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Via email only (govops@ncleg.net)

Joint Legislative Commission on Governmental Operations
Joint Commission Assistant
Fiscal Research Division

RE: Request for Consultation for Licensing Board fee.

Dear Committee Members:

The newly created North Carolina Landscape Contractors Board ("Board") is submitting this request for consultation on the establishment of fees in accordance with N.C. Gen. Stat. §§12-3.1 and 89D-21. Prior to the existence of the Board (which came into existence on August 1, 2015), the profession was regulated by a Registration Board.

N.C. Gen. Stat. §89D-21 expressly provides the Board with the grant of authority to establish the fees listed below. The Board's proposed fee rule, 21 N.C.A.C. 28B .0601, will be submitted as a temporary rule in accordance with N.C. Gen. Stat. §150B-21.1. Since the publication of a Notice of Text is not required in this process, the Board is submitting this request prior to submitting the proposed rule to OAH. Eventually, this Rule will be submitted as a permanent rule.

The proposed fees are specifically authorized by N.C. Gen. Stat. §89D-21; the Registration Board's statute authorizing fees was N.C. Gen. Stat. § 89D-5 and its fee rule was 21 NCAC 28 .0107. The current and proposed fees are set out below:

FEE NAME UNDER G.S. 89D-21(a)	CURRENT FEE 21 NCAC 28 .0107	PROPOSED FEE 21 NCAC 28B .0601	AMOUNT OF FEE authorized by G.S. 89D-21(a)
(1) Application	\$75.00	\$75.00	\$100.00
(2) Examination	\$60.00	\$150.00	\$250.00
(3), (4) & (5) License & renewal	\$60.00	\$60.00	\$100.00
(6) Late Renewal	\$25.00	\$25.00	\$50.00
(7) Reinstatement	N/A	\$100.00	\$250.00
(8) License by Reciprocity	N/A	\$100.00	\$250.00
(9) Duplicate License	\$5.00	\$25.00	\$25.00

Explanation of Need: The Board's fees are specifically provided for under the new licensing statute. All landscape contractors who wish to conduct landscaping contracting work as defined in N.C. Gen. Stat. §89D-11 must now be licensed by the Board and are required to maintain licensure. Therefore, since the Board is 100% self-supporting and receives no appropriations from the N.C. General Fund, it must charge its fees as authorized by statute in order to conduct operations in accordance with the statutory mandate.

Please let me know if you have questions or require further information.

Sincerely,

ALLEN, PINNIX & NICHOLS, P.A.

A handwritten signature in black ink, appearing to read 'A. Choi', written over a horizontal line.

Anna Baird Choi, Counsel
NC Landscape Contractors Licensing Board

C: Scott Makey, Interim Chairman
Calvin Kirven, Executive Administrator

1 **21 NCAC 28B .0601 FEE SCHEDULE**

2 (a) The Board shall charge the following fees:

- 3 (1) Application: \$75.00;
4 (2) Examination: \$150.00;
5 (3) License fee: \$60.00;
6 (4) License renewal: \$60.00;
7 (5) Late renewal: \$25.00;
8 (6) Reinstatement: \$100.00;
9 (7) License by reciprocity: \$100.00;
10 (8) Duplicate license: \$25.00.

11 (b) If the Board elects to use a testing service for the preparation, administration, or grading of examinations, the
12 Board shall charge the applicant the actual cost of the examination services and a prorated portion of the
13 examination fee.

14 (c) All fees charged by the Board are non-refundable.

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16 *History Note:* *Authority G.S.89D-15(2); 89D-15(10); 89D-21;*
17 *Temporary Adoption Eff. January 1, 2016.*
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