

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 1109
HOUSE BILL 1551

AN ACT TO APPROPRIATE FUNDS TO THE JUDICIAL DEPARTMENT AND
THE ADMINISTRATIVE OFFICE OF THE COURTS.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Judicial Department the sum of eighty-five thousand dollars (\$85,000) for fiscal year 1984-85 to continue the Mecklenburg County pilot program requiring mediation of disputes over child custody and visitation.

Sec. 2. There is appropriated from the General Fund to the Judicial Department for fiscal year 1984-85 the following amounts for salaries and benefits for the following new positions:

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|-----|--|------------|
| (a) | Four superior court judges added by Section 4 of this act | \$ 209,804 |
| (b) | Four court reporters added by Section 7 of this act | \$ 55,168 |
| (c) | Four district court judges added by Section 5 of this act | \$ 256,812 |
| (d) | Seven magistrates added by Section 8 of this act | \$ 105,434 |
| (e) | Four assistant district attorneys added by Section 4.1 of this act | \$ 154,076 |
| (f) | 53 deputy clerks of superior court added by Section 6 of this act | \$ 765,645 |

Sec. 2.1. There is appropriated from the General Fund to the Judicial Department for fiscal year 1984-85 the sum of seventy-two thousand dollars (\$72,000) for the increase in expense allowance provided by Section 2.2 of this act.

Sec. 2.2. G.S. 7A-44(a) is amended by deleting "five thousand five hundred dollars (\$5,500)", and inserting in lieu thereof "six thousand five hundred dollars (\$6,500)".

Sec. 3. There is appropriated from the General Fund to the Administrative Office of the Courts for fiscal year 1984-85 the following amounts for the following purposes:

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|-----|--|--------------|
| (a) | Equipment for clerk of court accounting system to upgrade program | \$ 600,000 |
| (b) | Expansion of court information system (mainframe, peripherals, and software) | \$ 1,700,000 |

- (c) Update filing systems in offices of clerks of court \$ 153,785
- (d) Fund clerical positions until June 30, 1985, for indigency screening program under Section 7 of 1983 Session Laws Chapter 881 \$ 46,500

Sec. 4. G.S. 7A-41 is amended in the table so that the total numbers of resident judges for the indicated judicial districts read:

"Judicial District Judges	No. of Resident
1	2
9	2
18	4
30	2."

Sec. 4.1. G.S. 7A-41 is amended in the table so that the total numbers of full-time assistant district attorneys for the indicated judicial districts read:

"Judicial District Asst.	No. of Full-Time District Attorneys
2	4
12	12
17B	3
18	14."

Sec. 5. G.S. 7A-133 is amended in the table so that the numbers of district court judges for the indicated judicial districts read:

"District Judges
2 3
12 6
21 6
26 11."

Sec. 6. There are established 53 new positions of deputy clerk of superior court, to be allocated among the State's counties by the Administrative Officer of the Courts pursuant to the formula developed under Section 9 of 1983 Session Laws Chapter 881.

Sec. 7. There are established four new positions of court reporter, to be appointed in accordance with the provisions of G.S. 7A-95(e).

Sec. 8. There are established seven new positions of magistrate, to be appointed in accordance with the provisions of G.S. 7A-171.

Sec. 9. Article 12 of General Statutes Chapter 7A is amended by adding a new section to read:

"§ 7A-113. Bookkeeping and accounting systems equipment. – Notwithstanding the provisions of G.S. 147-64.6(10), proposed changes in the kinds of bookkeeping and accounting systems equipment employed by the clerk of superior court shall be subject to review and approval by the Office of State Budget and Management. The Administrative Officer of the Courts shall, prior to implementing any change in the kinds of equipment, file with the Office of State Budget and Management a request for approval of the change, along with supporting information. If within 30 days of the

filing of the request the Office of State Budget and Management has not disapproved the request, the request shall be deemed to be approved."

Sec. 10. G.S. 143-2 is amended in the final paragraph by inserting between the word, "in" and the citation, "G.S. 143- 25" the following: "G.S. 7A-113 or in".

Sec. 11. G.S. 7A-10(c), 7A-18(b), 7A-44(b) and 7A- 144(b) are each amended by rewriting the last sentence of those subsections to read:

"'Service' means service as a justice or judge of the General Court of Justice or as a member of the Utilities Commission."

Sec. 12. G.S. 7A-455(b) is rewritten to read:

"(b) In all cases the court shall fix the money value of services rendered by assigned counsel or the public defender, and such sum plus any sums allowed by the court for other necessary expenses of representing the indigent person, shall be entered as a judgment in the office of the clerk of superior court, and shall constitute a lien as prescribed by the general law of the State applicable to judgments. Any reimbursement to the State as provided in subsection (a) of this section or any funds collected by reason of such judgment shall be deposited in the State Treasury and credited against the judgment; provided, that counsel fees ordered paid to the clerk on behalf of the appointed counsel pursuant to G.S. 15A-1343(e) may be paid directly to the counsel."

Sec. 13. The superior and district court judgeships created by Sections 4 and 5 of this act shall be filled as follows:

- (1) Initial appointments to each of the superior court judgeships shall be made by the Governor for a term to expire on December 31, 1986.
- (2) Initial appointments to each of the district court judgeships shall be made by the Governor for a term to expire on the first Monday in December 1986.

Sec. 13.1. The first sentence of G.S. 7A-10(c), the first sentence of G.S. 7A-18(b), the first sentence of G.S. 7A- 44(b), the first sentence of G.S. 7A-144(b), the first sentence of G.S. 7A-65(c), and the first sentence of the last paragraph of G.S. 7A-101 are each amended:

- (1) by deleting ",and", and inserting in lieu thereof ","; and
- (2) by adding immediately before the period the following language: ", fourteen and four-tenths percent (14.4%) after 15 years of service, and nineteen and two-tenths percent (19.2%) after 20 years of service".

Sec. 13.2. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of one hundred fifty-nine thousand six hundred ninety-eight dollars (\$159,698) to provide nine additional positions as follows:

- (1) A Supreme Court Director of Research,
- (2) One statistical analyst,
- (3) One purchasing agent,
- (4) One microfilm clerk,
- (5) Five secretarial positions to be allocated by the Director of the Administrative Office of the Courts to Judicial Officials.

Sec. 13.3. There is appropriated from the General Fund to the Administrative Office of the Courts for fiscal year 1984- 85 the sum of one hundred fifty-six thousand

two hundred forty- seven dollars (\$156,247) to provide funding for the equalization of the salaries of employees resulting from Personnel Classification and pay studies.

Sec. 13.4. There is appropriated from the General Fund to the Administrative Office of the Courts for fiscal year 1984- 85 the sum of sixteen thousand dollars (\$16,000) as a grant-in- aid to the Buncombe County Dispute Settlement Center.

Sec. 13.5. There is appropriated from the General Fund to the Administrative Office of the Courts for fiscal year 1984- 85 the sum of three hundred fifty-nine thousand two hundred fifty dollars (\$359,250) to fund the longevity provided by Sec. 13.1 of this act.

Sec. 13.6. G.S. 7A-39.2(a), as it appears in the 1981 Replacement Volume 1B of the General Statutes, is amended by deleting from the sixth line thereof the words "annual salary" and inserting in lieu thereof the words "total annual compensation, including longevity, but excluding any payments in the nature of reimbursement for expenses,".

Sec. 13.7. G.S. 7A-39.2(b), as it appears in the 1981 Replacement Volume 1B of the General Statutes, is amended by deleting from the fourth line thereof the words "annual salary" and inserting in lieu thereof the words "total annual compensation, including longevity, but excluding any payments in the nature of reimbursement for expenses,".

Sec. 13.8. G.S. 7A-39.2(c), as it appears in the 1981 Replacement Volume 1B of the General Statutes, is amended by deleting from the fifth line thereof the words "annual salary" and inserting in lieu thereof the words "total annual compensation, including longevity, but excluding any payments in the nature of reimbursement for expenses,".

Sec. 13.9. G.S. 7A-39.2 is amended by adding thereto a new subsection to read:

"(d) For purposes of this section, the 'occupant or occupants of the office from which' the retired judge retired will be deemed to be a judge or justice of the Appellate Division holding the same office and with the same service as the retired judge had immediately prior to retirement."

Sec. 13.10. G.S. 7A-51(a), as it appears in the 1981 Replacement Volume 1B of the General Statutes, is amended by deleting from line 6 of that subsection the words "annual salary" and substituting in lieu thereof the words "total annual compensation, including longevity and additional payment for service as senior resident superior court judge, but excluding any payments in the nature of reimbursement for expenses or subsistence allowances,".

Sec. 13.11. G.S. 7A-51(b), as it appears in the 1981 Replacement Volume 1B of the General Statutes, is amended by deleting from line 6 of that subsection the words "annual salary" and substituting in lieu thereof the words "total annual compensation, including longevity and additional payment for service as senior resident superior court judge, but excluding any payments in the nature of reimbursement for expenses or subsistence allowances,".

Sec. 13.12. G.S. 7A-51(c) is amended by deleting from line 5 of that subsection the words "annual salary" and substituting in lieu thereof the words "total

annual compensation, including longevity and additional payment for service as senior resident superior court judge, but excluding any payments in the nature of reimbursement for expenses or subsistence allowances,".

Sec. 13.13. G.S. 7A-51, as it appears in the 1981 Replacement Volume 1B of the General Statutes, is amended by adding thereto a new subsection, to read:

"(e) For purposes of this section, the 'occupant or occupants of the office from which' the retired judge retired will be deemed to be a superior court judge holding the same office and with the same service as the retired judge had immediately prior to retirement."

Sec. 13.14. G.S. 135-58(c), as it appears in the 1981 Replacement Volume 3B of the General Statutes, is amended by deleting from lines 2-3 of that subsection the words "initially payable upon the retirement of any member" and substituting in lieu thereof the words "payable at any time to a retired member".

Sec. 13.15. G.S. 135-58, as it appears in the 1981 Replacement Volume 3B of the General Statutes is hereby amended by adding thereto a new subsection, to read:

"(e) Notwithstanding any other provision to the contrary, in no event will the retirement allowance payable at any time to a retired member who was a member of a previous system immediately prior to January 1, 1974, prior to any reduction of such allowance in accordance with G.S. 135-61, be greater than the retirement allowance to which he would have been entitled under the terms of such previous system if this Article had not been enacted or than the retirement allowance to which he would have been entitled under this Article if he had not been entitled to benefits under the terms of such previous system, whichever is larger."

Sec. 13.16. There is appropriated from the General Fund to the Administrative Office of the Courts the sum of thirty-six thousand dollars (\$36,000) to increase the employer's contribution rate to the Uniform Judicial Retirement System by thirty-two one hundredths of a percent (.32%) of covered payroll of members.

Sec. 14. This act shall become effective July 1, 1984, except that Sections 4 and 7 shall become effective December 1, 1984.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.