

December 22, 2009

VIA EMAIL

Senator Marc Basnight
2007 Legislative Building
Raleigh, NC 27601-2808

Representative Joe Hackney
2304 Legislative Building
Raleigh, NC 27601-3451

Re: Amended Request for Consultation with the Joint Legislative Commission
on Governmental Operations ("Commission") Regarding Fee Changes
Proposed by the North Carolina Alarm Systems Licensing Board

Dear Senator Basnight and Representative Hackney:

As counsel for the North Carolina Alarm Systems Licensing Board ("Board"), I am writing on behalf of the Board to make a request for consultation, pursuant to G.S. §12-3.1, regarding changes to Board rules 12 NCAC 11.0203 and 12 NCAC 11.0302. A copy of the rule changes is attached. Please substitute this request in place of the request dated December 18, 2009.

The Board is charged with carrying out and administering Chapter 74D, Article 1, of the North Carolina General Statutes, cited as the Alarm Systems Licensing Act ("Act"). The purpose of the Act is to regulate alarm systems businesses in North Carolina. The Board is a fee funded entity and has experienced a substantial reduction in applications over the past year. Because of the substantial reduction in applications, the Board has suffered a significant reduction in its operating budget. It is necessary to raise fees in order to maintain a positive financial balance and to allow the Board to continue its mandate to protect the public by regulating alarm systems businesses in North Carolina.

12 NCAC 11.0203

The rule change increases the biennial license fee for a new or renewal license from three hundred fifty dollars (\$350.00) to three hundred seventy-five dollars (\$375.00). The statutory authority for this rule change is G.S. §74D-7. This fee will allow the Board to increase its revenues and to comply with its mandate to protect the public. This rule change has been approved by the Board and is before the Rules Review Commission.

12 NCAC 11.0302

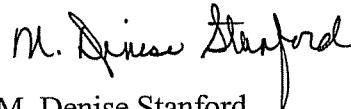
The Board has made two different changes to this rule. The first rule change increases the biennial registration fee from forty dollars (\$40.00) to forty-five dollars (\$45.00) and allows a ten dollar (\$10.00) fee for each reconsideration of a registration permit that has been previously filed with the Board but returned to the licensee or applicant for correctable errors. The statutory authority for this rule change is G.S. §74D-7. These fees will allow the Board to increase its revenues and to comply with its mandate to protect the public. This rule change has been approved by the Board and is before the Rules Review Commission.

The second rule change to .0302 is a proposal for the Board to charge a twenty dollar (\$20.00) late renewal fee to be paid within 30 days from the date the registration expires and to be paid in addition to the renewal fee. The statutory authority for this rule change is G.S. §74D-7. This fee will allow the Board to increase its revenues and to comply with its mandate to protect the public. This rule change has been noticed in the NC Register for comment.

This letter is to request that these rule changes be placed on the upcoming agenda so that the consultation requirements of G.S. §12-3.1 will be satisfied. Please notify me once this item has been placed on the agenda.

Sincerely,

BAILEY & DIXON, L.L.P.



M. Denise Stanford

Attachment

cc: Kathy Davis, Commission Assistant (via hand-delivery)
Fiscal Research Division (via hand-delivery)
Terry Wright (via first class mail)

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BAILEY & DIXON, LLP

12 NCAC 11 .0203 has been amended as published in 24:04 NCR 161 as follows:

12 NCAC 11 .0203 FEES FOR LICENSES

(a) Application license fees are as follows:

- (1) One hundred fifty dollars (\$150.00) non-refundable initial application fee;
- (2) ~~Three hundred fifty dollars (\$350.00) biannual~~ Three hundred seventy-five dollar (\$375.00)
biennial fee for a new or renewal license;
- (3) One hundred fifty dollars (\$150.00) branch office license fee;
- (4) One hundred dollars (\$100.00) late renewal fee to be paid in addition to the renewal fee if the license has not been renewed on or before the expiration date.

(b) Fees shall be paid in the form of a check or money order made payable to the Alarm Systems Licensing Board.

History Note: *Filed as a Temporary Amendment Eff. October 6, 1992 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*
Filed as a Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984;
Authority G.S. 74D-7;
Eff. May 1, 1984;
Amended Eff. February 1, 2010; March 1, 1993; January 1, 1986.

229445

12 NCAC 11 .0302 has been amended as published in 24:04 NCR 161as follows:

12 NCAC 11 .0302 FEES FOR REGISTRATION

(a) Registration fees are as follows:

- (1) ~~Forty dollars (\$40.00)~~ Forty-five dollar (\$45.00) non-refundable biennial registration fee;
- (2) Ten dollar (\$10.00) non-refundable re-issue fee for lost cards or for registration of an employee who changes employment to another licensee;
- (3) Ten dollar (\$10.00) non-refundable annual multiple registration ~~fee-fee~~;
- (4) Ten dollar (\$10.00) fee for each reconsideration of a registration permit that has been previously filed with the Board but returned to the licensee or applicant for correctable errors.

(b) Fees shall be paid in the form of a check or money order made payable to the Alarm Systems Licensing Board.

History Note: Authority G.S. 74D-7;

Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984;

Eff. May 1, 1984;

Amended Eff. January 1, 1986;

Temporary Amendment Eff. October 6, 1992 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Amended Eff. February 1, 2010; April 1, 2005; March 1, 1993.

229447

12 NCAC 11.0302 has been proposed for amendment as follows:

12 NCAC 11 .0302 FEES FOR REGISTRATION

(a) Registration fees are as follows:

- (1) Forty dollars (\$40.00) non-refundable biennial registration fee;
- (2) Ten dollar (\$10.00) non-refundable re-issue fee for lost cards or for registration of an employee who changes employment to another licensee;
- (3) Ten dollar (\$10.00) non-refundable annual multiple registration fee.
- (4) Twenty dollar (\$20.00) late renewal fee to be paid within 30 days from the date the registration expires and to be paid in addition to the renewal fee.

(b) Fees shall be paid in the form of a check or money order made payable to the Alarm Systems Licensing Board.

History Note: Authority G.S. 74D-7;

Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984;

Eff. May 1, 1984;

Amended Eff. January 1, 1986;

Temporary Amendment Eff. October 6, 1992 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Amended Eff. April 1, 2005; March 1, 1993.