

May 28, 2008

S 2107. COURT FEES/STATE FACILITIES FEE (=H 2621). Filed 5/27/08. *TO ADD A STATE FACILITIES FEE TO COURT COSTS AND CREATE A JUDICIAL DEPARTMENT FACILITIES FEE RESERVE FUND FOR THE USE OF STATE COURT FACILITIES.*

Identical to H 2621, filed 5/27/08.

Intro. by Clodfelter.

GS 7A, 143C

June 12, 2008

S 2107. SET FEES FOR 2008 BUDGET (NEW). Filed 5/27/08. Senate committee substitute makes the following changes to 1st edition. Amends the bill and makes technical and conforming changes. Changes the title to *AN ACT TO SET THE INSURANCE AND PUBLIC UTILITY REGULATORY FEES, TO IMPOSE A FEE FOR FLOOD HAZARD DETERMINATION FORMS COMPLETED BY LENDERS, TO IMPOSE A STATE JUDICIAL FACILITIES FEE AND TO AUTHORIZE THE ISSUANCE OF FORTY MILLION DOLLARS OF SPECIAL INDEBTEDNESS FOR STATE JUDICIAL FACILITIES, TO ADJUST VARIOUS FEES, AND TO EXPAND THE LICENSURE REQUIREMENT FOR HOME CARE SERVICES.*

Sets the percentage rate to be used in calculating the insurance regulatory charge under GS 58-6-25 to 5.5% for the 2008 calendar year. Sets the percentage rate to be used in calculating the public utility regulatory fee under GS 62-302(b)(2) to .12% for each public utility's NC jurisdictional revenues earned during each quarter that begins on or after July 1, 2008, effective July 1, 2008. Sets the electric membership corporation regulatory fee imposed under GS 62-302(b1) for the 2008-09 fiscal year at \$200,000, effective July 1, 2008.

Amends GS 78A-31(a)(4) to increase from \$250 to \$2,000 the renewal fee for notice filings of the offer of securities covered under federal law that are to be offered for a period in excess of one year, effective July 1, 2008. Amends GS 130A-125(c) to increase from \$14 to \$19 the fee for laboratory tests performed by the State Laboratory of Public Health pursuant to GS 130A-125 and clarifies that the fee is a departmental receipt to be used to offset the cost of the Newborn Screening Program, effective July 1, 2008.

Increases the fees in GS 131E-267 for review of the following health care facility construction projects, effective July 1, 2008. Increases the fees imposed for the review of hospital construction projects, which vary upon the square footage of the project, with a range in fees from \$1,500 plus \$.25 per square foot for projects up to 5,000 square feet to \$6,000 plus \$.45 per square foot for projects over 20,000 square feet. Increases the fees imposed for the review of nursing home construction projects over 2,000 square feet to \$500 plus \$.25 per square foot. Increases the fees imposed for the review of ambulatory surgical facility construction projects over 2,000 square feet to \$400 plus \$.25 per square foot. Increases the fees imposed for the review of psychiatric hospital construction projects, which vary upon the square footage of the project, with a range in fees from \$750 plus \$.25 per square foot for projects up to 5,000 square feet to \$3,000 plus \$.45 per square foot for projects over 20,000 square feet. Increases the fees imposed for the review of adult care home construction projects over 2,000 square feet to \$350 plus \$.20 per square foot. Increases the fees imposed for the following residential construction projects: the fee for the review of family care home construction projects is increased to a \$225 flat fee, the fee for the review of ICFR group home construction projects is increased to a \$350 flat fee, the fee for the review of construction projects for group homes with 1-3 beds is increased to a \$125 flat fee, the fee for the review of construction projects for group homes with 4-6 beds is increased to a \$225 flat fee, the fee for the review of construction projects for group homes with 7-9 beds is increased to a \$275 flat fee, and the fee for the review of construction projects for group homes with more than 9 beds is increased to a \$275, plus \$.15 per square foot of project space.

Expands the definition of *home care services* in GS 131E-136(3) to include in-home companions, sitters, and respite care services provided to an individual and homemaker services provided in combination with in-home companion, sitter, respite, or other home care services. Excludes the following from specified terms: child care facilities licensed under GS Chapter 110, facilities or services licensed under GS Chapter 122C, services certified or otherwise overseen by the Department of Health and Human Services (DHHS) as not providing personal care, and

services administered on a voluntary basis for which there is not reimbursement from the recipient or anyone acting on the recipient's behalf. Effective January 1, 2010. Increases the annual license fee in GS 131E-138 for home care agencies from \$350 to \$400, effective July 1, 2009.

Amends GS 130A-450 to establish a \$5,000 statutory cap for the application fee for asbestos containing material removal permits, effective July 1, 2008.

Amends GS 113A-194(b) to increase the assessment rates levied on primary forest products by 50%. Repeals GS 113A-192(c)-(e) concerning the suspension of the collection of the assessment. Effective July 1, 2008.

Amends GS 143-215.56 to allow the Department of Crime Control and Public Safety (DCCPS) to charge a fee of up to \$10 for each completed Standard Flood Hazard Determination Form obtained by a bank or other lender in the course of making a loan for property located in NC. Directs DCCPS to credit the proceeds of this charge to a new special revenue fund, the Flood Map Fund, which is to be used only to produce and maintain flood insurance rate maps. Effective January 1, 2009.

Changes the proposed amendments to GS 7A-304, 7A-305, 7A-306, and 7A-307 by increasing to \$5 (previous version proposed \$4) the new state judicial facilities fee that will be imposed in criminal and civil cases, as well as special proceedings and estates. Directs that \$1 of this fee must be credited to the Court Information Technology Fund and used to upgrade, maintain, and operate the judicial and county courthouse phone systems. Directs that the remainder of the fee be credited to a new Judicial Department Facilities Fund. Makes other conforming changes to GS 7A-343.2 and amends the reporting requirements. Effective July 1, 2008. Repeals Section 14.16 of SL 2007-323 (state funds not to be used for telephone service).

Changes the proposed Judicial Department Facilities Reserve in proposed GS 143C-48 to a Judicial Department Facilities Fund in new GS 7A-343.4, as a non-reverting and interest-bearing fund funded by the state judicial facilities fees described above and one-fourth of the unexpended, unencumbered balance of an appropriation remaining in the Judicial Department budget at the end of each fiscal year. Directs that the Fund be used to purchase, construct, renovate, repair, or maintain land and facilities for use by the Judicial Department or to retire debt incurred for one of these purposes. Provides that funds may be expended only upon an appropriation by the General Assembly. Requires the Director of the Administrative Office of the Courts to report by August 1 and February 1 of each fiscal year to the Joint Legislative Commission on Governmental Operations, the Chairs of the Senate and House Appropriations Committee, and the Chairs of the Senate and House Appropriations Subcommittees on Justice and Public Safety on (1) the amounts credited in the preceding six months to the Fund, (2) the amounts expended in the preceding six months from the Fund and the purposes of the expenditure, and (3) the proposed expenditures of the funds collected during the preceding six months. Authorizes the issuance or incurrence of special indebtedness of \$40 million to finance the costs of constructing state judicial facilities located at 901 Corporate Drive, Raleigh. Effective July 1, 2008.

Reduces the insurance agent licensing fees in GS 58-33-125 for agent appointment, individual from \$20 to \$10, and deletes the fee for agent appointment, Medicare supplement and long-term care. Changes billing for agent licensing renewal fees from quarterly or monthly billing to annual billing but permits payment for agent licensing and appointment fees other than annual renewal fees at the time of licensure or appointment, daily, monthly, or quarterly as determined by the Commissioner of Insurance. Permits electronic payment of fees made through the National Association of Insurance Commissioners (NAIC) or an NAIC affiliate. Makes technical and clarifying changes. Effective October 1, 2008, and applies to fees billed on or after that date.

Amends GS 58-88-30 to increase from 10% to 12% the percent withheld from inspection sticker fees (pursuant to GS 20-183.7) for the administration of the Rescue Squad Workers' Relief Fund. Effective October 1, 2008.

June 17, 2008

S 2107. SET FEES FOR 2008 BUDGET. Filed 5/27/08. Senate committee substitute makes the following changes to 2nd edition. Amends GS 130A-450 to require an applicant for an asbestos

containing material removal permit to indicate whether the asbestos is to be removed as part of a renovation or demolition. Limits the application of the \$5,000 cap on the permit fee to instances where the asbestos is to be removed as part of a demolition. Amends proposed new GS 7A-343.4 to provide that the Judicial Department Facilities Fund consists only of state judicial fees credited to the fund under GS 7A-304 through GS 7A-307. Changes the effective date of changes made to GS 58-88-30 (administration costs for the rescue squad workers' relief fund) from October 1, 2008, to January 1, 2009. Also makes a technical change to the section heading.

July 15, 2008

S 2107. HOME CARE SERVICES (NEW). Filed 5/27/08. House committee substitute deletes the provisions of the 3rd edition and replaces it with *AN ACT TO EXPAND THE LICENSURE REQUIREMENT FOR HOME CARE SERVICES*. Expands the definition of *home care services* in GS 131E-136(3) to include in-home companions, sitters, and respite care services provided to an individual, and homemaker services provided in combination with in-home companion, sitter, respite, or other home care services. Excludes the following from specified terms: child care facilities licensed under GS Chapter 110, facilities or services licensed under GS Chapter 122C, services certified or otherwise overseen by the Department of Health and Human Services (DHHS) as not providing personal care, and services administered on a voluntary basis for which there is not reimbursement from the recipient or anyone acting on the recipient's behalf. Effective January 1, 2010. Increases the annual license fee in GS 131E-138 for home care agencies from \$350 to \$400, effective January 1, 2009. Authorizes the North Carolina Medical Care Commission to adopt rules to implement GS 131E-136.