

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 2021

Short Title: Repeal Lawyer Surcharge. (Public)

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Sponsors: Senators Foriest; and Berger of Rockingham.

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Referred to: Rules and Operations of the Senate.

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May 28, 2008

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE FIFTY-DOLLAR SURCHARGE ON LAWYER  
MEMBERSHIP FEES THAT FUNDS THE PUBLIC CAMPAIGN FUND.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 84-34 reads as rewritten:

**"§ 84-34. Membership fees and list of members.**

Every active member of the North Carolina State Bar shall, prior to the first day of July of each year, pay to the secretary-treasurer an annual membership fee in an amount determined by the Council but not to exceed three hundred dollars (\$300.00), ~~plus a surcharge of fifty dollars (\$50.00) for the implementation of Article 22D of Chapter 163 of the General Statutes,~~ and every member shall notify the secretary-treasurer of the member's correct mailing address. Any member who fails to pay the required dues by the last day of June of each year shall be subject to a late fee in an amount determined by the Council but not to exceed thirty dollars (\$30.00). All dues for prior years shall be as were set forth in the General Statutes then in effect. The membership fee shall be regarded as a service charge for the maintenance of the several services authorized by this Article, and shall be in addition to all fees required in connection with admissions to practice, and in addition to all license taxes required by law. The fee shall not be prorated: Provided, that no fee shall be required of an attorney licensed after this Article shall have gone into effect until the first day of January of the calendar year following that in which the attorney was licensed; but this proviso shall not apply to attorneys from other states admitted on certificate. The fees shall be disbursed by the secretary-treasurer on the order of the Council. ~~The fifty dollar (\$50.00) surcharge shall be sent on a monthly schedule to the State Board of Elections.~~ The secretary-treasurer shall annually, at a time and in a law magazine or daily newspaper to be prescribed by the Council, publish an account of the financial transactions of the Council in a form to be prescribed by it. The secretary-treasurer shall compile and keep currently correct from the names and mailing addresses forwarded to the secretary-treasurer and from any other available sources of information a list of members of the North Carolina State Bar

1 and furnish to the clerk of the superior court in each county, not later than the first day  
2 of October in each year, a list showing the name and address of each attorney for that  
3 county who has not complied with the provisions of this Article. The name of each of  
4 the active members who are in arrears in the payment of membership fees shall be  
5 furnished to the presiding judge at the next term of the superior court after the first day  
6 of October of each year, by the clerk of the superior court of each county wherein the  
7 member or members reside, and the court shall thereupon take action that is necessary  
8 and proper. The names and addresses of attorneys so certified shall be kept available to  
9 the public. The Secretary of Revenue is hereby directed to supply the  
10 secretary-treasurer, from records of license tax payments, with any information for  
11 which the secretary-treasurer may call in order to enable the secretary-treasurer to  
12 comply with this requirement.

13 The list submitted to several clerks of the superior court shall also be submitted to  
14 the Council at its October meeting of each year and it shall take the action thereon that  
15 is necessary and proper."

16 **SECTION 2.** G.S. 163-278.63(b) reads as rewritten:

17 "(b) Sources of Funding. – Money received from all the following sources must be  
18 deposited in the Fund:

- 19 (1) Money from the North Carolina Candidates Financing Fund.
- 20 (2) Designations made to the Public Campaign Fund by individual  
21 taxpayers pursuant to G.S. 105-159.2.
- 22 (3) Repealed by Session Laws 2005-276, s. 23A.1(c), effective January 1,  
23 2006.
- 24 (4) Public Campaign Fund revenues distributed for an election that remain  
25 unspent or uncommitted at the time the recipient is no longer a  
26 certified candidate in the election.
- 27 (5) Money ordered returned to the Public Campaign Fund in accordance  
28 with G.S. 163-278.70.
- 29 (6) Voluntary donations made directly to the Public Campaign Fund.  
30 Corporations, other business entities, labor unions, and professional  
31 associations may make donations to the Fund.
- 32 (7) ~~Money collected from the fifty dollar (\$50.00) surcharge on attorney~~  
33 ~~membership fees in G.S. 84-34."~~

34 **SECTION 3.** This act becomes effective January 1, 2009, and applies to the  
35 membership fees due for 2009.