

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 1629

Short Title: Agencies Retain Cost of Collecting Fines. (Public)

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Sponsors: Representatives Harrison, Luebke (Primary Sponsors); Brown and Faison.

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Referred to: Judiciary I, if favorable, Finance.

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April 19, 2007

1 A BILL TO BE ENTITLED  
2 AN ACT TO PERMIT STATE AGENCIES TO RETAIN THEIR ACTUAL COSTS  
3 OF COLLECTING CIVIL FINES UNDER SOME CIRCUMSTANCES.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 115C-457.2. Remittance of moneys to the Fund.**

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

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

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

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