

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS85459-LL-374A* (5/16)

Short Title: Court Fees/State Facilities Fee. (Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT 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.

The General Assembly of North Carolina enacts:

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

"(2a) For the maintenance, renovation, construction, and purchase of State judicial facilities, the sum of four dollars (\$4.00) to be remitted to the Administrative Office of the Courts."

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

"(1a) For the maintenance, renovation, construction, and purchase of State judicial facilities, the sum of four dollars (\$4.00) to be remitted to the Administrative Office of the Courts."

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

"(1a) For the maintenance, renovation, construction, and purchase of State judicial facilities, the sum of four dollars (\$4.00) to be remitted to the Administrative Office of the Courts."

SECTION 4. G.S. 7A-307 is amended by adding a new subdivision to read:

"(1a) For the maintenance, renovation, construction, and purchase of State judicial facilities, the sum of four dollars (\$4.00) to be remitted to the Administrative Office of the Courts."

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

§ 7A-343.4. Judicial Department Facilities Reserve Fund.

The Judicial Department Facilities Reserve Fund is established within the Judicial Department as a nonreverting, interest-bearing special revenue account. Accordingly, revenue in the Fund at the end of the fiscal year does not revert and interest and other

1 investment income earned by the Fund shall be credited to it. State facilities fees
2 collected or reserved by the Director pursuant to G.S. 7A-304, 7A-305, 7A-306,
3 7A-307, and 143C-4-8 shall be remitted to the State Treasurer and held in this Fund.
4 Moneys in the Fund shall be available to the Judicial Department for maintenance,
5 renovations, repairs, construction, and purchase of State Judicial Department land and
6 facilities. The Director shall report by August 1 and February 1 of each fiscal year to the
7 Joint Legislative Commission on Governmental Operations, the Chairs of the Senate
8 and House Appropriations Committees, and the Chairs of the Senate and House
9 Appropriations Subcommittees on Justice and Public Safety, on all moneys collected
10 and deposited in the Fund during the preceding six months of the fiscal year and on the
11 proposed expenditure of those funds."

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

14 **"§ 143C-4-8. Judicial Department Facilities Reserve.**

15 (a) Creation and Source of Funds. – The Judicial Department Facilities Reserve
16 is established as a reserve account within the Judicial Department. State facilities fees
17 paid as part of court costs for the General Court of Justice shall be placed in the Judicial
18 Department Facilities Reserve. The Administrative Officer of the Courts may further
19 transfer to the Judicial Department Facilities Reserve one-fourth of the unexpended,
20 unencumbered balance of an appropriation, as determined on a cash basis, remaining in
21 the Judicial Department budget at the end of each fiscal year.

22 (b) Nonreverting Funds. – The Judicial Department Facilities Reserve established
23 within the Judicial Department is a nonreverting, interest-bearing special revenue
24 account. Accordingly, revenue in the Account at the end of a fiscal year does not revert,
25 and interest and other investment income earned by the Fund shall be credited to it. All
26 State facilities money collected or reserved by the Director pursuant to G.S. 7A-304,
27 7A-305, 7A-306, 7A-307, and this section shall be remitted to the State Treasurer and
28 held in this Fund.

29 (c) Use of Funds. – Moneys in the Fund shall be available to the Judicial
30 Department for maintenance, renovations, repairs, construction, purchase, and payments
31 toward any certificates or participation for State Judicial Department facilities and land.
32 The Director shall report by August 1 and February 1 of each fiscal year to the Joint
33 Legislative Commission on Governmental Operations, the Chairs of the Senate and
34 House Appropriations Committees, and the Chairs of the Senate and House
35 Appropriations Subcommittees on Justice and Public Safety on all moneys collected and
36 deposited in the Fund during the preceding six months of the fiscal year and on the
37 proposed expenditure of those funds."

38 **SECTION 7.** Certificates of participation may be sold by the State
39 Treasurer, in accordance with the State Capital Facilities Finance Act, Article 9 of
40 Chapter 142 of the General Statutes, in the manner, either at public or private sale, and
41 for any price or prices, that the State Treasurer determines to be in the best interest of
42 the State to effect the purchase of State judicial facilities located at 901 Corporate
43 Drive, Raleigh, NC, and more particularly described as Phase Two, Tract A of Raleigh
44 Corporate Center consisting of 17.28 acres and as shown on the map recorded in Map

1 book 1987, page 720, and Map book 1990, page 576, of the Wake County Register of
2 Deeds.

3 **SECTION 8.** This act becomes effective July 1, 2008, and applies to all
4 costs assessed or collected on or after that date.