

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 1854*
Committee Substitute Favorable 6/7/00

Short Title: 2000 Fee Bill.

(Public)

Sponsors:

Referred to:

May 30, 2000

A BILL TO BE ENTITLED

AN ACT TO SET THE PUBLIC UTILITY REGULATORY FEES AND THE INSURANCE REGULATORY CHARGE, TO INCREASE COURT COSTS, TO INCREASE JAIL FEES FOR PERSONS PAYING JAIL FEES PURSUANT TO PROBATIONARY SENTENCES, AND TO INCREASE THE FEE IMPOSED FOR EMERGENCY PLANNING.

The General Assembly of North Carolina enacts:

TABLE OF CONTENTS:

- PART I. PUBLIC UTILITY REGULATORY FEE**
- PART II. NORTH CAROLINA ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE**
- PART III. INSURANCE REGULATORY CHARGE**
- PART IV. INCREASE COURT COSTS**
- PART V. JAIL FEES FOR LOCAL GOVERNMENTS**
- PART VI. INCREASE FEE FOR EMERGENCY PLANNING**
- PART VII. EFFECTIVE DATES**

PART I. PUBLIC UTILITY REGULATORY FEE

Section 1. The percentage rate to be used in calculating the public utility regulatory fee under G.S. 62-302(b)(2) is nine-hundredths percent (0.09%) for each

public utility's North Carolina jurisdictional revenues earned during each quarter that begins on or after July 1, 2000.

PART II. NORTH CAROLINA ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE

Section 2. The annual fee imposed on The North Carolina Electric Membership Corporation under G.S. 62-302(b1) for the 2000-2001 fiscal year is two hundred thousand dollars (\$200,000).

PART III. INSURANCE REGULATORY CHARGE

Section 3. The percentage rate to be used in calculating the insurance regulatory charge under G.S. 58-6-25 is seven percent (7%) for the 2000 calendar year.

PART IV. COURT COSTS FOR TECHNOLOGY

Section 4.(a) G.S. 7A-304(a)(4) reads as rewritten:

" (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.

...
(4) For support of the General Court of Justice, the sum of ~~sixty-one dollars (\$61.00)~~ sixty-five dollars (\$65.00) in the district court, including cases before a magistrate, and the sum of ~~sixty-eight dollars (\$68.00)~~ seventy-two dollars (\$72.00) in the superior court, to be remitted to the State Treasurer.

...."

Section 4.(b) G.S. 7A-305(a)(2) reads as rewritten:

" (a) In every civil action in the superior or district court the following costs shall be assessed:

...
(2) For support of the General Court of Justice, the sum of ~~fifty-five dollars (\$55.00)~~ fifty-nine dollars (\$59.00) in the superior court, and the sum of ~~forty dollars (\$40.00)~~ forty-four dollars (\$44.00) in the district court except that if the case is assigned to a magistrate the sum shall be ~~twenty-eight dollars (\$28.00)~~ thirty-three dollars (\$33.00). Sums collected under this subsection shall be remitted to the State Treasurer.

...."

Section 4.(c) G.S. 7A-306(a) and (b) read as rewritten:

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

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

- (1) For the use of the courtroom and related judicial facilities, the sum of ten dollars (\$10.00) to be remitted to the county. Funds derived from the facilities fees shall be used in the same manner, for the same purposes, and subject to the same restrictions, as facilities fees assessed in criminal actions.
- (2) For support of the General Court of Justice the sum of ~~twenty-six dollars (\$26.00)~~ thirty dollars (\$30.00). In addition, in proceedings involving land, except boundary disputes, if the fair market value of the land involved is over one hundred dollars (\$100.00), there shall be an additional sum of thirty cents (30¢) per one hundred dollars (\$100.00) of value, or major fraction thereof, not to exceed a maximum additional sum of two hundred dollars (\$200.00). Fair market value is determined by the sale price if there is a sale, the appraiser's valuation if there is no sale, or the appraised value from the property tax records if there is neither a sale nor an appraiser's valuation. Sums collected under this subsection shall be remitted to the State Treasurer.

(b) The facilities fee and ~~twenty-six dollars (\$26.00)~~ thirty dollars (\$30.00) of the General Court of Justice fee are payable at the time the proceeding is initiated.

...."

Section 4.(d) G.S. 7A-307(a) and (b) read as rewritten:

"(a) In the administration of the estates of decedents, minors, incompetents, of missing persons, and of trusts under wills and under powers of attorney, and in collections of personal property by affidavit, the following costs shall be assessed:

- (1) For the use of the courtroom and related judicial facilities, the sum of ten dollars (\$10.00), to be remitted to the county. Funds derived from the facilities fees shall be used in the same manner, for the same purposes, and subject to the same restrictions, as facilities fees assessed in criminal actions.
- (2) For support of the General Court of Justice, the sum of ~~twenty-six dollars (\$26.00)~~ thirty dollars (\$30.00), plus an additional forty cents (40¢) per one hundred dollars (\$100.00), or major fraction thereof, of the gross estate, not to exceed three thousand dollars (\$3,000). Gross estate shall include the fair market value of all personalty when received, and all proceeds from the sale of realty coming into the hands of the fiduciary, but shall not include the value of realty. In collections of personal property by affidavit, the fee based on the gross estate shall be computed from the information in the final affidavit of collection made pursuant to G.S. 28A-25-3 and shall be paid when that affidavit is filed. In all other cases, this fee shall be computed from the information reported in the inventory and shall be paid when the inventory is filed

with the clerk. If additional gross estate, including income, comes into the hands of the fiduciary after the filing of the inventory, the fee for such additional value shall be assessed and paid upon the filing of any account or report disclosing such additional value. For each filing the minimum fee shall be ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00). Sums collected under this subsection shall be remitted to the State Treasurer.

- (2a) Notwithstanding subdivision (2) of this subsection, the fee of forty cents (40¢) per one hundred dollars (\$100.00), or major fraction, of the gross estate, not to exceed three thousand dollars (\$3,000), shall not be assessed on personalty received by a trust under a will when the estate of the decedent was administered under Chapters 28 or 28A of the General Statutes. Instead, a fee of ~~fifteen dollars (\$15.00)~~ twenty dollars (\$20.00) shall be assessed on the filing of each annual and final account.
- (2b) Notwithstanding subdivisions (1) and (2) of this subsection, no costs shall be assessed when the estate is administered or settled pursuant to G.S. 28A-25-6.
- (3) For probate of a will without qualification of a personal representative, the clerk shall assess a facilities fee as provided in subdivision (1) of this subsection and shall assess for support of the General Court of Justice, the sum of ~~seventeen dollars (\$17.00)~~ twenty dollars (\$20.00).

(b) In collections of personal property by affidavit, the facilities fee and ~~twenty-six dollars (\$26.00)~~ thirty dollars (\$30.00) of the General Court of Justice fee shall be paid at the time of filing the qualifying affidavit pursuant to G.S. 28A-25-1. In all other cases, these fees shall be paid at the time of filing of the first inventory. If the sole asset of the estate is a cause of action, ~~the thirty dollars (\$30.00)~~ these fees shall be paid at the time of the qualification of the fiduciary.

....."

Section 4.(e) G.S. 7A-308(a)(1) reads as rewritten:

"(a) The following miscellaneous fees and commissions shall be collected by the clerk of superior court and remitted to the State for the support of the General Court of Justice:

- (1) Foreclosure under power of sale in deed of trust or mortgage.....~~\$30.00~~ \$40.00

If the property is sold under the power of sale, an additional amount will be charged, determined by the following formula: thirty cents (30¢) per one hundred dollars (\$100.00), or major fraction thereof, of the final sale price. If the amount determined by the formula is less than ten dollars (\$10.00), a minimum ten dollar (\$10.00) fee will be collected. If the amount determined by the formula is more than two hundred dollars (\$200.00), a maximum two hundred dollar (\$200.00) fee will be collected."

PART V. JAIL FEE FOR LOCAL GOVERNMENTS

Section 5. G.S. 7A-313 reads as rewritten:

"§ 7A-313. Uniform jail fees.

~~Only persons~~ Persons who are lawfully confined in jail awaiting trial, ~~or who are ordered to pay jail fees pursuant to a probationary sentence, trial~~ shall be liable to the county or municipality maintaining the jail in the sum of five dollars (\$5.00) for each 24 hours' confinement, or fraction thereof, except that a person so confined shall not be liable for this fee if the case or proceeding against him is dismissed, or if acquitted, or if judgment is arrested, or if probable cause is not found, or if the grand jury fails to return a true bill.

Persons who are ordered to pay jail fees pursuant to a probationary sentence shall be liable to the county or municipality maintaining the jail at the same per diem rate paid by the Department of Correction to local jails for maintaining a prisoner, as set by the General Assembly in its appropriations acts."

PART VI. INCREASE FEE FOR EMERGENCY PLANNING

Section 6. G.S. 166A-6.1(b) reads as rewritten:

"(b) Every person, firm, corporation or municipality who is licensed to construct or who is operating a fixed nuclear facility for the production of electricity shall pay to the Department of Crime Control and Public Safety, for the use of the Division of Radiation Protection ~~Division~~ of the Department of Environment and Natural Resources, an annual fee of ~~eighteen thousand dollars (\$18,000)~~ thirty-six thousand dollars (\$36,000) for each fixed nuclear facility ~~which~~ that is located within this State or has a Plume Exposure Pathway Emergency Planning Zone of which any part is located within this State. This fee shall be applied to the costs of planning and implementing emergency response activities as are required by the Federal Emergency Management Agency for the operation of nuclear facilities. ~~Said~~ This fee is to be paid no later than July 31 of each year."

PART VII. EFFECTIVE DATES

Section 7.(a) Public Utility Regulatory Fee. -- Section 1 of this act becomes effective July 1, 2000.

Section 7.(b) North Carolina Electric Membership Corporation Regulatory Fee. -- Section 2 of this act becomes effective July 1, 2000.

Section 7.(c) Insurance Regulatory Charge. -- Section 3 of this act is effective when it becomes law.

Section 7.(d) Increase Court Costs. -- Section 4 of this act becomes effective July 15, 2000, and applies to all costs assessed or collected on and after that date.

Section 7.(e) Jail Fees for Local Governments. -- Section 5 of this act becomes effective July 1, 2000, and applies to sentences or portions of sentences being served on or after that date.

Section 7.(f) Increase Fee for Emergency Planning. -- Section 6 of this act becomes effective July 1, 2000.

Section 7.(g) Remainder. -- The remainder of this act is effective when it becomes law.