

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 495
SENATE BILL 348

AN ACT TO ALLOW THE DEPARTMENT OF AGRICULTURE TO CONTINUE TO
IMPOSE FEES OR CHARGES IN COMPLIANCE WITH G.S. 12-3.1.

The General Assembly of North Carolina enacts:

Section 1. Chapter 81A of the General Statutes is amended by adding a new section to read as follows:

"§ **81A-10. Reimbursement of expenses.** — When any manufacturer requests prototype approval of any commercial weighing or measuring device, said manufacturer shall reimburse the Department of Agriculture for expenses incurred in the prototype examination of the device before final prototype approval is granted. Travel expenses shall be at the rates established by G.S. 138-6 or any law enacted in substitution therefor."

Sec. 2. G.S. 106-65.31(a) is hereby amended by adding the following sentence at the end of the first paragraph thereof:

"Any certified applicator whose employment is terminated with a licensee or agent prior to the end of said license year may at any time prior to the end of said license year be reissued a certified applicator's identification card for the remainder of the license year as an employee of another licensee or agency or as an individual for a fee of five dollars (\$5.00)."

Sec. 3. G.S. 106-65.29 is hereby amended by adding a new subsection (8) to read as follows:

"(8) Fees for reinspection following a finding of a discrepancy, as defined by the Committee."

Sec. 4. G.S. 106-503 is amended by adding a new paragraph at the end thereof as follows:

"The Board of Agriculture may adopt regulations establishing fees or charges for admission to the State Fairgrounds and for services provided incidental to the use of the State Fairgrounds."

Sec. 5. G.S. 106-267 is amended by inserting the following between "products," and "and" on line 8: "to require processors of fortified milk and milk products to pay all costs for assays of vitamin-fortified products,".

Sec. 6. G.S. 106-277.15 is amended by adding a new subsection (9) to read as follows:

"(9) Establishing fees and charges for agricultural and vegetable seed testing and analysis."

Sec. 7. G.S. 106-405.17 is amended by adding the following sentence at the end thereof:

"The Board shall also have the authority to set fees for such tests as necessary to recover the costs to the North Carolina Department of Agriculture."

Sec. 8. G.S. 106-396 is amended by adding the following words at the end thereof, after the phrase "eradication of brucellosis" and before the period (.): ", including the establishment of fees and charges for the collection of blood samples."

Sec. 9. G.S. 106-22 is amended by adding a new subsection to read as follows:

"(17) Agronomic Testing. – Provide agronomic testing services and charge reasonable fees for plant analysis and nematode testing."

Sec. 10. Article 1 of Chapter 106 is amended by adding a new section, G.S. 106-6.1, to read:

"§ 106-6.1. Fees not to exceed actual cost. — Fees or charges established by any board or commission within the Department of Agriculture for services rendered or for duties performed shall not exceed the actual cost to the Department of rendering such service or performing such duty. As used herein, 'cost' shall mean expenses incurred for mileage, subsistence, postage, computer time, salaries, materials, supplies, or other similar expenses which are incurred as a direct result of rendering the service or performing the duty. As used herein, 'cost' shall not include fixed overhead expenses such as buildings, equipment, machinery, or other similar expenses which are indirectly related to a particular service or duty."

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of June, 1981.