

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1187 (4th Edition)

SHORT TITLE: Clarification of Court Fees

SPONSOR(S): Senator Wellons

FISCAL IMPACT					
	Yes ()	No ()	No Estimate Available ()		
	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>	<u>FY 2006-07</u>
REVENUES					
EXPENDITURES		No Fiscal Impact			
POSITIONS:					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Judicial Branch; General Fund Revenues				
EFFECTIVE DATE:	October 1, 2002				

BILL SUMMARY: Sec. 1 and Sec. 2 of the bill amend language implementing the dedicated court fee for access to civil justice/legal services for estate and special proceedings. Sec. 3 eliminates inconsistencies among GS 7A-307 and 7A-308 and 7A-309 that resulted from the increases in fees in 7A-308 and 7A-309 in the 2002 Budget (SB 1115).

ASSUMPTIONS AND METHODOLOGY: In implementing the dedicated court fee, the Administrative Office of the Courts earmarks the \$1.05 once per proceeding, rather than multiple times for proceedings that involve multiple filings. This clarification conforms the statutory language with existing practice so has no fiscal impact. This approach is consistent with the intent of the original legislation, effective December 1, 2001.

SB 1115 raised miscellaneous magistrate fees in 7A-309 by 100% and miscellaneous clerk fees in 7A-308 by 50%. Taking a deposition and hearing a petition for year's allowance are performed both by clerks and magistrates so the changes in SB 1115 resulted in different statutes (7A-307, 308 and 309) detailing different fees for the same function. In addition, fees for docketing a will from another county are covered both by 7A-307 and 7A-308 but at different amounts. Sec. 3 eliminates the inconsistencies by conforming all fees to the levels specified in 7A-307 as amended by SB 1115. Since these fees were assumed in the revenue projections that accompanied SB 1115, these clarifications have no additional fiscal impact. In addition, these functions are performed infrequently and generate little revenue.

SOURCES OF DATA: Administrative Office of the Courts

TECHNICAL CONSIDERATIONS: None

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DATE: September 25, 2002



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