

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS35289-LLf-200 (03/13)

Short Title: Judicial Facilities Funding and Purchase.-AB

(Public)

Sponsors: Senator Snow.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH STATE COURT FACILITIES FEES TO BE USED FOR
THE MAINTENANCE, RENOVATION, CONSTRUCTION, AND PURCHASE
OF STATE JUDICIAL FACILITIES AND TO ESTABLISH THE JUDICIAL
DEPARTMENT FACILITIES RESERVE FUNDS AS A SPECIAL REVENUE
ACCOUNT FOR RECEIPT OF THOSE FEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-304(a) is amended by adding a new subdivision to
read:

"§ 7A-304. Costs in criminal actions.

(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

...

(2a) For the maintenance, renovation, construction, and purchase of State judicial facilities, the sum of three dollars (\$3.00), to be remitted to the Administrative Office of the Courts.

...."

SECTION 2. G.S. 7A-305(a) is amended by adding a new subdivision to
read:

"§ 7A-305. Costs in civil actions.

(a) In every civil action in the superior or district court, except for actions brought under Chapter 50B of the General Statutes, the following costs shall be assessed:

1 ...
2 (1a) For the maintenance, renovation, construction, and purchase of State
3 judicial facilities, the sum of three dollars (\$3.00), to be remitted to the
4 Administrative Office of the Courts.

5"

6 **SECTION 3.** G.S. 7A-306(a) is amended by adding a new subdivision to
7 read:

8 **"§ 7A-306. Costs in special proceedings.**

9 (a) In every special proceeding in the superior court, the following costs shall be
10 assessed:

11 ...

12 (1a) For the maintenance, renovation, construction, and purchase of State
13 judicial facilities, the sum of three dollars (\$3.00), to be remitted to the
14 Administrative Office of the Courts.

15"

16 **SECTION 4.** G.S. 7A-307(a) is amended by adding a new subdivision to
17 read:

18 **"§ 7A-307. Costs in administration of estates.**

19 (a) In the administration of the estates of decedents, minors, incompetents, of
20 missing persons, and of trusts under wills and under powers of attorney, in trust
21 proceedings under G.S. 36A-23.1, and in collections of personal property by affidavit,
22 the following costs shall be assessed:

23 ...

24 (1a) For the maintenance, renovation, construction, and purchase of State
25 judicial facilities, the sum of three dollars (\$3.00), to be remitted to the
26 Administrative Office of the Courts.

27"

28 **SECTION 5.** Article 29 of Chapter 7A of the General Statutes is amended
29 by adding a new section to read:

30 **"§ 7A-343.4. Judicial Branch Facilities Reserve Fund.**

31 The Judicial Branch Facilities Reserve Fund is established within the Judicial
32 Department as a nonreverting, interest-bearing special revenue account. Accordingly,
33 revenue in the Fund at the end of a fiscal year does not revert and interest and other
34 investment income earned by the Fund shall be credited to it. State facilities fees
35 collected or reserved by the Director pursuant to G.S. 7A-304, 7A-305, 7A-306,
36 7A-307, and 143-4-2.1 shall be remitted to the State Treasurer and held in this Fund.
37 Moneys in the Fund shall be available to the Judicial Branch for maintenance,
38 renovations, repairs, construction, and purchase of State Judicial Branch land and
39 facilities. The Director shall report by August 1 and February 1 of each year to the Joint
40 Legislative Commission on Governmental Operations, the Chairs of the Senate and
41 House Appropriations Committees, and the Chairs of the Senate and House
42 Appropriations Subcommittees on Justice and Public Safety on all moneys collected and
43 deposited in the Fund during the preceding six months of the fiscal year and on the
44 proposed expenditure of those funds."

1 **SECTION 6.** Article 4 of Chapter 143C of the General Statutes is amended
2 by adding a new section to read:

3 **"§ 143C-4-2.1. Judicial Branch Facilities Reserve.**

4 (a) Creation and Source of Funds. – The Judicial Branch Facilities Reserve is
5 established as a reserve account within the Judicial Branch. State facilities fees paid as
6 part of court costs for the General Court of Justice shall be placed in the Judicial Branch
7 Facilities Reserve. The Administrative Officer of the Courts may further transfer to the
8 Judicial Branch Facilities Reserve one-fourth of the unexpended, unencumbered balance
9 of an appropriation, as determined on a cash basis, remaining in the Judicial Branch
10 budget at the end of each fiscal year.

11 (b) Nonreverting Funds. – The Judicial Branch Facilities Reserve established
12 within the Judicial Department is a nonreverting, interest-bearing special revenue
13 account. Accordingly, revenue in the account at the end of a fiscal year does not revert
14 and interest and other investment income earned by the Fund shall be credited to it. All
15 State facilities moneys collected or reserved by the Director pursuant to G.S. 7A-304,
16 7A-305, 7A-306, 7A-307, and subsection (a) of this section shall be remitted to the
17 State Treasurer and held in this Fund.

18 (c) Use of Funds. – Moneys in the Fund shall be available to the Judicial Branch
19 for maintenance, renovations, repairs, construction, purchase, and payments toward any
20 certificates of participation for State Judicial Branch facilities and land. The Director
21 shall report by August 1 and February 1 of each year to the Joint Legislative
22 Commission on Governmental Operations, the Chairs of the Senate and House
23 Appropriations Committees, and the Chairs of the Senate and House Appropriations
24 Subcommittees on Justice and Public Safety on all moneys collected and deposited in
25 the Fund during the preceding six months of the fiscal year and on the proposed
26 expenditure of those funds."

27 **SECTION 7.** Certificates of participation may be sold by the State
28 Treasurer, in accordance with the State Capital Facilities Finance Act in Chapter 142 of
29 the General Statutes, in the manner, either at public or private sale, and for any price or
30 prices, that the State Treasurer determines to be in the best interest of the State to effect
31 the purchase of State judicial facilities located at 901 Corporate Drive, Raleigh, N.C.
32 and more particularly described as Phase Two, Tract A of Raleigh Corporate Center
33 consisting of 17.28 acres and as shown on map recorded in Map book 1987, page 720
34 and Map book 1990, page 576 of the Wake County Register of Deeds.

35 **SECTION 8.** This act becomes effective July 1, 2007, and applies to all
36 costs assessed or paid on or after that date.