

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

1

HOUSE BILL 1112

Short Title: Agriculture Fee Changes.

(Public)

Sponsors: Representatives Redwine and B. Ethridge.

Referred to: Basic Resources.

April 7, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE MISCELLANEOUS CHANGES IN AGRICULTURE FEE
STATUTES, TO IMPLEMENT BASE BUDGET RECOMMENDATIONS.

The General Assembly of North Carolina enacts:

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

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

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

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

"§ 106-624. Sign furnished by Commissioner.

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

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

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

4 **"§ 106-607. Renewal of license.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **"§ 106-284.34. Registration.**

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

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

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

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

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

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

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

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

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

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

14 The application for registration shall include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 **"§ 81A-52. License.**

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

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

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

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

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

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