

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH10123-LE-249 (3/20)

Short Title: Agencies Retain Cost of Collecting Fines.

(Public)

Sponsors: Representative Harrison.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PERMIT STATE AGENCIES TO RETAIN THEIR ACTUAL COSTS
OF COLLECTING CIVIL FINES UNDER SOME CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-457.2 reads as rewritten:

"§ **115C-457.2. Remittance of moneys to the Fund.**

(a) The clear proceeds of all civil penalties, civil forfeitures, and civil fines that are collected by a State agency and that the General Assembly is authorized to place in a State fund pursuant to Article IX, Section 7(b) of the Constitution shall be remitted to the Office of State Budget and Management by the officer having custody of the funds within 10 days after the close of the calendar month in which the revenues were received or collected. Notwithstanding any other law, all such funds shall be deposited in the Civil Penalty and Forfeiture Fund. The clear proceeds of these funds include the full amount of all civil penalties, civil forfeitures, and civil fines collected under authority conferred by the State, diminished only by the actual costs of ~~collection~~, not to collection.

Except as provided in subsection (b) of this section, the costs of collection shall not exceed twenty percent (20%) of the amount collected. The collection cost percentage to be used by a State agency shall be established and approved by the Office of State Budget and Management on an annual basis based upon the computation of actual collection costs by each agency for the prior fiscal year.

(b) If an agency demonstrates to the Office of State Budget and Management that, due to extraordinary circumstances, the actual costs of collection for the agency is higher than twenty percent (20%) of the amount collected, the Office of State Budget and Management may permit the agency to retain its actual costs of collection."

SECTION 2. This act becomes effective July 1, 2007, and applies to funds received or collected on or after that date.