

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1389*

Short Title: Funding for Legal Services.

(Public)

Sponsors: Representatives Allred; Beall, Cole, Davis, Luebke, and Sutton.

Referred to: Judiciary I, if favorable, Finance.

May 21, 1998

A BILL TO BE ENTITLED
AN ACT TO DEDICATE A PORTION OF COURT COSTS TO PROVIDE ACCESS
TO CIVIL JUSTICE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-304(a)(4) reads as rewritten:

"(4) For support of the General Court of Justice, the sum of sixty-one dollars (\$61.00) in the district court, including cases before a magistrate, and the sum of sixty-eight dollars (\$68.00) in the superior court, to be remitted to the State Treasurer. The State Treasurer shall remit a portion of each fee collected under this subdivision, in an amount equal to that specified in the table below, to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4:

<u>Fiscal year</u>	<u>Amount</u>
<u>1998-99</u>	<u>\$4.00</u>
<u>1999-00</u>	<u>6.00</u>
<u>2000-01</u>	<u>7.00</u>
<u>2001-02</u>	<u>8.00</u>
<u>2002-03</u>	<u>9.00</u>
<u>2003-04 and after</u>	<u>10.00."</u>

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

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"(2) For support of the General Court of Justice, the sum of fifty-five dollars (\$55.00) in the superior court, and the sum of forty dollars (\$40.00) in the district court except that if the case is assigned to a magistrate the sum shall be twenty-eight dollars (\$28.00). Sums collected under this ~~subsection~~ subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit a portion of each fee collected under this subdivision, in an amount equal to that specified in the table below, to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4:

<u>Fiscal year</u>	<u>Amount</u>
<u>1998-99</u>	<u>\$4.00</u>
<u>1999-00</u>	<u>6.00</u>
<u>2000-01</u>	<u>7.00</u>
<u>2001-02</u>	<u>8.00</u>
<u>2002-03</u>	<u>9.00</u>
<u>2003-04 and after</u>	<u>10.00."</u>

Section 3. G.S. 7A-306(a)(2) reads as rewritten:

"(2) For support of the General Court of Justice the sum of twenty-six dollars (\$26.00). 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~~ subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit a portion of each fee collected under this subdivision, in an amount equal to that specified in the table below, to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4:

<u>Fiscal year</u>	<u>Amount</u>
<u>1998-99</u>	<u>\$4.00</u>
<u>1999-00</u>	<u>6.00</u>
<u>2000-01</u>	<u>7.00</u>
<u>2001-02</u>	<u>8.00</u>
<u>2002-03</u>	<u>9.00</u>
<u>2003-04 and after</u>	<u>10.00."</u>

Section 4. G.S. 7A-307(a)(2) reads as rewritten:

"(2) For support of the General Court of Justice, the sum of twenty-six dollars (\$26.00), 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

1 fair market value of all personalty when received, and all proceeds from
2 the sale of realty coming into the hands of the fiduciary, but shall not
3 include the value of realty. In collections of personal property by
4 affidavit, the fee based on the gross estate shall be computed from the
5 information in the final affidavit of collection made pursuant to G.S.
6 28A-25-3 and shall be paid when that affidavit is filed. In all other
7 cases, this fee shall be computed from the information reported in the
8 inventory and shall be paid when the inventory is filed with the clerk. If
9 additional gross estate, including income, comes into the hands of the
10 fiduciary after the filing of the inventory, the fee for such additional
11 value shall be assessed and paid upon the filing of any account or report
12 disclosing such additional value. For each filing the minimum fee shall
13 be ten dollars (\$10.00). Sums collected under this ~~subsection~~ subdivision
14 shall be remitted to the State Treasurer. The State Treasurer shall remit a
15 portion of each fee collected under this subdivision, in an amount equal
16 to that specified in the table below, to the North Carolina State Bar for
17 the provision of services described in G.S. 7A-474.4:

<u>Fiscal year</u>	<u>Amount</u>
<u>1998-99</u>	<u>\$4.00</u>
<u>1999-00</u>	<u>6.00</u>
<u>2000-01</u>	<u>7.00</u>
<u>2001-02</u>	<u>8.00</u>
<u>2002-03</u>	<u>9.00</u>
<u>2003-04 and after</u>	<u>10.00."</u>

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25 Section 5. This act becomes effective July 1, 1998, and applies to fees paid on
26 or after that date.