had been accepted
3 and released to the supervision of the agency providing the pretrial
4 release services.

- 5 (6) For support of the General Court of Justice, for the issuance by the clerk
6 of a report to the Division of Motor Vehicles pursuant to G.S. 20-24.2,
7 the sum of fifty dollars (\$50.00), to be remitted to the State Treasurer.
8 Upon a showing to the court that the defendant failed to appear because
9 of an error or omission of a judicial official, a prosecutor, or a law-
10 enforcement officer, the court shall waive this fee."

11 Section 16. G.S. 7A-305(a) reads as rewritten:

12 "(a) In every civil action in the superior or district court the following costs shall be
13 assessed:

- 14 (1) For the use of the courtroom and related judicial facilities, the sum of ~~six~~
15 ~~dollars (\$6.00)~~ twelve dollars (\$12.00) in cases heard before a magistrate,
16 and the sum of ~~ten dollars (\$10.00)~~ sixteen dollars (\$16.00) in district and
17 superior court, to be remitted to the county in which the judgment is
18 rendered, except that in all cases in which the judgment is rendered in
19 facilities provided by a municipality, the facilities fee shall be paid to
20 the municipality. Funds derived from the facilities fees shall be used in
21 the same manner, for the same purposes, and subject to the same
22 restrictions, as facilities fees assessed in criminal actions.
- 23 (2) For support of the General Court of Justice, the sum of fifty-five dollars
24 (\$55.00) in the superior court, and the sum of forty dollars (\$40.00) in
25 the district court except that if the case is assigned to a magistrate the
26 sum shall be twenty-eight dollars (\$28.00). Sums collected under this
27 subsection shall be remitted to the State Treasurer."

28 Section 17. G.S. 7A-306(a) reads as rewritten:

29 "(a) In every special proceeding in the superior court, the following costs
30 shall be assessed:

- 31 (1) For the use of the courtroom and related judicial facilities, the sum of
32 ~~four dollars (\$4.00)~~ ten dollars (\$10.00) to be remitted to the county.
33 Funds derived from the facilities fees shall be used in the same manner,
34 for the same purposes, and subject to the same restrictions, as facilities
35 fees assessed in criminal actions.
- 36 (2) For support of the General Court of Justice the sum of twenty-six
37 dollars (\$26.00). In addition, in proceedings involving land, except
38 boundary disputes, if the fair market value of the land involved is over
39 one hundred dollars (\$100.00), there shall be an additional sum of thirty
40 cents (30¢) per one hundred dollars (\$100.00) of value, or major
41 fraction thereof, not to exceed a maximum additional sum of two
42 hundred dollars (\$200.00). Fair market value is determined by the sale
43 price if there is a sale, the appraiser's valuation if there is no sale, or the

1 appraised value from the property tax records if there is neither a sale
2 nor an appraiser's valuation. Sums collected under this subsection shall
3 be remitted to the State Treasurer."

4 Section 18. G.S. 7A-307(a) reads as rewritten:

5 "(a) In the administration of the estates of decedents, minors, incompetents, of
6 missing persons, and of trusts under wills and under powers of attorney, and in
7 collections of personal property by affidavit, the following costs shall be assessed:

8 (1) For the use of the courtroom and related judicial facilities, the sum of
9 ~~four dollars (\$4.00),~~ ten dollars (\$10.00), to be remitted to the county.
10 Funds derived from the facilities fees shall be used in the same manner,
11 for 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 twenty-six
14 dollars (\$26.00), plus an additional forty cents (40¢) per one hundred
15 dollars (\$100.00), or major fraction thereof, of the gross estate, not to
16 exceed three thousand dollars (\$3,000). Gross estate shall include the
17 fair market value of all personalty when received, and all proceeds from
18 the sale of realty coming into the hands of the fiduciary, but shall not
19 include the value of realty. In collections of personal property by
20 affidavit, the fee based on the gross estate shall be computed from the
21 information in the final affidavit of collection made pursuant to G.S.
22 28A-25-3 and shall be paid when that affidavit is filed. In all other
23 cases, this fee shall be computed from the information reported in the
24 inventory and shall be paid when the inventory is filed with the clerk. If
25 additional gross estate, including income, comes into the hands of the
26 fiduciary after the filing of the inventory, the fee for such additional
27 value shall be assessed and paid upon the filing of any account or report
28 disclosing such additional value. For each filing the minimum fee shall
29 be ten dollars (\$10.00). Sums collected under this subsection shall be
30 remitted to the State Treasurer.

31 (2a) Notwithstanding subdivision (2) of this subsection, the fee of forty cents
32 (40¢) per one hundred dollars (\$100.00), or major fraction, of the gross
33 estate, not to exceed three thousand dollars (\$3,000), shall not be
34 assessed on personalty received by a trust under a will when the estate
35 of the decedent was administered under Chapters 28 or 28A of the
36 General Statutes. Instead, a fee of fifteen dollars (\$15.00) shall be
37 assessed on the filing of each annual and final account.

38 (2b) Notwithstanding subdivisions (1) and (2) of this subsection, no costs
39 shall be assessed when the estate is administered or settled pursuant to
40 G.S. 28A-25-6.

41 (3) For probate of a will without qualification of a personal representative,
42 the clerk shall assess a facilities fee as provided in subdivision (1) of

1 this subsection and shall assess for support of the General Court of
2 Justice, the sum of seventeen dollars (\$17.00)."

3 Section 19. G.S. 7A-311(a) reads as rewritten:

4 "(a) In a civil action or special proceeding, the following fees and commissions
5 shall be assessed, collected, and remitted to the county:

6 (1) a. ~~Effective October 1, 1990, for every civil action filed on or after that date,~~
7 ~~for~~ For each item of civil process, process served, including summons,
8 subpoenas, notices, motions, orders, writs and pleadings served,
9 pleadings, the sum of five dollars (\$5.00) ten dollars (\$10.00). When
10 two or more items of civil process are served simultaneously on one
11 party, only one ~~five dollar (\$5.00)~~ ten dollar (\$10.00) fee shall be
12 charged.

13 b. When an item of civil process is served on two or more persons
14 or organizations, a separate service charge shall be made for each
15 person or organization. If the process is served, or attempted to
16 be served, by a city policeman, the fee shall be remitted to the
17 city rather than the county. If the process is served, or attempted
18 to be served by the sheriff, the fee shall be remitted to the county.
19 This subsection shall not apply to service of summons to jurors.

20 (2) For the seizure of personal property and its care after seizure, all
21 necessary expenses, in addition to any fees for service of process.

22 (3) For all sales by the sheriff of property, either real or personal, or for
23 funds collected by the sheriff under any judgment, five percent (5%) on
24 the first five hundred dollars (\$500.00), and two and one-half percent (2
25 1/2%) on all sums over five hundred dollars (\$500.00), plus necessary
26 expenses of sale. Whenever an execution is issued to the sheriff, and
27 subsequently while the execution is in force and outstanding, and after
28 the sheriff has served or attempted to serve such execution, the
29 judgment, or any part thereof, is paid directly or indirectly to the
30 judgment creditor, the fee herein is payable to the sheriff on the amount
31 so paid. The judgment creditor shall be responsible for collecting and
32 paying all execution fees on amounts paid directly to the judgment
33 creditor.

34 (4) For execution of a judgment of ejectment, all necessary expenses, in
35 addition to any fees for service of process.

36 (5) For necessary transportation of individuals to or from State institutions
37 or another state, the same mileage and subsistence allowances as are
38 provided for State employees."

39 **PART V. PUBLIC UTILITIES REGULATORY FEE**

40 Section 20. The percentage rate to be used in calculating the public utility
41 regulatory fee under G.S. 62-302(b)(2) is nine-hundredths percent (0.09%) of each public
42 utility's North Carolina jurisdictional revenues earned during each quarter that begins on
43 or after July 1, 1998.

PART VI. INSURANCE REGULATORY CHARGE

Section 21. The percentage rate to be used in calculating the insurance regulatory charge under G.S. 58-6-25 is six percent (6%) for the 1998 calendar year.

Section 22. G.S. 58-6-25(a) reads as rewritten:

"(a) Charge Levied. – There is levied on each insurance company an annual charge for the purposes stated in subsection (d) of this section. As used in this section, the term 'insurance company' means a company that pays the gross premiums tax levied in G.S. 105-228.5 and G.S. 105-228.8, except a service corporation subject to Article 65 of this Chapter. A health maintenance organization subject to Article 67 of this Chapter is not subject to those taxes and is therefore not subject to the charge levied in this section. The charge levied in this section is in addition to all other fees and taxes. The charge shall be at a percentage rate of the company's premium tax liability for the taxable year. In determining an insurance company's premium tax liability for a taxable year, the following shall be disregarded:

(1) ~~additional~~ Additional taxes imposed by G.S. ~~105-228.8, 105-228.8.~~

(2) ~~The the~~ additional local fire and lightning tax imposed by G.S. ~~105-228.5(d)(4), and any 105-228.5(d)(4).~~

(3) Any tax credits for guaranty or solvency fund assessments under G.S. 105-228.5A or G.S. ~~97-133(a) shall be disregarded. 97-133(a).~~

(4) Any tax credits allowed under Chapter 105 of the General Statutes other than tax payments made by or on behalf of the taxpayer."

PART VII. EFFECTIVE DATES

Section 23. PARTS I, II, and IV of this act become effective November 1, 1998; PART II applies to autopsies or other studies performed on or after November 1, 1998, and PART IV applies to fees assessed or paid on or after November 1, 1998. PART III of this act becomes effective January 1, 1999. PART V of this act becomes effective July 1, 1998. PART VI of this act becomes effective January 1, 1998. The remainder of this act is effective when it becomes law.