

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 2107*

Short Title: Court Fees/State Facilities Fee.

(Public)

Sponsors: Senator Clodfelter.

Referred to: Appropriations/Base Budget.

May 28, 2008

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 investment income earned by the Fund shall be credited to it. State facilities fees collected or reserved by the Director pursuant to G.S. 7A-304, 7A-305, 7A-306,

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

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

12 **"§ 143C-4-8. Judicial Department Facilities Reserve.**

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

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

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

36 **SECTION 7.** Certificates of participation may be sold by the State
37 Treasurer, in accordance with the State Capital Facilities Finance Act, Article 9 of
38 Chapter 142 of the General Statutes, in the manner, either at public or private sale, and
39 for any price or prices, that the State Treasurer determines to be in the best interest of
40 the State to effect the purchase of State judicial facilities located at 901 Corporate
41 Drive, Raleigh, NC, and more particularly described as Phase Two, Tract A of Raleigh
42 Corporate Center consisting of 17.28 acres and as shown on the map recorded in Map
43 book 1987, page 720, and Map book 1990, page 576, of the Wake County Register of
44 Deeds.

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