

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

Legislative Fiscal Note

BILL NUMBER: House Bill 805 (First Edition)

SHORT TITLE: Additional Name Change Requirements.

SPONSOR(S): Representatives Stam, Spear, and Randleman

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>	<u>FY 2014-15</u>	<u>FY 2015-16</u>
EXPENDITURES					
Judicial	\$45,623	\$46,817	\$50,881	\$54,259	\$57,102
POSITIONS (cumulative):	1	1	1	1	1
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Judicial Branch					
EFFECTIVE DATE: This act is effective when it becomes law and applies to name change applications under G.S. 101-5 made on or after that date.					

BILL SUMMARY:

The proposed legislation amends G.S. 101-5 to require that additional information be submitted to the clerk of court from a person desiring a name change, including information from the person's birth certificate, certified results of an official state and national criminal history record check, and a sworn statement concerning the person's residence, involvement with bankruptcy proceedings, and outstanding tax or child support obligations. This bill requires the clerk to forward an order granting a name change to the Division of Criminal Information at the State Bureau of Investigation. This bill creates a process for the issuance of a denial of the requested name change by the clerk, and for the appeal of such a denial by the applicant to the chief resident superior court judge within 30 days of the denial. The proposed legislation mandates that applicants who unsuccessfully appeal a denial must wait at least 12 months before submitting a new application. This act is effective when it becomes law and applies to name change applications under G.S. 101-5 made on or after that date.

SOURCE: BILL DIGEST H.B. 805 (04/07/201)

ASSUMPTIONS AND METHODOLOGY:

Judicial Branch

Name change requests are handled by assistant clerks or the elected Clerk of Court. In calendar year 2010, NC Administrative Office of the Courts (AOC) data indicate that there were 6,298 petitions for name changes outside of divorce proceedings. According to the Conference of Clerks, the current name change process requires 30 to 45 minutes of clerk time. The Conference anticipates that the requirements in the proposed legislation will add approximately 15 minutes to the time to process most petitions for name change, yielding a total time of 45 to 60 minutes. If the documents provided include complex documents such as bankruptcy proceedings, AOC expects that some additional time would be required for review.

Salaries for assistant clerks are set by a salary schedule that begins at \$32,222 for the first step. Assuming an additional 15 minutes per petition, the additional workload imposed statewide by this legislation would be equivalent to one additional assistant clerk position. The equivalent costs for one position over the five-year fiscal note horizon would be as follows:

	FY2011-12	FY2012-13	FY2013-14	FY2014-15	FY2015-16
Expenditures					
R	\$ 43,003	\$ 46,817	\$ 50,881	\$ 54,259	\$ 57,102
NR	\$ 2,620	\$ -	\$ -	\$ -	\$ -
Total	\$ 45,623	\$ 46,817	\$ 50,881	\$ 54,259	\$ 57,102

The first year recurring cost is \$43,003 (\$32,222 base salary plus \$4,929 health insurance plus \$3,387 retirement plus \$2,465 Social Security / Medicare equals \$43,003). The out years are adjusted for inflation based on consumer price index projections provided by Moody's economy.com (Jan. 2011). The non-recurring cost in the first year of \$2,620 is the start-up cost for a new position – office equipment, computer, reference materials, etc.

AOC states that according to workload standards developed by the National Center for State Courts for North Carolina's court personnel, for FY 2010-11 the court system has a shortage of 354 deputy and assistant clerks statewide. AOC therefore maintains that any increase in workload could not be absorbed by existing staff. Because AOC can allocate partial positions to clerks' offices, one position can be split across multiple counties to deal with additional workload.

The proposed legislation also sets forth a process for appeal to the "chief resident superior court judge." Any appeals to the senior resident superior court judge would require additional time, and the number of appeals cannot be projected. However, there is no procedure set forth in the proposed bill for the appeal process to the senior resident superior court judge. It is unclear whether this is an appeal that requires a hearing or if the documents are simply presented for

review. In either case, there would be time required for each appeal; hearings would involve more court personnel and time, but due to the uncertainty involved, no estimate can be provided.

SOURCES OF DATA: Judicial Branch

TECHNICAL CONSIDERATIONS: The bill establishes an appeal process before the “chief resident superior court judge.” GS 7A-41.1(b) designates a “senior resident superior court judge,” which is presumably the position intended in this bill.

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