

**LEGISLATIVE
RESEARCH COMMISSION**

**SUPERIOR COURT JUDGE
ELECTION AND TERMS COMMITTEE**

**REPORT TO THE
1987 GENERAL ASSEMBLY
OF NORTH CAROLINA
1988 SESSION**

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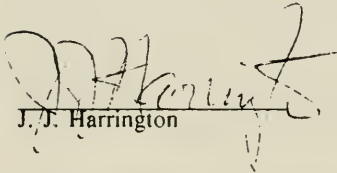


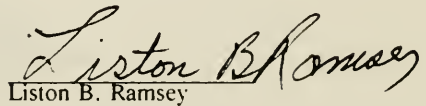
June 2, 1988

TO THE MEMBERS OF THE 1987 GENERAL ASSEMBLY:

The Legislative Research Commission submits to you for your consideration its final report on Superior Court Judge Election and Terms. This report was prepared by the Legislative Research Commission's Superior Court Judge Election and Terms Committee pursuant to Chapter 509 of the 1987 Session Laws.

Respectfully submitted,


J. J. Harrington


Liston B. Ramsey

Cochairmen

Legislative Research Commission

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1987-1988

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PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has ten additional members, five appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly or either house thereof, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

Chapters 509 and 873 of the 1987 Session Laws authorize the Legislative Research Commission to study various topics. The Commission undertook studies of many of the topics listed in those Chapters and grouped those studies into ten broad categories. The Commission assigned each of its members the responsibility for supervising the studies in one of these categories. Committees consisting of members of the General Assembly and the public were appointed by the Commission cochairmen pursuant to G.S. 120-30.10(b) and (c) to make these studies. Cochairmen, one from each house of the General Assembly, were designated for each committee.

The study of Superior Court Judge Election and Terms is the study authorized by Chapter 509 of the 1987 Session Laws. Section 11 of that Chapter authorizes the Legislative Research Commission to study conforming changes necessitated by enactment of that chapter. House Bill 589, introduced by Representative H. M. Michaux, Jr., ratified as Chapter 509, is the originating legislation for the study of superior court judge election and terms. That bill gives the Research Commission's study (Superior Court Judge Election and Terms) a very broad scope, stating that the "... Commission is authorized to report ... any necessary conforming amendments to implement this act." Chapter 509 is attached as Appendix A.

The Legislative Research Commission grouped the study of the superior court judge election and terms in the category "State Regulation" under the direction of Senator Henson Barnes. The Cochairmen of the Superior Court Judge Election and Terms Committee established by the Research Commission are Senator Dennis Winner and Representative Daniel T. Blue, Jr. The full membership of the study committee and the staff assigned to the committee are listed in Appendix B of this report. A copy of this report is filed in the Legislative Library. A committee notebook containing the committee minutes and all information presented to the committee is also filed in the Legislative Library.

COMMITTEE PROCEEDINGS

The Committee on Superior Court Judge Election and terms held its first meeting on January 22, 1988, and heard a report from its counsel. Assistance was also given by staff of the Administrative Office of the Courts. First item of consideration was local acts which need to be amended to take into account Chapter 509.

A number of local acts mention specific judicial districts by number, and the number is no longer accurate. Other local act make a reference to judicial district, a generic term no longer usable in many cases, because the boundaries of superior court districts, district court districts, and prosecutorial districts are no longer coterminous.

Counsel also reported on several appropriations acts which also referred to judicial districts as a term for limiting appropriations, but with the enactment of Chapter 509, these references needed to be changed to reflect their intent as enacted. Committee counsel also made a presentation on problems in selecting the public defender in two districts because of changes in district boundaries.

Counsel concluded the first meeting with a discussion of general laws which needed amending because of Chapter 509. The committee directed staff to bring back more information concerning revocation of bail bonds, motions to change trial division because of jurisdictional amounts, and the places from which indigent counsel could be drawn.

At the committee's second and final meeting on May 11, 1988, the committee heard a report on follow-up items from its first meeting, and continued discussion on the bills before it. Presentations were made by interested parties concerning the districting of Hoke and Scotland Counties for judicial purposes, and the status of public defender district 3. The committee then proceeded to adopt three proposed bills for enactment by the 1987 General Assembly when that session reconvenes on June 2, 1988.

RECOMMENDATIONS

Chapter 509 of the 1987 Session Laws was enacted because of a desire by the General Assembly to change the election system for superior court judges so as to give minority candidates a chance to nominate and elect candidates of their choice to those judgeships. Of the 64 regular superior court judges in office at the time of convening of the 1987 Session, only one was black. In addition to that judge, only one other black had ever been elected a superior court judge in modern history.

Commentators speculated that the reason for such low numbers was largely the boundaries of judicial districts, which never were smaller than one county, and often included several counties, with one or more judges elected per district, often with staggered terms. Judges of superior court are nominated within their district, but elected statewide, under State constitutional provisions allowing election either by district or statewide. Lawsuits brought or threatened under Sections 2 and 5 of the Voting Rights Act of 1965 were the impetus for the introduction of House Bill 589, which became Chapter 509 of the 1987 Session Laws.

After analysis of demographic data, it became clear that the best way of insuring compliance with the Voting Rights Act of 1965 was to make judicial districts smaller, so that minority populations, which are concentrated because of many historical factors, would be in a majority in several districts. This redistricting, coupled with an elimination of staggered terms, allowed the creation of 10 districts electing 11 judges which had a majority of black or Indian populations, compared with just two districts electing two judges prior to the enactment of Chapter 509. The total number of elected superior court judges was increased from 64 to 73 as part of the process.

In enacting Chapter 509 of the 1987 Session Laws, the General Assembly realized that a substantial number of conforming changes would have to be made in general and local acts. For this reason, Section 11 of Chapter 509 stated: "The Legislative Research Commission shall report to the 1987 General Assembly, Regular Session 1988, any necessary conforming amendments to implement this act.

Among the reasons requiring conforming amendments were:

- (1) the division of counties into two or more judicial districts, or the creation of judicial districts from parts of two counties;
- (2) the fact that district court districts and prosecutorial districts were not also changed in a like manner; and
- (3) the movement of Hoke County from judicial district 12 to judicial district 16A, while similar changes were not made to the 12th and 16th district court district and prosecutorial district.

These reasons led to the obsolescence of many references in the law to jurisdiction of judges within a district, or the powers of the senior resident judge. Previous to Chapter 509, jurisdiction over a district meant at least a county, which fit in well with the way courts were administered. Despite districts often including several counties, superior court was traditionally operated and staffed on a county-by-county basis.

It was felt that this system had served the state well, and Chapter 509 had made it clear that each county was to have one senior resident superior court judge, and set out rules for determining who that person is in each county. One rule applies on multi-county districts where only whole counties are included, one rule applies in districts

smaller than a county, and another rule applies in the hybrid situation found only in Edgecombe-Wilson.

Additionally, the Committee looked at the special situations in Cumberland, Hoke, Robeson, and Scotland Counties. Previous to Chapter 509, Cumberland and Hoke Counties were in Judicial District 12, and Robeson and Scotland Counties were in Judicial District 16. A public defender was established only in Judicial District 12. Chapter 509 took Hoke County and moved it into Superior Court District 16A with Scotland, and made Robeson County into Superior Court District 16B. No comparable change were made in the district and prosecutorial districts, and Chapter 509 did not clarify how the public defender for district 12 was to be appointed, since there would be two senior resident judges serving the two counties.

After hearing presentations, the committee determined that justice would be best served by realigning the district court districts and prosecutorial districts along the Chapter 509 lines established for the superior court, extending the public defender system to Robeson and Scotland Counties, and aligning the defender districts along with the superior court districts.

To add the new district attorney and district court judge for district 16A, the committee proposes that the G.S. 163-114 route be used for nominating party candidates, since the primary election has already passed. G.S. 163-114 provides for the appropriate district executive committee to make the nomination. The parties will need to make their nominations in time for local ballots to be printed in Scotland and Hoke Counties. The committee did not recommend such a procedure for the new superior court judgeship for Robeson County. Because of the potentially explosive situation in Robeson County, including the murder of one of the candidates for the judgeship created by Chapter 509 for Robeson County, the committee feels that the agreed to arrangement that the Governor make an initial appointment of a minority race judge would lead to the most settled result. The appointment would be for two years only, a successor would be elected in 1990 to serve the last six years of the term, and the terms would not be staggered.

The committee recommends that because of the highly unusual situation of two new judgeships being created effective the same time, the Governor designate which judgeship is senior at the beginning of the term. This is better public policy than a race to take the oath, with resulting litigation, or the rote general rule that in case of equal seniority, the oldest judge is senior.

Additionally, the committee looked at the situation concerning public defenders in judicial district 3. Although the district includes Pitt, Carteret, Craven, and Pamlico Counties, because of an uncodified special provision from the 1983 session, the public defender serves only Pitt and Carteret Counties. Since the division of superior court judicial district 3 into 3A and 3B, some action needs to be taken concerning how to appoint the public defender, since there are now two senior resident superior court judges for those two counties. After considering input from the local delegation, the committee recommends that the defender district be divided, with defender district 3A being Pitt County, and defender district 3B being Carteret County.

Because of these two changes in defender districts, and the extension of the public defender system to Robeson and Scotland Counties, the committee needed to decide effective dates on those systems. The committee recommends that, with the expiration

of the term for the public defender in judicial district 3 coming up on December 31, 1988, that the senior resident judge in district 3 appoint a public defender for defender district 3A (Pitt County) by January 1, 1989 from nominations from the Pitt bar. That defender would continue jurisdiction in Carteret County until February 1, 1989. The senior resident judge in superior court judicial district 3B would appoint from nominations by the Carteret bar a public defender for defender district 3B to begin service February 1, 1989.

In Hoke, Scotland, Cumberland, and Robeson Counties, the committee recommends that the senior resident superior court judge of judicial district 16 appoint the public defender for defender district 16B before December 31, 1988, from nominations by the Robeson bar, for a term to begin January 1, 1989. The senior resident judge of superior court district 16A would then name a public defender for defender district 16A, from nominations by the Hoke/Scotland bar, for a term to begin February 1, 1989. The public defender for defender district 12 would continue with jurisdiction in Hoke County until February 1, 1989.

The committee also recommends amendments to the public defender laws which would make more flexible the assignment of support personnel, by deleting the statutory requirement that all public defenders have an assistant and an investigator. The Director of the Administrative Office of the Courts indicated to the Committee that he would continue this practice in all districts except defender district 3B, where the current situation did not warrant a full-time assistant or full-time investigator. There, personnel would be assigned as needed.

While the committee has not had a fiscal note prepared on its bill concerning districts 3, 12, and 16, the added personnel would be as follows: one district court judge effective December 1, 1988, conversion of a regular district court judge to a chief district court judge effective December 1, 1988, one district attorney, one assistant district attorney, and one superior court judge effective January 1, 1989, the extension of the public defender system to Robeson County effective January 1, 1989, the extension of the public defender system to Scotland County effective February 1, 1989, and the conversion of the assistant public defender position in Carteret County to a public defender effective February 1, 1989. The Administrative Office of the Courts estimates that 90% of the assigned indigent counsel fees in Robeson and Scotland Counties would partially offset these costs.

The committee, after considering these factors, recommends the following pieces of legislation:

1) A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING AMENDMENTS TO CERTAIN LOCAL ACTS TO REFLECT CHAPTER 509, SESSION LAWS OF 1987, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION. This bill, containing five sections, is the result of computer based searches of all local acts since January 1, 1969. It is proposed as a separate bill because of the tradition of not mixing public and local bills, and to avoid the main package being referred to a local government committee. Section 1 changes a reference concerning the Wake County Bureau of Investigation from judicial district to prosecutorial district.

Section 2 clarifies which senior resident superior court judge in Durham County can impanel a special grand jury under a Durham City charter provision concerning

investigations of the city police department. Section 3 changes a reference in the Mecklenburg County Fair Housing Act from judicial district to district court district. Section 4 makes a similar change concerning the Currituck Game Commission. Section 5 similarly amends a local act concerning legal advertising in Mint Hill and Matthews.

2) A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 7A OF THE GENERAL STATUTES TO ACCOUNT FOR THE ALTERATION OF JUDICIAL DISTRICTS 12 AND 16 BY CHAPTER 509, SESSION LAWS OF 1987, BY ADDING AN ADDITIONAL SUPERIOR COURT JUDGE, MAKING DISTRICT COURT AND PROSECUTORIAL DISTRICTS THE SAME AS THE JUDICIAL DISTRICTS IN THAT AREA, PROVIDING FOR A PUBLIC DEFENDER IN ALL FOUR COUNTIES INVOLVED, AND TO MAKE OTHER CONFORMING CHANGES, ALL AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION. This bill carries out the recommendations explained in more detail above. Additionally, several appropriations provisions use phraseology which with enactment of Chapter 509 is either inaccurate or does not carry out the original intent. This is proposed as a separate bill to avoid the third bill being referred to the appropriations committee.

Four sections of the 1983 appropriations act, making appropriations for certain local projects, provide that funds may be used for dispute settlement centers anywhere within certain judicial districts. Since Chapter 509 divides those districts, the appropriation language would narrow. Therefore, this bill would change the reference to district court district, so as to carry out the original intent.

3) A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING CHANGES TO LAWS RELATING TO COURTS, SO AS TO CONFORM TO CHAPTER 509 OF THE 1987 SESSION LAWS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION. This act cleans up the large body of obsolete references to jurisdiction by district.

The act is organized by general statute number, but with amendments to Chapter 7A coming first because of their central nature. The bill then reverts to Chapter. The first amendment is to change references in the election system concerning election of superior court judge from judicial district to superior court district. These words are intended to have the same meaning, but are used to lessen confusion among voters and election officials. Article IV of the North Carolina Constitution contains several reference to "superior court judicial district", which the General Assembly had shortened for statutory purposes to "judicial district" in the acts implementing the judicial reforms of the 1960's. The committee proposes to use the now more accurate phrase "superior court district" to describe the constitutional district.

A new G.S. 7A-41.1 is then enacted to define district and set of districts. key words to be used in many other statutes amended by the bill. That section also goes on to clearly indicate how to determine the senior resident superior court judge for each county. The remainder of the bill largely consists of insertion of reference to new G.S. 7A-41.1 in statutes where superior court is intended, to G.S. 7A-133 district court districts when district court is intended, to 7A-41.1 and 7A-133 as appropriate when both are intended, and to 7A-60 when the prosecutorial district is intended.

The "magic phrases" used consistently through the statutes to clarify intent, are: superior court district or set of districts as defined in G.S. 7A-41.1, district court

district as defined in G.S. 7A-133, district court district as defined in G.S. 7A-133 or superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be, and prosecutorial district as defined in G.S. 7A-60. In a few cases, the prefix a superior court judge who has jurisdiction pursuant to G.S. 7A-47.1 or 7A-48 in is used with different suffixes in some specialized situation.

While making these conforming changes, some outdated phrases are updated as well, such as changing a G.S. 7A-289.2 reference from the old Department of Social Rehabilitation and Control (abolished a decade ago) to the Department of Human Resources, updating a reference in G.S. 15-155.1 from repealed Chapter 108 of the General Statutes to Chapter 108A as enacted in 1979, and updating a reference in G.S. 75D-5 from the Department of Archives and History to the Department of Cultural Resources.

A few policy changes had to be decided on while considering the conforming amendments. For instance, in G.S. 7A-459, indigent counsel is to be appointed in counties where there is no public defender, drawing from the bar of the district. Yet which district is to be used, when the superior court district, district court district, and prosecutorial districts may have different boundaries. The committee recommends reference to the bar district as being parallel to the body making rules under that statute.

The second point concerned G.S. 15A-544, where defaulting sureties on a bond were barred from writing bonds in the same district. The revised draft bars bonds in the same prosecutorial district. In addition, research uncovered a reference in Chapter 85C of the General Statutes that in case of conflict between Chapters 15A and 85C, 15A is to prevail. This might be interpreted as allowing continuation of bond writing elsewhere, even though G.S. 85C-17 grants authority to the Commissioner of Insurance to revoke a bail bond license statewide. The committee recommends that 15A-544 be amended to make it clear that a revocation under Chapter 85C can still be made statewide even though 15A-544 may cause a revocation in just a district.

In drafting the legislation, the new coded drafting format is used to set out the bills, to more accurately show the changes in the context of the statute. The full section is set out, unless there is only one subsection amended and the full section would exceed three pages, in which case only the subsection is set out.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1987

H

D

87-LBY-638

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Judicial Conforming Corrections-Local.

(Local)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE CONFORMING AMENDMENTS TO CERTAIN LOCAL ACTS TO REFLECT CHAPTER 509, SESSION LAWS OF 1987, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

The General Assembly of North Carolina enacts:

----WAKE COUNTY BUREAU OF INDENTIFICATION

Section 1. Chapter 535, Public-Local Laws of 1937, as amended by Section 1 of Chapter 505, Session Laws of 1975, is further amended by deleting "District Attorney for the Tenth Judicial District", and substituting "District Attorney for the Tenth Prosecutorial District".

----DURHAM CITY INVESTIGATIONS

Sec. 2. Section 50 of Chapter 671, Session Laws of 1975 reads as rewritten: "Sec. 50. Investigations of City Affairs.--(1) The governing boards of the City and the County of Durham are hereby authorized jointly to establish from time to time in their discretion a special jury commission for the purpose hereinafter set out. If such jury commission is established, it shall be composed of five (5) members of the City Council, to be appointed by the Mayor, and three (3) members of the Board of Commissioners of Durham County, to be appointed by the chairman of such Board, all of whom shall serve ex officio as members of the special jury commission without additional compensation. It shall be the duty of the special jury commission, if established, to select from among all the qualified persons eligible for jury duty in

1 Durham County the names of eighteen (18) persons, who shall constitute a special
2 grand jury for the purposes set out in this section.

3 (2) If the special grand jury authorized under Section 1 of this section is drawn, it
4 shall choose from among its members a chairman, who shall have authority to
5 administer oaths. It shall be the duty of the special grand jury to inquire into, examine
6 and investigate the conduct and activities of the police department of the City and of
7 the law enforcement officers of Durham County, with particular reference to any
8 evidence of criminality among such law enforcement officers or any evidence of
9 collusion with criminal elements or acquiescence in criminal conduct, and shall also
10 investigate any evidence of organized crime or racketeering in the County and City and
11 any evidence of a connection between such organized crime and any officials or
12 employees of the County or City. The special grand jury shall have the same power and
13 authority with respect to summoning and examining witnesses under oath, returning
14 bills of indictment, and carrying on investigations to the same extent and in the same
15 manner as the regular grand jury of the County, and bills of indictment returned by it
16 to the Superior Court of Durham County shall have the same force and effect as bills of
17 indictment returned by the regular grand jury of the County. The special grand jury
18 shall make such report and recommendations to the governing bodies of the City and
19 County of Durham as to it the facts revealed by its inquiries and investigations seem to
20 justify.

21 (3) The special jury commission authorized by this section shall have power and
22 authority to employ some duly qualified attorney to act as special prosecutor in
23 connection with the work of the special grand jury and to employ such clerical
24 assistance and purchase such supplies as may be needed by the special grand jury and
25 the special prosecutor. The special prosecutor shall bear the same relation to the special
26 grand jury as the district solicitor bears to the regular County grand jury, and it shall
27 be the duty of the special prosecutor to assist the district solicitor in the prosecution of
28 any cases in the Superior Court upon bills of indictment returned by the special grand
29 jury. All cost, expenses of the special grand jury and of the special prosecutor and of
30 clerical assistance and supplies shall be borne one-half by the City and one-half by the
31 County of Durham. The City Council and the Board of County Commissioners of
32 Durham County are hereby expressly authorized to appropriate and expend from
33 general or other funds of the City and County respectively, the amounts of money
34 which may from time to time be necessary to carry out the provisions of this section.

35 (4) Upon the completion of its investigation and upon making its reports and
36 recommendations to the governing bodies of the City and County of Durham, any such
37 special grand jury shall make a final report to the Senior Resident Superior Court Judge
38 ~~of the fourteenth judicial district serving Durham County~~ and shall thereupon be
39 discharged."

40 ----MECKLENBURG COUNTY FAIR HOUSING

41 Sec. 3. Section 1 of Chapter 292, Session Laws of 1981 reads as rewritten:

42 "Section 1. Equal Housing. A county board of commissioners may adopt
43 ordinances prohibiting discrimination on the basis of race, color, sex, religion, or

1 national origin in real estate transactions. These ordinances may regulate or prohibit
2 any act, practice, activity or procedure related, directly or indirectly, to the sale or
3 rental of public or private housing, which affects or may tend to affect the availability
4 or desirability of housing on an equal basis to all persons; may provide that violations
5 constitute a criminal offense; may subject the offender to civil penalties; and may
6 provide that the county may enforce the ordinances by application to the district court
7 for appropriate legal and equitable remedies, including mandatory and prohibitory
8 injunctions and orders of abatement, attorney's fees and punitive damages. The
9 District Court of the 26th ~~Judicial District~~ District Court District shall have jurisdiction
10 to grant all remedies arising out of this act."

11 ---CURRITUCK GAME COMMISSION

12 Sec. 4. Section 29(e3) of Chapter 1436, Session Laws of 1957, as added by
13 Section 7 of Chapter 764, Session Laws of 1983, reads as rewritten:

14 "(e3) The responsible judicial official in the First ~~Judicial District~~ District Court
15 District shall schedule the hearing upon an appeal as expeditiously as possible after the
16 appeal is perfected, but it may not be scheduled until the fourth Wednesday in
17 September or, if later, seven days after service of the notice of appeal upon the clerk to
18 the Game Commission and all other persons required to be served with notice of appeal
19 under subsection (e1). If any aggrieved party fails to appear at any scheduled appeal
20 proceeding, the party's appeal shall be dismissed."

21 ----MINT HILL/MATTHEWS LEGAL ADVERTISING

22 Sec. 5. (a) G.S. 1-597, as locally modified for the Towns of Mint Hill and Matthews
23 by Chapter 425, Session Laws of 1987, reads as rewritten:

24 "§ 1-597. Regulations for newspaper publication of legal notices, advertisements,
25 etc.--Whenever a notice of any other paper, document or legal advertisement of any
26 kind or description shall be authorized or required by any of the laws of the State of
27 North Carolina, heretofore or hereafter enacted, or by any order or judgment of any
28 court of this State to be published or advertised in a newspaper, such publication,
29 advertisement or notice shall be of no force and effect unless it shall be published in a
30 newspaper with a general circulation which newspaper at the time of such publication,
31 advertisement or notice, shall have been admitted to the United States mails as
32 second-class matter in the county or political subdivision where such publication,
33 advertisement or notice is required to be published, and which shall have been regularly
34 and continuously issued in the county in which the publication, advertisement or notice
35 is authorized or required to be published, at least one day in each calendar week for at
36 least 25 of the 26 consecutive weeks immediately preceding the date of the first
37 publication of such advertisement, publication or notice; provided that in the event that
38 a newspaper otherwise meeting the qualifications and having the characteristics
39 prescribed by G.S. 1-597 to 1-599, should fail for a period not exceeding four weeks in
40 any calendar year to publish one or more of its issues such newspaper shall nevertheless
41 be deemed to have complied with the requirements of regularity and continuity of
42 publication prescribed herein. Provided further, that in the event the newspaper
43 otherwise meeting the qualifications and having the characteristics prescribed by G.S.

1 1-597 to 1-599, is admitted to the United States mails as third class matter rather than
2 second class matter, the newspaper shall qualify if it maintains a known office in the
3 county or political subdivision where such publication, advertisement or notice is
4 required to be published, is originated and published for the purpose of disseminating
5 information of a public character, is not primarily designed for advertising purposes,
6 does not contain more than seventy-five percent (75%) advertising in more than
7 one-fourth of the issues published during the preceding six-month period. Provided
8 further, that where any city or town is located in two or more adjoining counties, any
9 newspaper published in such city or town shall, for the purposes of G.S. 1-597 to
10 1-599, be deemed to be admitted to the mails, issued and published in all such counties
11 in which such town or city of publication is located, and every publication,
12 advertisement or notice required to be published in any such city or town or in any of
13 the counties where such city or town is located shall be valid if published in a
14 newspaper published, issued and admitted to the mails anywhere within any such city
15 or town, regardless of whether the newspaper's plant or known office or the post office
16 where the newspaper is admitted to the mails is in such county or not, if the newspaper
17 otherwise meets the qualifications and requirements of G.S. 1-597 to 1-599. This
18 provision shall be retroactive to May 1, 1940, and all publications, advertisements and
19 notices published in accordance with this provision since May 1, 1940, are hereby
20 validated.

21 Notwithstanding the provisions of G.S. 1-599, whenever a notice or any other paper,
22 document or legal advertisement of any kind or description shall be authorized or
23 required by any of the laws of the State of North Carolina, heretofore or hereafter
24 enacted, or by any order or judgment of any court of this State to be published or
25 advertised in a newspaper qualified for legal advertising in a county and there is no
26 newspaper qualified for legal advertising as defined in this section in such county, then
27 it shall be deemed sufficient compliance with such laws, order or judgment by
28 publication of such notice or any other such paper, document or legal advertisement of
29 any kind or description in a newspaper published in an adjoining county or in a county
30 within the same ~~judicial district; district court district~~; provided, if the clerk of the
31 superior court finds as a fact that such newspaper otherwise meets the requirements of
32 this section and has a general circulation in such county where no newspaper is
33 published meeting the requirements of this section."

34 (b) This section applies only to the Towns of Mint Hill and Matthews.

35 Sec. 6. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1987

H . D

87-LBY-636
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Judicial Conforming Amendments. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND CHAPTER 7A OF THE GENERAL STATUTES TO ACCOUNT FOR THE ALTERATION OF JUDICIAL DISTRICTS 12 AND 16 BY CHAPTER 509, SESSION LAWS OF 1987, BY ADDING AN ADDITIONAL SUPERIOR COURT JUDGE, MAKING DISTRICT COURT AND PROSECUTORIAL DISTRICTS THE SAME AS THE JUDICIAL DISTRICTS IN THAT AREA, PROVIDING FOR A PUBLIC DEFENDER IN ALL FOUR COUNTIES INVOLVED, AND TO MAKE OTHER CONFORMING CHANGES, ALL AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

The General Assembly of North Carolina enacts:
----ADDITIONAL SUPERIOR COURT JUDGE IN DISTRICT 16B

Section 1. Effective January 1, 1989, G.S. 7A-41(a), as rewritten by Section 1 of Chapter 509, Session Laws of 1987, reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and judicial districts, and each district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Judicial District	Counties	No. of Resident Judges
19	1	Camden, Chowan,	2
20		Currituck,	
21			

1		Dare, Gates,	
2		Pasquotank,	
3		Perquimans	
4	2	Beaufort, Hyde,	1
5		Martin,	
6		Tyrrell, Washington	
7	3A	Pitt	1
8	3B	Carteret, Craven	1
9		Pamlico	
10	4A	Duplin, Jones,	1
11		Sampson	
12	4B	Onslow	1
13	5	New Hanover,	2
14		Pender	
15	6A	Halifax	1
16	6B	Bertie, Hertford	1
17		Northampton	
18	7A	Nash	1
19	7B	(part of Wilson,	1
20		part of Edgecombe,	
21		see subsection (b))	
22	7C	(part of Wilson,	1
23		part of Edgecombe,	
24		see subsection (b))	
25	8A	Lenoir and Greene	1
26	8B	Wayne	1
27	Second 9	Franklin, Granville,	2
28		Person,	
29		Vance, Warren	
30	10A	(part of Wake	1
31		see subsection (b))	
32	10B	(part of Wake	2
33		see subsection (b))	
34	10C	(part of Wake	1
35		see subsection (b))	
36	10D	(part of Wake	1
37		see subsection (b))	
38	11	Harnett, Johnston,	1
39		Lee	
40	12A	(part of Cumberland	1
41		see subsection (b))	
42	12B	(part of Cumberland	1
43		see subsection (b))	

1	12C	(part of Cumberland	2
2		see subsection (b))	
3	13	Bladen, Brunswick,	1
4		Columbus	
5	14A	(part of Durham	1
6		see subsection (b))	
7	14B	(part of Durham	3
8		see subsection (b))	
9	15A	Alamance	1
10	15B	Orange, Chatham	1
11	16A	Scotland, Hoke	1
12	16B	Robeson	1 2
13	Third 17A	Caswell, Rockingham	1
14	17B	Stokes, Surry	1
15	18A	(part of Guilford	1
16		see subsection (b))	
17	18B	(part of Guilford	1
18		see subsection (b))	
19	18C	(part of Guilford	1
20		see subsection (b))	
21	18D	(part of Guilford	1
22		see subsection (b))	
23	18E	(part of Guilford	1
24		see subsection (b))	
25	19A	Cabarrus	1
26	19B	Montgomery,	1
27		Randolph	
28	19C	Rowan	1
29			
30	20A	Anson, Moore,	1
31		Richmond	
32	20B	Stanly, Union	1
33	21A	(part of Forsyth	1
34		see subsection (b))	
35	21B	(part of Forsyth	1
36		see subsection (b))	
37	21C	(part of Forsyth	1
38		see subsection (b))	
39	21D	(part of Forsyth	1
40		see subsection (b))	
41	22	Alexander, Davidson	2
42		Davie, Iredell	
43	23	Alleghany, Ashe,	1

1		Wilkes, Yadkin	
2	Fourth	24	Avery, Madison, 1
3			Mitchell,
4			Watauga, Yancey
5		25A	Burke, Caldwell 1
6		25B	Catawba 1
7		26A	(part of Mecklenburg 2
8			see subsection (b))
9		26B	(part of Mecklenburg 2
10			see subsection (b))
11		26C	(part of Mecklenburg 2
12			see subsection (b))
13		27A	Gaston 2
14		27B	Cleveland, Lincoln 1
15		28	Buncombe 2
16		29	Henderson, 1
17			McDowell, Polk,
18			Rutherford,
19			Transylvania
20		30A	Cherokee, Clay, 1
21			Graham, Macon,
22			Swain
23		30B	Haywood, Jackson 1"

24 Sec. 2. Effective January 1, 1989, G.S. 7A-41(d)(30) as amended by
 25 Section 1 of Chapter 509, Session Laws of 1987, reads as rewritten:

26 "(30) In the sixteenth-B judicial district, a judge shall be elected in 1988 to serve
 27 an eight-year term beginning January 1, 1989. In the sixteenth-B judicial district, a
 28 judge shall be appointed by the Governor to serve until the results of the 1990 general
 29 election are certified. A person shall be elected in the 1990 general election to serve the
 30 remainder of the term expiring December 31, 1996."

31 Sec. 3. The Governor shall on or before October 1, 1988 determine
 32 whether the judgeship for superior court judicial district 16B as created by Chapter
 33 509, Session Laws of 1987, or the judgeship for superior court judicial district 16B as
 34 created by this act is the senior judgeship for that district. Notwithstanding any other
 35 provision of law concerning the determination of the senior resident superior court
 36 judge, the person holding the senior judgeship as designated by the Governor shall be
 37 the senior resident superior court judge for superior court judicial district 16B as long
 38 as those two judges both continue to serve in the office of superior court judge for
 39 superior court judicial district 16B.

40 ----REALIGNMENT OF PROSECUTORIAL DISTRICTS 12 AND 16

41 Sec. 4. Effective upon ratification for election purposes, and effective
 42 January 1, 1989 for all other purposes, G.S. 7A-61(a1) reads as rewritten:

1 "(a1) The counties of the State are organized into prosecutorial districts, and each
2 district has the counties and the number of full-time assistant district attorneys set forth
3 in the following table:

	Judicial	Counties	No. of Full-Time Asst. District Attorneys
4			
5	District		
6			
7	1	Camden, Chowan, Currituck,	5
8		Dare, Gates, Pasquotank,	
9		Perquimans	
10	2	Beaufort, Hyde, Martin,	4
11		Tyrrell, Washington	
12	3A	Pitt	4
13	3B	Carteret, Craven, Pamlico	4
14	4	Duplin, Jones, Onslow,	8
15		Sampson	
16	5	New Hanover, Pender	7
17	6	Bertie, Halifax, Hertford,	4
18		Northampton	
19	7	Edgecombe, Nash, Wilson	7
20	8	Greene, Lenoir, Wayne	8
21	9	Franklin, Granville,	6
22		Person, Vance, Warren	
23	10	Wake	15
24	11	Harnett, Johnston, Lee	6
25	12	Cumberland, Hoke	12
26	<u>12</u>	<u>Cumberland</u>	<u>10</u>
27	13	Bladen, Brunswick, Columbus	5
28	14	Durham	8
29	15A	Alamance	3
30	15B	Orange, Chatham	3
31	16	Robeson, Scotland	7
32	<u>16A</u>	<u>Scotland, Hoke</u>	<u>3</u>
33	<u>16B</u>	<u>Robeson</u>	<u>7</u>
34	<u>17A</u>	<u>Caswell,</u>	<u>3</u>
35		Rockingham	
36	17B	Stokes, Surry	3
37	18	Guilford	14
38	19A	Cabarrus, Rowan	5
39	19B	Montgomery, Randolph	3
40	20	Anson, Moore, Richmond,	8
41		Stanly, Union	
42	21	Forsyth	9
43	22	Alexander, Davidson, Davie,	7

1		Iredell	
2	23	Alleghany, Ashe, Wilkes,	3
3		Yadkin	
4	24	Avery, Madison, Mitchell,	3
5		Watauga, Yancey	
6	25	Burke, Caldwell, Catawba	8
7	26	Mecklenburg	19
8	27A	Gaston	6
9	27B	Cleveland,	4
10		Lincoln	
11	28	Buncombe	5
12	29	Henderson, McDowell, Polk,	6
13		Rutherford, Transylvania	
14	30	Cherokee, Clay, Graham,	5
15		Haywood, Jackson, Macon,	
16		Swain."	

17 (b) In the 1988 General Election, a district attorney shall be elected for prosecutorial
 18 district 16A for a term to expire December 31, 1992. Nominations shall be made in
 19 accordance with G.S. 163-114 as if a vacancy had occurred in nomination. The office
 20 and term of office of the district attorney in prosecutorial district 16 are allocated to
 21 prosecutorial district 16B.

22 ----REALIGNMENT OF DISTRICT COURT DISTRICTS 12 AND 16

23 Sec. 5. (a) Effective upon ratification for election purposes, and effective
 24 December 1, 1988 for all other purposes, G.S. 7A-133 reads as rewritten:

25 "§7A-133. Numbers of judges by districts; numbers of magistrates and additional
 26 seats of court, by counties.

27 Each district court district shall have the numbers of judges and each county within
 28 the district shall have the numbers of magistrates and additional seats of court, as set
 29 forth in the following table:

30				Additional	
31				Magistrates	
32	District	Judges	County	Min.-Max.	Seats of
33	-----				
34					
35	1	3	Camden	1	2
36			Chowan	2	3
37			Currituck	1	2
38			Dare	3	5
39			Gates	2	3
40			Pasquotank	3	4
41			Perquimans	2	3
42	2	3	Martin	5	8
43			Beaufort	4	5

1			Tyrrell	1	2	
2			Hyde	2	4	
3			Washington	3	4	
4	3	7	Craven	7	10	
5			Pitt	10	12	Farmville, Ayden
6						
7			Pamlico	2	3	
8			Carteret	5	8	
9	4	5	Sampson	6	8	
10			Duplin	9	11	
11			Jones	2	3	
12			Onslow	8	11	
13	5	5	New Hanover	6	10	
14			Pender	4	6	
15	6	3	Northampton	5	6	
16			Halifax	9	14	Roanoke Rapids, Scotland Neck
17						
18						
19			Bertie	4	5	
20			Hertford	5	6	
21	7	5	Nash	7	10	Rocky Mount
22			Edgecombe	4	6	Rocky Mount
23			Wilson	4	6	
24	8	5	Wayne	5	8	Mount Olive
25			Greene	2	4	
26			Lenoir	4	7	La Grange
27	9	4	Person	3	4	
28			Granville	3	7	
29			Vance	3	5	
30			Warren	3	4	
31			Franklin	3	6	
32	10	10	Wake	12	17	Apex Wendell Fuquay-Varina Wake Forest
33						
34						
35						
36	11	5	Harnett	7	11	Dunn
37			Johnston	10	12	Benson and Selma
38						
39			Lee	4	6	
40	12	6	Cumberland	10	17	
41			Hoke	4	5	
42	<u>12</u>	<u>5</u>	<u>Cumberland</u>	<u>10</u>	<u>17</u>	
43	<u>13</u>	<u>4</u>	<u>Bladen</u>	<u>4</u>	<u>6</u>	

1			Brunswick	4	7	
2			Columbus	6	8	Tabor City
3	14	5	Durham	8	12	
4	15A	3	Alamance	7	9	Burlington
5	15B	3	Orange	4	8	Chapel Hill
6			Chatham	3	6	Siler City
7	16	5	Robeson	8	16	Fairmont
8						Maxton
9						Pembroke
10						Red Springs
11						Rowland
12						St. Pauls
13			Scotland	3	5	
14	<u>16A</u>	<u>2</u>	<u>Scotland</u>	<u>3</u>	<u>5</u>	
15			<u>Hoke</u>	<u>4</u>	<u>5</u>	
16	<u>16B</u>	<u>5</u>	<u>Robeson</u>	<u>8</u>	<u>16</u>	<u>Fairmont</u>
17						<u>Maxton</u>
18						<u>Pembroke</u>
19						<u>Red Springs</u>
20						<u>Rowland</u>
21						<u>St. Pauls</u>
22	17A	3	Caswell	2	5	
23			Rockingham	4	9	Reidsville
24						Eden
25						Madison
26	17B	2	Stokes	2	4	
27			Surry	5	8	Mt. Airy
28	18	9	Guilford	20	26	High Point
29	19A	4	Cabarrus	5	9	Kannapolis
30			Rowan	5	10	
31	19B	3	Montgomery	2	4	
32			Randolph	5	8	Liberty
33	20	5	Stanly	5	6	
34			Union	4	6	
35			Anson	4	5	
36			Richmond	5	6	Hamlet
37			Moore	5	8	Southern
38						Pines
39	21	7	Forsyth	3	15	Kernersville
40	22	5	Alexander	2	3	
41			Davidson	7	10	Thomasville
42			Davie	2	3	
43			Iredell	4	8	Mooresville

1	23	3	Alleghany	1	2	
2			Ashe	3	4	
3			Wilkes	4	6	
4			Yadkin	3	5	
5	24	3	Avery	3	4	
6			Madison	4	5	
7			Mitchell	3	4	
8			Watauga	4	6	
9			Yancey	2	4	
10	25	6	Burke	4	7	
11			Caldwell	4	7	
12			Catawba	6	9	Hickory
13	26	12	Mecklenburg	15	26	
14	27A	5	Gaston	11	20	
15	27B	3	Cleveland	5	8	
16			Lincoln	4	6	
17	28	4	Buncombe	6	15	
18	29	4	Henderson	4	6	
19			McDowell	3	4	
20			Polk	3	4	
21			Rutherford	6	8	
22			Transylvania	2	4	
23	30	3	Cherokee	3	4	
24			Clay	1	2	
25			Graham	2	3	
26			Haywood	5	7	Canton
27			Jackson	3	4	
28			Macon	3	4	
29			Swain	2	3"	

30 (b) Effective December 1, 1988, the current District Court Judgeships in District
 31 Court Districts 12 and 16 are allocated as follows:

- 32 (1) The district court district 12 judgeships held by Sol G. Cherry, Lacy
 33 S. Hair, Anna Elizabeth Keever, Patricia Ann Timmons-Goodson, and
 34 John Hair on May 11, 1988 are allocated to District Court District 12.
 35 The persons holding those seats are residents of District Court District
 36 12 as realigned by this section.
- 37 (2) The district court district 12 judgeship held by Warren L. Pate on May
 38 11, 1988 is allocated to District Court District 16A. The person
 39 holding that seat is a resident of District Court District 16A as created
 40 by this section.
- 41 (3) All of the district court district 16 judgeships including the new
 42 judgeship for district court district 16 created by Section 126(a) of
 43 Chapter 738, Session Laws of 1988, are allocated to district court

1 district 16B. All of the persons holding those seats, and all of the
 2 candidates for the new judgeship, are residents of District Court
 3 District 16B as created by this section.

4 ---EXTENSION OF PUBLIC DEFENDER TO ROBESON AND SCOTLAND
 5 COUNTIES, REALIGNMENT OF HOKE COUNTY FROM DEFENDER DISTRICT
 6 12 TO 16A

7 Sec. 6. G.S. 7A-465 reads as rewritten:

8 "§7A-465. Public defender; defender districts; qualifications; compensation.

9 ~~The office of public defender is established, effective January 1, 1970, in the
 10 following judicial districts: the twelfth and the eighteenth.~~

11 ~~The office of public defender is established, effective July 1, 1973, in the
 12 twenty-eighth judicial district.~~

13 ~~The office of public defender is established, effective July 1, 1975, in the
 14 twenty-sixth and twenty-seventh judicial districts. Effective July 1, 1978, the
 15 twenty-seventh judicial district is divided into judicial districts 27A and 27B. On that
 16 date the current public defender of the twenty-seventh district shall become the public
 17 defender for district 27A.~~

18 ~~Effective January 1, 1981, the office of public defender is established in the third
 19 judicial district.~~

20 ~~Effective June 1, 1983, the office of public defender is established in judicial district
 21 15B.~~

22 (a) The following counties of the state are organized into the defender districts listed
 23 below and in each of those defender districts an office of public defender is established
 24 effective January 1, 1989:

<u>Defender</u>	<u>Counties</u>
<u>District</u>	
<u>3A</u>	<u>Pitt</u>
<u>3B</u>	<u>Carteret</u>
<u>12</u>	<u>Cumberland</u>
<u>15A</u>	<u>Orange, Chatham</u>
<u>16A</u>	<u>Scotland, Hoke</u>
<u>16B</u>	<u>Robeson</u>
<u>18</u>	<u>Guilford</u>
<u>26</u>	<u>Mecklenburg</u>
<u>27A</u>	<u>Gaston</u>
<u>28</u>	<u>Buncombe</u>

37 (b) The public defender for each of the above defender districts shall represent
 38 indigents and otherwise perform all other duties of a public defender in the district and
 39 superior courts of the counties included in his defender district.

40 ~~The~~ Each public defender shall be an attorney licensed to practice law in North
 41 Carolina, and shall devote his full time to the duties of his office.

42 (c) In lieu of merit and other increment raises paid to regular State employees, a
 43 public defender shall receive as longevity pay an amount equal to four and eight-tenths

1 percent (4.8%) of the annual salary set forth in the Current Operations Appropriations
 2 Act payable monthly after five years of service, nine and six-tenths percent (9.6%) after
 3 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of service,
 4 and nineteen and two-tenths percent (19.2%) after 20 years of service. 'Service' means
 5 service as a public defender."

6 Sec. 7. G.S. 7A-466 reads as rewritten:

7 ~~"§7A-466. Selection of defender; term; Term of defender; selection; removal.~~ (a)
 8 Except as provided in subsection (b) of this section, the term of office of each public
 9 defender is for four years, beginning on the date specified in subsection (b) or (c) of
 10 this section, and quadrennially thereafter.

11 (b) The public defender for each of the judicial districts listed below, as constituted
 12 on December 31, 1988, who is in office on that date, shall become the public defender
 13 for the defender district listed opposite that judicial district. The term of each such
 14 defender shall end on the date indicated and a new term shall begin on the following
 15 day.

<u>Judicial</u>	<u>Defender</u>	<u>Terms</u>
<u>District</u>	<u>District</u>	<u>Ends</u>
<u>as of 12/31/88</u>		
<u>12</u>	<u>12</u>	<u>December 31, 1989</u>
<u>15B</u>	<u>15B</u>	<u>May 31, 1991</u>
<u>18</u>	<u>18</u>	<u>June 30, 1991</u>
<u>26</u>	<u>26</u>	<u>June 30, 1991</u>
<u>27A</u>	<u>27A</u>	<u>June 30, 1991</u>
<u>28</u>	<u>28</u>	<u>June 30, 1989</u>

25 (c) The terms of the public defenders for Defender Districts 3A and 16B shall begin
 26 on January 1, 1989, and appointments shall be made not later than December 1, 1988.
 27 The terms of the public defenders for defender districts 3B and 16A shall begin on
 28 February 1, 1989, the appointments shall be made not earlier than January 1, 1989, the
 29 public defender for defender district 3A shall be ex-officio public defender for defender
 30 district 3B from January 1, 1989 until February 1, 1989, and the public defender for
 31 defender district 12 shall be ex-officio public defender in Hoke County from January 1,
 32 1989 until February 1, 1989

33 (d) For each new term beginning after January 1, 1989, and to fill any vacancy, the
 34 Appointment. -- The public defender of each for a defender district shall be appointed
 35 by the senior resident superior court judge of that district from a list of not less than
 36 two and not more than three names nominated by written ballot of the attorneys
 37 resident in the defender district who are licensed to practice law in North Carolina. The
 38 balloting shall be conducted pursuant to regulations promulgated by the Administrative
 39 Office of the Courts. For those terms which begin on or before January 1, 1989, the
 40 appointment shall be made by the senior resident superior court judge of the judicial
 41 district, as constituted on December 31, 1988, which includes the county or counties in
 42 the defender district for which the public defender is being appointed. For those terms
 43 which begin after January 1, 1989, the appointment shall be made by the senior

1 resident superior court judge of the superior court district or set of districts as defined
2 in G.S. 7A-44.1 which includes the county or counties of the defender district for
3 which the public defender is being appointed.

4 ~~(b) Term; Vacancy; Removal. -- The terms of office of the public defenders~~
5 ~~authorized in G.S. 7A-465 are for four years, beginning on the dates specified in that~~
6 ~~section for each district, and each fourth year thereafter. A vacancy in the office of~~
7 ~~public defender is filled for the unexpired term as set forth in subsection (a). (e) A~~
8 public defender or assistant public defender may be suspended or removed from office,
9 and reinstated, for the same causes and under the same procedures as are applicable to
10 removal of a district attorney."

11 Sec. 8. G.S. 7A-467 reads as rewritten:

12 "§7A-467. Assistant defenders; assigned counsel. Each public defender is entitled
13 to at least one full-time assistant public defender, and to such additional assistants such
14 assistant public defenders and investigators, full-time or part-time, as may be
15 authorized by the Administrative Office of the Courts. Assistants and investigators are
16 appointed by the public defender and serve at his pleasure. Compensation of assistants
17 shall be as provided in the biennial Current Operations Appropriations Act. The
18 Administrative Officer of the Courts shall fix the compensation of each investigator.
19 Assistants and investigators shall perform such duties as may be assigned by the public
20 defender.

21 A member of the district bar of any judicial district as defined in G.S. 84-19, all or
22 part of which includes or is included in a defender district, who resides or regularly
23 practices in that district and who consents to such service may be assigned by the public
24 defender to represent an indigent person, person, and when so assigned is entitled to
25 the services of the defender's office to the same extent as a full-time public defender. In
26 assigning assistant defenders and members of the bar generally the defender shall
27 consider the nature of the case and the skill of counsel, to the end that all indigent
28 persons are adequately represented.

29 If In addition, if a conflict of interests prohibits the public defender from
30 representing an indigent person, or in unusual circumstances when, in the opinion of
31 the court the proper administration of justice requires it, the court may assign any
32 member of the district bar to represent an indigent person, person, and when so
33 assigned, counsel Any attorney assigned under this subsection is entitled to the services
34 of the defender's office to the same extent as counsel assigned by the public defender.

35 (c) In assigning assistant defenders and members of the bar generally the defender
36 shall consider the nature of the case and the skill of counsel, to the end that all indigent
37 persons are adequately represented. Members of the bar assigned by the defender or by
38 the court are compensated in the same manner as assigned counsel are compensated in
39 districts which do not have a public defender.

40 (d) In lieu of merit and other increment raises paid to regular State employees, an
41 assistant public defender shall receive as longevity pay an amount equal to four and
42 eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations
43 Appropriations Act payable monthly after five years of service, nine and six-tenths

1 percent (9.6%) after 10 years of service, and fourteen and four-tenths percent (14.4%)
2 after 15 years of service. 'Service' means service as an assistant public defender."

3 Sec. 9. G.S. 7A-468 is repealed.

4 ---UNUSED FUNDS OF DISPUTE SETTLEMENT CENTERS

5 Sec. 10. Section 309 of Chapter 1114, Session Laws of 1983 reads as
6 rewritten:

7 "Sec. 309. Nothing in this act shall prohibit Macon County from using the
8 appropriated funds for a joint multi-county dispute settlement center in cooperation
9 with one or more contiguous counties within its ~~judicial district~~ district court district."

10 Sec. 11. Section 317 of Chapter 1114, Session Laws of 1983 reads as
11 rewritten:

12 "Sec. 317. Nothing in this act shall prohibit Haywood County from using the
13 appropriated funds for a joint multi-county dispute settlement center in cooperation
14 with one or more contiguous counties within its ~~judicial district~~ district court district."

15 Sec. 12. Section 323 of Chapter 1114, Session Laws of 1983 reads as
16 rewritten:

17 "Sec. 323. Nothing in this act shall prohibit Jackson County from using the
18 appropriated funds for a joint multi-county dispute settlement center in cooperation
19 with one or more contiguous counties within its ~~judicial district~~ district court district."

20 Sec. 13. Section 326 of Chapter 1114, Session Laws of 1983 reads as
21 rewritten:

22 "Sec. 326. Nothing in this act shall prohibit Swain County from using the
23 appropriated funds for a joint multi-county dispute settlement center in cooperation
24 with one or more contiguous counties within its ~~judicial district~~ district court district."

25 Sec. 14. Except as provided herein, this act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1987

H

D

87-LBY-605C

(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Judicial Conforming Changes.

(Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

1 AN ACT TO MAKE CONFORMING CHANGES TO LAWS RELATING TO
 2 COURTS, SO AS TO CONFORM TO CHAPTER 509 OF THE 1987 SESSION
 3 LAWS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH
 4 COMMISSION.
 5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 7A-41 reads as rewritten:

8 "§ 7A-41. Superior court divisions and districts; judges.--(a) The counties of the
 9 State are organized into judicial divisions and ~~judicial~~ superior court districts, and each
 10 superior court district has the counties, and the number of regular resident superior
 11 court judges set forth in the following table, and for districts of less than a whole
 12 county, as set out in subsection (b) of this section:

	Judicial			
	Superior			
Judicial	Court			No. of Resident
Division	District	Counties		Judges
17				
18	First	1	Camden, Chowan.	2
19			Currituck.	
20			Dare, Gates.	
21			Pasquotank.	
22			Perquimans	

1	2	Beaufort, Hyde,	1
2		Martin,	
3		Tyrrell, Washington	
4	3A	Pitt	1
5	3B	Carteret, Craven	1
6		Pamlico	
7	4A	Duplin, Jones,	1
8		Sampson	
9	4B	Onslow	1
10	5	New Hanover,	2
11		Pender	
12	6A	Halifax	1
13	6B	Bertie, Hertford	1
14		Northampton	
15	7A	Nash	1
16	7B	(part of Wilson,	1
17		part of Edgecombe,	
18		see subsection (b))	
19	7C	(part of Wilson,	1
20		part of Edgecombe,	
21		see subsection (b))	
22	8A	Lenoir and Greene	1
23	8B	Wayne	1
24	9	Franklin, Granville,	2
25		Person,	
26		Vance, Warren	
27	10A	(part of Wake	1
28		see subsection (b))	
29	10B	(part of Wake	2
30		see subsection (b))	
31	10C	(part of Wake	1
32		see subsection (b))	
33	10D	(part of Wake	1
34		see subsection (b))	
35	11	Harnett, Johnston,	1
36		Lee	
37	12A	(part of Cumberland	1
38		see subsection (b))	
39	12B	(part of Cumberland	1
40		see subsection (b))	
41	12C	(part of Cumberland	2
42		see subsection (b))	
43	13	Bladen, Brunswick,	1

1		Columbus	
2	14A	(part of Durham	1
3		see subsection (b))	
4	14B	(part of Durham	3
5		see subsection (b))	
6	15A	Alamance	1
7	15B	Orange, Chatham	1
8	16A	Scotland, Hoke	1
9	16B	Robeson	1
10	Third 17A	Caswell, Rockingham	1
11	17B	Stokes, Surry	1
12	18A	(part of Guilford	1
13		see subsection (b))	
14	18B	(part of Guilford	1
15		see subsection (b))	
16	18C	(part of Guilford	1
17		see subsection (b))	
18	18D	(part of Guilford	1
19		see subsection (b))	
20	18E	(part of Guilford	1
21		see subsection (b))	
22	19A	Cabarrus	1
23	19B	Montgomery,	1
24		Randolph	
25	19C	Rowan	1
26	20A	Anson, Moore,	1
27		Richmond	
28	20B	Stanly, Union	1
29	21A	(part of Forsyth	1
30		see subsection (b))	
31	21B	(part of Forsyth	1
32		see subsection (b))	
33	21C	(part of Forsyth	1
34		see subsection (b))	
35	21D	(part of Forsyth	1
36		see subsection (b))	
37	22	Alexander, Davidson	2
38		Davie, Iredell	
39	23	Alleghany, Ashe,	1
40		Wilkes, Yadkin	
41	Fourth 24	Avery, Madison,	1
42		Mitchell,	
43		Watauga, Yancey	

1	25A	Burke, Caldwell	1
2	25B	Catawba	1
3	26A	(part of Mecklenburg	2
4		see subsection (b))	
5	26B	(part of Mecklenburg	2
6		see subsection (b))	
7	26C	(part of Mecklenburg	2
8		see subsection (b))	
9	27A	Gaston	2
10	27B	Cleveland, Lincoln	1
11	28	Buncombe	2
12	29	Henderson,	1
13		McDowell, Polk,	
14		Rutherford,	
15		Transylvania	
16	30A	Cherokee, Clay,	1
17		Graham, Macon,	
18		Swain	
19	30B	Haywood, Jackson	1

(b) For judicial superior court districts of less than a whole county, or with part of one county with part of another, the composition of the district and the number of judges is as follows:

- (1) Judicial Superior Court District 7B consists of County Commissioner Districts 1, 2 and 3 of Wilson County, Blocks 127 and 128 of Census Tract 6 of Wilson County, and Townships 12 and 14 of Edgecombe County. It has one judge.
- (2) Judicial Superior Court District 7C consists of the remainder of Edgecombe and Wilson Counties not in District 7B. It has one judge.
- (3) Judicial Superior Court District 10A consists of Raleigh Precincts 12, 13, 14, 18, 19, 20, 22, 25, 26, 28, 34, 35, and 40, and St. Matthews #3, except that if the Wake County Board of Elections provides that the area in Raleigh Township which was incorrectly placed in a St. Mary's precinct shall be in Raleigh Precinct 40, that area shall be considered to be in Raleigh Precinct 40 for district purposes. It has one judge.
- (4) Judicial Superior Court District 10B consists of Buckhorn Precinct, Cary Precincts 1, 2, 3, 4, 5, 6, and 7, Cedar Fork Precinct, Holly Springs Precinct, House Creek Precinct #1, Meredith Precinct, Middle Creek Township, Raleigh Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 21, 23, 24, 27, 29, 31, 32, 33, 36, and 41, Swift Creek Precinct #1 and #2 and White Oak Township. It has two judges.
- (4) Judicial Superior Court District 10C consists of Barton's Creek Precinct, Leesville Precinct, House Creek Precinct #2, Little River

- 1 Township, Marks Creek Township, New Light Township, Panther
2 Branch Township. St. Mary's Precincts #1, #2, #3, #4, #5, and #6,
3 and Wake Forest Township. It has one judge.
- 4 (6) Judicial Superior Court District 10D consists of the remainder of Wake
5 County not in Judicial Superior Court Districts 10A, 10B or 10C. It
6 has one judge.
- 7 (7) Judicial Superior Court District 12A consists of that part of Cross
8 Creek Precinct #18 north of Raeford Road, Montclair Precinct, that
9 part of Precinct 71-1 not in District 12B, Precinct 71-2, Morganton #2
10 Precinct, Cottonade Precinct, Cumberland Precincts 1 and 2, and
11 Brentwood Precinct. It has one judge.
- 12 (8) Judicial Superior Court District 12B consists of all of State House of
13 Representatives District 17, except for Westarea Precinct, and it also
14 includes that part of Cross Creek Precinct #15 east of Village Drive.
15 It has one judge.
- 16 (9) Judicial Superior Court District 12C consists of the remainder of
17 Cumberland County not in Judicial Superior Court Districts 12A or
18 12B. It has two judges.
- 19 (10) Judicial Superior Court District 14A consists of Durham Precincts 9,
20 11, 12, 13, 14, 15, 18, 34, 40, 41, and 42, and that part of Durham
21 Precinct 39 east of North Carolina Highway #751. It has one judge.
- 22 (11) Judicial Superior Court District 14B consists of the remainder of
23 Durham County not in Judicial Superior Court District 14A. It has
24 three judges.
- 25 (12) Judicial Superior Court District 18A consists of Greensboro Precincts
26 5, 6, 7, 8, 9, 19, 25, 29, 30, 44, and 45 and Clay and Fentress
27 Precincts. It has one judge.
- 28 (13) Judicial Superior Court District 18B consists of High Point Precincts
29 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, and
30 21, Deep River Precinct, and Jamestown Precincts 1 and 3. It has one
31 judge.
- 32 (14) Judicial Superior Court District 18C consists of Greensboro Precincts
33 20, 27, 31, 32, 34, 37, 38, 39, and 43, High Point Precinct 19,
34 Stokesdale, Oak Ridge, Bruce, Friendship I, Friendship II, Jamestown
35 II, South Center Grove, North Center Grove, and North Monroe
36 Precincts. It has one judge.
- 37 (15) Judicial Superior Court District 18D consists of Greensboro Precincts
38 4, 11, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 26, 36, and 42, and
39 North and South Sumner Precincts. It has one judge.
- 40 (16) Judicial Superior Court District 18E consists of the remainder of
41 Guilford County not in Judicial Superior Court Districts 18A, 18B,
42 18C, or 18D. It has one judge.

- 1 (17) Judicial Superior Court District 21A consists of the Southwest Ward of
2 Winston-Salem, and Precincts 80-6, 80-7, 80-8, 3-1, 9-1, 13-1, 13-2,
3 13-3, 7-1, 7-2, 7-3, 5-1, 5-2, 5-3, 12-2, and 12-3. It has one judge.
4 (18) Judicial Superior Court District 21B consists of the Northwest Ward,
5 the South Ward, and the Southeast Ward of Winston-Salem, and
6 Precincts 4-1 and 4-2. It has one judge.
7 (19) Judicial Superior Court District 21C consists of Precincts 80-1, 80-2,
8 80-3, 80-4, 80-5, 80-9, 10-2, 10-3, 3-2, 3-3, 11-1, 11-2, 2-1, 6-1, 6-
9 2, 6-3, 6-4, 1-1, 1-2, and 1-3. It has one judge.
10 (20) Judicial Superior Court District 21D consists of the North Ward, the
11 Northeast Ward, and the East Ward of Winston-Salem, and Precincts
12 8-2 and 8-3. It has one judge.
13 (21) Judicial Superior Court District 26A consists of Charlotte Precincts
14 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, 31, 33, 39, 41, 42,
15 46, 52, 54, 55, 56, 58, 60, 77, 78, and 82, and Long Creek Precinct
16 #2 of Mecklenburg County. It has two judges.
17 (22) Judicial Superior Court District 26B consists of Charlotte Precincts 1,
18 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 20, 21, 28, 29, 30, 32, 34, 35, 36,
19 37, 38, 43, 44, 45, 47, 51, 61, 62, 63, 65, 66, 67, 68, 69, 71, 74,
20 83, 84, and 86, Crab Orchard Precincts 1 and 2, and Mallard Creek
21 Precinct 1. It has two judges.
22 (23) Judicial Superior Court District 26C consists of the remainder of
23 Mecklenburg County not in Judicial Superior Court Districts 26A or
24 26B. It has two judges.

25 (c) In subsection (b) above:

- 26 (1) the names and boundaries of townships are as they were legally
27 defined and in effect as of January 1, 1980, and recognized in the
28 1980 U.S. Census;
29 (2) for Guilford County, precinct boundaries are as shown on maps in use
30 by the Guilford County Board of Elections on April 15, 1987,
31 (3) for Mecklenburg, Wake, and Durham Counties, precinct boundaries
32 are as shown on the current maps in use by the appropriate county
33 board of elections as of January 31, 1984, in accordance with G.S.
34 163-128(b); and
35 (4) for Wilson County, commissioner districts are those in use for election
36 of members of the county board of commissioners as of January 1,
37 1987.
38 (5) for Cumberland County, House District 17 is in accordance with the
39 boundaries in effect on January 1, 1987. Precincts are in accordance
40 with those as approved by the United States Department of Justice on
41 February 28, 1986.

- 1 (6) for Forsyth County, the boundaries of Wards and precincts are those
2 in effect on 'WARD MAP 1985', published November 1985 by the
3 City of Winston-Salem and Forsyth County.

4 If any changes in precinct boundaries, wards, commissioner districts, or House of
5 Representative districts have been made since the dates specified, or are made, those
6 changes shall not change the boundaries of the judicial superior court districts.

7 (d) The several judges, their terms of office, and their assignments to districts are as
8 follows:

- 9 (1) In the first judicial superior court district, J. Herbert Small and
10 Thomas S. Watts serve terms expiring December 31, 1994.
- 11 (2) In the second judicial superior court district, William C. Griffin serves
12 a term expiring December 31, 1994.
- 13 (3) In the third-A judicial superior court district, David E. Reid serves a
14 term expiring on December 31, 1992.
- 15 (4) In the third-B judicial superior court district, Herbert O. Phillips, III,
16 serves a term expiring on December 31, 1994.
- 17 (5) In the fourth-A judicial superior court district, Henry L. Stevens, III,
18 serves a term expiring December 31, 1994.
- 19 (6) In the fourth-B judicial superior court district, James R. Strickland
20 serves a term expiring December 31, 1992.
- 21 (7) In the fifth judicial superior court district, no election shall be held in
22 1992 for the full term of the seat now occupied by Bradford Tillery,
23 and the holder of that seat shall serve until a successor is elected in
24 1994 and qualifies. The succeeding term begins January 1, 1995. In
25 the fifth judicial superior court district, Napoleon B. Barefoot serves a
26 term expiring December 31, 1994.
- 27 (8) In the sixth-A judicial superior court district, Richard B. Allsbrook
28 serves a term expiring December 31, 1990.
- 29 (9) In the sixth-B judicial superior court district, a judge shall be elected
30 in 1988 to serve an eight-year term beginning January 1, 1989.
- 31 (10) In the seventh-A judicial superior court district, Charles B. Winberry,
32 serves a term expiring December 31, 1994.
- 33 (11) In the seventh-B judicial superior court district, a judge shall be
34 elected in 1988 to serve an eight-year term beginning January 1,
35 1989.
- 36 (12) In the seventh-C judicial superior court district, Franklin R. Brown
37 serves a term expiring December 31, 1990.
- 38 (13) In the eighth-A judicial superior court district, James D. Llewellyn
39 serves a term expiring December 31, 1994.
- 40 (14) In the eighth-B judicial superior court district, Paul M. Wright serves
41 a term expiring December 31, 1992.
- 42 (15) In the ninth judicial superior court district, Robert H. Hobgood and
43 Henry W. Hight, Jr., serve terms expiring December 31, 1994.

- 1 (16) In the tenth-A judicial superior court district, a judge shall be elected
2 in 1988 to serve an eight-year term beginning January 1, 1989.
- 3 (17) In the tenth-B judicial superior court district, Robert L. Farmer serves
4 a term expiring December 31, 1992. In the tenth-B judicial superior
5 court district, no election shall be held in 1990 for the full term of the
6 seat now occupied by Henry V. Barnette, Jr., and the holder of that
7 seat shall serve until a successor is elected in 1992 and qualifies. The
8 succeeding term begins January 1, 1993.
- 9 (18) In the tenth-C judicial superior court district, Edwin S. Preston,
10 serves a term expiring December 31, 1990. In the tenth-D judicial
11 superior court district, Donald Stephens serves a term expiring
12 December 31, 1988.
- 13 (19) In the eleventh judicial superior court district, Wiley F. Bowen serves
14 a term expiring December 31, 1990.
- 15 (20) In the twelfth-A judicial superior court district, D.B. Herring, Jr.,
16 serves a term expiring December 31, 1990.
- 17 (21) In the twelfth-B judicial superior court district, a judge shall be
18 elected in 1988 to serve an eight-year term beginning January 1,
19 1989.
- 20 (22) In the twelfth-C judicial superior court district, no election shall be
21 held in 1992 for the full term of the seat now occupied by Coy E.
22 Brewer, Jr., and the holder of that seat shall serve until a successor is
23 elected in 1994 and qualifies. The succeeding term begins January 1,
24 1995. In the twelfth-C judicial superior court district, E. Lynn
25 Johnson serves a term expiring December 31, 1994.
- 26 (23) In the thirteenth judicial superior court district, Giles R. Clark serves a
27 term expiring December 31, 1994.
- 28 (24) In the fourteenth-A judicial superior court district, a judge shall be
29 elected in 1988 to serve an eight-year term beginning January 1,
30 1989.
- 31 (25) In the fourteenth-B judicial superior court district, no election shall be
32 held in 1992 for the full term of the seat now occupied by Anthony
33 M. Brannon, and the holder of that seat shall serve until a successor is
34 elected in 1994 and qualifies. The succeeding term begins July 1,
35 1995.
- 36 (26) In the fourteenth-B judicial superior court district, no election shall be
37 held in 1990 for the full term of the seat now occupied by Thomas H.
38 Lee, and the holder of that seat shall serve until a successor is elected
39 in 1994 and qualifies. The succeeding term begins January 1, 1995.
40 In the fourteenth-B judicial superior court district, J. Milton Read, Jr.,
41 serves a term expiring December 31, 1994.
- 42 (27) In the fifteenth-A judicial superior court district, J.B. Allen, Jr., serves
43 a term expiring December 31, 1994.

- 1 (28) In the fifteenth-B judicial superior court district, F. Gordon Battle
2 serves a term expiring December 31, 1994.
- 3 (29) In the sixteenth-A judicial superior court district, B. Craig Ellis serves
4 a term expiring December 31, 1994.
- 5 (30) In the sixteenth-B judicial superior court district, a judge shall be
6 elected in 1988 to serve an eight-year term beginning January 1,
7 1989.
- 8 (31) In the seventeenth-A judicial superior court district, Melzer A.
9 Morgan, Jr., serves a term expiring December 31, 1990.
- 10 (32) In the seventeenth-B judicial superior court district, James M. Long
11 serves a term expiring December 31, 1994.
- 12 (33) In the eighteenth-A judicial superior court district, a judge shall be
13 elected in 1988 to serve an eight-year term beginning January 1,
14 1989.
- 15 (34) In the eighteenth-B judicial superior court district, Edward K.
16 Washington's term expired December 31, 1986, but he is holding over
17 because of a court order enjoining an election from being held in
18 1986. A successor shall be elected in 1988 to serve an eight-year term
19 beginning January 1, 1989.
- 20 (35) In the eighteenth-C judicial superior court district, W. Douglas
21 Albright serves a term expiring December 31, 1990.
- 22 (36) In the eighteenth-D judicial superior court district, Thomas W. Ross's
23 term expired December 31, 1986, but he is holding over because of a
24 court order enjoining an election from being held in 1986. A
25 successor shall be elected in 1988 to serve an eight-year term
26 beginning January 1, 1989.
- 27 (37) In the eighteenth-E judicial superior court district, Joseph John's term
28 expired December 31, 1986, but he is holding over because of a court
29 order enjoining an election from being held in 1986. A successor
30 shall be elected in 1988 to serve an eight-year term beginning January
31 1, 1989.
- 32 (38) In the nineteenth-A judicial superior court district, James C. Davis
33 serves a term expiring December 31, 1992.
- 34 (39) In the nineteenth-B judicial superior court district, Russell G. Walker,
35 Jr., serves a term expiring December 31, 1990.
- 36 (40) In the nineteenth-C judicial superior court district, Thomas W. Seay,
37 Jr., serves a term expiring December 31, 1990.
- 38 (41) In the twentieth-A judicial superior court district, F. Fetzer Mills
39 serves a term expiring December 31, 1992.
- 40 (42) In the twentieth-B judicial superior court district, William H. Helms
41 serves a term expiring December 31, 1990.
- 42 (43) In the twenty-first-A judicial superior court district, William Z. Wood
43 serves a term expiring December 31, 1990.

- 1 (44) In the twenty-first-B judicial superior court district, Judson D.
2 DeRamus, Jr., serves a term expiring December 31, 1988.
- 3 (45) In the twenty-first-C judicial superior court district, William H.
4 Freeman serves a term expiring December 31, 1990.
- 5 (46) In the twenty-first-D judicial superior court district, a judge shall be
6 elected in 1988 to serve an eight-year term beginning January 1,
7 1989.
- 8 (47) In the twenty-second judicial superior court district, no election shall
9 be held in 1992 for the full term of the seat now occupied by Preston
10 Cornelius, and the holder of that seat shall serve until a successor is
11 elected in 1994 and qualifies. The succeeding term shall begin January
12 1, 1995. In the twenty-second judicial superior court district, Robert
13 A. Collier serves a term expiring December 31, 1994.
- 14 (48) In the twenty-third judicial superior court district, Julius A. Rousseau,
15 Jr., serves a term expiring December 31, 1990.
- 16 (49) In the twenty-fourth judicial superior court district, Charles C. Lamm,
17 Jr., serves a term expiring December 31, 1994.
- 18 (50) In the twenty-fifth-A judicial superior court district, Claude S. Sitton
19 serves a term expiring December 31, 1994.
- 20 (51) In the twenty-fifth-B judicial superior court district, Forrest A. Ferrell
21 serves a term expiring December 31, 1990.
- 22 (52) In the twenty-sixth-A judicial superior court district, no election shall
23 be held in 1994 for the full term of the seat now occupied by W.
24 Terry Sherrill, and the holder of that seat shall serve until a successor
25 is elected in 1996 and qualifies. The succeeding term shall begin
26 January 1, 1997. In the twenty-sixth-A judicial superior court district,
27 a judge shall be elected in 1988 to serve an eight-year term beginning
28 January 1, 1989.
- 29 (53) In the twenty-sixth-B judicial superior court district, Frank W. Snapp,
30 Jr., and Kenneth A. Griffin serve terms expiring December 31, 1990.
- 31 (54) In the twenty-sixth-C judicial superior court district, no election shall
32 be held in 1992 for the full term of the seat now occupied by Chase
33 Boone Saunders, and the holder of that seat shall serve until a
34 successor is elected in 1994 and qualifies. The succeeding term shall
35 begin January 1, 1995. In the twenty-sixth-C judicial superior court
36 district, Robert M. Burroughs serves a term expiring December 31,
37 1994.
- 38 (55) In the twenty-seventh-A judicial superior court district, no election
39 shall be held in 1988 for the full term of the seat now occupied by
40 Robert E. Gaines, and the holder of that seat shall serve until a
41 successor is elected in 1990 and qualifies. The succeeding term
42 begins January 1, 1991. In the twenty-seventh-A judicial superior

- 1 court district, Robert W. Kirby serves a term expiring December 31,
2 1990.
- 3 (56) In the twenty-seventh-B judicial superior court district, John M.
4 Gardner serves a term expiring December 31, 1994.
- 5 (57) In the twenty-eighth judicial superior court district, Robert D. Lewis
6 and C. Walter Allen serve terms expiring December 31, 1990.
- 7 (58) In the twenty-ninth judicial superior court district, Hollis M. Owens,
8 Jr., serves a term expiring December 31, 1990.
- 9 (59) In the thirtieth-A judicial superior court district, James U. Downs
10 serves a term expiring December 31, 1990.
- 11 (60) In the thirtieth-B judicial superior court district, Janet M. Hyatt serves
12 a term expiring December 31, 1994.
- 13 ~~(e) In a district having more than one regular resident judge where the district~~
14 ~~consists of all of a county or all of several counties, the judge who has the most~~
15 ~~continuous service on the superior court is the senior regular resident superior court~~
16 ~~judge. If two judges are of equal seniority, the oldest judge is the senior regular~~
17 ~~resident judge. In a single-judge district, where the district consists of all of a county or~~
18 ~~all of several counties, the single judge is the senior regular resident judge.~~
- 19 ~~In any county where there is more than one judicial district, but the districts include~~
20 ~~only territory from that county, then from all of the districts in that county, the judge~~
21 ~~who has the most continuous service on the superior court is the senior regular resident~~
22 ~~superior court judge for all of those districts and for the county. If two judges are of~~
23 ~~equal seniority, the oldest judge is the senior regular resident judge for all of those~~
24 ~~districts and for the county.~~
- 25 ~~In any county where there is more than one judicial district, and the districts include~~
26 ~~part from that county, and part from another county, then from all of the districts in~~
27 ~~both those counties, the judge who has the most continuous service on the superior~~
28 ~~court is the senior regular resident superior court judge for all of those districts and for~~
29 ~~both counties. If two judges are of equal seniority, the oldest judge is the senior regular~~
30 ~~resident judge for all of those districts and for both counties.~~
- 31 ~~Senior regular resident judges and regular resident judges possess equal judicial~~
32 ~~jurisdiction, power, authority and status, but all duties placed by the Constitution or~~
33 ~~statutes on the resident judge of a judicial district, including the appointment to and~~
34 ~~removal from office, which are not related to a case, controversy or judicial proceeding~~
35 ~~and which do not involve the exercise of judicial power, shall be discharged by the~~
36 ~~senior regular resident judge. A senior regular resident superior court judge in a~~
37 ~~multi-judge district, by notice in writing to the Administrative Officer of the Courts,~~
38 ~~may decline to exercise the authority vested in him by this section, in which event such~~
39 ~~authority shall be exercised by the regular resident judge next senior in point of service~~
40 ~~or age, respectively.~~
- 41 ~~In the event the senior regular resident judge of a multi-judge district is unable, due~~
42 ~~to mental or physical incapacity, to exercise the authority vested in him by the statute,~~
43 ~~and the Chief Justice, in his discretion, has determined that such incapacity exists, the~~

~~1 Chief Justice shall appoint an acting senior regular resident judge from the other
2 regular resident judges of the district, to exercise, temporarily, the authority of the
3 senior regular resident judge; provided that in any county where there is more than one
4 judicial district, the appointment may be made of any of the other regular resident
5 judges of any district in that county. Such appointee shall serve at the pleasure of the
6 Chief Justice and until his temporary appointment is vacated by appropriate order."~~

7 Sec. 2. Chapter 7A of the General Statutes is amended by adding a new
8 section to read:

9 "§ 7A-41.1 District and set of districts defined; senior resident superior court
10 judges and their authority.--(a) In this section and in any other law which refers to
11 this section:

- 12 (1) "district" means any superior court district established by G.S. 7A-41
13 which consists exclusively of one or more entire counties;
14 (2) "set of districts" means any set of two or more superior court districts
15 established under G.S. 7A-41, none of which consists exclusively of
16 one or more entire counties, but both or all of which include territory
17 from the same county or counties and together comprise all of the
18 territory of that county or those counties;
19 (3) "regular resident superior court judge of the district or set of districts"
20 means a regular superior court judge who is a resident judge of any of
21 the superior court districts established under G.S. 7A-41 which
22 comprise or are included in a district or set of districts as defined
23 herein.

24 (b) There shall be one and only one senior resident superior court judge for each
25 district or set of districts as defined in subsection (a) of this section, who shall be:

- 26 (1) where there is only one regular resident superior court judge for the
27 district, that judge; and
28 (2) where there are two or more regular resident superior court judges for
29 the district or set of districts, the judge who, from among all the
30 regular resident superior court judges of the district or set of districts,
31 has the most continuous service as a regular resident superior court
32 judge; provided if two or more judges are of equal seniority, the
33 oldest of those judges shall be the senior regular resident superior
34 court judge.

35 (c) Senior resident superior court judges and regular resident superior court
36 judges possess equal judicial jurisdiction, power, authority and status, but all duties
37 placed by the Constitution or statutes on the resident judge of a superior court district,
38 including the appointment to and removal from office, which are not related to a case,
39 controversy or judicial proceeding and which do not involve the exercise of judicial
40 power, shall be discharged, throughout a district as defined in subsection (a) of this
41 section or throughout all of the districts comprising a set of districts so defined, for
42 each county in that district or set of districts, by the senior resident superior court judge
43 for that district or set of districts. That senior resident superior court judge alone

1 among the superior court judges of that district or set of districts shall receive the salary
2 and benefits of a senior resident superior court judge.

3 (d) A senior resident superior court judge for a district or set of districts as defined in
4 subsection (a) of this section with two or more regular resident superior court judges,
5 by notice in writing to the Administrative Officer of the Courts, may decline to exercise
6 the authority vested in him by this section, in which event such authority shall be
7 exercised by the regular resident superior court judge who, among the other regular
8 resident superior court judges of the district or set of districts, is next senior in point of
9 service or age, respectively.

10 (e) In the event a senior resident superior court judge for a district or set of districts
11 with one or more regular resident superior court judges is unable, due to mental or
12 physical incapacity, to exercise the authority vested in him by the statute, and the Chief
13 Justice, in his discretion, has determined that such incapacity exists, the Chief Justice
14 shall appoint an acting senior regular resident superior court judge from the other
15 regular resident judges of the district or set of districts, to exercise, temporarily, the
16 authority of the senior regular resident judge. Such appointee shall serve at the pleasure
17 of the Chief Justice and until his temporary appointment is vacated by appropriate
18 order."

19 Sec. 3. G.S. 7A-44.1 reads as rewritten:

20 "§7A-44.1. Secretarial and clerical help. The senior regular superior court judge of
21 each judicial district is authorized to Each senior resident superior court judge may
22 appoint a judicial secretary to serve at his pleasure and under his direction the
23 secretarial and clerical needs of the superior court judges of the district or set of
24 districts as defined by G.S. 7A-41.1(a) for which he is the senior resident superior
25 court judge under the direction of the senior regular resident superior court judge. The
26 appointment may be full- or part-time and the compensation and allowances of such
27 secretary shall be fixed by the senior regular resident superior court judge, within limits
28 determined by the Administrative Office of the Courts, and paid by the State."

29 Sec. 4. Effective until its repeal under Section 7 of Chapter 509. Session
30 Laws of 1987, G.S. 7A-45 reads as rewritten:

31 "§ 7A-45. Special judges; appointment; removal; vacancies; authority.--(a) The
32 Governor may appoint eight special superior court judges except as provided by this
33 subsection. A special judge takes the same oath of office and is subject to the same
34 requirements and disabilities as is or may be prescribed by law for regular judges of the
35 superior court, save the requirement of residence in a particular district. Initial
36 appointments made under this section shall be to terms of office beginning July 1,
37 1967, and expiring June 30, 1971. As the terms expire, the Governor may appoint
38 successors for terms of four years each, except that terms beginning July 1, 1987, shall
39 expire December 31, 1988; provided that if any judge serving as a special superior
40 court judge on December 31, 1988, is to become first eligible for service retirement
41 under G.S. 135-57 between December 31, 1988, and July 1, 1989, the term of that
42 judge shall expire on that eligibility date, and except that if any special superior court
43 judge who is holding office on June 30, 1987, has five years of membership service

1 under G.S. 135-53(12) on that date, or will have three years of such service on or
2 before December 1, 1987 if continued in office, the term of office of that judge is
3 extended through December 31, 1988. All incumbents shall continue in office until
4 their successors are appointed and qualify.

5 (b) A special judge is subject to removal from office for the same causes and in the
6 same manner as a regular judge of the superior court, and a vacancy occurring in the
7 office of special judge is filled by the Governor by appointment for the unexpired term.

8 (c) A special judge, in any court in which he is duly appointed to hold, has the same
9 power and authority in all matters whatsoever that a regular judge holding the same
10 court would have. A special judge, duly assigned to hold the court of a particular
11 county, has during the session of court in that county, in open court and in chambers,
12 the same power and authority of a regular judge in all matters whatsoever arising in
13 ~~that judicial district~~ the district or set of districts as defined in G.S. 7A-41.1(a) in
14 which that county is located, that could properly be heard or determined by a regular
15 judge holding the same session of court.

16 (d) A special judge is authorized to settle cases on appeal and to make all proper
17 orders in regard thereto after the time for which he was commissioned has expired."

18 Sec. 5. G.S. 7A-45.1 reads as rewritten:

19 "§ 7A-45.1. **Special judges.**--(a) The Governor may appoint two special superior
20 court judges. A special judge takes the same oath of office and is subject to the same
21 requirements and disabilities as are or may be prescribed by law for regular judges of
22 the superior court, save the requirement of residence in a particular district.
23 Appointments made under this section shall be to terms of office beginning August 1,
24 1987, and expiring December 31, 1990.

25 (b) A special judge is subject to removal from office for the same causes and in the
26 same manner as a regular judge of the superior court, and a vacancy occurring in the
27 office of special judge is filled by the Governor by appointment for the unexpired term.

28 (c) A special judge, in any court in which he is duly appointed to hold, has the same
29 power and authority in all matters that a regular judge holding the same court would
30 have. A special judge, duly assigned to hold the court of a particular county, has
31 during the session of court in that county, in open court and in chambers, the same
32 power and authority of a regular judge in all matters arising in ~~that judicial district~~ the
33 district or set of districts as defined in G.S. 7A-41.1(a) in which that county is located,
34 that could properly be heard or determined by a regular judge holding the same session
35 of court.

36 (d) A special judge is authorized to settle cases on appeal and to make all proper
37 orders in regard thereto after the time for which he was commissioned has expired."

38 Sec. 6. G.S. 7A-47 reads as rewritten:

39 "§ 7A-47. **Powers of regular judges holding courts by assignment or exchange.** A
40 regular superior court judge, duly assigned to hold the courts of a county, or holding
41 such courts by exchange, shall have the same powers in the district or set of districts as
42 defined in G.S. 7A-41.1(a) in which that county is located, in open court and in
43 chambers as the resident judge or any judge regularly assigned to hold the courts of the

1 district or set of districts as defined in G.S. 7A-41.1(a) has, and his jurisdiction in
2 chambers shall extend until the session is adjourned or the session expires by operation
3 of law, whichever is later.

4 Sec. 7. G.S. 7A-47.1 reads as rewritten:

5 "§ 7A-47.1. Jurisdiction in vacation or in session. In any case in which the
6 superior court in vacation has jurisdiction, and all the parties unite in the proceedings,
7 they may apply for relief to the superior court in vacation, or during a session of court,
8 at their election. ~~The resident judge of the judicial district. Any regular resident~~
9 ~~superior court judge of the district or set of districts as defined in G.S. 7A-41.1(a) and~~
10 ~~any special superior court judge residing in the district or set of districts and the judge~~
11 ~~regularly presiding over the courts of the district or set of districts have concurrent~~
12 ~~jurisdiction throughout the district or set of districts in all matters and proceedings in~~
13 ~~which the superior court has jurisdiction out of session; provided, that in all matters~~
14 ~~and proceedings not requiring a jury or in which a jury is waived, the resident judge of~~
15 ~~the district any regular resident superior court judge of the district or set of districts and~~
16 ~~any special superior court judge residing in the district or set of districts shall have~~
17 ~~concurrent jurisdiction throughout the district or set of districts with the judge holding~~
18 ~~the courts of the district or set of districts and the resident judge and any any such~~
19 ~~regular or special superior court judge, residing in the district in the exercise of such~~
20 ~~concurrent jurisdiction, may hear and pass upon such matters and proceedings in~~
21 ~~vacation, out of session or during a session of court."~~

22 Sec. 8. G.S. 7A-47.2 is repealed.

23 Sec. 9. G.S. 7A-47.3 reads as rewritten:

24 "~~§ 7A-47.3. Assignment of judges in certain districts. Rotation and assignment;~~
25 ~~sessions.--When a county is divided into more than one district, and judges are~~
26 ~~assigned to hold court, assignments shall be made for the county as a whole, for the~~
27 ~~superior court of that county (a) To effect the intent of Article IV, Section 11 of the~~
28 ~~North Carolina Constitution, each regular resident superior court judge may, upon each~~
29 ~~rotation, be assigned to hold the courts either of one of the districts or of one of the~~
30 ~~sets of districts, as defined in G.S. 7A-41.1(a), in that judge's judicial division.~~

31 ~~(b) All sessions of superior court shall be for an entire county, whether that county~~
32 ~~comprises or is located in a district or in a set of districts as defined in G.S. 7A-~~
33 ~~41.1(a), and at each session all matters and proceedings arising anywhere in the county~~
34 ~~shall be heard."~~

35 Sec. 10. G.S. 7A-48 reads as rewritten:

36 "§ 7A-48. Jurisdiction of emergency judges. Emergency superior court judges have
37 the same power and authority in all matters whatsoever. in the courts which they are
38 assigned to hold, that regular judges holding the same courts would have. An
39 emergency judge duly assigned to hold the courts of a county or ~~judicial district or set~~
40 ~~of districts as defined in G.S. 7A-41.1(a) has the same powers in the district that~~
41 ~~county and district or set of districts in open court and in chambers as the resident~~
42 ~~judge a resident judge of the district or set of districts or any judge regularly assigned~~
43 ~~to hold the courts of the district or set of districts would have, but his jurisdiction in~~

1 chambers extends only until the session is adjourned or the session expires by operation
2 of law, whichever is later."

3 Sec. 11. G.S. 7A-49.1 reads as rewritten:

4 "§ 7A-49.1. Disposition of motions when judge disqualified. Whenever a judge
5 before whom a motion is made, either in open court or in chambers, disqualifies
6 himself from determining it, he may in his discretion refer the motion for disposition to
7 the resident judge a regular resident superior court judge of, or any judge regularly
8 holding the courts of, the district or set of districts as defined in G.S. 7A-41.1(a) in
9 which the county in which the cause arose is located, or of any adjoining district or set
10 of districts, who shall have full power and authority to hear and determine the motion
11 in the same manner as if he were the presiding judge of ~~the district in which the cause~~
12 arose a session of superior court for that county."

13 Sec. 12. G.S. 7A-61 reads as rewritten:

14 "§ 7A-61. Duties of district attorney. The district attorney shall prepare the trial
15 dockets, prosecute in the name of the State all criminal actions and infractions requiring
16 prosecution in the superior and district courts of his prosecutorial district, advise the
17 officers of justice in his district, and perform such duties related to appeals to the
18 Appellate Division from his district as the Attorney General may require. Effective
19 January 1, 1971, the district attorney shall also represent the State in juvenile cases in
20 which the juvenile is represented by an attorney. Each district attorney shall devote his
21 full time to the duties of his office and shall not engage in the private practice of law."

22 Sec. 13. G.S. 7A-66 reads as rewritten:

23 "§ 7A-66. Removal of district attorneys. The following are grounds for suspension
24 of a district attorney or for his removal from office:

- 25 (1) Mental or physical incapacity interfering with the performance of his
26 duties which is, or is likely to become, permanent;
- 27 (2) Willful misconduct in office;
- 28 (3) Willful and persistent failure to perform his duties;
- 29 (4) Habitual intemperance;
- 30 (5) Conviction of a crime involving moral turpitude;
- 31 (6) Conduct prejudicial to the administration of justice which brings the
32 office into disrepute; or
- 33 (7) Knowingly authorizing or permitting an assistant district attorney to
34 commit any act constituting grounds for removal, as defined in
35 subdivisions (1) through (6) hereof.

36 A proceeding to suspend or remove a district attorney is commenced by filing with
37 the clerk of superior court of the county where the district attorney resides a sworn
38 affidavit charging the district attorney with one or more grounds for removal. The clerk
39 shall immediately bring the matter to the attention of the senior regular resident
40 superior court judge for the district or set of districts as defined in G.S. 7A-41.1(a) in
41 which the county is located who shall within 30 days either review and act on the
42 charges or refer them for review and action within 30 days to another superior court
43 judge residing in or regularly holding the courts of ~~the~~ that district or set of districts. If

1 the superior court judge upon review finds that the charges if true constitute grounds
2 for suspension, and finds probable cause for believing that the charges are true, he may
3 enter an order suspending the district attorney from performing the duties of his office
4 until a final determination of the charges on the merits. During the suspension the
5 salary of the district attorney continues. If the superior court judge finds that the
6 charges if true do not constitute grounds for suspension or finds that no probable cause
7 exists for believing that the charges are true, he shall dismiss the proceeding.

8 If a hearing, with or without suspension, is ordered, the district attorney should
9 receive immediate written notice of the proceedings and a true copy of the charges, and
10 the matter shall be set for hearing not less than 10 days nor more than 30 days
11 thereafter. The matter shall be set for hearing before the judge who originally examined
12 the charges or before another regular superior court judge resident in or regularly
13 holding the courts of ~~the~~ that district or set of districts. The hearing shall be open to
14 the public. All testimony shall be recorded. At the hearing the superior court judge
15 shall hear evidence and make findings of fact and conclusions of law and if he finds that
16 grounds for removal exist, he shall enter an order permanently removing the district
17 attorney from office, and terminating his salary. If he finds that no grounds exist, he
18 shall terminate the suspension, if any.

19 The district attorney may appeal from an order of removal to the Court of Appeals
20 on the basis of error of law by the superior court judge. Pending decision of the case
21 on appeal, the district attorney shall not perform any of the duties of his office. If,
22 upon final determination, he is ordered reinstated either by the appellate division or by
23 the superior court upon remand his salary shall be restored from the date of the original
24 order of removal."

25 Sec. 14. G.S. 7A-95 reads as rewritten:

26 "§ 7A-95. Reporting of trials. (a) Court reporting personnel shall be utilized if
27 available, for the reporting of trials in the superior court. If court reporters are not
28 available in any county, electronic or other mechanical devices shall be provided by the
29 Administrative Office of the Courts upon the request of the senior regular resident
30 superior court judge.

31 (b) The Administrative Office of the Courts shall from time to time investigate the
32 state of the art and techniques of recording testimony, and shall provide such electronic
33 or mechanical devices as are found to be most efficient for this purpose.

34 (c) If an electronic or other mechanical device is utilized, it shall be the duty of the
35 clerk of the superior court or some person designated by the clerk to operate the device
36 while a trial is in progress, and the clerk shall thereafter preserve the record thus
37 produced, which may be transcribed, as required, by any person designated by the
38 Administrative Office of the Courts. If stenotype, shorthand, or stenomask equipment is
39 used, the original tapes, notes, discs or other records are the property of the State, and
40 the clerk shall keep them in his custody.

41 (d) Reporting of any trial may be waived by consent of the parties.

42 (e) Appointment of a reporter or reporters for superior court proceedings in each
43 district or set of districts as defined in G.S. 7A-41.1(a) shall be made by the senior

1 regular resident superior court judge of that district or set of districts. The
2 compensation and allowances of reporters in each such district or set of districts shall
3 be fixed by the senior regular resident superior court judge, within limits determined by
4 the Administrative Officer of the Courts, and paid by the State."

5 Sec. 15. G.S. 7A-104 reads as rewritten:

6 "§ 7A-104. Disqualification; waiver; removal; when judge acts. (a) The clerk shall
7 not exercise any judicial powers in relation to any estate, proceeding, or civil action:

8 (1) If he has, or claims to have, an interest by distribution, by will, or as creditor or
9 otherwise;

10 (2) If he is so related to any person having or claiming such an interest that he
11 would, by reason of such relationship, be disqualified as a juror, but the disqualification
12 on this ground ceases unless the objection is made at the first hearing of the matter
13 before him;

14 (3) If clerk or the clerk's spouse is a party or a subscribing witness to any deed of
15 conveyance, testamentary paper or nuncupative will, but this disqualification ceases
16 when such deed, testamentary paper, or will has been finally admitted to probate by
17 another clerk, or before the judge of the superior court;

18 (4) If clerk or the clerk's spouse is named as executor or trustee in any testamentary
19 or other paper, but this disqualification ceases when the will or other paper is finally
20 admitted to probate by another clerk, or before the judge of the superior court. The
21 clerk may renounce the executorship and endorse the renunciation on the will or on
22 some paper attached thereto, before it is propounded for probate, in which case the
23 renunciation must be recorded with the will if it is admitted to probate.

24 The parties may waive the disqualification specified in subdivisions (1), (2), and (3)
25 of this subsection, and upon the filing of such written waiver, the clerk shall act as in
26 other cases.

27 (b) When any of the disqualifications specified in this section exist, and there is no
28 waiver thereof, or when there is no renunciation under subdivision (a)(4), of this
29 section, any party in interest may apply to ~~the resident or presiding superior court~~
30 ~~judge~~ a superior court judge who has jurisdiction pursuant to G.S. 7A-47.1 or 7A-48
31 in that county, for an order to remove the proceedings to the clerk of superior court of
32 an adjoining county in the same district or set of districts; or he may apply to the judge
33 to make either in vacation or during a session of court all necessary orders and
34 judgments in any proceeding in which the clerk is disqualified, and the judge in such
35 cases is hereby authorized to make any and all necessary orders and judgments as if he
36 had the same original jurisdiction as the clerk over such proceedings.

37 (c) In any case in which the clerk of the superior court is executor, administrator,
38 collector, or guardian of an estate at the time of his election or appointment to office,
39 in order to enable him to settle such estate, ~~the resident or presiding judge of the~~
40 ~~superior court is empowered to~~ a superior court judge who has jurisdiction pursuant to
41 G.S. 7A-47.1 or 7A-48 in that county may make such orders as may be necessary in
42 the settlement of the estate; and he may audit the accounts or appoint a commissioner
43 to audit the accounts of such executor or administrator, and report to him for his

1 approval, and when the accounts are so approved, the judge shall order the proper
2 records to be made by the clerk."

3 Sec. 16. G.S. 7A-142 reads as rewritten:

4 "§ 7A-142. Vacancies in office. A vacancy in the office of district judge shall be
5 filled for the unexpired term by appointment of the Governor from nominations
6 submitted by the ~~bar of the judicial district~~ relevant district bar as defined by G.S. 84-
7 19. If the district court judge was elected as the nominee of a political party, then the
8 district bar shall submit to the Governor the names of three persons who are residents
9 of the district court district who are duly authorized to practice law in the district and
10 who are members of the same political party as the vacating judge; provided that if
11 there are not three persons who are available, the bar shall submit the names of two
12 persons who meet the qualifications of this sentence. Within 60 days after the district
13 bar submits nominations for a vacancy, the Governor shall appoint to fill the vacancy.
14 If the district bar fails to submit nominations within 30 days from the date the vacancy
15 occurs, the Governor may appoint to fill the vacancy without waiting for nominations."

16 Sec. 17. G.S. 7A-171 reads as rewritten:

17 "§ 7A-171. Numbers; appointment and terms; vacancies. (a) The General
18 Assembly shall establish a minimum and a maximum quota of magistrates for each
19 county. In no county shall the minimum quota be less than one.

20 (b) Not earlier than the Tuesday after the first Monday nor later than the third
21 Monday in December of each even-numbered year, the clerk of the superior court shall
22 submit to the senior regular resident superior court judge of ~~his district~~ the district or
23 set of districts as defined in G.S. 7A-41.1(a) in which his county is located the names of
24 two (or more, if requested by the judge) nominees for each magisterial office in the
25 minimum quota established for the county. Not later than the fourth Monday in
26 December, the senior regular resident superior court judge shall, from the nominations
27 submitted by the clerk of the superior court, appoint magistrates to fill the minimum
28 quota established for each county of his district or set of districts. The term of a
29 magistrate so appointed shall be two years, commencing on the first day in January of
30 the calendar year next ensuing the calendar year of appointment.

31 (c) After the biennial appointment of the minimum quota of magistrates, additional
32 magistrates in a number not to exceed, in total, the maximum quota established for
33 each county may be appointed in the following manner. The chief district judge for the
34 district court district in which the county is located, with the approval of the
35 Administrative Officer of the Courts, may certify to the clerk of superior court that the
36 minimum quota is insufficient for the efficient administration of justice and that a
37 specified additional number, not to exceed the maximum quota established for the
38 county, is required. Within 15 days after the receipt of this certification the clerk of
39 superior court shall submit to the senior regular resident superior court judge of ~~his~~
40 district the district or set of districts as defined in G.S. 7A-41.1(a) in which his county
41 is located the names of two (or more, if requested by the judge) nominees for each
42 additional magisterial office. Within 15 days after receipt of the nominations the senior
43 regular resident superior court judge shall from the nominations submitted appoint

1 magistrates in the number specified in the certification. A magistrate so appointed shall
2 serve a term commencing immediately and expiring on the same day as the terms of
3 office of magistrates appointed to fill the minimum quota for the county.

4 (d) Within 30 days after a vacancy in the office of magistrate occurs the clerk of
5 superior court shall submit to the senior regular resident superior court judge the names
6 of two (or more, if so requested by the judge) nominees for the office vacated. Within
7 15 days after receipt of the nominations the senior regular resident superior court judge
8 shall appoint from the nominations received a magistrate who shall take office
9 immediately and shall serve for the remainder of the unexpired term."

10 Sec. 18. G.S. 7A-173 reads as rewritten:

11 "§ 7A-173. **Suspension; removal; reinstatement.** (a) A magistrate may be
12 suspended from performing the duties of his office by the chief district judge of the
13 district court district in which his county is located, or ~~removal~~ removed from office by
14 the senior regular resident superior court judge of, or any regular superior court judge
15 holding court in, the district or set of districts as defined in G.S. 7A-41.1(a) in which
16 the county is located. Grounds for suspension or removal are the same as for a judge of
17 the General Court of Justice.

18 (b) Suspension from performing the duties of the office may be ordered upon filing
19 of sworn written charges in the office of clerk of superior court for the county in which
20 the magistrate resides. If the chief district judge, upon examination of the sworn
21 charges, finds that the charges, if true, constitute grounds for removal, he may enter an
22 order suspending the magistrate from performing the duties of his office until a final
23 determination of the charges on the merits. During suspension the salary of the
24 magistrate continues.

25 (c) If a hearing, with or without suspension, is ordered, the magistrate against whom
26 the charges have been made shall be given immediate written notice of the proceedings
27 and a true copy of the charges, and the matter shall be set by the chief district judge
28 for hearing before the senior regular resident superior court judge or a regular superior
29 court judge holding court in the district or set of districts as defined in G.S. 7A-41.1(a)
30 in which the county is located. The hearing shall be held in a county within the district
31 or set of districts not less than 10 days nor more than 30 days after the magistrate has
32 received a copy of the charges. The hearing shall be open to the public. All testimony
33 offered shall be recorded. At the hearing the superior court judge shall receive
34 evidence, and make findings of fact and conclusions of law. If he finds that grounds for
35 removal exist, he shall enter an order permanently removing the magistrate from office,
36 and terminating his salary. If he finds that no such grounds exist, he shall terminate the
37 suspension, if any.

38 (d) A magistrate may appeal from an order of removal to the Court of Appeals on
39 the basis of error of law by the superior court judge. Pending decision of the case on
40 appeal, the magistrate shall not perform any of the duties of his office. If, upon final
41 determination, he is ordered reinstated, either by the appellate division or by the
42 superior court on remand, his salary shall be restored from the date of the original
43 order of removal."

1 Sec. 19. G.S. 7A-198 reads as rewritten:

2 "§7A-198. Reporting of civil trials. (a) Court-reporting personnel shall be utilized,
3 if available, for the reporting of civil trials in the district court. If court reporters are
4 not available in any county, electronic or other mechanical devices shall be provided by
5 the Administrative Office of the Courts upon request of the chief district judge.

6 (b) The Administrative Office of the Courts shall from time to time investigate the
7 state of the art and techniques of recording testimony, and shall provide such electronic
8 or mechanical devices as are found to be most efficient for this purpose.

9 (c) If an electronic or other mechanical device is utilized, it shall be the duty of the
10 clerk of the superior court or some other person designated by him to operate the
11 device while a trial is in progress, and the clerk shall thereafter preserve the record thus
12 produced, which may be transcribed, as required, by any person designated by the
13 Administrative Office of the Courts. If stenotype, shorthand, or stenomask equipment is
14 used, the original tapes, notes, discs, or other records are the property of the State, and
15 the clerk shall keep them in his custody.

16 (d) Reporting of any trial may be waived by consent of the parties.

17 (e) Reporting will not be provided in trials before magistrates or in hearings to
18 adjudicate and dispose of infractions in the district court.

19 (f) Appointment of a reporter or reporters for district court proceedings in each
20 district court district shall be made by the chief district judge for that district. The
21 compensation and allowances of reporters in each district shall be fixed by the chief
22 district judge, within limits determined by the Administrative Officer of the Courts, and
23 paid by the State."

24 Sec. 20. G.S. 7A-258(b) reads as rewritten:

25 "(b) A motion to transfer is filed in the action or proceeding sought to be
26 transferred, but it is heard and determined by a judge of the superior court division
27 whether the case is pending in that division or not. A ~~regular resident~~ superior court
28 judge ~~of who has jurisdiction under G.S. 7A-47.1 or G.S. 7A-48 in the district or set of~~
29 ~~districts as defined in G.S. 7A-41.1(a) in which the county in which the action or~~
30 ~~proceeding is pending is located, any special superior court judge residing in the~~
31 ~~district, or any superior court judge presiding over any courts of the district~~ may hear
32 and determine such motion. The motion is heard and determined in a county within the
33 that district or set of districts, except by consent of the parties."

34 Sec. 21. G.S. 7A-289.2 reads as rewritten:

35 "§ 7A-289.2. Definitions. The terms or phrases used in this Article shall be defined
36 according to the definitions contained in G.S. 7A-517 and as follows, unless the context
37 or subject matter otherwise requires:

- 38 (1) "Administrator" is the Administrator for Juvenile Services in the
39 Administrative Office of the Courts who is responsible for planning,
40 organizing and administering a statewide system of juvenile probation
41 and aftercare services as authorized by this Article.
- 42 (2) "Aftercare" means the legal status of a child who has been committed
43 by the court to the Department of Correction for placement by said

1 agency in one or more of its institutions or programs and who is being
 2 granted conditional release to return to the community as authorized
 3 by G.S. 7A-655.

- 4 (3) "Chief court counselor" is the professional person responsible for
 5 administration and supervision of juvenile probation and aftercare in
 6 each judicial district court district under the supervision of the court
 7 and the Administrator for Juvenile Services.
- 8 (4) "Court counselor" is a professional person responsible for juvenile
 9 probation and aftercare services to children on probation or on
 10 conditional release from the ~~Office of Youth Development,~~
 11 ~~Department of Social Rehabilitation and Control~~ Division of Youth
 12 Services, Department of Human Resources under the supervision of
 13 the chief court counselor.
- 14 (5) "Director" is the Director of the Administrative Office of the Courts.
- 15 (6) "Division" is the Division of Juvenile Services to administer juvenile
 16 probation and aftercare services to juveniles as authorized by this
 17 Article.
- 18 (7) "Probation" means the legal status of a child who is delinquent or
 19 undisciplined and is placed on probation as authorized by G.S.
 20 7A-649(8) under conditions of probation related to the needs of the
 21 child as authorized in that statute."

22 Sec. 22. G.S. 7A-289.3 reads as rewritten:

23 "§ 7A-289.3. **Division of Juvenile Services.** A Division of Juvenile Services is
 24 hereby created within the Administrative Office of the Courts to be responsible for
 25 administration of a statewide and uniform system of juvenile probation and aftercare
 26 services in all judicial district court districts of the State. The administrative head of
 27 the Division shall be the Administrator for Juvenile Services who shall be appointed by
 28 the Director. The Administrator shall be responsible for planning, organizing and
 29 administering juvenile probation and aftercare services on a statewide basis to the end
 30 that juvenile services will be uniform throughout the State and of sufficient quality to
 31 meet the needs of the children under supervision."

32 Sec. 23. G.S. 7A-289.4 reads as rewritten:

33 "§ 7A-289.4. **Duties and powers of Administrator.** The Administrator shall have the
 34 following powers and duties under the supervision of the Director:

- 35 (1) To plan for a statewide program of juvenile probation and aftercare
 36 services;
- 37 (2) To appoint such personnel within the Administrative Office of the
 38 Courts as may be necessary to administer a statewide and uniform
 39 system of juvenile probation and aftercare;
- 40 (3) To appoint the chief court counselor in each judicial district court
 41 district with the approval of the chief district judge of that district and
 42 the Director;

- 1 (4) To study the various issues related to qualifications, salary ranges,
2 appointment of personnel on a merit basis (including chief court
3 counselors, court counselors, secretaries and other appropriate
4 personnel) at the State and district levels in order to recommend
5 appropriate policies and procedures governing personnel to the
6 Director who may adopt such personnel policies as he finds to be in
7 the best interest of the juvenile services program;
- 8 (5) To develop a statewide plan for staff development and training so that
9 chief court counselors, court counselors and other personnel
10 responsible for juvenile services may be appropriately trained and
11 qualified; such plan may include attendance at appropriate
12 professional meetings and opportunities for educational leave for
13 academic study;
- 14 (6) To develop, promulgate and enforce such policies, procedures, rules
15 and regulations as he may find necessary and appropriate to
16 implement a statewide and uniform program of juvenile probation and
17 aftercare services."

18 Sec. 24. G.S. 7A-289.5 reads as rewritten:

19 "§ 7A-289.5. Duties and powers of chief court counselors. The chief court
20 counselor in each judicial district court district who is appointed as provided by this
21 Article shall have the following powers and duties:

- 22 (1) To appoint such court counselors, secretaries and other personnel as
23 may be authorized by the Administrative Office of the Courts with the
24 approval of the Administrator in accordance with the personnel
25 policies adopted by the Director.
- 26 (2) To supervise and direct the program of juvenile probation and
27 aftercare services within the district court district under the supervision
28 of the court and the Administrator according to the statewide practices
29 and procedures promulgated by the Administrator.
- 30 (3) To provide in-service training for staff as required by the
31 Administrator.
- 32 (4) To keep such records and make such reports as may be requested by
33 the Administrator in order to provide statewide data and information
34 about juvenile needs and services."

35 Sec. 25. G.S. 7A-289.6 reads as rewritten:

36 "§7A-289.6. Duties and powers of court counselors. The court counselors in each
37 district court district shall have the duties and powers of juvenile probation officers as
38 provided by G.S. 110-23 and as follows:

- 39 (1) To conduct a prehearing social study of any child alleged to be
40 delinquent or undisciplined, provided that no social study shall be
41 made prior to an adjudication that the child is within the juvenile
42 jurisdiction of the court unless the child and his parent or attorney or
43 guardian or custodian files a written statement with the court counselor

1 granting permission and giving consent to such prehearing social
2 study; when such a prehearing social study has been completed, the
3 court counselor shall prepare a written report for the court
4 summarizing the findings which shall contain recommendations as to
5 the type of care and/or treatment needed by the child and which shall
6 be in the form developed by the Administrator for such reports.

7 (2) To assist the court in handling cases where a child alleged or
8 adjudicated delinquent or undisciplined needs detention care prior to
9 the juvenile hearing, or after a hearing to determine the need for
10 detention, or pending admission of the child to an institution or other
11 residential program.

12 (3) To bring any child on probation to the attention of the court for
13 review and termination when the child's period of probation is ended
14 as provided by G.S. 7A-658; the counselor may also recommend
15 termination of probation prior to the end of the child's period of
16 probation when such a recommendation is merited by the progress and
17 adjustment of the child.

18 (4) To assist the court as requested in matters related to children within
19 the juvenile jurisdiction of the court as undisciplined, dependent or
20 neglected or within the Interstate Compact on Juveniles. This
21 provision shall not be construed, however, to deprive the Department
22 of Social Services of the functions assigned to it by law in the area of
23 dependent or neglected children."

24 Sec. 26. G.S. 7A-344 reads as rewritten:

25 "**§7A-344. Special duties of Director concerning representation of indigent**
26 **persons.** In addition to the duties prescribed in G.S. 7A-343, the Director shall also:

27 (1) Supervise and coordinate the operation of the laws and regulations
28 concerning the assignment of legal counsel for indigent persons under
29 Subchapter IX of this Chapter to the end that all indigent persons are
30 adequately represented;

31 (2) Advise and cooperate with the offices of the public defenders as
32 needed to achieve maximum effectiveness in the discharge of the
33 defender's responsibilities;

34 (3) Collect data on the operation of the assigned counsel and the public
35 defender systems, and make such recommendations to the General
36 Assembly for improvement in the operation of these systems as appear
37 to him to be appropriate; and

38 (4) Accept and utilize federal or private funds, as available, to improve
39 defense services for the indigent, including indigent juveniles alleged
40 to be delinquent or undisciplined. To facilitate processing of juvenile
41 cases, the administrative officer is further authorized, in any judicial
42 district court district, with the approval of the chief district court

1 judge, to engage the services of a particular attorney or attorneys to
2 provide specialized representation on a full-time or part-time basis."

3 Sec. 27. G.S. 7A-355 reads as rewritten:

4 "§ 7A-355. Trial court administrators. The following judicial districts or sets of
5 districts as defined in G.S. 7A-41.1(a) shall have trial court administrators: ~~tenth,~~
6 ~~twenty-second, and twenty-eighth~~ Set of districts 10A, 10B, 10C, 10D; District 22 and
7 District 28, and such other judicial districts or sets of districts as may be designated by
8 the Administrative Office of the Courts."

9 Sec. 28. G.S. 7A-356 reads as rewritten:

10 "§ 7A-356. Duties. The duties of ~~the~~ each trial court administrator shall be to assist
11 ~~the judges of the judicial districts~~ in managing ~~the~~ civil docket, dockets, to improve jury
12 utilization and to perform such duties as may be assigned by the senior resident
13 superior court judge of his district or set of districts as defined in G.S. 7A-41.1(a) or
14 by other judges designated by ~~the~~ that senior resident superior court judge."

15 Sec. 29. G.S. 7A-452 reads as rewritten:

16 "§ 7A-452. Source of counsel; fees; appellate records. (a) Counsel for an indigent
17 person shall be assigned by the court. In ~~those districts~~ the courts of those counties
18 which have a public defender, however, the public defender may tentatively assign
19 himself or an assistant public defender to represent an indigent person, subject to
20 subsequent approval by the court.

21 (b) Fees of assigned counsel and salaries and other operating expenses of the offices
22 of the public defenders shall be borne by the State.

23 (c)(1) The clerk of superior court is authorized to make a determination of indigency
24 and to appoint counsel, as authorized by this Article. The word "court," as it is used in
25 this Article and in any rules pursuant to this Article, includes the clerk of superior
26 court.

27 (2) A judge of superior or district court having authority to appoint counsel in a
28 particular case may give directions to the clerk with regard to the appointment of
29 counsel in that case; may, if he finds it appropriate, change or modify the appointment
30 of counsel when counsel has been appointed by the clerk; and may set aside a finding
31 of waiver of counsel made by the clerk.

32 (d) Unless a public defender or assistant public defender is appointed to serve, the
33 trial judge appointing standby counsel under G.S. 15A-1243 shall award reasonable
34 compensation to be paid by the State."

35 Sec. 30. G.S. 7A-453 reads as rewritten:

36 "§ 7A-453. Duty of custodian of a possibly indigent person; determination of
37 indigency. (a) In districts counties which have a public defender, the authority having
38 custody of a person who is without counsel for more than 48 hours after being taken
39 into custody shall so inform the public defender. The public defender shall make a
40 preliminary determination as to the person's entitlement to his services, and proceed
41 accordingly. The court shall make the final determination.

1 (b) In ~~districts~~ counties which do not have a public defender, the authority having
2 custody of a person who is without counsel for more than 48 hours after being taken
3 into custody shall so inform the clerk of superior court.

4 (c) In any ~~district~~ county, if a defendant, upon being taken into custody, states that
5 he is indigent and desires counsel, the authority having custody shall immediately
6 inform the defender or the clerk of superior court, as the case may be, who shall take
7 action as provided in this Article.

8 (d) The duties imposed by this section upon authorities having custody of persons
9 who may be indigent are in addition to the duties imposed upon arresting officers under
10 G.S. 15-47.

11 Sec. 31. G.S. 7A-459 reads as rewritten:

12 "**§7A-459. Implementing regulations by State Bar Council.** In ~~districts~~ counties
13 which do not have a public defender, the North Carolina State Bar Council shall make
14 rules and regulations consistent with this article relating to the manner and method of
15 assigning counsel, the procedure for the determination of indigency, the waiver of
16 counsel, the adoption and approval of plans by any district bar as defined in G.S. 84-
17 19 regarding the method of assignment of counsel among the licensed attorneys of the
18 district bar district, and such other matters as shall provide for the protection of the
19 constitutional rights of all indigent persons and the reasonable allocation of
20 responsibility for the representation of indigent persons among the licensed attorneys of
21 this State. Such rules and regulations shall not become effective until certified to and
22 approved by the Supreme Court of North Carolina."

23 Sec. 32. G.S. 7A-489 reads as rewritten:

24 "**§7A-489. Office of Guardian Ad Litem Services established.** There is established
25 within the Administrative Office of the Courts an Office of Guardian Ad Litem Services
26 to provide services in accordance with G.S. 7A-586 to abused and neglected juveniles
27 involved in judicial proceedings, and to assure that all participants in these proceedings
28 are adequately trained to carry out their responsibilities. Beginning on July 15, 1983,
29 and ending July 1, 1987, the Administrative Office of the Courts shall establish in
30 phases a statewide guardian ad litem program comprised of local ~~district~~ district programs to
31 be established in all judicial district court districts of the State. Each local ~~district~~
32 program shall consist of volunteer guardians ad litem, at least one program attorney, a
33 program coordinator who is a paid State employee, and such clerical staff as the
34 Administrative Office of the Courts in consultation with the local ~~district~~ district program
35 deems necessary. The Administrative Office of the Courts shall promulgate rules and
36 regulations necessary and appropriate for the administration of the program."

37 Sec. 33. G.S. 7A-490 reads as rewritten:

38 "**§ 7A-490. Implementation and administration.** (a) Local ~~District~~ District Programs. -- The
39 Administrative Office of the Courts shall, in cooperation with each chief district court
40 judge and other ~~district personnel,~~ personnel in the district court district, implement
41 and administer the program mandated by this Article. Local ~~district~~ district programs shall be
42 established in eight judicial district court districts in fiscal year 1983-84. Where a local
43 ~~district~~ district program has not yet been established in accordance with this Article, the district

1 court district shall operate a guardian ad litem program approved by the Administrative
2 Office of the Courts.

3 (b) Advisory Committee Established. -- The Director of the Administrative Office of
4 the Courts shall appoint a Guardian Ad Litem Advisory Committee consisting of at
5 least five members to advise the Office of Guardian Ad Litem Services in matters
6 related to this program. The members of the Advisory Committee shall receive the
7 same per diem and reimbursement for travel expenses as members of State boards and
8 commissions generally."

9 Sec. 34. G.S. 7A-491 reads as rewritten:

10 "§ 7A-491. **Conflict of interest or impracticality of implementation.** If a conflict of
11 interest prohibits a local district program from providing representation to an abused or
12 neglected juvenile, the court may appoint any member of the district bar to represent
13 said juvenile. If the Administrative Office of the Courts determines that within a
14 particular judicial district court district the implementation of a local district program is
15 impractical, or that an alternative plan meets the conditions of G.S. 7A-492, the
16 Administrative Office of the Courts shall waive the establishment of the program within
17 the district.

18 Sec. 35. G.S. 7A-492 reads as rewritten:

19 "§ 7A-492. **Alternative plans.** A district court district shall be granted a waiver from
20 the implementation of a local district program if the Administrative Office of the Courts
21 determines that the following conditions are met:

22 1. An alternative plan has been developed to provide adequate guardian ad litem
23 services for every child consistent with the duties stated in G.S. 7A-586; and

24 2. The proposed alternative plan will require no greater proportion of State funds
25 than the district court district's abuse and neglect caseload represents to the State's
26 abuse and neglect caseload. Computation of abuse and neglect caseloads shall include
27 such factors as child population, number of substantiated child abuse and neglect
28 reports, number of child abuse and neglect petitions, number of abused and neglected
29 children in care to be reviewed pursuant to G.S. 7A-657, nature of the district's district
30 court caseload, and number of petitions to terminate parental rights.

31 When an alternative plan is approved pursuant to this section, the Administrative
32 Office of the Courts shall retain authority to monitor implementation of the said plan in
33 order to assure compliance with the requirements of this Article and G.S. 7A-586. In
34 any district court district where the Administrative Office of the Courts determines that
35 implementation of an alternative plan is not in compliance with the requirements of this
36 section, the Administrative Office of the Courts may implement and administer a
37 program authorized by this Article.

38 Sec. 36. G.S. 7A-517 is amended by adding a new subdivision to read:

39 "(15a) District. -- Any district court district as established by G.S. 7A-133."

40 Sec. 37. G.S. 7A-517 is amended by adding a new subdivision to read:

41 "(19a) Judicial District. -- Any district court district as established by G.S. 7A-133."

42 Sec. 38. G.S. 9-5 reads as rewritten:

43 "§ 9-5. **Procedure for drawing panel of jurors; numbers drawn.**

1 The board of county commissioners in each county shall provide the clerk of superior
2 court with a jury box, the construction and dimensions of which shall be prescribed by
3 the administrative officer of the courts. At least 30 days prior to January 1 of any year
4 for which a list of prospective jurors has been prepared, a number of discs, squares,
5 counters or markers equal to the number of names on the jury list shall be placed in the
6 jury box. The discs, squares, counters, or markers shall be uniform in size, weight, and
7 appearance, and may be made of any suitable material. They shall be numbered
8 consecutively to correspond with the numbers on the jury list. The jury box shall be of
9 sufficient size to hold the discs, squares, counters or markers so that they may be easily
10 shaken and mixed, and the box shall have a hinged lid through which the discs,
11 squares, counters or markers can be drawn. The lid shall have a lock, the key to which
12 shall be kept by the clerk of superior court.

13 At least 30 days prior to any session or sessions of superior or district court requiring
14 a jury, the clerk of superior court or his assistant or deputy shall, in public, after
15 thoroughly shaking the box, draw therefrom the number of discs, squares, counters, or
16 markers equal to the number of jurors required for the session or sessions scheduled.
17 For each week of a superior court session, the senior ~~regular~~ resident superior court
18 judge for the district or set of districts as defined in G.S. 7A-41.1(a) in which the
19 county is located shall specify the number of jurors to be drawn. For each week of a
20 district court jury session, the chief district judge of the district court district in which
21 the county is located shall specify the number of jurors to be drawn. Pooling of jurors
22 between or among concurrent sessions of various courts is authorized in the discretion
23 of the senior regular resident superior court judge. When pooling is utilized, the senior
24 regular resident superior court judge, after consultation with the chief district judge
25 when a district court jury is required, shall specify the total number of jurors to be
26 drawn for such concurrent sessions. When grand jurors are needed, nine additional
27 numbers shall be drawn.

28 As the discs, squares, counters, or markers are drawn, they shall be separately stored
29 by the clerk until a new jury list is prepared.

30 The clerk of superior court shall deliver the list of numbers drawn from the jury box
31 to the register of deeds, who shall match the numbers received with the numbers on the
32 jury list. The register of deeds shall within three days thereafter notify the sheriff to
33 summon for jury duty the persons on the jury list whose numbers are thus matched.
34 The persons so summoned may serve as jurors in either the superior or the district
35 court, or both, for the week for which summoned. Jurors who serve each week shall be
36 discharged at the close of the weekly session or sessions, unless actually engaged in the
37 trial of a case, and then they shall not be discharged until their service in that case is
38 completed."

39 Sec. 39. G.S. 1-353 reads as rewritten:

40 **"§1-353. Property withheld from execution; proceedings.** After the issuing of an
41 execution against property, and upon proof by affidavit of a party, his agent or
42 attorney, to the satisfaction of the court or a judge thereof, that any judgment debtor
43 residing in the ~~judicial district~~ district court district as defined in G.S. 7A-133 or

1 superior court district as defined in G.S. 7A-41.1, as the case may be, where such
2 judge or sheriff resides has property which he unjustly refuses to apply toward the
3 satisfaction of the judgment, such court or judge may, by order, require the judgment
4 debtor to appear at a specified time and place, to answer concerning the same; and
5 proceedings may thereupon be had for the application of the property of the judgment
6 debtor towards the satisfaction of the judgment as provided upon the return of an
7 execution, and the judgment creditor is entitled to the order of examination under this
8 and the preceding section section and G.S. 1-352 although the judgment debtor has an
9 equitable estate in land subject to the lien of the judgment, or choses in action, or other
10 things of value unaffected by the lien of the judgment and incapable of levy."

11 Sec. 40. G.S. 1-440.14 reads as rewritten:

12 **"§1-440.14. Notice of issuance of order of attachment when no personal service.**

13 (a) When service of process by publication is made subsequent to the original order
14 of attachment, the published and mailed notice of service of process shall include notice
15 of the issuance of the order of attachment.

16 (b) When the original order of attachment is issued after publication is begun, a
17 notice of the issuance of the order of attachment shall be published once a week for
18 four successive weeks in some newspaper published in the county in which the action is
19 pending, such publication to be commenced within 30 days after the issuance of the
20 order of attachment. Such notice shall show

21 (1) The county and the court in which the action is pending,

22 (2) The names of the parties.

23 (3) The purpose of the action, and

24 (4) The fact that on a date specified an order was issued to attach the defendant's
25 property.

26 (c) If no newspaper is published in the county in which the action is pending, the
27 notice

28 (1) Shall be published once a week for four successive weeks in some newspaper
29 published in the same ~~judicial district~~ district court district as defined in G.S. 7A-133 or
30 superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be,
31 or

32 (2) Shall be posted at the courthouse door in the county for 30 days."

33 Sec. 41. G.S. 1-597 reads as rewritten:

34 **"§1-597. Regulations for newspaper publication of legal notices, advertisements,**
35 **etc.**

36 Whenever a notice of any other paper, document or legal advertisement of any kind
37 or description shall be authorized or required by any of the laws of the State of North
38 Carolina, heretofore or hereafter enacted, or by any order or judgment of any court of
39 this State to be published or advertised in a newspaper, such publication, advertisement
40 or notice shall be of no force and effect unless it shall be published in a newspaper with
41 a general circulation to actual paid subscribers which newspaper at the time of such
42 publication, advertisement or notice, shall have been admitted to the United States
43 mails as second-class matter in the county or political subdivision where such

1 publication, advertisement or notice is required to be published, and which shall have
2 been regularly and continuously issued in the county in which the publication,
3 advertisement or notice is authorized or required to be published, at least one day in
4 each calendar week for at least 25 of the 26 consecutive weeks immediately preceding
5 the date of the first publication of such advertisement, publication or notice; provided
6 that in the event that a newspaper otherwise meeting the qualifications and having the
7 characteristics prescribed by G.S. 1-597 to 1-599, should fail for a period not
8 exceeding four weeks in any calendar year to publish one or more of its issues such
9 newspaper shall nevertheless be deemed to have complied with the requirements of
10 regularity and continuity of publication prescribed herein. Provided further, that where
11 any city or town is located in two or more adjoining counties, any newspaper published
12 in such city or town shall, for the purposes of G.S. 1-597 to 1-599, be deemed to be
13 admitted to the mails, issued and published in all such counties in which such town or
14 city of publication is located, and every publication, advertisement or notice required to
15 be published in any such city or town or in any of the counties where such city or town
16 is located shall be valid if published in a newspaper published, issued and admitted to
17 the mails anywhere within any such city or town, regardless of whether the newspaper's
18 plant or the post office where the newspaper is admitted to the mails is in such county
19 or not, if the newspaper otherwise meets the qualifications and requirements of G.S.
20 1-597 to 1-599. This provision shall be retroactive to May 1, 1940, and all
21 publications, advertisements and notices published in accordance with this provision
22 since May 1, 1940, are hereby validated.

23 Notwithstanding the provisions of G.S. 1-599, whenever a notice or any other paper,
24 document or legal advertisement of any kind or description shall be authorized or
25 required by any of the laws of the State of North Carolina, heretofore or hereafter
26 enacted, or by any order or judgment of any court of this State to be published or
27 advertised in a newspaper qualified for legal advertising in a county and there is no
28 newspaper qualified for legal advertising as defined in this section in such county, then
29 it shall be deemed sufficient compliance with such laws, order or judgment by
30 publication of such notice or any other such paper, document or legal advertisement of
31 any kind or description in a newspaper published in an adjoining county or in a county
32 within the same ~~judicial district~~ district court district as defined in G.S. 7A-133 or
33 superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be;
34 provided, if the clerk of the superior court finds as a fact that such newspaper otherwise
35 meets the requirements of this section and has a general circulation in such county
36 where no newspaper is published meeting the requirements of this section."

37 Sec. 42. Rule 30(h) of the Rules of Civil Procedure, G.S. 1A-1 reads as
38 rewritten:

39 "(h) Judge: definition. --

40 (1) In respect to actions in the superior court, a judge of the court in which the
41 action is pending shall, for the purposes of this rule, and Rule 26, Rule 31, Rule 33,
42 Rule 34, Rule 35, Rule 36 and Rule 37, be ~~either a resident judge of the judicial~~
43 ~~district or a judge regularly presiding over the courts of the district or any special~~

1 ~~superior court judge holding court within the judicial district or residing therein a~~
2 ~~superior court judge who has jurisdiction pursuant to G.S. 7A-47.1 or 7A-48 in that~~
3 ~~county.~~

4 (2) In respect to actions in the district court, a judge of the court in which the action
5 is pending shall, for the purposes of this rule, Rule 26, Rule 31, Rule 33, Rule 34,
6 Rule 35, Rule 36 and Rule 37, be the chief district judge or any judge designated by
7 him pursuant to G.S. 7A-192.

8 (3) In respect to actions in either the superior court or the district court, a judge of
9 the court in the county where the deposition is being taken shall, for the purposes of
10 this rule, be ~~either a resident judge of the judicial district or a judge regularly presiding~~
11 ~~over the courts, or any special superior court judge holding court within the judicial~~
12 ~~district or residing therein~~ a superior court judge who has jurisdiction pursuant to G.S.
13 7A-47.1 or 7A-48 in that county, or the chief judge of the district court or any judge
14 designated by him pursuant to G.S. 7A-192."

15 Sec. 43. Rule 40 of the Rules of Civil Procedure. G.S. 1A-1 reads as
16 rewritten:

17 "Rule 40. Assignment of cases for trial; continuances. (a) The senior resident
18 superior court judge of any judicial district senior in point of continuous service on the
19 superior court ~~superior court district or set of districts as defined in G.S. 7A-41.1~~ may
20 provide by rule for the calendaring of actions for trial in the superior court division of
21 the various counties within his district or set of districts. Calendaring of actions for trial
22 in the district court shall be in accordance with G.S. 7A-146. Precedence shall be given
23 to actions entitled thereto by any statute of this State.

24 (b) No continuance shall be granted except upon application to the court. A
25 continuance may be granted only for good cause shown and upon such terms and
26 conditions as justice may require. Good cause for granting a continuance shall include
27 those instances when a party to the proceeding, a witness, or counsel of record has an
28 obligation of service to the State of North Carolina, including service as a member of
29 the General Assembly."

30 Sec. 44. G.S. 5A-15 reads as rewritten:

31 "§5A-15. Plenary proceedings for contempt. (a) When a judicial official chooses not
32 to proceed summarily against a person charged with direct criminal contempt or when
33 he may not proceed summarily, he may proceed by an order directing the person to
34 appear before a judge at a reasonable time specified in the order and show cause why
35 he should not be held in contempt of court. A copy of the order must be furnished to
36 the person charged. If the criminal contempt is based upon acts before a judge which
37 so involve him that his objectivity may reasonably be questioned, the order must be
38 returned before a different judge.

39 (b) Proceedings under this section are before a district court judge unless a court
40 superior to the district court issued the order, in which case the proceedings are before
41 that court. Venue lies throughout the ~~judicial district~~ district court district as defined in
42 G.S. 7A-133 or superior court district or set of districts as defined in G.S. 7A-41.1, as
43 the case may be, where the order was issued.

1 (c) The person ordered to show cause may move to dismiss the order.

2 (d) The judge is the trier of facts at the show cause hearing.

3 (e) The person charged with contempt may not be compelled to be a witness against
4 himself in the hearing.

5 (f) At the conclusion of the hearing, the judge must enter a finding of guilty or not
6 guilty. If the person is found to be in contempt, the judge must make findings of fact
7 and enter judgment. The facts must be established beyond a reasonable doubt.

8 (g) The judge presiding over the hearing may appoint a prosecutor or, in the event of
9 an apparent conflict of interest, some other member of the bar to represent the court in
10 hearings for criminal contempt."

11 Sec. 45. G.S. 5A-22 reads as rewritten:

12 "§5A-22. Release when civil contempt no longer continues. (a) A person
13 imprisoned for civil contempt must be released when his civil contempt no longer
14 continues. The order of the court holding a person in civil contempt must specify how
15 the person may purge himself of the contempt. Upon finding compliance with the
16 specifications, the sheriff or other officer having custody may release the person without
17 a further order from the court.

18 (b) On motion of the contemnor, the court must determine if he is subject to release
19 and, on an affirmative determination, order his release. The motion must be directed to
20 the judge who found civil contempt unless he is not available. Then the motion must be
21 made to a judge of the same division in the same judicial district district court district
22 as defined in G.S. 7A-133 or superior court district or set of districts as defined in G.S.
23 7A-41.1, as the case may be. The contemnor may also seek his release under other
24 procedures available under the law of this State."

25 Sec. 46. G.S. 5A-23 reads as rewritten:

26 "§5A-23. Proceedings for civil contempt. (a) Proceedings for civil contempt are
27 either by the order of a judicial official directing the alleged contemnor to appear at a
28 specified reasonable time and show cause why he should not be held in civil contempt
29 or by the notice of a judicial official that the alleged contemnor will be held in
30 contempt unless he appears at a specified reasonable time and shows cause why he
31 should not be held in contempt. The order or notice must be given at least five days in
32 advance of the hearing unless good cause is shown. The order or notice may be issued
33 on the motion and sworn statement or affidavit of one with an interest in enforcing the
34 order, including a judge, and a finding by the judicial official of probable cause to
35 believe there is civil contempt.

36 (b) Except when the General Statutes specifically provide for the exercise of
37 contempt power by the clerk of superior court, proceedings under this section are
38 before a district court judge, unless a court superior to the district court issued the
39 order in which case the proceedings are before that court. When the proceedings are
40 before a superior court, venue is in the judicial district superior court district or set of
41 districts as defined in G.S. 7A-41.1 of the court which issued the order. Otherwise,
42 venue is in the county where the order was issued.

43 (c) The person ordered to show cause may move to dismiss the order.

1 (d) The judicial official is the trier of facts at the show cause hearing.

2 (e) At the conclusion of the hearing, the judicial official must enter a finding for or
3 against the alleged contemnor. If civil contempt is found, the judicial official must enter
4 an order finding the facts constituting contempt and specifying the action which the
5 contemnor must take to purge himself of the contempt.

6 (f) A person with an interest in enforcing the order may present the case for a
7 finding of civil contempt for failure to comply with an order.

8 (g) A judge conducting a hearing to determine if a person is in civil contempt may at
9 that hearing, upon making the required findings, find the person in criminal contempt
10 for the same conduct, regardless of whether imprisonment for civil contempt is proper
11 in the case."

12 Sec. 47. G.S. 9-6 reads as rewritten:

13 "§ 9-6. Jury service a public duty; excuses to be allowed in exceptional cases;
14 procedure. (a) The General Assembly hereby declares the public policy of this State to
15 be that jury service is the solemn obligation of all qualified citizens, and that excuses
16 from the discharge of this responsibility should be granted only for reasons of
17 compelling personal hardship or because requiring service would be contrary to the
18 public welfare, health, or safety.

19 (b) Pursuant to the foregoing policy, ~~the each chief district court judge of each~~
20 ~~district shall promulgate procedures whereby he or any district court judge of his~~
21 ~~district court district designated by him, prior to the date that a jury session (or~~
22 ~~sessions) of superior or district court convenes, shall receive, hear, and pass on~~
23 ~~applications for excuses from jury duty. The procedures shall provide for the time and~~
24 ~~place, publicly announced, at which applications for excuses will be heard, and~~
25 ~~prospective jurors who have been summoned for service shall be so informed. In~~
26 ~~districts counties located in a district or set of districts as defined in G.S. 7A-41.1(a)~~
27 ~~which that have has a trial court administrator, the chief district judge may assign the~~
28 ~~duty of passing on applications for excuses from jury service to the administrator. In all~~
29 ~~cases concerning excuses, the clerk of court or the trial court administrator in districts~~
30 ~~that have a trial court administrator, shall notify prospective jurors of the disposition of~~
31 ~~their excuses.~~

32 (c) A prospective juror excused by a judge in the exercise of the discretion conferred
33 by subsection (b) may be required by the judge to serve as a juror in a subsequent
34 session of court. If required to serve subsequently, the juror shall be considered on such
35 occasion the same as if he were a member of the panel regularly summoned for jury
36 service at that time.

37 (d) A judge hearing applications for excuses from jury duty shall excuse any person
38 disqualified under § 9-3.

39 (e) The judge shall inform the clerk of superior court of persons excused under this
40 section, and the clerk within 10 days shall so notify the register of deeds, who shall
41 note the excuse on the juror's card and file it separately from the jury list.

42 (f) The discretionary authority of a presiding judge to excuse a juror at the beginning
43 of or during a session of court is not affected by this section."

1 Sec. 48. G.S. 9-12 reads as rewritten:

2 **"§ 9-12. Supplemental jurors from other counties.** (a) On motion of any party or
3 the State, or on his own motion, any judge of the superior court, if he is of the opinion
4 that it is necessary in order to provide a fair trial in any case, and regardless of whether
5 he will preside over the trial of that case, may order as many jurors as he deems
6 necessary to be summoned from any county or counties in the ~~same judicial district or~~
7 set of districts as defined in G.S. 7A-41.1(a) in which as the county of trial is located
8 ~~or in any adjoining judicial district district or set of districts.~~ These jurors shall be
9 selected and shall serve in the manner provided for selection and service of
10 supplemental jurors selected from the jury list. These jurors shall be subject to the same
11 challenges as other jurors, except challenges for nonresidence in the county of trial.

12 (b) Transportation may be furnished in lieu of mileage."

13 Sec. 49. G.S. 14-425 reads as rewritten:

14 **"§14-425. Enjoining practice of debt adjusting; appointment of receiver for money**
15 **and property employed.**

16 The superior court shall have jurisdiction, in an action brought in the name of the
17 State by the district attorney of the ~~judicial district~~ prosecutorial district as defined in
18 G.S. 7A-60, to enjoin any person from acting, offering to act, or attempting to act, as
19 a debt adjuster, or engaging in the business of debt adjusting; and, in such action, may
20 appoint a receiver for the property and money employed in the transaction of business
21 by such person as a debt adjuster, to insure, so far as may be possible, the return to
22 debtors of so much of their money and property as has been received by the debt
23 adjuster, and has not been paid to the creditors of the debtors."

24 Sec. 50. G.S. 15-155.1 reads as rewritten:

25 **"§15-155.1. Reports to district attorneys of aid to dependent children and**
26 **illegitimate births.**

27 The Department of Human Resources, by and through the Secretary of Human
28 Resources, shall promptly after June 19, 1959, make a report to each district attorney
29 ~~of superior court~~, setting out the names and addresses of all mothers who reside in his
30 ~~judicial district~~ prosecutorial district as defined in G.S. 7A-60 and are recipients of aid
31 to dependent children under the provisions of Part 2, ~~Article 3, Chapter 108~~ Article 2,
32 Chapter 108A of the General Statutes. Such report shall in some manner show the
33 identity of the unwed mothers and shall set forth the number of children born to each
34 said mother. Such a report shall also be made monthly thereafter setting out the names
35 and addresses of all such mothers who reside in the district and who may have become
36 recipients of aid to dependent children since the date of the last report."

37 Sec. 51. G.S. 15-217.1 reads as rewritten:

38 **"§15-217.1. Filing petition with clerk; delivery of copy to district attorney; review**
39 **of petition by judge.**

40 The proceeding shall be commenced by filing with the clerk of superior court of the
41 county in which the conviction took place a petition, with two copies thereof, verified
42 by affidavit. One copy shall be delivered by the clerk to the district attorney of the
43 ~~judicial district~~ prosecutorial district as defined in G.S. 7A-60 who prosecutes the

1 criminal docket of the superior court of the county in which said petition is filed, either
2 in person or by ordinary mail, and the clerk shall enter upon his docket the date and
3 manner of delivery of such copy.

4 The clerk shall place the petition upon the criminal docket upon his receipt thereof.
5 The clerk shall promptly after delivery of copy to the district attorney bring the
6 petition, or a copy thereof, to the attention of the resident judge or any judge holding
7 the courts of the district or any judge holding court in the county. Such judge shall
8 review the petition and make such order as he deems appropriate with respect to
9 permitting the petitioner to prosecute such action without providing for the payment of
10 costs, with respect to the appointment of counsel, and with respect to the time and
11 place of hearing upon the petition. If it appears to the judge that substantial injustice
12 may be done by any delay in hearing upon the matters alleged in the petition, he may
13 issue such order as may be appropriate to bring the petitioner before the court without
14 delay, and may direct the district attorney to answer the petition at a time specified in
15 the order, and the court shall thereupon inquire into the matters alleged as directed by
16 the reviewing judge, as in the case of a writ of habeas corpus. If upon review of the
17 petition it does not appear to the judge that an order advancing the hearing or other
18 order is appropriate, he shall return the petition to the clerk with a notation to that
19 effect."

20 Sec. 52. G.S. 15A-101 reads as rewritten:

21 "§15A-101. Definitions. Unless the context clearly requires otherwise, the following
22 words have the listed meanings:

23 (0.1) Appeal. -- When used in a general context, the term "appeal" also includes
24 appellate review upon writ of certiorari.

25 (1) Attorney of Record. -- An attorney who, under Article 4 of this Chapter, Entry
26 and Withdrawal of Attorney in Criminal Case, has entered a criminal proceeding and
27 has not withdrawn.

28 (2) Clerk. -- Any clerk of superior court, acting clerk, or assistant or deputy clerk.

29 (3) District Court. -- The District Court Division of the General Court of Justice.

30 (4) District Attorney. -- The person elected and currently serving as district attorney
31 in his prosecutorial district.

32 (4a) Entry of Judgment. -- Judgment is entered when sentence is pronounced. Prayer
33 for judgment continued upon payment of costs, without more, does not constitute the
34 entry of judgment.

35 (5) Judicial Official. -- A magistrate, clerk, judge, or justice of the General Court of
36 Justice.

37 (6) Officer. -- Law-enforcement officer.

38 (7) Prosecutor. -- The district attorney, any assistant district attorney or any other
39 attorney designated by the district attorney to act for the State or on behalf of the
40 district attorney.

41 (8) State. -- The State of North Carolina, all land or water in respect to which the
42 State of North Carolina has either exclusive or concurrent jurisdiction, and the airspace

1 above that land or water. "Other state" means any state or territory of the United
2 States, the District of Columbia or the Commonwealth of Puerto Rico.

3 (9) Superior Court. -- The Superior Court Division of the General Court of Justice.

4 (10) Superior Court Judge. -- ~~Any judge assigned to preside over a session of~~
5 ~~superior court in the judicial district, any resident superior court judge of the judicial~~
6 ~~district, or any special judge of superior court residing in the judicial district a superior~~
7 court judge who has jurisdiction pursuant to G.S. 7A-47.1 or 7A-48 in the district or
8 set of districts as defined in G.S. 7A-41.1.

9 (11) Vehicle. -- Aircraft, watercraft, or landcraft or other conveyance."

10 Sec. 53. G.S. 15A-131 reads as rewritten:

11 "**§15A-131. Venue generally.** (a) Venue for pretrial and trial proceedings in district
12 court of cases within the original jurisdiction of the district court lies in the county
13 where the charged offense occurred.

14 (b) Except for the probable cause hearing, venue for pretrial proceedings in cases
15 within the original jurisdiction of the superior court lies in the ~~judicial district~~ superior
16 court district or set of districts as defined in G.S. 7A-41.1 embracing the county where
17 venue for trial proceedings lies.

18 (c) Except as otherwise provided in this subsection, venue for probable cause
19 hearings and trial proceedings in cases within the original jurisdiction of the superior
20 court lies in the county where the charged offense occurred. If the alleged offense is
21 committed within the corporate limits of a municipality which is the seat of superior
22 court and is located in more than one county, venue lies in the superior court which sits
23 within that municipality, but upon timely objection of the defendant or the district
24 attorney in the county in which the alleged offense occurred the case must be
25 transferred to the county in which the alleged offense occurred.

26 (d) Venue for misdemeanors appealed for trial de novo in superior court lies in the
27 county where the misdemeanor was first tried.

28 (e) An offense occurs in a county if any act or omission constituting part of the
29 offense occurs within the territorial limits of the county.

30 (f) For the purposes of this Article, pretrial proceedings are proceedings occurring
31 after the initial appearance before the magistrate and prior to arraignment."

32 Sec. 54. G.S. 15A-133 reads as rewritten:

33 "**§ 15A-133. Waiver of venue; motion for change of venue; indictment may be**
34 **returned in other county.** (a) Except for a waiver of venue made as required in Article
35 35 of this Chapter, Speedy Trial, a waiver of venue must be in writing and signed by
36 the defendant and the prosecutor indicating the consent of all parties to the waiver. The
37 waiver must specify what stages of the proceedings are affected by the waiver, and the
38 county to which venue is changed. If the venue is to be laid in a county in another
39 judicial prosecutorial district, the consent in writing of the prosecutor in that district
40 must be filed with the clerks of both counties.

41 (b) If a waiver of venue is made by the defendant as provided in Article 35 of this
42 Chapter, Speedy Trial, the prosecutor in his discretion may elect the county in the
43 district prosecutorial district as defined in G.S. 7A-60 in which to proceed. He may

1 also elect not to proceed in another county, but the State is subject to the sanctions
2 provided in Article 35.

3 (c) Motions for change of venue by the defendant are made under G.S. 15A-957. If
4 venue is laid in a county in another judicial prosecutorial district by order of the judge
5 ruling on the motion, no consent of any prosecutor is required.

6 (d) If venue is changed to a county in another judicial prosecutorial district, whether
7 upon waiver of venue or by order of a judge, the prosecutor of the prosecutorial district
8 where the case originated must prosecute the case unless the prosecutor of the district
9 to which venue has been changed consents to conduct the prosecution.

10 (e) If venue is changed, whether upon waiver of venue or by order of a judge, the
11 grand jury in the county to which venue has been transferred has the power to return an
12 indictment in the case. If an indictment has already been returned before the change of
13 venue, no new indictment is necessary and prosecution may be had in the new county
14 under the original indictment."

15 Sec. 55. G.S. 15A-535 reads as rewritten:

16 "**§15A-535. Issuance of policies on pretrial release.** (a) Subject to the provisions of
17 this Article, the senior resident superior court judge ~~of for each judicial district or set of~~
18 districts as defined in G.S. 7A-41.1(a) in consultation with the chief district court judge
19 or judges of all the district court districts in which are located any of the counties in the
20 senior resident superior court judge's district or set of districts, must devise and issue
21 recommended policies to be followed within ~~the district~~ each of those counties in
22 determining whether, and upon what conditions, a defendant may be released before
23 trial.

24 (b) In any county in which there is a pretrial release program, the senior resident
25 superior court judge ~~of the judicial district~~ may, after consultation with the chief district
26 court judge, order that defendants accepted by such program for supervision shall, with
27 their consent, be released by judicial officials to supervision of such programs, and
28 subject to its rules and regulations, in lieu of releasing the defendants on conditions (1),
29 (2), or (3) of G.S. 15A-534(a)."

30 Sec. 56. G.S. 15A-536 reads as rewritten:

31 "**§15A-536. Release after conviction in the superior court.** (a) A defendant whose g

32 (b) If release is ordered, the judge must impose the conditions set out in G.S.
33 15A-534(a) which will reasonably assure the presence of the defendant when required
34 and provide adequate protection to persons and the community. If no single condition
35 gives the assurance, the judge may impose the condition in G.S. 15A-534(a)(3) in
36 addition to any other condition and may also, or in lieu of the condition in G.S.
37 15A-534(a)(3), place restrictions on the travel, associations, conduct, or place of abode
38 of the defendant.

39 (c) In determining what conditions of release to impose, the judge must, on the basis
40 of available information, consider the appropriate factors set out in G.S. 15A-534(c).

41 (d) A judge authorizing release of a defendant under this section must issue an
42 appropriate order containing a statement of the conditions imposed, if any; inform the
43 defendant in writing of the penalties applicable to violations of the conditions of his

1 release; and advise him that his arrest will be ordered immediately upon any such
2 violation. The order of release must be filed with the clerk and a copy given the
3 defendant.

4 (e) An order of release may be modified or revoked by any superior court judge who
5 has ordered the release of a defendant under this section or, if that judge is absent from
6 the ~~judicial district~~ superior court district or set of districts as defined in G.S. 7A-41.1,
7 by any other superior court judge. If the defendant is placed in custody as the result of
8 a revocation or modification of an order of release, the defendant is entitled to an
9 immediate hearing on whether he is again entitled to release and, if so, upon what
10 conditions.

11 (f) In imposing conditions of release and in modifying and revoking orders of release
12 under this section, the judge must take into account all evidence available to him which
13 he considers reliable and is not strictly bound by the rules of evidence applicable to
14 criminal trials."

15 Sec. 57. G.S. 15A-544(g) reads as rewritten:

16 "(g) If a return of execution upon a judgment against an obligor remains unsatisfied
17 for 10 days, the obligor may not become surety on any bail bond in the ~~judicial~~
18 ~~prosecutorial~~ district so long as the judgment remains unsatisfied. Nothing in this
19 subsection makes lawful any act made unlawful by Chapter 85C of the General
20 Statutes."

21 Sec. 58. G.S. 15A-601 reads as rewritten:

22 "**§15A-601. First appearance before a district court judge; right in felony and**
23 **other cases in original jurisdiction of superior court; consolidation of first**
24 **appearance before magistrate and before district court judge; first appearance before**
25 **clerk of superior court.**

26 (a) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal
27 process under Article 17 of this Chapter, Criminal Process, with a crime in the original
28 jurisdiction of the superior court must be brought before a district court judge in the
29 ~~judicial district~~ district court district as defined in G.S. 7A-133 in which the crime is
30 charged to have been committed. This first appearance before a district court judge is
31 not a critical stage of the proceedings against the defendant.

32 (b) When a district court judge conducts an initial appearance as provided in G.S.
33 15A-511, he may consolidate those proceedings and the proceedings under this Article.

34 (c) Unless the defendant is released pursuant to Article 26 of this Chapter. Bail, first
35 appearance before a district court judge must be held within 96 hours after the
36 defendant is taken into custody or at the first regular session of the district court in the
37 county, whichever occurs first. If the defendant is not taken into custody, or is released
38 pursuant to Article 26 of this Chapter. Bail, within 96 hours after being taken into
39 custody, first appearance must be held at the next session of district court held in the
40 county. This subsection does not apply to a defendant whose first appearance before a
41 district court judge has been set in a criminal summons pursuant to G.S. 15A-303(d).

42 (d) Upon motion of the defendant, the first appearance before a district court judge
43 may be continued to a time certain. The defendant may not waive the holding of the

1 first appearance before a district court judge but he need not appear personally if he is
2 represented by counsel at the proceeding.

3 (e) The clerk of the superior court in the county in which the defendant is taken into
4 custody may conduct a first appearance as provided in this Article if a district court
5 judge is not available in the county within 96 hours after the defendant is taken into
6 custody. The clerk, in conducting a first appearance, shall proceed under this Article
7 as would a district court judge."

8 Sec. 59. G.S. 15A-628 reads as rewritten:

9 **"§15A-628. Functions of grand jury; record to be kept by clerk.** (a) A grand jury:

10 (1) Must return a bill submitted to it by the prosecutor as a true bill of indictment if
11 it finds from the evidence probable cause for the charge made.

12 (2) Must return a bill submitted to it by the prosecutor as not a true bill of
13 indictment if it fails to find probable cause for the charge made. Upon returning a bill
14 of indictment as not a true bill, the grand jury may request the prosecutor to submit a
15 bill of indictment as to a lesser included or related offense.

16 (3) May return the bill to the court with an indication that the grand jury has not
17 been able to act upon it because of the unavailability of witnesses.

18 (4) May investigate any offense as to which no bill of indictment has been submitted
19 to it by the prosecutor and issue a presentment accusing a named person or named
20 persons with one or more criminal offenses if it has found probable cause for the
21 charges made. An investigation may be initiated upon the concurrence of 12 members
22 of the grand jury itself or upon the request of the presiding or convening judge or the
23 prosecutor.

24 (5) Must inspect the jail and may inspect other county offices or agencies and must
25 report the results of its inspections to the court.

26 (b) In proceeding under subsection (a), the grand jury may consider any offense
27 which may be prosecuted in the courts of the county, or in the courts of the ~~judicial~~
28 ~~district~~ superior court district or set of districts as defined in G.S. 7A-41.1 when there
29 has been a waiver of venue in accordance with Article 3 of this Chapter, Venue.

30 (c) Bills of indictment submitted by the prosecutor to the grand jury, whether found
31 to be true bills or not, must be returned by the foreman of the grand jury to the
32 presiding judge in open court. Presentments must also be returned by the foreman of
33 the grand jury to the presiding judge in open court.

34 (d) The clerk must keep a permanent record of all matters returned by the grand jury
35 to the judge under the provisions of this section."

36 Sec. 60. G.S. 15A-702 reads as rewritten:

37 **"§15A-702. Counties with limited court sessions.** (a) If the venue of the
38 defendant's case lies within a county where, due to the limited number of court sessions
39 scheduled for the county, the applicable time limit specified by G.S. 15A-701 has not
40 been met, the defendant may file a motion for prompt trial with (i) a superior court
41 judge presiding over a mixed or criminal session within the same ~~judicial district~~
42 superior court district or set of districts as defined in G.S. 7A-41.1 where the defendant
43 is charged with an offense within the original jurisdiction of the superior court or with a

1 misdemeanor docketed in the superior court for trial de novo; or (ii) a district court
2 judge presiding in the county in which the venue of the case lies, or in the event that
3 there is no district court judge presiding in that county, in the ~~judicial district~~ district
4 court district as defined in G.S. 7A-133 embracing the county in which the venue lies
5 where the defendant is charged with a misdemeanor pending in district court.

6 (a) A county is conclusively presumed to be a county where, due to the limited
7 number of court sessions scheduled for the county, the applicable time limit specified
8 by G.S. 15A-701 has not been met, if the county has scheduled each year fewer than
9 eight regularly scheduled criminal or mixed weekly sessions of superior court. In any
10 other county, a determination shall be made in each case whether the applicable time
11 limit specified by G.S. 15A-701 has not been met due to the limited number of court
12 sessions scheduled for that county.

13 (b) The judge with whom the petition for prompt trial is filed may order the
14 defendant's case be brought to trial within not less than 30 days.

15 (c) A defendant who files a petition for prompt trial under this section accepts venue
16 anywhere within the ~~judicial district~~ district court district as defined in G.S. 7A-133 or
17 superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be,
18 and may not continue or delay his case except on the basis of matters which arise after
19 he files the petition and which he or his counsel could not have reasonably anticipated.
20 The defendant may withdraw the petition for prompt trial only on order of the court,
21 for good cause shown or with the consent of the prosecutor."

22 Sec. 61. G.S. 15A-711 reads as rewritten:

23 **"§15A-711. Securing attendance of criminal defendants confined in institutions**
24 **within the State; requiring prosecutor to proceed.**

25 (a) When a criminal defendant is confined in a penal or other institution under the
26 control of the State or any of its subdivisions and his presence is required for trial, the
27 prosecutor may make written request to the custodian of the institution for temporary
28 release of the defendant to the custody of an appropriate law-enforcement officer who
29 must produce him at the trial. The period of the temporary release may not exceed 60
30 days. The request of the prosecutor is sufficient authorization for the release, and must
31 be honored, except as otherwise provided in this section.

32 (b) If the defendant whose presence is sought is confined pursuant to another
33 criminal proceeding in a different ~~judicial district~~ prosecutorial district as defined in
34 G.S. 7A-60, the defendant and the prosecutor prosecuting the other criminal action
35 must be given reasonable notice and opportunity to object to the temporary release.
36 Objections must be heard by a superior court judge having authority to act in criminal
37 cases in the ~~district~~ superior court district or set of districts as defined in G.S. 7A-41.1
38 in which the defendant is confined, and he must make appropriate orders as to the
39 precedence of the actions.

40 (c) A defendant who is confined in an institution in this State pursuant to a criminal
41 proceeding and who has other criminal charges pending against him may, by written
42 request filed with the clerk of the court where the other charges are pending, require
43 the prosecutor prosecuting such charges to proceed pursuant to this section. A copy of

1 the request must be served upon the prosecutor in the manner provided by the Rules of
2 Civil Procedure, G.S. 1A-1, Rule 5(b). If the prosecutor does not proceed pursuant to
3 subsection (a) within six months from the date the request is filed with the clerk, the
4 charges must be dismissed.

5 (d) Detainer.

6 (1) When a criminal defendant is imprisoned in this State pursuant to prior criminal
7 proceedings, the clerk upon request of the prosecutor, must transmit to the custodian of
8 the institution in which he is imprisoned, a copy of the charges filed against the
9 defendant and a detainer directing that the prisoner be held to answer to the charges
10 made against him. The detainer must contain a notice of the prisoner's right to proceed
11 pursuant to G.S. 15A-711(c) and his right to a speedy trial pursuant to Article 35 of
12 this Chapter, Speedy Trial.

13 (2) Upon receipt of the charges and the detainer, the custodian must immediately
14 inform the prisoner of its receipt and furnish him copies of the charges and the
15 detainer, must explain to him his right to proceed pursuant to G.S. 15A-711(c) and his
16 right to a speedy trial under Article 35 of this Chapter, Speedy Trial.

17 (3) The custodian must notify the clerk who transmitted the detainer of the
18 defendant's impending release at least 30 days prior to the date of release. The notice
19 must be given immediately if the detainer is received less than 30 days prior to the date
20 of release. The clerk must direct the sheriff to take custody of the defendant and
21 produce him for trial. The custodian must release the defendant to the custody of the
22 sheriff, but may not hold the defendant in confinement beyond the date on which he is
23 eligible for release.

24 (4) A detainer may be withdrawn upon request of the prosecutor, and the clerk must
25 notify the custodian, who must notify the defendant."

26 Sec. 62. G.S. 15A-821 reads as rewritten:

27 "§15A-821. Securing attendance of prisoner in this State as witness in proceeding
28 outside the State.

29 (a) If a judge of a court of general jurisdiction in any other state, which by its laws
30 has made provision for commanding a prisoner within that state to attend and testify in
31 this State, certifies under the seal of that court that there is a criminal prosecution
32 pending in the court or that a grand jury investigation has commenced, and that a
33 person confined in an institution under the control of the State Department of
34 Correction of North Carolina, other than a person confined as criminally insane, is a
35 material witness in the prosecution or investigation and that his presence is required for
36 a specified number of days, upon presentment of the certificate to a superior court
37 judge in the ~~judicial district~~ superior court district or set of districts as defined in G.S.
38 7A-41.1 where the person is confined, upon notice to the Attorney General, the judge
39 must fix a time and place for a hearing and order the person having custody of the
40 prisoner to produce him at the hearing.

41 (b) If at the hearing the judge determines that the prisoner is a material and
42 necessary witness in the requesting state, the judge must order that the prisoner attend
43 in the court where the prosecution or investigation is pending, upon such terms and

1 conditions as the judge prescribes, including among other things, provision for the
2 return of the prisoner at the conclusion of his testimony, proper safeguard for his
3 custody, and proper financial reimbursement or other payment, including payment in
4 advance, by the demanding jurisdiction for all expenses incurred in the production and
5 return of the prisoner.

6 (c) The Attorney General may, as agent for the State of North Carolina, enter into
7 such agreements with the demanding jurisdiction as necessary to ensure proper
8 compliance with the order of the court."

9 Sec. 63. G.S. 15A-957 reads as rewritten:

10 **"§15A-957. Motion for change of venue.** If, upon motion of the defendant, the
11 court determines that there exists in the county in which the prosecution is pending so
12 great a prejudice against the defendant that he cannot obtain a fair and impartial trial,
13 the court must either:

14 (1) Transfer the proceeding to another county in the judicial-prosecutorial
15 district as defined in G.S. 7A-60 ~~district~~ or to another county in an
16 adjoining ~~judicial-district~~ prosecutorial district as defined in G.S. 7A-
17 60, or

18 (2) Order a special venire under the terms of G.S. 15A-958.

19 The procedure for change of venue is in accordance with the provisions of Article 3
20 of this Chapter, Venue."

21 Sec. 64. G.S. 15A-1011(c) reads as rewritten:

22 "(c) Upon entry of a plea of guilty or no contest or after conviction on a plea of not
23 guilty, the defendant may request permission to enter a plea of guilty or no contest as
24 to other crimes with which he is charged in the same or another ~~judicial-district~~
25 prosecutorial district as defined in G.S. 7A-60. A defendant may not enter any plea to
26 crimes charged in another ~~judicial-district~~ prosecutorial district as defined in G.S. 7A-
27 60 unless the district attorney of that district consents in writing to the entry of such
28 plea. The prosecutor or his representative may appear in person or by filing an affidavit
29 as to the nature of the evidence gathered as to these other crimes. Entry of a plea under
30 this subsection constitutes a waiver of venue. A superior court is granted jurisdiction to
31 accept the plea, upon an appropriate indictment or information, even though the case
32 may otherwise be within the exclusive original jurisdiction of the district court. A
33 district court may accept pleas under this section only in cases within the original
34 jurisdiction of the district court."

35 Sec. 65. G.S. 15A-1054 reads as rewritten:

36 **"§15A-1054. Charge reductions or sentence concessions in consideration of**
37 **truthful testimony.**

38 (a) Whether or not a grant of immunity is conferred under this Article, a prosecutor,
39 when the interest of justice requires, may exercise his discretion not to try any suspect
40 for offenses believed to have been committed within the ~~judicial-district~~ prosecutorial
41 district as defined in G.S. 7A-60, to agree to charge reductions, or to agree to
42 recommend sentence concessions, upon the understanding or agreement that the suspect
43 will provide truthful testimony in one or more criminal proceedings.

1 (b) Recommendations as to sentence concessions must be made to the trial judge by
2 the prosecutor in accordance with the provisions of Article 58 of this Chapter,
3 Procedure Relating to Guilty Pleas in Superior Court.

4 (c) When a prosecutor enters into any arrangement authorized by this section, written
5 notice fully disclosing the terms of the arrangement must be provided to defense
6 counsel, or to the defendant if not represented by counsel, against whom such
7 testimony is to be offered, a reasonable time prior to any proceeding in which the
8 person with whom the arrangement is made is expected to testify. Upon motion of the
9 defendant or his counsel on grounds of surprise or for other good cause or when the
10 interests of justice require, the court must grant a recess."

11 Sec. 66. G.S. 15A-1334 reads as rewritten:

12 "§15A-1334. The sentencing hearing. (a) Time of Hearing. -- Unless the defendant
13 waives the hearing, the court must hold a hearing on the sentence. Either the defendant
14 or the State may, upon a showing which the judge determines to be good cause, obtain
15 a continuance of the sentencing hearing.

16 (b) Proceeding at Hearing. -- The defendant at the hearing may make a statement in
17 his own behalf. The defendant and prosecutor may present witnesses and arguments on
18 facts relevant to the sentencing decision and may cross-examine the other party's
19 witnesses. No person other than the defendant, his counsel, the prosecutor, and one
20 making a presentence report may comment to the court on sentencing unless called as a
21 witness by the defendant, the prosecutor, or the court. Formal rules of evidence do not
22 apply at the hearing.

23 (c) Sentence Hearing in Other District. -- The judge who orders a presentence report
24 may, in his discretion, direct that the sentencing hearing be held before him in another
25 county or another ~~judicial district~~ district court district as defined in G.S. 7A-133 or
26 superior court district or set of districts as defined in G.S. 7A-41.1, as the case may be,
27 during or after the session in which the defendant was convicted. If sentence is imposed
28 in a county other than the one where the defendant was convicted, the clerk of the
29 county where sentence is imposed must forward the records of the sentencing
30 proceeding to the clerk of the county of conviction.

31 (d) Sentencing in Capital Cases. -- Sentencing in capital cases is governed by Article
32 100 of this Chapter.

33 (e) Procedure Applicable when Certain Prior Convictions May Be Used. -- The
34 procedure in G.S. 15A-980 governs if the State seeks to use a prior conviction in a
35 sentencing hearing."

36 Sec. 67. G.S. 15A-1344(a) reads as rewritten:

37 "(a) Authority to Alter or Revoke. -- Except as provided in subsection (b), probation
38 may be reduced, terminated, continued, extended, modified, or revoked by any judge
39 entitled to sit in the court which imposed probation and who is resident or presiding in
40 the ~~district~~ district court district as defined in G.S. 7A-133 or superior court district or
41 set of districts as defined in G.S. 7A-41.1, as the case may be, where the sentence of
42 probation was imposed, where the probationer violates probation, or where the
43 probationer resides. The district attorney of the ~~district~~ prosecutorial district as defined

1 in G.S. 7A-60 in which probation was imposed must be given reasonable notice of any
2 hearing to affect probation substantially."

3 Sec. 68. G.S. 15A-1344(c) reads as rewritten:

4 (c) Procedure on Altering or Revoking Probation; Returning Probationer to District
5 Where Sentenced. -- When a judge reduces, terminates, extends, modifies, or revokes
6 probation outside the county where the judgment was entered, the clerk must send a
7 copy of the order and any other records to the court where probation was originally
8 imposed. A court on its own motion may return the probationer to the district district
9 court district as defined in G.S. 7A-133 or superior court district or set of districts as
10 defined in G.S. 7A-41.1, as the case may be, where probation was imposed or where
11 the probationer resides for reduction, termination, continuation, extension,
12 modification, or revocation of probation. In cases where the probation is revoked in a
13 county other than the county of original conviction the clerk in that county must issue a
14 commitment order and must file the order revoking probation and the commitment
15 order, which will constitute sufficient permanent record of the proceeding in that court,
16 and must send a certified copy of the order revoking probation, the commitment order,
17 and all other records pertaining thereto to the county of original conviction to be filed
18 with the original records. The clerk in the county other than the county of original
19 conviction must issue the formal commitment to the North Carolina Department of
20 Correction."

21 Sec. 69. G.S. 15A-1345 reads as rewritten:

22 "§15A-1345. Arrest and hearing on probation violation. (a) Arrest for Violation of
23 Probation. -- A probationer is subject to arrest for violation of conditions of probation
24 by a law-enforcement officer or probation officer upon either an order for arrest issued
25 by the court or upon the written request of a probation officer, accompanied by a
26 written statement signed by the probation officer that the probationer has violated
27 specified conditions of his probation. However, a probation revocation hearing under
28 subsection (e) may be held without first arresting the probationer.

29 (b) Bail Following Arrest for Probation Violation. -- If at any time during the period
30 of probation the probationer is arrested for a violation of any of the conditions of
31 probation, he must be taken without unnecessary delay before a judicial official to have
32 conditions of release pending a revocation hearing set in the same manner as provided
33 in G.S. 15A-534.

34 (c) When Preliminary Hearing on Probation Violation Required. -- Unless the hearing
35 required by subsection (e) is first held or the probationer waives the hearing, a
36 preliminary hearing on probation violation must be held within seven working days of
37 an arrest of a probationer to determine whether there is probable cause to believe that
38 he violated a condition of probation. Otherwise, the probationer must be released seven
39 working days after his arrest to continue on probation pending a hearing.

40 (d) Procedure for Preliminary Hearing on Probation Violation. --The preliminary
41 hearing on probation violation must be conducted by a judge who is sitting in the
42 county where the probationer was arrested or where the alleged violation occurred. If
43 no judge is sitting in the county where the hearing would otherwise be held, the

1 hearing may be held anywhere in the ~~judicial district~~ district court district as defined in
2 G.S. 7A-133 or superior court district or set of districts as defined in G.S. 7A-41.1, as
3 the case may be. The State must give the probationer notice of the hearing and its
4 purpose, including a statement of the violations alleged. At the hearing the probationer
5 may appear and speak in his own behalf, may present relevant information, and may,
6 on request, personally question adverse informants unless the court finds good cause for
7 not allowing confrontation. Formal rules of evidence do not apply at the hearing. If
8 probable cause is found or if the probable cause hearing is waived, the probationer may
9 be held for a revocation hearing, subject to release under the provisions of subsection
10 (b). If the hearing is held and probable cause is not found, the probationer must be
11 released to continue on probation.

12 (e) Revocation Hearing. -- Before revoking or extending probation, the court must,
13 unless the probationer waives the hearing, hold a hearing to determine whether to
14 revoke or extend probation and must make findings to support the decision and a
15 summary record of the proceedings. The State must give the probationer notice of the
16 hearing and its purpose, including a statement of the violations alleged. The notice,
17 unless waived by the probationer, must be given at least 24 hours before the hearing.
18 At the hearing, evidence against the probationer must be disclosed to him, and the
19 probationer may appear and speak in his own behalf, may present relevant information,
20 and may confront and cross-examine adverse witnesses unless the court finds good
21 cause for not allowing confrontation. The probationer is entitled to be represented by
22 counsel at the hearing and, if indigent, to have counsel appointed. Formal rules of
23 evidence do not apply at the hearing, but the record or recollection of evidence or
24 testimony introduced at the preliminary hearing on probation violation are inadmissible
25 as evidence at the revocation hearing. When the violation alleged is the nonpayment of
26 fine or costs, the issues and procedures at the hearing include those specified in G.S.
27 15A-1364 for response to nonpayment of fine."

28 Sec. 70. G.S. 15A-1383 reads as rewritten:

29 "§15A-1383. Plans for implementation of Article; punishment for failure to
30 comply; modification of plan. (a) On January 1, 1982, ~~the or on the first day of the~~
31 month following the date on which any superior court district becomes effective under
32 G.S. 7A-41, each senior resident superior court judge of each judicial district shall file
33 a plan with the Director of the State Bureau of Investigation for the implementation of
34 the provisions of this Article. The plan shall be entered as an order of the court on that
35 date. In drawing up the plan, the senior resident superior court judge may consult with
36 the chief district judge, the district attorney, the clerks of superior court within the
37 district, the Department of Correction, the sheriffs and chiefs of police within the
38 district, clerk of superior court, the sheriff and the chief of police for any district court
39 or prosecutorial district or county or municipality which includes or is included in his
40 district or set of districts as defined in G.S. 7A-41.1(a), with the Department of
41 Correction, and with other persons as he may deem appropriate. Upon the request of
42 the senior resident superior court judge, the State Bureau of Investigation shall provide
43 such technical assistance in the preparation of the plan as the judge desires.

1 (b) A person who is charged by the plan with a duty to make reports who fails to
2 make such reports as required by the plan is punishable for civil contempt under Article
3 2 of Chapter 5A of the General Statutes.

4 (c) When the senior resident superior court judge modifies, alters or amends a plan
5 under this Article, the order making such modification, alteration or amendment shall
6 be filed with the Director of the State Bureau of Investigation within 10 days of its
7 entry.

8 (d) Plans prepared under this Article are not 'rules' within the meaning of Chapter
9 150B of the General Statutes or within the meaning of Article 6C of Chapter 120 of the
10 General Statutes."

11 Sec. 71. G.S. 15A-1413 reads as rewritten:

12 **"§15A-1413. Trial judges empowered to act.** (a) A motion for appropriate relief
13 made pursuant to G.S. 15A-1415 may be heard and determined in the trial division by
14 any judge who is empowered to act in criminal matters in the ~~judicial district and trial~~
15 ~~division~~ district court district as defined in G.S. 7A-133 or superior court district or set
16 of districts as defined in G.S. 7A-41.1, as the case may be, in which the judgment was
17 entered.

18 (b) The judge who presided at the trial is empowered to act upon a motion for
19 appropriate relief made pursuant to G.S. 15A-1414. He may act even though he is in
20 another district or even though his commission has expired.

21 (c) When a motion for appropriate relief may be made before a judge who did not
22 hear the case, he may, if it is practicable to do so, refer all or a part of the matter for
23 decision to the judge who heard the case."

24 Sec. 72. G.S. 15A-1431 reads as rewritten:

25 **"§15A-1431. Appeals by defendants from magistrate and district court judge; trial**
26 **de novo.**

27 (a) A defendant convicted before a magistrate may appeal for trial de novo before a
28 district court judge without a jury.

29 (b) A defendant convicted in the district court before the judge may appeal to the
30 superior court for trial de novo with a jury as provided by law. Upon the docketing in
31 the superior court of an appeal from a judgment imposed pursuant to a plea
32 arrangement between the State and the defendant, the jurisdiction of the superior court
33 over any misdemeanor dismissed, reduced, or modified pursuant to that plea
34 arrangement shall be the same as was had by the district court prior to the plea
35 arrangement.

36 (c) Within 10 days of entry of judgment, notice of appeal may be given orally in
37 open court or in writing to the clerk. Within 10 days of entry of judgment, the
38 defendant may withdraw his appeal and comply with the judgment. Upon expiration of
39 the 10-day period, if an appeal has been entered and not withdrawn, the clerk must
40 transfer the case to the appropriate court.

41 (d) A defendant convicted by a magistrate or district court judge is not barred from
42 appeal because of compliance with the judgment, but notice of appeal after compliance

1 must be given by the defendant in person to the magistrate or judge who heard the case
2 or, if he is not available, notice must be given:

3 (1) Before a magistrate in the county, in the case of appeals from the magistrate; or

4 (2) During an open session of district court in the ~~judicial district~~ district court
5 district as defined in G.S. 7A-133, in the case of appeals from district court.

6 The magistrate or district court judge must review the case and fix conditions of pretrial
7 release as appropriate. If a defendant has paid a fine or costs and then appeals, the
8 amount paid must be remitted to the defendant, but the judge, clerk or magistrate to
9 whom notice of appeal is given may order the remission delayed pending the
10 determination of the appeal.

11 (e) Any order of pretrial release remains in effect pending appeal by the defendant
12 unless the judge modifies the order.

13 (f) Appeal pursuant to this section stays the execution of portions of the judgment
14 relating to fine and costs. Appeal stays portions of the judgment relating to
15 confinement when the defendant has complied with conditions of pretrial release. If the
16 defendant cannot comply with conditions of pretrial release, the judge may order
17 confinement in a local confinement facility pending the trial de novo in superior court.

18 (g) The defendant may withdraw his appeal at any time prior to calendaring of the
19 case for trial de novo. The case is then automatically remanded to the court from which
20 the appeal was taken, for execution of the judgment."

21 Sec. 73. G.S. 19-13 reads as rewritten:

22 "§ 19-13. Commencement of civil proceeding. (a) Whenever the district attorney for
23 any ~~judicial- prosecutorial~~ district has reasonable cause to believe that any person is
24 engaged in selling, distributing or disseminating in any manner harmful material to
25 minors or may become engaged in selling, distributing or disseminating in any manner
26 harmful material to minors, the district attorney for the ~~judicial~~ prosecutorial district in
27 which such material is so offered for sale shall institute an action in the district court
28 for that district for adjudication of the question of whether such material is harmful to
29 minors.

30 (b) The provisions of the Rules of Civil Procedure and all existing and future
31 amendments of said Rules shall apply to all proceedings herein, except as otherwise
32 provided in this Article."

33 Sec. 74. G.S. 19-18 reads as rewritten:

34 "§19-18. Judgment; limitation to district. (a) In the event that the court or jury, as
35 the case may be, fails to find the material attached as an exhibit to the complaint to be
36 harmful to minors, the court shall enter judgment accordingly and shall dismiss the
37 complaint.

38 (b) In the event that the court or jury, as the case may be, finds the material attached
39 as an exhibit to the complaint to be harmful to minors, the court shall enter judgment
40 to such effect and may, in such judgment or in subsequent orders of enforcement
41 thereof, enter a permanent injunction against any respondent prohibiting him from
42 selling, commercially distributing, or giving away such material to minors or from
43 permitting minors to inspect such material.

1 (c) No interlocutory order, judgment, or subsequent order of enforcement thereof,
2 entered pursuant to the provisions of this Article, shall be of any force and effect
3 outside the judicial-district court district in which entered; and no such order or
4 judgment shall be res judicata in any proceeding in any other judicial district court
5 district."

6 Sec. 75. G.S. 20-16(d) reads as rewritten:

7 "(d) Upon suspending the license of any person as hereinbefore in this section
8 authorized, the Division shall immediately notify the licensee in writing and upon his
9 request shall afford him an opportunity for a hearing, unless a preliminary hearing was
10 held before his license was suspended, as early as practical within not to exceed 30
11 days after receipt of such request. The hearing shall be conducted in the judicial district
12 district court district as defined in G.S. 7A-133 wherein the licensee resides. Hearings
13 shall be rotated among all the counties within the judicial that district if the judicial
14 district contains more than one county unless the Division and the licensee agree that
15 such hearing may be held in some other judicial district, and such notice shall contain
16 the provisions of this section printed thereon. Upon such hearing the duly authorized
17 agents of the Division may administer oaths and may issue subpoenas for the attendance
18 of witnesses and the production of relevant books and papers and may require a
19 reexamination of the licensee. Upon such hearing the Division shall either rescind its
20 order of suspension, or good cause appearing therefor, may extend the suspension of
21 such license. Provided further upon such hearing, preliminary or otherwise, involving
22 subsections (a)(1) through (a)(10a) of this section, the Division may for good cause
23 appearing in its discretion substitute a period of probation not to exceed one year for
24 the suspension or for any unexpired period of suspension. Probation shall mean any
25 written agreement between the suspended driver and a duly authorized representative of
26 the Division and such period of probation shall not exceed one year, and any violation
27 of the probation agreement during the probation period shall result in a suspension for
28 the unexpired remainder of the suspension period. The authorized agents of the
29 Division shall have the same powers in connection with a preliminary hearing prior to
30 suspension as this subsection provided in connection with hearings held after
31 suspension."

32 Sec. 76. G.S. 20-16.2(e) reads as rewritten:

33 "(e) Right to Hearing in Superior Court. -- If the revocation is sustained after the
34 hearing, the person whose license has been revoked has the right to file a petition in
35 the superior court for a hearing de novo upon the issues listed in subsection (d), in the
36 same manner and under the same conditions as provided in G.S. 20-25 except that the
37 de novo hearing is conducted in the judicial district superior court district or set of
38 districts as defined in G.S. 7A-41.1 where the charge was made."

39 Sec. 77. G.S. 20-16.2(e1) reads as rewritten:

40 "(e1) Limited Driving Privilege after Six Months in Certain Instances. -- A person
41 whose driver's license has been revoked under this section may apply for and a judge
42 authorized to do so by this subsection may issue a limited driving privilege if:

1 (1) At the time of the refusal he held either a valid driver's license or a license that
2 had been expired for less than one year;

3 (2) At the time of the refusal, he had not within the preceding seven years been
4 convicted of an offense involving impaired driving;

5 (3) At the time of the refusal, he had not in the preceding seven years willfully
6 refused to submit to a chemical analysis under this section;

7 (4) The implied-consent offense charged did not involve death or critical injury to
8 another person;

9 (5) The underlying charge for which the defendant was requested to submit to a
10 chemical analysis has been finally disposed of:

11 a. Other than by conviction; or

12 b. By a conviction of impaired driving under G.S. 20-138.1, at a punishment level
13 authorizing issuance of a limited driving privilege under G.S. 20-179.3(b), and he has
14 complied with at least one of the mandatory conditions of probation listed for the
15 punishment level under which he was sentenced;

16 (6) Subsequent to the refusal he has had no unresolved pending charges for or
17 additional convictions of an offense involving impaired driving; and

18 (7) His license has been revoked for at least six months for the refusal.

19 Except as modified in this subsection, the provisions of G.S. 20-179.3 relating to the
20 procedure for application and conduct of the hearing and the restrictions required or
21 authorized to be included in the limited driving privilege apply to applications under
22 this subsection. If the case was finally disposed of in the district court, the hearing must
23 be conducted in the ~~district~~ district court district as defined in G.S. 7A-133 in which
24 the refusal occurred by a district court judge. If the case was finally disposed of in the
25 superior court, the hearing must be conducted in the ~~district superior court district or~~
26 set of districts as defined in G.S. 7A-41.1 in which the refusal occurred by a superior
27 court judge. A limited driving privilege issued under this section authorizes a person to
28 drive if his license is revoked solely under this section or solely under this section and
29 G.S. 20-17(2). If the person's license is revoked for any other reason, the limited
30 driving privilege is invalid."

31 Sec. 78. G.S. 20-179.3(d) reads as rewritten:

32 "(d) Application for and Scheduling of Subsequent Hearing. -- The application for a
33 limited driving privilege made at any time after the day of sentencing must be filed
34 with the clerk in duplicate, and no hearing scheduled may be held until a reasonable
35 time after the clerk files a copy of the application with the district attorney's office. The
36 hearing must be scheduled before:

37 (1) The presiding judge at the applicant's trial if that judge is assigned to a court in
38 the ~~judicial district~~ district court district as defined in G.S. 7A-133 or superior court
39 district or set of districts as defined in G.S. 7A-41.1, as the case may be, in which the
40 conviction for impaired driving was imposed.

41 (2) The senior regular resident superior court judge of the ~~district superior court~~
42 district or set of districts as defined in G.S. 7A-41.1 in which the conviction for

1 impaired driving was imposed, if the presiding judge is not available within the district
2 and the conviction was imposed in superior court.

3 (3) The chief district court judge of the ~~district~~ district court district as defined in
4 G.S. 7A-133 in which the conviction for impaired driving was imposed, if the presiding
5 judge is not available within the district and the conviction was imposed in district
6 court.

7 If the applicant was convicted of an offense in another jurisdiction, the hearing must be
8 scheduled before the chief district court judge of the ~~district~~ district court district as
9 defined in G.S. 7A-133 in which he resides. G.S. 20-16.2(e1) governs the judge before
10 whom a hearing is scheduled if the revocation was under G.S. 20-16.2(d). The hearing
11 may be scheduled in any county within the ~~judicial district~~ district court district as
12 defined in G.S. 7A-133 or superior court district or set of districts as defined in G.S.
13 7A-41.1, as the case may be."

14 Sec. 79. G.S. 20-16.4 reads as rewritten:

15 **"§20-16.4. Revocation for failure to complete Alcohol and Drug Education Traffic**
16 **School.**

17 (a) Division Must Revoke upon Notice of Willful Failure. -- Upon receipt of notice
18 from an Alcohol and Drug Education Traffic School that a person assigned to the
19 school as a court-imposed condition of probation has willfully failed to complete the
20 program of instruction at the school successfully, the Division must revoke the person's
21 driver's license for 12 months. A limited driving privilege does not authorize a person
22 to drive while his license is revoked pursuant to the provisions of this section.

23 (b) Right of Notification and Hearing. -- Upon receipt of a properly executed notice
24 of failure from the school, the Division must expeditiously notify the person that his
25 license is revoked for 12 months, effective on the tenth calendar day after the mailing
26 of the revocation order unless, before the effective date of the order, the person
27 requests in writing a hearing before the Division. If the person properly requests a
28 hearing, he retains his license, unless it is revoked under some other provision of law,
29 until the hearing is held, the person withdraws the request, or he fails to appear at a
30 scheduled hearing. The hearing officer may subpoena any witnesses or documents he
31 deems necessary. The person may request the hearing officer to subpoena the
32 appropriate school personnel to appear in person at the hearing if he makes the request
33 in writing at least three days before the hearing. The person may subpoena any other
34 witness he deems necessary, and the provisions of G.S. 1A-1, Rule 45, apply to the
35 issuance and service of all subpoenas issued under the authority of this section.

36 (c) Hearing Procedures; Issues. -- The hearing officer is authorized to administer
37 oaths to witnesses appearing at the hearing. The hearing must be conducted in the
38 county where the school is located, and must be limited to consideration of whether:

39 (1) The person was validly assigned to the school by a court;

40 (2) The person failed to complete the course of instruction
41 successfully; and

42 (3) The failure was willful.

1 If the Division finds that the conditions specified in this subsection are met, it must
2 order the revocation sustained. If the Division finds that any of the conditions is not
3 met, it must rescind the revocation. If the revocation is sustained, the person must
4 surrender his license immediately upon notification by the Division. The person may
5 file a petition in superior court for a de novo review of the issues listed in this section,
6 in the same manner and under the same conditions as provided in G.S. 20-25, except
7 that the hearing must be held in the judicial-district superior court district or set of
8 districts as defined in G.S. 7A-41.1 in which the school is located.

9 (d) When Failure Not Willful. -- A failure to complete the course of instruction
10 successfully is not willful if it is based solely on a failure:

11 (1) To pay the prescribed fee and the person was unable to pay after making
12 reasonable efforts to secure funds to pay it; or

13 (2) To attend classes and the person was unable to attend because of reasons over
14 which he had no control other than alcoholism or drug abuse."

15 Sec. 80. G.S. 20-16.5(g) reads as rewritten:

16 "(g) Hearing before Magistrate or Judge if Person Contests Validity of Revocation. --
17 A person whose license is revoked under this section may request in writing a hearing
18 to contest the validity of the revocation. The request may be made at the time of the
19 person's initial appearance, or within 10 days of the effective date of the revocation to
20 the clerk or a magistrate designated by the clerk, and may specifically request that the
21 hearing be conducted by a district court judge. The Administrative Office of the Courts
22 must develop a hearing request form for any person requesting a hearing. Unless a
23 district court judge is requested, the hearing must be conducted within the county by a
24 magistrate assigned by the chief district judge to conduct such hearings. If the person
25 requests that a district court judge hold the hearing, the hearing must be conducted
26 within the judicial-district district court district as defined in G.S. 7A-133 by a district
27 court judge assigned to conduct such hearings. The revocation remains in effect
28 pending the hearing, but the hearing must be held within three working days following
29 the request if the hearing is before a magistrate or within five working days if the
30 hearing is before a district court judge. The request for the hearing must specify the
31 grounds upon which the validity of the revocation is challenged and the hearing must
32 be limited to the grounds specified in the request. A witness may submit his evidence
33 by affidavit unless he is subpoenaed to appear. Any person who appears and testifies is
34 subject to questioning by the judicial official conducting the hearing, and the judicial
35 official may adjourn the hearing to seek additional evidence if he is not satisfied with
36 the accuracy or completeness of evidence. The person contesting the validity of the
37 revocation may, but is not required to, testify in his own behalf. Unless contested by
38 the person requesting the hearing, the judicial official may accept as true any matter
39 stated in the revocation report. If any relevant condition under subsection (b) is
40 contested, the judicial official must find by the greater weight of the evidence that the
41 condition was met in order to sustain the revocation. At the conclusion of the hearing
42 the judicial official must enter an order sustaining or rescinding the revocation. The
43 judicial official's findings are without prejudice to the person contesting the revocation

1 and to any other potential party as to any other proceedings, civil or criminal, that may
2 involve facts bearing upon the conditions in subsection (b) considered by the judicial
3 official. The decision of the judicial official is final and may not be appealed in the
4 General Court of Justice. If the hearing is not held and completed within three working
5 days of the written request for a hearing before a magistrate or within five working days
6 of the written request for a hearing before a district court judge, the judicial official
7 must enter an order rescinding the revocation, unless the person contesting the
8 revocation contributed to the delay in completing the hearing. If the person requesting
9 the hearing fails to appear at the hearing or any rescheduling thereof after having been
10 properly notified, he forfeits his right to a hearing."

11 Sec. 81, G.S. 20-81(3) reads as rewritten:

12 "(3) Judicial. -- Official plates issued to the judiciary shall be issued as follows:

13 a. Appellate division. -- Official plates that shall be issued upon request to the Chief
14 Justice and Associate Justices of the Supreme Court of North Carolina and the Chief
15 Judge and Associate Judges of North Carolina Court of Appeals shall bear the letter "J"
16 followed by numerical designation from 1 through 19. The Chief Justice upon request
17 shall be issued the plate bearing number 1 and the remaining plates shall first be issued
18 upon request to the Associate Justices on the basis of seniority. The Chief Judge shall
19 be issued upon request the next such judicial plate and the remaining plates shall be
20 issued upon request to the Associate Judges on the basis of seniority. Retired members
21 of the Supreme Court and the Court of Appeals shall receive an official plate upon
22 request similar in every respect to the plate issued to the regular justices and judges
23 bearing the numerical designation of his or her position of seniority at the time of
24 retirement except that the numerical designation shall be followed with the letter "X."
25 Official plate J-20 may be issued upon request to the Director of the Administrative
26 Office of the Courts.

27 b. Superior court. -- Official plates shall be issued to the various senior resident
28 ~~judges of the superior court~~ superior court judges upon request and shall bear the letter
29 "J" followed by a numerical designation which for a district as defined in G.S. 7A-
30 41.1(a) shall be equal to the sum of the numerical designation of their respective
31 judicial districts plus 20. Where there is more than one regular resident superior court
32 judge of the superior court within a for such a district, official plates shall upon request
33 be issued to other resident judges ~~servng within~~ of the district similar to the official
34 plate to be issued upon request to the senior resident superior court judge of the district
35 except the numerical designation on each subsequent plate shall be followed by a
36 hyphen and a letter of the alphabet beginning with the letter "A," which shall be
37 indicative of the recipient's position as to seniority. The numerical designation for the
38 senior resident superior court judge for a set of districts as defined in G.S. 7A-41.1(a)
39 shall be equal to the sum of 20 plus the numerical designation which the districts in the
40 set have in common and shall be followed by no letter, and the numerical designation
41 for each other regular resident superior court judge of the set of districts shall have the
42 same numerical designation as that of the senior resident superior court judge and shall
43 be followed by a hyphen and a letter of the alphabet beginning with the letter "A"

1 which shall indicate the recipient's position as to seniority among all of the regular
2 resident superior court judges of the set of districts and shall not necessarily correspond
3 with the letter designation of the superior court district established under G.S. 7A-41
4 for which he is a resident judge, provided that in the set of districts 7B and 7C, the
5 senior resident superior court judge for that set shall be issued on request an official
6 plate bearing the designation 27BC following the letter "J", and all other resident
7 superior court judges of the set shall be issued on request an official plate bearing that
8 designation followed by a hyphen and a letter of the alphabet beginning with the letter
9 "A" indicating that judge's position as to seniority among all the regular resident
10 superior court judges of that set. Special judges and emergency judges of the superior
11 court shall be issued an official plate bearing the letter "J" with a numerical designation
12 as designated by the Administrative Office of the Courts with the approval of the Chief
13 Justice of the Supreme Court of North Carolina. Retired judges shall be issued a similar
14 plate except that the numerical designation shall be followed by the letter "X."

15 c. North Carolina district court judges. -- An official plate shall be issued upon
16 request to each chief judge of the district courts of North Carolina which shall bear the
17 letter "J" followed by a numerical designation equal to the sum of the numerical
18 designation of their respective judicial district court districts plus 100 and all other
19 judges of the district courts serving within the same judicial district court district shall,
20 upon request, be issued an official plate bearing the same letter and numerical
21 designation as appears on the official plate issued to the chief district judge of the
22 judicial district court district except that on each subsequent official plate issued within
23 a district, the numerical designation shall be followed by a letter of the alphabet
24 beginning with the letter "A" which shall be indicative of the recipient's position as to
25 seniority. Retired judges shall be issued a similar plate except that the numerical
26 designation shall be followed by the letter "X."

27 c1. Clerks of Superior Court. Official plates shall be issued upon request to the
28 various clerks of superior court which plate shall bear the words 'Clerk Superior Court'
29 followed by the numerical designation of their respective counties in alphabetical order,
30 beginning with 100 and preceded by the letter 'C'.

31 d. District attorneys. -- Official plates shall be issued upon request to the various
32 district attorneys which plates shall bear the letters "DA" followed by a numerical
33 designation indicative of their judicial prosecutorial district.

34 e. United States judges. -- Official plates shall be issued upon request to Justices of
35 the United States Supreme Court, Judges of the United States Circuit Court of Appeals
36 and to the District Judges of the United States District Courts residing in North
37 Carolina and shall bear the words "U.S. Judge" followed by a numerical designation
38 beginning with the number "1" which shall be indicative of the judge's seniority
39 position as to the date he began continuous service as a United States Judge as
40 designated by the Secretary of State. Retired judges and judges who have taken senior
41 status shall be issued similar plates except that the numerical designation shall be based
42 upon the date of such retirement or assumption of senior status and shall follow the
43 numerical designation of active justices and judges.

1 f. United States attorneys. -- Official plates shall be issued upon request to the
2 United States Attorneys, which plates shall bear the letters, "U.S. Attorney," followed
3 by a numerical designation indicative of their district, with 1 being the Eastern District,
4 2 being the Middle District, and 3 being the Western District.

5 g. United States marshals. -- Official plates shall be issued upon request to the
6 United States Marshals, which plates shall bear the letters, "U.S. Marshal" followed by
7 a numerical designation indicative of their district, with 1 being the Eastern District, 2
8 being the Middle District, and 3 being the Western District."

9 Sec. 82. G.S. 20-179.4 reads as rewritten:

10 **"§20-179.4. Community service alternative punishment; responsibilities of the**
11 **Department of Crime Control and Public Safety; fee.**

12 (a) The Department of Crime Control and Public Safety must conduct a community
13 service alternative punishment program for persons sentenced under G.S. 20-179(i), (j)
14 or (k).

15 (b) The Secretary of Crime Control and Public Safety must assign at least one
16 coordinator to each ~~judicial district~~ district court district as defined in G.S. 7A-133 to
17 assure and report to the court the person's compliance with the community service
18 sentence. The appointment of each coordinator is subject to the approval of the chief
19 district court judge. Each county must provide office space in the courthouse or other
20 convenient place, necessary equipment, and secretarial service for the use of each
21 coordinator assigned to that county.

22 (c) A fee of one hundred dollars (\$100.00) must be paid by all persons serving a
23 community service sentence. That fee must be paid to the clerk of court in the county
24 in which the person is convicted. The fee must be paid in full within two weeks unless
25 the court, upon a showing of hardship by the person, allows him additional time to pay
26 the fee. The person may not be required to pay the fee before he begins the community
27 service unless the court specifically orders that he do so. If the person is also ordered to
28 attend an Alcohol and Drug Education Traffic School established pursuant to G.S.
29 20-179.2, the fee for supervision of community service punishment is fifty dollars
30 (\$50.00).

31 (d) Fees collected under this section must be deposited in the general fund.

32 (e) The coordinator must report to the court in which the community service was
33 ordered a significant violation of the terms of the probation judgment related to
34 community service. In such cases, the court must conduct a hearing to determine if
35 there is a willful failure to comply. If the court determines there is a willful failure to
36 pay the prescribed fee or to complete the work as ordered by the coordinator within the
37 applicable time limits, the court must revoke any limited driving privilege issued in the
38 impaired driving case, and in addition may take any further action authorized by Article
39 82 of General Statutes Chapter 15A for violation of a condition of probation."

40 Sec. 83. G.S. 35A-1307 reads as rewritten:

41 **"§ 35A-1307. Spouse of incompetent husband or wife entitled to special**
42 **proceeding for sale of property.**--Every married person whose husband or wife is
43 adjudged incompetent and is confined in a mental hospital or other institution in this

1 State, and who was living with the incompetent spouse at the time of commitment
2 shall, if he or she be in needy circumstances, have the right to bring a special
3 proceeding before the clerk to sell the property of the incompetent spouse, or so much
4 thereof as is deemed expedient, and have the proceeds applied for support: Provided,
5 that said proceeding shall be approved by the judge of the superior court holding the
6 courts of the ~~judicial district~~ superior court district or set of districts as defined in G.S.
7 7A-41.1 where the said property is situated. When the deed of the commissioner
8 appointed by the court, conveying the lands belonging to the incompetent spouse is
9 executed, probated, and registered, it conveys a good and indefeasible title to the
10 purchaser."

11 Sec. 84. G.S. 35A-1311 reads as rewritten:

12 "**§35A-1311. General law applicable; approved by judge.** The proceedings herein
13 provided for shall be conducted under and shall be governed by laws pertaining to
14 special proceedings, and it shall be necessary for any sale or mortgage or other
15 conveyance herein authorized to be approved by ~~the resident judge or the judge holding~~
16 ~~the courts in the judicial district~~ a superior court judge who has jurisdiction pursuant to
17 G.S. 7A-47.1 or 7A-48 in the district or set of districts as defined in G.S. 7A-41.1
18 wherein the property or any part of same is located.

19 Sec. 85. G.S. 36A-13 reads as rewritten:

20 "**§36A-13. Removal of fiduciary funds from this State.** Unless the creating
21 instrument contains an express prohibition or provides a method of removal, when any
22 personal property in this State is vested in a resident trustee, guardian, or other
23 fiduciary, the clerk of superior court of the county in which the fiduciary resides may,
24 on petition filed for that purpose by the fiduciary, beneficiary, ward, or other interested
25 person, order the said fiduciary or his personal representative to pay, transfer, and
26 deliver the said property or any part of it, to a nonresident fiduciary appointed by a
27 court of record in another state; provided the clerk of superior court finds that such
28 removal is in accord with the express or implied intention of the settlor, would aid the
29 efficient administration of the trust, or is otherwise in the best interests of the
30 beneficiaries, and further provided that,

31 (1) No such order of any clerk of superior court shall be valid and in force until
32 approved by ~~the resident judge of said judicial district, or the judge holding court in~~
33 ~~such district~~ a superior court judge who has jurisdiction pursuant to G.S. 7A-47.1 or
34 7A-48 in that county; and

35 (2) No such order shall be made, in the case of a petition, until after a hearing, as to
36 which notice of the application shall have been given to all persons interested in such
37 property as required in other special proceedings; and

38 (3) Such order may be conditioned on the appointment of a fiduciary in the state to
39 which the property is to be removed and shall be subject to such other terms and
40 conditions as the clerk of superior court deems appropriate for protection of the
41 property and interests of the beneficiaries, provided any North Carolina beneficiary
42 may require that a bond be posted prior to such removal in an amount sufficient to
43 protect his interest, the premium for which shall be charged against his interest."

1 Sec. 86. G.S. 50-30 reads as rewritten:

2 "**§50-30. Findings; policy; and purpose.**

3 (a) Findings. -- The General Assembly makes the following findings:

4 (1) There is a strong public interest in providing fair, efficient, and swift judicial
5 processes for establishing and enforcing child support obligations. Children are entitled
6 to support from their parents, and court assistance is often required for the
7 establishment and enforcement of parental support obligations. Children who do not
8 receive support from their parents often become financially dependent on the State.

9 (2) The State shall have laws that meet the federal requirements on expedited
10 processes for obtaining and enforcing child support orders for purposes of federal
11 reimbursement under Title IV-D of the Social Security Act, 42 U.S.C. § 66(a)(2). The
12 Secretary of the Department of Health and Human Services may waive the expedited
13 process requirement with respect to one or more ~~judicial districts~~ district court district
14 as defined in G.S. 7A-133 on the basis of the effectiveness and timeliness of support
15 order issuance and enforcement within the district.

16 (3) The State has a strong financial interest in complying with the expedited process
17 requirement, and other requirements, of Title IV-D of the Social Security Act, but the
18 State would incur substantial expense in creating statewide an expedited child support
19 process as defined by federal law.

20 (4) The State's judicial system is largely capable of processing child support cases in
21 a timely and efficient manner and has a strong commitment to an expeditious system.

22 (5) The substantial expense the State would incur in creating a new system for
23 obtaining and enforcing child support orders would be reduced and better spent by
24 improving the present system.

25 (b) Purpose and Policy. -- It is the policy of this State to ensure, to the maximum
26 extent possible, that child support obligations are established and enforced fairly,
27 efficiently, and swiftly through the judicial system by means that make the best use of
28 the State's resources. It is the purpose of this Article to facilitate this policy. The
29 Administrative Office of the Courts and judicial officials in each ~~judicial district~~ district
30 court district as defined in G.S. 7A-133 shall make a diligent effort to ensure that child
31 support cases, from the time of filing to the time of disposition, are handled fairly,
32 efficiently, and swiftly. The Administrative Office of the Courts and the Department of
33 Human Resources shall work together to improve procedures for the handling of child
34 support cases in which the State or county has an interest, including all cases that
35 qualify in any respect for federal reimbursement under Title IV-D of the Social Security
36 Act."

37 Sec. 87. G.S. 50-33 reads as rewritten:

38 "**§50-33. Waiver of expedited process requirement.** (a) DHR to Seek Waiver. -- The
39 Department of Human Resources, with the assistance of the Administrative Office of
40 the Courts, shall vigorously pursue application to the Secretary of the Department of
41 Health and Human Services for waivers of the federal expedited process requirement.

42 (b) Districts That Do Not Qualify. -- In any ~~judicial district~~ district court district as
43 defined in G.S. 7A-133 that does not qualify for a waiver of the federal expedited

1 process requirement, an expedited process shall be established as provided in G.S.
2 50-34."

3 Sec. 88. G.S. 50-34 reads as rewritten:

4 "**§50-34. Establishment of an expedited process.** (a) Districts Required to Have
5 Expedited Process. -- In any ~~judicial district~~ district court district as defined in G.S.
6 7A-133 that is required by G.S. 50-33(b) to establish an expedited child support
7 process, the Director of the Administrative Office of the Courts shall notify the chief
8 district court judge and the clerk or clerks of superior court in the district in writing of
9 the requirement. The Director of the Administrative Office of the Courts, the chief
10 district court judge, and the clerk or clerks of superior court in the district shall
11 implement an expedited child support process as provided in this section.

12 (b) Procedure for Establishing Expedited Process. -- When a ~~judicial district~~ district
13 district as defined in G.S. 7A-133 is required to implement an expedited process,
14 the Director of the Administrative Office of the Courts, the chief district judge, and the
15 clerk of superior court in an affected county shall determine by agreement whether the
16 child support hearing officer or officers for that county shall be one or more clerks or
17 one or more magistrates. If such agreement has not been reached within 15 days after
18 the notice required by subsection (a) when implementation is required, the Director of
19 the Administrative Office of the Courts shall make the decision. If it is decided that the
20 hearing officer or officers for a county shall be magistrates, the chief district judge, the
21 clerk of superior court, and the Director of the Administrative Office of the Courts shall
22 ensure his or their qualification for the position. If it is decided that the hearing officer
23 or officers for a county shall be the clerk or assistant clerks, the clerk of superior court
24 in the county shall designate the person or persons to serve as hearing officer, and the
25 chief district judge, the clerk of superior court, and the Director of the Administrative
26 Office of the Courts shall ensure his or their qualification for the position.

27 (c) Public To Be Informed. -- When an expedited process is to be implemented in a
28 county or ~~judicial district~~ district court district as defined in G.S. 7A-133, the chief
29 district court judge, the clerk or clerks of superior court in affected counties in the
30 district, and the Administrative Office of the Courts shall take steps to ensure that
31 attorneys, the general public, and parties to pending child support cases in the county
32 or district are informed of the change in procedures and helped to understand and use
33 the new system effectively. (1985 (Reg. Sess., 1986), c. 993, s. 1.)"

34 Sec. 89. G.S. 50-36 reads as rewritten:

35 "**§50-36. Child support procedures in districts with expedited process.** (a)
36 Scheduling of Cases. -- The procedures of this section shall apply to all child support
37 cases in any ~~judicial district~~ district court district as defined in G.S. 7A-133 or county
38 in which an expedited process has been established. All claims for the establishment or
39 enforcement of a child support obligation, whether the claim is made in a separate
40 action or as part of a divorce or any other action, shall be scheduled for hearing before
41 the child support hearing officer. The initiating party shall send a notice of the date,
42 time, and place of the hearing to all other parties. Service of process shall be made and
43 notices given as provided by G.S. 1A-1, Rules of Civil Procedure.

1 (b) Place of Hearing. -- The hearing before the child support hearing officer need not
2 take place in a courtroom, but shall be conducted in an appropriate judicial setting.

3 (c) Hearing Procedures. -- The hearing of a case before a child support officer is
4 without a jury. The rules of evidence applicable in the trial of civil actions generally are
5 observed; however, the hearing officer may require the parties to produce and may
6 consider financial affidavits, State and federal tax returns, and other financial or
7 employment records. Except as otherwise provided in this Article, the hearing officer
8 shall determine the parties' child support rights and obligations and enter an
9 appropriate order based on the evidence and the child support laws of the State. All
10 parties shall be provided with a copy of the order.

11 (d) Record of Proceeding. -- The record of a proceeding before a child support
12 hearing officer shall consist of the pleadings filed in the child support case,
13 documentation of proper service or notice or waiver, and a copy of the hearing officer's
14 order. No verbatim recording or transcript shall be required or provided at State
15 expense.

16 (e) Transfer to District Court Judge. -- Upon his own motion or upon motion of any
17 party, the hearing officer shall transfer a case for hearing before a district court judge
18 when the case involves:

19 (1) A contested paternity action;

20 (2) A custody dispute;

21 (3) Contested visitation rights;

22 (4) The ownership, possession, or transfer of an interest in property to satisfy a child
23 support obligation; or

24 (5) Other complex issues.

25 Upon ordering such a transfer, except in cases of contested paternity, the hearing
26 officer shall also enter a temporary order that provides for the payment of a money
27 amount or otherwise addresses the child's need for support pending the resolution of
28 the case by the district court judge. The chief district court judge shall establish a
29 procedure for such transferred cases to be given priority for hearing before a district
30 court judge."

31 Sec. 90. G.S. 53-100 reads as rewritten:

32 **"§53-100. General or special investigations of insolvent banks.** Whenever it may
33 appear to be to the public interest, the Governor may cause a general or special
34 investigation to be made of the affairs of any insolvent bank or banks, singly or in
35 related groups, with a view to discovering and establishing the causes of the failure of
36 such bank or banks, and responsibility therefor; and of discovering the dealings with
37 such banks of persons, officers, corporations or municipalities which may have led to
38 such insolvency or which may have endangered or involved any public funds therein.
39 The Governor may assign counsel who shall prosecute such inquiry before the
40 Commissioner of Banks, or a deputy or commissioner appointed by the Commissioner
41 of Banks for the purpose; and the Commissioner of Banks is hereby empowered to
42 conduct such investigation either in person or through such commissioner or deputy
43 appointed by him. The inquiry shall be held at the office of the Commissioner of Banks

1 in the City of Raleigh or at any other place or places in the State designated by the
2 Commissioner of Banks under such rules and regulations as the State Banking
3 Commission may prescribe and may be adjourned from time to time as convenience
4 may require. Attendance of witnesses and production of papers may be required by
5 subpoena under the hand of the Commissioner or his deputy, and on failure of any
6 witness to appear as subpoenaed or his or her failure to produce any books or papers,
7 as called for by such Commissioner or deputy on subpoena or other order due notice
8 shall be served, at the instance of such Commissioner or deputy, of not less than three
9 days to appear before a judge of the superior court residing in or holding courts within
10 the district wherein such witness is subpoenaed or notified to appear or produce such
11 records or papers, on a day certain and a place named, when such judge shall hear the
12 matter and is authorized to punish such witness as for contempt as he may find on such
13 hearing.

14 A summary of such investigation shall be made with the findings and
15 recommendations of the Commissioner thereon, and a copy thereof submitted to the
16 Governor, and when the facts shall disclose that any person or persons are criminally
17 responsible, a summary shall be sent to the district attorney of the ~~judicial district~~
18 prosecutorial district as defined in G.S. 7A-60 likely to have jurisdiction of the matter,
19 whose duty it shall be to have the matter presented to the grand jury for its action. The
20 Governor may employ counsel to assist in the prosecution of any person or persons
21 criminally responsible and fix his compensation and the manner of its payment."

22 Sec. 91. G.S. 53-121 reads as rewritten:

23 "§53-121. **Examiners may make arrest.** When it shall appear to any examiner, by
24 examination or otherwise, that any officer, agent, employee, director, stockholder, or
25 owner of any bank has been guilty of a violation of the criminal laws of this State
26 relating to banks, it shall be his duty, and he is hereby empowered to hold and detain
27 such person or persons until a warrant can be procured for his arrest; and for such
28 purposes such examiners shall have and possess all the powers of peace officers of such
29 county, and may make arrest without warrant for past offenses. Upon report of his
30 action to the Commissioner of Banks, said Commissioner may direct the release of the
31 person or persons so held, or, if in his judgment such person or persons should be
32 prosecuted, the Commissioner of Banks shall cause the district attorney of the ~~judicial~~
33 prosecutorial district in which such detention is had to be promptly notified, and the
34 action against such person or persons shall be continued a reasonable time to enable the
35 district attorney to be present at the trial."

36 Sec. 92. G.S. 62-98 reads as rewritten:

37 "§62-98. **Peremptory mandamus to enforce order, when no appeal.** (a) If no
38 appeal is taken from an order or decision of the Commission within the time prescribed
39 by law and the person to which the order or decision is directed fails to put the same in
40 operation, as therein required, the Commission may apply to ~~the judge regularly~~
41 assigned to the superior court district which includes Wake County, or to the resident
42 judge of said district at chambers, or to the judge holding the superior court in any
43 judicial district in which the business is conducted a superior court judge who has

1 jurisdiction pursuant to G.S. 7A-47.1 or 7A-48 in Wake County, or in the district or
2 set of districts as defined in G.S. 7A-41.1 in which the business is conducted, upon 10
3 days' notice, for a peremptory mandamus upon said person for the putting in force of
4 said order or decision; and if said judge shall find that the order of said Commission
5 was valid and within the scope of its powers, he shall issue such peremptory
6 mandamus.

7 (b) An appeal shall lie to the Court of Appeals in behalf of the Commission, or the
8 defendant, from the refusal or the granting of such peremptory mandamus. The remedy
9 prescribed in this section for enforcement of orders of the Commission is in addition to
10 other remedies prescribed by law."

11 Sec. 93. G.S. 62-118 reads as rewritten:

12 "**§62-118. Abandonment and reduction of service.** (a) Upon finding that public
13 convenience and necessity are no longer served, or that there is no reasonable
14 probability of a public utility realizing sufficient revenue from a service to meet its
15 expenses, the Commission shall have power, after petition and notice, to authorize by
16 order any public utility to abandon or reduce such service. Upon request from any
17 party having an interest in said utility service, the Commission shall hold a public
18 hearing on such petition, and may on its own motion hold a public hearing on such
19 petition. Provided, however, that abandonment or reduction of service of motor carriers
20 shall not be subject to this section, but shall be authorized only under the provisions of
21 G.S. 62-262(h) and G.S. 62-262.2.

22 (b) If any person or corporation furnishing water or sewer utility service under this
23 Chapter shall abandon such service without the prior consent of the Commission, and
24 the Commission subsequently finds that such abandonment of service causes an
25 emergency to exist, the Commission may, unless the owner or operator of the affected
26 system consents, apply in accordance with G.S. 1A-1, Rule 65, ~~to the resident superior~~
27 ~~court judge of any judicial district where such person or corporation operates, or to any~~
28 ~~superior court judge holding court in such judicial district~~ a superior court judge who
29 has jurisdiction pursuant to G.S. 7A-47.1 or 7A-48 in the district or set of districts as
30 defined in G.S. 7A-41.1 in which the person or corporation so operates, for an order
31 restricting the lands, facilities and rights-of-way used in furnishing said water or sewer
32 utility service to continued use in furnishing said service during the period of the
33 emergency. An emergency is defined herein as the imminent danger of losing adequate
34 water or sewer utility service or the actual loss thereof. The court shall have jurisdiction
35 to restrict the lands, facilities, and rights-of-way to continued use in furnishing said
36 water or sewer utility service by appropriate order restraining their being placed to
37 other use, or restraining their being prevented from continued use in furnishing said
38 water or sewer utility service, by any person, corporation, or their representatives. The
39 court may, in its discretion, appoint an emergency operator to assure the continued
40 operation of such water or sewer utility service. The court shall have jurisdiction to
41 require that reasonable compensation be paid to the owner, operator or other party
42 entitled thereto for the use of any lands, facilities, and rights-of-way which are so
43 restricted to continued use for furnishing water or sewer utility service during the

1 period of the emergency, and it may require the emergency operator of said lands,
2 facilities, and rights-of-way to post bond in an amount required by the court. In no
3 event shall such compensation, for each month awarded, exceed the net average
4 monthly income of the utility for the 12-month period immediately preceding the order
5 restricting use.

6 (c) Whenever the Commission, upon complaint or investigation upon its own motion,
7 finds that the facilities being used to furnish water or sewer utility service are
8 inadequate to such an extent that an emergency (as defined in G.S. 62-118(b) above)
9 exists, and further finds that there is no reasonable probability of the owner or operator
10 of such utility obtaining the capital necessary to improve or replace the facilities from
11 sources other than the customers, the Commission shall have the power, after notice
12 and hearing, to authorize by order that such service be abandoned or reduced to those
13 customers who are unwilling or unable to advance their fair share of the capital
14 necessary for such improvements. The amount of capital to be advanced by each
15 customer shall be subject to approval by the Commission, and shall be advanced under
16 such conditions as will enable each customer to retain a proprietary interest in the
17 system to the extent of the capital so advanced. The remedy prescribed in this
18 subsection is in addition to other remedies prescribed by law."

19 Sec. 94. G.S. 62-260(d) reads as rewritten:

20 "(d) The venue for any action commenced to enforce compliance with the terms of
21 this Article against any person purporting to operate under any of the exemptions
22 provided in this section shall be in one of the counties of the judicial district superior
23 court district or set of districts as defined in G.S. 7A-41.1 wherein the violation is
24 alleged to have taken place and such person shall be entitled to trial by jury."

25 Sec. 95. G.S. 62-279 reads as rewritten:

26 "**§62-279. Injunction for unlawful operations.** If any motor carrier, or any other
27 person or corporation, shall operate a motor vehicle in violation of any provision of this
28 Chapter applicable to motor carriers or motor vehicles generally, except as to the
29 reasonableness of rates or charges and the discriminatory character thereof, or shall
30 operate in violation of any rule, regulation, requirement or order of the Commission, or
31 of any term or condition of any certificate or permit, the Commission or any holder of
32 a certificate or permit duly issued by the Commission may apply to ~~the resident~~
33 superior court judge of any judicial district where such motor carrier or other person or
34 corporation so operates, or to any superior court judge holding court in such judicial
35 district a superior court judge who has jurisdiction pursuant to G.S. 7A-47.1 or 7A-48
36 in the district or set of districts as defined in G.S. 7A-41.1 in which the motor carrier
37 or other person or corporation so operates, for the enforcement of any provisions of this
38 Article, or of any rule, regulation, requirement, order, term or condition of the
39 Commission. Such court shall have jurisdiction to enforce obedience to this Article or
40 to any rule, order, or decision of the Commission by a writ of injunction or other
41 process, mandatory or otherwise, restraining such carrier, person or corporation, or its
42 officers, agents, employees and representatives from further violation of this Article or
43 of any rule, order, regulation, or decision of the Commission."

1 Sec. 96. G.S. 62-310 reads as rewritten:

2 **"§62-310. Public utility violating any provision of Chapter, rules or orders;**
3 **penalty; enforcement by injunction.**

4 (a) Any public utility which violates any of the provisions of this Chapter or refuses
5 to conform to or obey any rule, order or regulation of the Commission shall, in
6 addition to the other penalties prescribed in this Chapter forfeit and pay a sum up to
7 one thousand dollars (\$1,000) for each offense, to be recovered in an action to be
8 instituted in the Superior Court of Wake County, in the name of the State of North
9 Carolina on the relation of the Utilities Commission; and each day such public utility
10 continues to violate any provision of this Chapter or continues to refuse to obey or
11 perform any rule, order or regulation prescribed by the Commission shall be a separate
12 offense.

13 (b) If any person or corporation shall furnish water or sewer utility service in
14 violation of any provision of this Chapter applicable to water or sewer utilities, except
15 as to the reasonableness of rates or charges and the discriminatory character thereof, or
16 shall provide such service in violation of any rule, regulation or order of the
17 Commission, the Commission shall apply to ~~the resident superior court judge of any~~
18 ~~judicial district where such person or corporation so operates, or to any superior court~~
19 ~~judge holding court in such judicial district~~ a superior court judge who has jurisdiction
20 pursuant to G.S. 7A-47.1 or 7A-48 in the district or set of districts as defined in G.S.
21 7A-41.1 in which the person or corporation so operates, for the enforcement of any
22 provision of this Chapter or of any rule, regulation or order of the Commission. The
23 court shall have jurisdiction to enforce obedience to this Chapter or to any rule,
24 regulation or order of the Commission by appropriate writ, order or other process
25 restraining such person, corporation, or their representatives from further violation of
26 this Chapter or of any rule, regulation or order of the Commission."

27 Sec. 97. G.S. 75-86 reads as rewritten:

28 **"§75-86. Private actions.** Any person, corporation, or other business entity which is
29 engaged in the sale of motor fuel for resale or consumption and which is directly or
30 indirectly injured by a violation of this Article may bring an action in the ~~judicial~~
31 ~~district~~ district court district as defined in G.S. 7A-133 or superior court district or set
32 of districts as defined in G.S. 7A-41.1, as the case may be, where the violation is
33 alleged to have occurred to recover actual damages, exemplary damages, costs and
34 reasonable attorneys' fees. The court shall also grant such equitable relief as is proper,
35 including a declaratory judgment and injunctive relief. Any action under this Article
36 must be brought within one year of the alleged violation."

37 Sec. 98. G.S. 75D-5(f) reads as rewritten:

38 (f) Seizure may be effected by a law enforcement officer authorized to enforce the
39 penal laws of this State prior to the filing of the complaint and without a writ of
40 seizure if the seizure is incident to a lawful arrest, search, or inspection and the officer
41 has probable cause to believe the property is subject to forfeiture and will be lost or
42 destroyed if not seized. Within 24 hours of the time of seizure, the seizure shall be
43 reported by the officer to the district attorney of the ~~judicial district~~ prosecutorial

1 district as defined in G.S. 7A-60 in which the seizure is effected who shall immediately
2 report such seizure to the Attorney General. The Attorney General shall, within 30 days
3 after receiving notice of seizure, examine the evidence surrounding such seizure, and if
4 he believes reasonable ground exists for forfeiture under this Chapter, shall file a
5 complaint for forfeiture. The complaint shall state, in addition to the information
6 required in subsection (e) of this section, the date and place of seizure."

7 Sec. 99. G.S. 75D-5(j) reads as rewritten:

8 "(j) Subject to the requirement of protecting the interest of all innocent parties, the
9 court may, after judgment of forfeiture, make any of the following orders for
10 disposition of the property:

11 (1) Destruction of the property or contraband, the possession of, or use of, which is
12 illegal;

13 (2) Retention for official use by a law enforcement agency, the State or any political
14 subdivision thereof. When such agency or political subdivision no longer has use for
15 such property, it shall be disposed of by judicial sale as provided in Article 29A of
16 Chapter 1 of the General Statutes of North Carolina, and the proceeds shall be paid to
17 the State Treasurer;

18 (3) Transfer to the Department of ~~Archives and History~~ Cultural Resources of
19 property useful for historical or instructional purposes;

20 (4) Retention of the property by any innocent party having an interest therein,
21 including the right to restrict sale of an interest to outsiders, such as a right of first
22 refusal, upon payment or approval of a plan for payment into court of the value of any
23 forfeited interest in the property. The plan may include, in the case of an innocent
24 party who holds an interest in the property through an estate by the entirety, or an
25 undivided interest in the property, or a lien on or security interest in the property, the
26 sale of the property by the innocent party under such terms and conditions as may be
27 prescribed by the court and the payment into court of any proceeds from such sale over
28 and above the amount necessary to satisfy the divided ownership value of the innocent
29 party's interest or the lien or security interest. Proceeds paid into the court must then
30 be paid to the State Treasurer;

31 (5) Judicial sale of the property as provided in Article 29A of Chapter 1 of the
32 General Statutes of North Carolina, with the proceeds being paid to the State
33 Treasurer;

34 (6) Transfer of the property to any innocent party having an interest therein equal to
35 or greater than the value of the property; or

36 (7) Any other disposition of the property which is in the interest of substantial justice
37 and adequately protects innocent parties, with any proceeds being paid to the State
38 Treasurer."

39 Sec. 100. G.S. 90-14.12 reads as rewritten:

40 "§90-14.12. Injunctions. The Board may appear in its own name in the superior
41 courts in an action for injunctive relief to prevent violation of this Article and the
42 superior courts shall have power to grant such injunctions regardless of whether
43 criminal prosecution has been or may be instituted as a result of such violations.

1 Actions under this section shall be commenced in the judicial district superior court
2 district or set of districts as defined in G.S. 7A-41.1 in which the respondent resides or
3 has his principal place of business or in which the alleged acts occurred."

4 Sec. 101. G.S. 90-121.1 reads as rewritten:

5 "**§90-121.1. Board may enjoin illegal practices.** In view of the fact that the illegal
6 practice of optometry imminently endangers the public health and welfare, and is a
7 public nuisance, the North Carolina State Board of Examiners in Optometry may, if it
8 shall find that any person is violating any of the provisions of this Article, apply to the
9 superior court for a temporary or permanent restraining order or injunction to restrain
10 such person from continuing such illegal practices. If upon such application, it shall
11 appear to the court that such person has violated, or is violating, the provisions of this
12 Article, the court shall issue an order restraining any further violating thereof. All such
13 actions by the Board for injunctive relief shall be governed by the provisions of Article
14 37 of the ~~Chapter on "Civil Procedure"~~ Chapter 1 of the General Statutes: provided,
15 such injunctive relief may be granted regardless of whether criminal prosecution has
16 been or may be instituted under the provisions of G.S. 90-124. Actions under this
17 section shall be commenced in the judicial district superior court district or set of
18 districts as defined in G.S. 7A-41.1 in which the respondent resides or has his principal
19 place of business."

20 Sec. 102. G.S. 90-187.3 reads as rewritten:

21 "**§90-187.13. Injunctions.** The Board may appear in its own name in the superior
22 courts in an action for injunctive relief to prevent violation of this Article and the
23 superior courts shall have power to grant such injunctions regardless of whether
24 criminal prosecution has been or may be instituted as a result of such violations.
25 Actions under this section shall be commenced in the judicial district superior court
26 district or set of districts as defined in G.S. 7A-41.1 in which the respondent resides or
27 has his principal place of business or in which the alleged acts occurred."

28 Sec. 103. G.S. 90-202.13 reads as rewritten:

29 "**§90-202.13. Injunctions.** The Board may appear in its own name in the superior
30 courts in an action for injunctive relief to prevent violation of this Article and the
31 superior courts shall have power to grant such injunctions regardless of whether
32 criminal prosecution has been or may be instituted as a result of such violations.
33 Actions under this section shall be commenced in the judicial district superior court
34 district or set of districts as defined in G.S. 7A-41.1 in which the respondent resides or
35 has his principal place of business or in which the alleged acts occurred."

36 Sec. 104. G.S. 90A-66 reads as rewritten:

37 "**§90A-66. Violations; penalty; injunction.** Any person violating any of the
38 provisions of this Article or of the rules and regulations adopted by the Board shall be
39 guilty of a misdemeanor and punishable in the discretion of the court. The Board may
40 appear in its own name in the superior courts in an action for injunctive relief to
41 prevent violation of this Article and the superior courts shall have power to grant such
42 injunctions regardless of whether criminal prosecution has been or may be instituted as
43 a result of such violations. Actions under this section shall be commenced in the

1 ~~judicial district~~ superior court district or set of districts as defined in G.S. 7A-41.1 in
2 which the respondent resides or has his principal place of business or in which the
3 alleged acts occurred."

4 Sec 105. G.S. 93D-4 reads as rewritten:

5 "§93D-4. Board may enjoin illegal practices. The Board may, if it finds that any
6 person is violating any of the provisions of this Chapter, apply to superior court for a
7 temporary or permanent restraining order or injunction to restrain such persons from
8 continuing such illegal practices. If upon application, it appears to the court that such
9 person has violated or is violating the provisions of this Chapter, the court shall issue
10 an order restraining the sale or fitting of hearing aids or other conduct in violation of
11 this Chapter. All such actions by the Board for injunctive relief shall be governed by
12 the Rules of Civil Procedure and Article 37, Chapter 1 of the General Statutes;
13 provided, that injunctive relief may be granted regardless of whether criminal
14 prosecution has been or may be instituted under the provisions of this Chapter. Actions
15 under this section shall be commenced in the judicial district superior court district or
16 set of districts as defined in G.S. 7A-41.1 in which the respondent resides or has his
17 principal place of business."

18 Sec. 106. G.S. 95-123 reads as rewritten:

19 "§95-123. Orders. If, after investigation, the Commissioner finds that a violation of
20 any of his rules and regulations exists, or that there is a condition in passenger tramway
21 construction, operation, or maintenance which endangers the safety of the public, the
22 Commissioner shall forthwith issue his written order setting forth his findings, the
23 corrective action to be taken, and fixing a reasonable time for compliance therewith.
24 The order shall be sent to the affected operator by certified mail and shall become final
25 unless the operator contests the order by filing a petition for a contested case under
26 G.S. 150B-23 within 20 days after receiving the order. The Commissioner shall have
27 the power to institute injunctive proceedings in any court of competent jurisdiction of
28 the judicial district district court district as defined in G.S. 7A-133 or superior court
29 district or set of districts as defined in G.S. 7A-41.1, as the case may be, in which the
30 passenger tramway is located for the purpose of restraining the operation of said
31 tramway or for compelling compliance with any lawful order of the Commissioner.
32 Judicial review of a final decision under this section may be obtained under Article 4 of
33 Chapter 150B of the General Statutes."

34 Sec. 107. G.S. 105-77 reads as rewritten:

35 "§105-77. Tobacco warehouses. (a) Every person, firm, or corporation engaged in
36 the business of operating a warehouse for the sale of leaf tobacco upon commission
37 shall, on or before the first day of July of each year, apply for and obtain from the
38 Secretary of Revenue a State license for the privilege of operating such warehouse for
39 the next ensuing year, and shall pay for such license the following tax:

40 For a warehouse in which was sold during the preceding year ending the first day of
41 July:

- 42 Less than 1,000,000 pounds\$ 50.00
- 43 1,000,000 pounds and less than 2,000,000.....75.00

1 2,000,000 pounds and less than 3,000,000.....175.00
2 3,000,000 pounds and less than 4,000,000.....250.00
3 4,000,000 pounds and less than 5,000,000.....400.00
4 5,000,000 pounds and less than 6,000,000.....500.00
5 For all in excess of 6,000,000 pounds, five hundred dollars (\$500.00) and six cents
6 (6¢) per thousand pounds.

7 (b) If a new warehouse not in operation the previous year, the person, firm, or
8 corporation operating such warehouse may procure a license by payment of the
9 minimum tax provided in the foregoing schedule, and at the close of the season for
10 sales of tobacco in such warehouse shall furnish the Secretary of Revenue a statement
11 of the number of pounds of tobacco sold in such warehouse for the current year, and
12 shall pay an additional license tax for the current year based on such total volume of
13 sales in accordance with the schedule in this section.

14 If an old warehouse with new or changed ownership or management, the tax shall be
15 paid according to the schedule in this section, based on the sale during the preceding
16 year, just as if the old ownership or management had continued its operation.

17 (c) The Commissioner of Agriculture shall certify to the Secretary of Revenue, on or
18 before the first day of July of each year, the name of each person, firm, or corporation
19 operating a tobacco warehouse in each county in the State, together with the number of
20 pounds of leaf tobacco sold by such person, firm, or corporation in each warehouse for
21 the preceding year, ending on the first day of July of the current year.

22 (d) The Commissioner of Agriculture shall report to the ~~solicitor of any judicial~~
23 ~~district~~ district attorney of any prosecutorial district in which a tobacco warehouse is
24 located which the owner or operator thereof shall have failed to make a report of the
25 leaf tobacco sold in such warehouse during the preceding year, ending the first day of
26 July of the current year, and such ~~solicitor~~ district attorney shall prosecute any such
27 person, firm or corporation under the provisions of this section.

28 (e) The tax levied in this section shall be based on official reports of each tobacco
29 warehouse to the State Department of Agriculture showing amount of sales for each
30 warehouse for the previous year.

31 (f) The Secretary of Revenue or his deputies shall have the right, and are hereby
32 authorized, to examine the books and records of any person, firm, or corporation
33 operating such warehouse, for the purpose of verifying the reports made and of
34 ascertaining the number of pounds of leaf tobacco sold during the preceding year, or
35 other years, in such warehouse.

36 (g) Any person, firm, or corporation who or which violates any of the provisions of
37 this section shall, in addition to all other penalties provided for in this Article, be guilty
38 of a misdemeanor, and upon conviction shall be fined not less than five hundred dollars
39 (\$500.00) and/or imprisoned, in the discretion of the court.

40 (h) No county shall levy any license tax on the business taxed under this section.
41 Cities and towns may levy a tax not in excess of fifty dollars (\$50.00) for each
42 warehouse."

43 Section 108. G.S. 110-44.4 reads as rewritten:

1 **"§110-44.4. Enforcement.** The provisions of this Article may be enforced by the
2 parent, guardian, or person standing in loco parentis to the child by filing a civil action
3 in the district court of the county where the child can be found. Upon the institution of
4 such action by a verified complaint, alleging that the defendant child has left home or
5 has left the place where he has been residing and refuses to return and comply with the
6 direction and control of the plaintiff, the court may issue an order directing the child
7 personally to appear before the court at a specified time to be heard in answer to the
8 allegations of the plaintiff and to comply with further orders of the court. Such orders
9 shall be served by the sheriff upon the child and upon any other person named as a
10 party defendant in such action. At the time of the issuance of the order directing the
11 child to appear the court may in the same order, or by separate order, order the sheriff
12 to enter any house, building, structure or conveyance for the purpose of searching for
13 said child and serving said order and for the purpose of taking custody of the person of
14 said child in order to bring said child before the court. Any order issued at said hearing
15 shall be treated as a mandatory injunction and shall remain in full force and effect until
16 the child reaches the age of 18, or until further orders of the court. Within 30 days
17 after the hearing on the original order, the child, or anyone acting in his behalf, may
18 file a verified answer to the complaint. Upon the filing of an answer by or on behalf of
19 said child, any district court judge holding court in the county or judicial district district
20 court district as defined in G.S. 7A-133 where said action was instituted shall have
21 jurisdiction to hear the matter, without a jury, and to make findings of fact, conclusions
22 of law, and render judgment thereon. Any aggrieved party may within the time allowed
23 for appeal of civil actions generally appeal to the superior court where trial shall be had
24 without a jury. Appeals from the superior court to the Court of Appeals shall be
25 allowed as in civil actions generally. The district judge issuing the original order or the
26 district judge hearing the matter after answer has been filed shall also have authority to
27 order that any person named defendant in the order or judgment shall not harbor, keep,
28 or allow the defendant child to remain on said person's premises or in said person's
29 home. Failure of any defendant to comply with the terms of said order or judgment
30 shall be punishable as for contempt."

31 Sec. 109. G.S. 115C-325(n) reads as rewritten:

32 (n) Appeal. -- Any teacher who has been dismissed or demoted pursuant to G.S.
33 115C-325(e)(2), or pursuant to subsections (h), (k) or (l) of this section, or who has
34 been suspended without pay pursuant to G.S. 115C-325(a)(4), shall have the right to
35 appeal from the decision of the board to the superior court for the judicial district
36 superior court district or set of districts as defined in G.S. 7A-41.1 in which the teacher
37 is employed. This appeal shall be filed within a period of 30 days after notification of
38 the decision of the board. The cost of preparing the transcript shall be borne by the
39 board. A teacher who has been demoted or dismissed and who has not requested a
40 hearing before the board of education pursuant to this section shall not be entitled to
41 judicial review of the board's action."

42 Sec. 110. G.S. 115C-541 reads as rewritten:

1 **"§115C-541. Adjustment of losses; determination and report of appraisers;**
2 **payment of amounts to treasurers of local school administrative units; disbursement**
3 **of funds.**

4 In the event of loss or damage by fire, lightning, windstorm, hail, or explosions
5 resulting from defects in equipment in public school buildings and properties for the
6 local school administrative units, the Fund shall pay the loss in the same proportion as
7 the amount of insurance carried bore to the valuation of the property at the time it was
8 insured, but not exceeding the amount which it would cost to repair or replace the
9 property with material of like quality within a reasonable time after such loss, not in
10 excess of the amount of insurance provided for said property, and not in excess of the
11 amount of such loss which the Fund is required to pay in participation with fire
12 insurance companies having policies of insurance in force on said properties at the time
13 of the loss or damage, and the Fund shall not be liable for a greater proportion of any
14 loss than the amount of insurance thereon shall bear to the whole insurance covering
15 the property against the peril involved.

16 In the event of loss or damage by fire, lightning, windstorm, hail, or explosions
17 resulting from defects in equipment in public school buildings and properties of the
18 local school administrative units, to the property insured, when an agreement as to the
19 extent of such loss or damage cannot be arrived at between the State Board of
20 Education and the local officials having charge of the said property, the amount of such
21 loss or damage shall be determined by three appraisers; one to be named by the State
22 Board of Education, one by the local board of education having charge of the property,
23 and the two so appointed shall select a third, all of whom shall be disinterested
24 persons, and qualified from experience to appraise and value such property: Provided,
25 however, if the appraisers appointed by the State Board of Education and the local
26 board of education shall fail for 15 days to agree upon the third appraiser, then, on
27 request of the State Board of Education or the local board of education having charge
28 of the property, such third appraiser shall be selected by ~~the resident judge of the~~
29 ~~superior court of the judicial district~~ any regular resident superior court judge of the
30 superior court district or set of districts as defined in G.S. 7A-41.1 in which the
31 property is located. The appraisers so named shall file their written report with the
32 State Board of Education and with the local board of education having such property in
33 charge. The costs of the appraisal shall be paid by the Fund. Upon the determination of
34 the loss by the appraisers, the State Board of Education shall pay the amount of such
35 loss or damage to school property in the control of the local school administrative unit
36 to its treasurer, upon proper warrant of the State Board of Education. Said funds shall
37 be paid out by the treasurer of said units, as provided by this Chapter for the
38 disbursement of the funds of such unit."

39 Sec. 111. G.S. 115D-12 reads as rewritten:

40 **"§ 115D-12. Each institution to have board of trustees; selection of trustees.**

41 (a) Each community college established or operated pursuant to this Chapter shall be
42 governed by a board of trustees consisting of 13 members, or of additional members if

1 selected according to the special procedure prescribed by the third paragraph of this
2 subsection, who shall be selected by the following agencies.

3 Group One -- four trustees, elected by the board of education of the public school
4 administrative unit located in the administrative area of the institution. If there are two
5 or more public school administrative units, whether city or county units, or both,
6 located within the administrative area, the trustees shall be elected jointly by all of the
7 boards of education of those units, each board having one vote in the election of each
8 trustee, except as provided in G.S. 115D-59.

9 Group Two -- four trustees, elected by the board of commissioners of the county in
10 which the institution is located. Provided, however, if the administrative area of the
11 institution is composed of two or more counties, the trustees shall be elected jointly by
12 the boards of commissioners of all those counties, each board having one vote in the
13 election of each trustee. Provided, also, the county commissioners of the county in
14 which the community college has established a satellite campus may elect an additional
15 two members if the board of trustees of the community college agrees. Should the
16 boards of education or the boards of commissioners involved be unable to agree on one
17 or more trustees the senior resident superior court judge in the judicial district superior
18 court district or set of districts as defined in G.S. 7A-41.1 where the institution is
19 located shall fill the position or positions by appointment.

20 Group Three -- four trustees, appointed by the Governor.

21 Group Four -- the president of the student government or the chairman of the
22 executive board of the student body of each community college established pursuant to
23 G.S. 115D shall be an ex officio nonvoting member of the board of trustees of each
24 said institution.

25 (b) All trustees shall be residents of the administrative area of the institution for
26 which they are selected or of counties contiguous thereto with the exception of
27 members provided for in G.S. 115D-12(a), Group Four.

28 (c) Vacancies occurring in any group for whatever reason shall be filled for the
29 remainder of the unexpired term by the agency or agencies authorized to select trustees
30 of that group and in the manner in which regular selections are made. Should the
31 selection of a trustee not be made by the agency or agencies having the authority to do
32 so within 60 days after the date on which a vacancy occurs, whether by creation or
33 expiration of a term or for any other reason, the Governor shall fill the vacancy by
34 appointment for the remainder of the unexpired term."

35 Sec 112. G.S. 120-47.10 reads as rewritten:

36 "§120-47.10. Enforcement of Article by Attorney General. The Secretary of State
37 shall report apparent violations of this Article to the Attorney General. The Attorney
38 General shall, upon complaint made to him of violations of this Article, make an
39 appropriate investigation thereof, and he shall forward a copy of the investigation to the
40 district attorney of the judicial district prosecutorial district as defined in G.S. 7A-60 of
41 which Wake County is a part, who shall prosecute any person who violates any
42 provisions of this Article."

43 Sec. 113. G.S. 122C-224.3 reads as rewritten:

1 "§ 122C-224.3. **Hearing for review of admission.**--(a) Hearings shall be held at
2 the 24-hour facility in which the minor is being treated, if it is located within the
3 judge's ~~judicial district~~ district court district as defined in G.S. 7A-133, unless the
4 judge determines that the court calendar will be disrupted by such scheduling. In cases
5 where the hearing cannot be held in the 24-hour facility, the judge may schedule the
6 hearing in another location, including the judge's chambers. The hearing may not be
7 held in a regular courtroom, over objection of the minor's attorney, if in the discretion
8 of the judge a more suitable place is available.

9 (b) The minor shall have the right to be present at the hearing unless the judge rules
10 favorably on the motion of the attorney to waive the minor's appearance. However,
11 the minor shall retain the right to appear before the judge to provide his own testimony
12 and to respond to the judge's questions unless the judge makes a separate finding that
13 the minor does not wish to appear upon motion of the attorney.

14 (c) Certified copies of reports and findings of physicians, psychologists and other
15 responsible professionals as well as previous and current medical records are admissible
16 in evidence, but the minor's right, through his attorney, to confront and cross-examine
17 witnesses may not be denied.

18 (d) Hearings shall be closed to the public unless the attorney requests otherwise.

19 (e) A copy of all documents admitted into evidence and a transcript of the
20 proceedings shall be furnished to the attorney, on request, by the clerk upon the
21 direction of a district court judge. The copies shall be provided at State expense.

22 (f) For an admission to be authorized beyond the hearing, the minor must be (1)
23 mentally ill or a substance abuser and (2) in need of further treatment at the 24-hour
24 facility to which he has been admitted. Further treatment at the admitting facility
25 should be undertaken only when lesser measures will be insufficient. It is not necessary
26 that the judge make a finding of dangerousness in order to support a concurrence in the
27 admission.

28 (g) The court shall make one of the following dispositions:

- 29 (1) If the court finds by clear, cogent, and convincing evidence that the
30 requirements of subsection (f) have been met, the court shall concur
31 with the voluntary admission and set the length of the authorized
32 admission of the minor for a period not to exceed 90 days; or
33 (2) If the court determines that there exist reasonable grounds to believe
34 that the requirements of subsection (f) have been met but that
35 additional diagnosis and evaluation is needed before the court can
36 concur in the admission, the court may make a one time authorization
37 of up to an additional 15 days of stay, during which time further
38 diagnosis and evaluation shall be conducted; or
39 (3) If the court determines that the conditions for concurrence or
40 continued diagnosis and evaluation have not been met, the judge shall
41 order that the minor be released.

42 (h) The decision of the District Court in all hearings and rehearings is final. Appeal
43 may be had to the Court of Appeals by the State or by any party on the record as in

1 civil cases. The minor may be retained and treated in accordance with this Part,
2 pending the outcome of the appeal, unless otherwise ordered by the District Court or
3 the Court of Appeals."

4 G.S. 122C-267 reads as rewritten:

5 **"§ 122C-267. Outpatient commitment; district court hearing.**

6 (a) A hearing shall be held in district court within 10 days of the day the respondent
7 is taken into custody pursuant to G.S. 122C-261(e). Upon its own motion or upon
8 motion of the proposed outpatient treatment physician or the respondent, the court may
9 grant a continuance of not more than five days.

10 (b) The respondent shall be present at the hearing. A subpoena may be issued to
11 compel the respondent's presence at a hearing. The petitioner and the proposed
12 outpatient treatment physician or his designee may be present and may provide
13 testimony.

14 (c) Certified copies of reports and findings of physicians and psychologists and
15 medical records of previous and current treatment are admissible in evidence.

16 (d) At the hearing to determine the necessity and appropriateness of outpatient
17 commitment, the respondent need not, but may, be represented by counsel. However,
18 if the court determines that the legal or factual issues raised are of such complexity that
19 the assistance of counsel is necessary for an adequate presentation of the merits or that
20 the respondent is unable to speak for himself, the court may continue the case for not
21 more than five days and order the appointment of counsel for an indigent respondent.

22 (e) Hearings may be held at the area facility in which the respondent is being treated,
23 if it is located within the judge's ~~judicial district~~ district court district as defined in G.S.
24 7A-133, or in the judge's chambers. A hearing may not be held in a regular courtroom
25 over objection of the respondent, if in the discretion of a judge a more suitable place is
26 available.

27 (f) The hearing shall be closed to the public unless the respondent requests
28 otherwise.

29 (g) A copy of all documents admitted into evidence and a transcript of the
30 proceedings shall be furnished to the respondent on request by the clerk upon the
31 direction of a district court judge. If the client is indigent, the copies shall be provided
32 at State expense.

33 (h) To support an outpatient commitment order, the court is required to find by
34 clear, cogent, and convincing evidence that the respondent meets the criteria specified
35 in G.S. 122C-263(d)(1). The court shall record the facts which support its findings and
36 shall show on the order the center or physician who is responsible for the management
37 and supervision of the respondent's outpatient commitment."

38 Sec. 114. G.S. 122C-268 reads as rewritten:

39 **"§ 122C-268. Inpatient commitment; district court hearing.** (a) A hearing shall be
40 held in district court within 10 days of the day the respondent is taken into custody
41 pursuant to G.S. 122C-261(e). A continuance of not more than five days may be
42 granted upon motion of:

43 (1) The court;

1 (2) Respondent's counsel; or

2 (3) The State,

3 sufficiently in advance to avoid movement of the respondent.

4 (b) The attorney, who is a member of the staff of the Attorney General assigned to
5 one of the State's facilities for the mentally ill or the psychiatric service of North
6 Carolina Memorial Hospital, shall represent the State's interest at commitment
7 hearings, rehearings, and supplemental hearings held at the facility to which he is
8 assigned under this Part.

9 In addition, the Attorney General may, in his discretion, designate an attorney who
10 is a member of his staff to represent the State's interest at any commitment hearing,
11 rehearing, or supplemental hearing held in a place other than at one of the State's
12 facilities for the mentally ill or the psychiatric service of North Carolina Memorial
13 Hospital.

14 (c) If the respondent's custody order indicates that he was charged with a violent
15 crime, including a crime involving an assault with a deadly weapon, and that he was
16 found not guilty by reason of insanity or incapable of proceeding, the clerk shall give
17 notice of the time and place of the hearing as provided in G.S. 122C-264(d). The
18 district attorney in the county in which the respondent was found not guilty by reason
19 of insanity or incapable of proceeding may represent the State's interest at the hearing.

20 (d) The respondent shall be represented by counsel of his choice; or if he is indigent
21 within the meaning of G.S. 7A-450 or refuses to retain counsel if financially able to do
22 so, he shall be represented by counsel appointed by the court.

23 (e) With the consent of the court, counsel may in writing waive the presence of the
24 respondent.

25 (f) Certified copies of reports and findings of physicians and psychologists and
26 previous and current medical records are admissible in evidence, but the respondent's
27 right to confront and cross-examine witnesses may not be denied.

28 (g) Hearings may be held in an appropriate room not used for treatment of clients at
29 the facility in which the respondent is being treated if it is located within the judge's
30 judicial district, district court district as defined in G.S. 7A-133 or in the judge's
31 chambers. A hearing may not be held in a regular courtroom, over objection of the
32 respondent, if in the discretion of a judge a more suitable place is available.

33 (h) The hearing shall be closed to the public unless the respondent requests
34 otherwise.

35 (i) A copy of all documents admitted into evidence and a transcript of the
36 proceedings shall be furnished to the respondent on request by the clerk upon the
37 direction of a district court judge. If the respondent is indigent, the copies shall be
38 provided at State expense.

39 (j) To support an inpatient commitment order, the court shall find by clear, cogent,
40 and convincing evidence that the respondent is mentally ill and dangerous to himself or
41 others or is mentally retarded and, because of an accompanying behavior disorder, is
42 dangerous to others. The court shall record the facts that support its findings."

43 Sec. 115. G.S. 122C-270 reads as rewritten:

1 **"§122C-270. Attorneys to represent the respondent and the State.** (a) The senior
2 regular resident superior court judge of a judicial district superior court district or set of
3 districts as defined in G.S. 7A-41.1 in which a State facility for the mentally ill is
4 located shall appoint an attorney licensed to practice in North Carolina as special
5 counsel for indigent respondents who are mentally ill or mentally retarded with an
6 accompanying behavior disorder. This special counsel shall serve at the pleasure of the
7 appointing judge, may not privately practice law, and shall receive annual
8 compensation within the salary range for assistant district attorneys as fixed by the
9 Administrative Officer of the Courts. The special counsel shall represent all indigent
10 respondents at all hearings, rehearings, and supplemental hearings held at the State
11 facility and on appeals held under this Article. Special counsel shall determine
12 indigency in accordance with G.S. 7A-450(a). Indigency is subject to redetermination
13 by the presiding judge.

14 (b) The State facility shall provide suitable office space for the counsel to meet
15 privately with respondents. The Administrative Office of the Courts shall provide
16 secretarial and clerical service and necessary equipment and supplies for the office.

17 (c) In the event of a vacancy in the office of special counsel, counsel's incapacity, or
18 a conflict of interest, counsel for indigents at hearings or rehearings may be assigned by
19 a district judge of the district. No mileage or compensation for travel time is paid to a
20 counsel appointed pursuant to this subsection. Counsel may also be so assigned when,
21 in the opinion of the Administrative Officer of the Courts, the volume of cases
22 warrants.

23 (d) At hearings held in counties other than those designated in subsection (a) of this
24 section, a district court judge shall appoint counsel for indigent respondents from
25 members of the bar of the county in accordance with G.S. 122C-268(d).

26 (e) Counsel assigned to represent an indigent respondent at the initial district court
27 hearing is also responsible for perfecting and concluding an appeal, if there is one.
28 Upon completion of an appeal, or upon transfer of the respondent to a State facility for
29 the mentally ill, if there is no appeal, assigned counsel is discharged. If the respondent
30 is committed to a non-State 24-hour facility, assigned counsel remains responsible for
31 his representation until discharged by order of district court, until the respondent is
32 unconditionally discharged from the facility, or until the respondent voluntarily admits
33 himself to the facility.

34 (f) The Attorney General may employ four attorneys, one to be assigned by him
35 full-time to each of the State facilities for the mentally ill, to represent the State's
36 interest at commitment hearings, rehearings and supplemental hearings held under this
37 Article at the State facilities and to provide liaison and consultation services concerning
38 these matters. These attorneys are subject to Chapter 126 of the General Statutes and
39 shall also perform additional duties as may be assigned by the Attorney General. The
40 attorney employed by the Attorney General in accordance with G.S. 114-4.2B shall
41 represent the State's interest at commitment hearings, rehearings and supplemental
42 hearings held at North Carolina Memorial Hospital under this Article."

43 Sec. 116. G.S. 122C-276 reads as rewritten:

1 **"§122C-276. Inpatient commitment; rehearings.** (a) Fifteen days before the end of
2 the initial inpatient commitment period if the attending physician determines that
3 commitment of a respondent beyond the initial period will be necessary, he shall so
4 notify the clerk of superior court of the county in which the facility is located. The
5 clerk, at least 10 days before the end of the initial period, on order of a district court
6 judge of the ~~judicial district~~ district court district as defined in G.S. 7A-133 in which
7 the facility is located, shall calendar the rehearing. If the respondent was initially
8 committed as the result of conduct resulting in his being charged with a violent crime,
9 including a crime involving an assault with a deadly weapon, and respondent was found
10 not guilty by reason of insanity or incapable of proceeding, the clerk shall also notify
11 the chief district court judge, the clerk of superior court, and the district attorney in the
12 county in which the respondent was found not guilty by reason of insanity or incapable
13 of proceeding of the time and place of the hearing.

14 (b) Fifteen days before the end of the initial treatment period of a respondent who
15 was initially committed as a result of conduct resulting in his being charged with a
16 violent crime, including a crime involving an assault with a deadly weapon, having
17 been found not guilty by reason of insanity or incapable of proceeding, if the attending
18 physician determines that commitment of the respondent beyond the initial period will
19 not be necessary, he shall so notify the clerk of superior court who shall schedule a
20 rehearing as provided in subsection (a) of this section.

21 (c) Subject to the provisions of G.S. 122C-269(c), rehearings shall be held at the
22 facility in which the respondent is receiving treatment. The judge is a judge of the
23 district court of the ~~judicial district~~ district court district as defined in G.S. 7A-133 in
24 which the facility is located or a district court judge temporarily assigned to that
25 district.

26 (d) Notice and proceedings of rehearings are governed by the same procedures as
27 initial hearings and the respondent has the same rights he had at the initial hearing
28 including the right to appeal.

29 (e) At rehearings the court may make the same dispositions authorized in G.S.
30 122C-271(b) except a second commitment order may be for an additional period not in
31 excess of 180 days.

32 (f) Fifteen days before the end of the second commitment period and annually
33 thereafter, the attending physician shall review and evaluate the condition of each
34 respondent; and if he determines that a respondent is in continued need of inpatient
35 commitment or, in the alternative, in need of outpatient commitment, or a combination
36 of both, he shall so notify the respondent, his counsel, and the clerk of superior court
37 of the county, in which the facility is located. Unless the respondent through his
38 counsel files with the clerk a written waiver of his right to a rehearing, the clerk, on
39 order of a district court judge of the district in which the facility is located, shall
40 calendar a rehearing for not later than the end of the current commitment period. The
41 procedures and standards for the rehearing are the same as for the first rehearing. No
42 third or subsequent inpatient recommitment order shall be for a period longer than one
43 year.

1 (g) At any rehearings the court has the option to order outpatient commitment for a
2 period not in excess of 180 days in accordance with the criteria specified in G.S.
3 122C-263(d)(1) and following the procedures as specified in this Article."

4 Sec. 117. G.S. 122C-286 reads as rewritten:

5 "§122C-286. Commitment; district court hearing. (a) A hearing shall be held in
6 district court within 10 days of the day the respondent is taken into custody. Upon its
7 own motion or upon motion of the responsible professional, the respondent, or the
8 State, the court may grant a continuance of not more than five days.

9 (b) The respondent shall be present at the hearing. A subpoena may be issued to
10 compel the respondent's presence at a hearing. The petitioner and the responsible
11 professional of the area authority or the proposed treating physician or his designee
12 may be present and may provide testimony.

13 (c) Certified copies of reports and findings of physicians and psychologists and
14 medical records of previous and current treatment are admissible in evidence, but the
15 respondent's right to confront and cross-examine witnesses shall not be denied.

16 (d) The respondent may be represented by counsel of his choice. If the respondent is
17 indigent within the meaning of G.S. 7A-450, the court shall appoint counsel to
18 represent him.

19 (e) Hearings may be held at a facility if it is located within the judge's judicial
20 ~~district~~ district court district as defined in G.S. 7A-133 or in the judge's chambers. A
21 hearing may not be held in a regular courtroom, over objection of the respondent, if in
22 the discretion of a judge a more suitable place is available.

23 (f) The hearing shall be closed to the public unless the respondent requests
24 otherwise.

25 (g) A copy of all documents admitted into evidence and a transcript of the
26 proceedings shall be furnished to the respondent on request by the clerk upon the
27 direction of a district court judge. If the respondent is indigent, the copies shall be
28 provided at State expense.

29 (h) To support a commitment order, the court shall find by clear, cogent, and
30 convincing evidence that the respondent meets the criteria specified in G.S.
31 122C-283(d)(1). The court shall record the facts that support its findings and shall show
32 on the order the area authority or physician who is responsible for the management and
33 supervision of the respondent's treatment."

34 Sec. 118. G.S. 143B-475.1 reads as rewritten:

35 "§143B-475.1. Deferred prosecution, community service restitution, and volunteer
36 program.

37 (a) The Department of Crime Control and Public Safety may conduct a deferred
38 prosecution, community service restitution, and volunteer program for youthful and
39 adult offenders. The Secretary of Crime Control and Public Safety may assign one or
40 more coordinators to each ~~judicial district~~ district court district as defined in G.S. 7A-
41 133 to assure and report to the Court the offender's compliance with the requirements
42 of the program. The appointment of each coordinator is subject to the approval of the

1 chief district court judge. Each county must provide office space in the courthouse or
2 other convenient place, for the use of each coordinator assigned to that county.

3 (b) Unless a fee is assessed pursuant to G.S. 20-179.4 or G.S. 15A-1371(i), a fee of
4 one hundred dollars (\$100.00) shall be paid by all persons who participate in the
5 program or receive services from the program staff. If the person is convicted in a court
6 in this State, the fee must be paid to the clerk of court in the county in which he is
7 convicted. If the person is participating in the program as a result of a deferred
8 prosecution or similar program, the fee must be paid to the clerk of court in the county
9 in which the agreement is filed. Persons participating in the program for any other
10 reason must pay the fee to the clerk of court in the county in which the services are
11 provided by the program staff. The fee must be paid in full within two weeks from the
12 date the person is ordered to perform the community service, and before he begins his
13 community service, except that:

14 (1) A person convicted in a court in this State may be given an extension of time or
15 allowed to begin the community service before he pays the fee by the court in which he
16 is convicted; or

17 (2) A person performing community service pursuant to a deferred prosecution or
18 similar agreement may be given an extension of time or allowed to begin his
19 community service before the fee is paid by the official or agency representing the State
20 in the agreement.

21 Fees collected pursuant to this subsection shall be deposited in the General Fund.

22 (c) The Secretary is authorized to designate the same person to serve as a coordinator
23 under this section and under G.S. 20-179.4."

24 Sec. 119. G.S. 143B-499.4 reads as rewritten:

25 "§ 143B-499.4. Release of information by Center.

26 The following may make inquiries of, and receive data or information from, the
27 Center:

28 (1) Any police, law-enforcement, or criminal justice agency investigating a report
29 of a missing or unidentified person or child, whether living or deceased.

30 (2) A court, upon a finding by the court that access to the data, information, or
31 records of the Center may be necessary for the determination of an issue
32 before the court.

33 (3) Any district attorney of a ~~judicial district~~ prosecutorial district as defined in
34 G.S. 7A-60 in this State or the district attorney's designee or representative.

35 (4) Any person engaged in bona fide research when approved by the Secretary:
36 provided, no names or addresses may be supplied to this person.

37 (5) Any other person authorized by the Secretary of the Department of Crime
38 Control and Public Safety pursuant to G.S. 143B-498(1)."

39 Sec. 120. G.S. 148-32.1 reads as rewritten:

40 "§148-32.1. Local confinement, costs, alternate facilities, parole, work release.

41 (a) The Department of Correction shall pay each local confinement facility a standard
42 sum set by the General Assembly in its appropriation acts at a per day, per inmate rate,
43 for the cost of providing food, clothing, personal items, supervision and necessary

1 ordinary medical services to those male inmates committed to the custody of the local
2 confinement facility to serve sentences of 30 days or more. This reimbursement shall
3 not include any period of detention prior to actual commitment by the sentencing court.
4 The Department shall also pay to the local confinement facility extraordinary medical
5 expenses incurred for the inmates, defined as follows:

- 6 (1) Medical expenses incurred as a result of providing health care to an inmate as
7 an inpatient (hospitalized);
- 8 (2) Other medical expenses when the total cost exceeds thirty-five dollars (\$35.00)
9 per occurrence or illness as a result of providing health care to an inmate as
10 an outpatient (nonhospitalized); and
- 11 (3) Cost of replacement of eyeglasses and dental prosthetic devices if those
12 eyeglasses or devices are broken while the inmate is incarcerated, provided
13 the inmate was using the eyeglasses or devices at the time of his commitment
14 and then only if prior written consent of the Department is obtained by the
15 local facility.

16 (b) (this subsection expires July 1, 1989) In the event that the custodian of the local
17 confinement facility certifies in writing to the clerk of the superior court in the county
18 in which said local confinement facility is located that the local confinement facility is
19 filled to capacity, or that the facility cannot reasonably accommodate any more
20 prisoners due to segregation requirements for particular prisoners, or that the custodian
21 anticipates, in light of local experiences, an influx of temporary prisoners at that time,
22 or if the local confinement facility does not meet the minimum standards published
23 pursuant to G.S. 153A-221, any judge of the district court in the judicial district district
24 court district as defined in G.S. 7A-133 where the facility is located, or any judge of
25 the superior court or a special judge of the superior court assigned to hold court in the
26 judicial district superior court judge who has jurisdiction pursuant to G.S. 7A-47.1 or
27 7A-48 in a district or set of districts as defined in G.S. 7A-41.1 where the facility is
28 located may order that the prisoner be transferred to any other qualified local
29 confinement facility within that judicial district or within another judicial such district
30 where space is available, which local facility shall accept the transferred prisoner, if the
31 prison population has exceeded the limits established in G.S. 148-4.1(d). If no such
32 local confinement facility is available, then any such judge may order the prisoner
33 transferred to such camp or facility as the proper authorities of the Department of
34 Correction shall designate, notwithstanding that the term of imprisonment of the
35 prisoner is 180 days or less. In no event, however, shall a prisoner whose term of
36 imprisonment is less than 30 days be assigned or ordered transferred to any such camp
37 or facility.

38 (c) When a prisoner is assigned to a local confinement facility pursuant to this
39 section, the clerk of the superior court in the county in which the sentence was imposed
40 shall immediately forward a copy of the commitment order to the Parole Commission
41 so that the prisoner will be eligible for parole pursuant to G.S. 15A-1371.

42 (d) When a prisoner serving a sentence of 30 days or more in a local confinement
43 facility is placed on work release pursuant to a recommendation of the sentencing court.

1 the custodian of the facility shall forward the prisoner's work-release earnings to the
2 Department of Correction, which shall disburse the earnings as determined under G.S.
3 148-33.1(f). When a prisoner serving a sentence of 30 days or more in a local
4 confinement facility is placed on work release pursuant to an order of the sentencing
5 court, the custodian of the facility shall forward the prisoner's work-release earnings to
6 the clerk of the court that sentenced the prisoner or to the Department of Correction, as
7 provided in the prisoner's commitment order. The clerk or the Department, as
8 appropriate, shall disburse the earnings as provided in the prisoner's commitment
9 order. Upon agreement between the Department of Correction and the custodian of the
10 local confinement facility, however, the clerk may disburse to the local confinement
11 facility, however, the clerk may disburse to the local confinement facility the amount of
12 the earnings to be paid for the cost of the prisoner's keep, and that amount shall be set
13 off against the reimbursement to be paid by the Department to the local confinement
14 facility pursuant to G.S. 148-32.1(a).

15 (e) Upon entry of a prisoner into a local confinement facility pursuant to this section,
16 the custodian of the local confinement facility shall forward to the Parole Commission
17 information pertaining to the prisoner so as to make him eligible for parole
18 consideration pursuant to G.S. 15A-1371. Such information shall include date of
19 incarceration, jail credit, and such other information as may be required by the Parole
20 Commission. The Parole Commission shall approve a form upon which the custodian
21 shall furnish this information, which form will be provided to the custodian by the
22 Department of Correction."

23 Sec. 121. G.S. 153A-18 reads as rewritten:

24 "§153A-18. Uncertain or disputed boundary. (a) If two or more counties are
25 uncertain as to the exact location of the boundary between them, they may cause the
26 boundary to be surveyed, marked, and mapped. The counties may appoint special
27 commissioners to supervise the surveying, marking, and mapping. A commissioner so
28 appointed or a person surveying or marking the boundary may enter upon private
29 property to view and survey the boundary or to erect boundary markers. Upon
30 ratification of the survey by the board of commissioners of each county, a map showing
31 the surveyed boundary shall be recorded in the office of the register of deeds of each
32 county in the manner provided by law for the recordation of maps or plats and in the
33 Secretary of State's office. The map shall contain a reference to the date of each
34 resolution of ratification and to the page in the minutes of each board of commissioners
35 where the resolution may be found. Upon recordation, the map is conclusive as to the
36 location of the boundary.

37 (b) If two or more counties dispute the exact location of the boundary between them,
38 and the dispute cannot be resolved pursuant to subsection (a) of this section, any of the
39 counties may apply to ~~a resident or presiding superior court judge in the judicial district~~
40 ~~or districts in which the counties are located~~ a superior court judge who has jurisdiction
41 pursuant to G.S. 7A-47.1 or 7A-48 in any of the districts or sets of districts as defined
42 in G.S. 7A-41.1 in which any of the counties is located for appointment of a boundary
43 commission. The application shall identify the disputed boundary and ask that a

1 boundary commission be appointed. Upon receiving the application, the court shall set
2 a date for a hearing on whether to appoint the commission. The court shall cause notice
3 of the hearing to be served on the other county or counties. If, after the hearing, the
4 court finds that the location of the boundary is disputed, it shall appoint a boundary
5 commission.

6 The commission shall consist of one resident of each disputing county and a resident
7 of some other county. The court may appoint one or more surveyors to assist the
8 commission. The commission shall locate, survey, and map and may mark the disputed
9 boundary. To do so it may take evidence and hear testimony, and any commissioner
10 and any person surveying or marking the boundary may enter upon private property to
11 view and survey the boundary or to erect boundary markers. Within 45 days after the
12 day it is appointed, unless this time is extended by the court, the commission shall
13 make its report (which shall include a map of the surveyed boundary) to the court. To
14 be sufficient, the report must be concurred in by a majority of the commissioners. If
15 the court is satisfied that the commissioners have made no error of law, it shall ratify
16 the report, after which the map shall be recorded in the office of the register of deeds
17 of each county in the manner provided by law for the recordation of maps or plats and
18 in the Secretary of State's office. Upon recordation, the map is conclusive as to the
19 location of the boundary.

20 The disputing counties shall divide equally the costs of locating, surveying, marking,
21 and mapping the boundary, unless the court finds that an equal division of the costs
22 would be unjust. In that case the court may determine the division of costs."

23 Sec. 122. G.S. 153A-92 reads as rewritten:

24 "§153A-92. Compensation. (a) Subject to the limitations set forth in subsection (b)
25 of this section, the board of commissioners shall fix or approve the schedule of pay,
26 expense allowances, and other compensation of all county officers and employees,
27 whether elected or appointed, and may adopt position classification plans.

28 (b) In exercising the authority granted by subsection (a) of this section, the board of
29 commissioners is subject to the following limitations:

30 (1) The board of commissioners may not reduce the salary, allowances, or other
31 compensation paid to an officer elected by the people for the duties of his elective
32 office if the reduction is to take effect during the term of office for which the
33 incumbent officer has been elected, unless the officer agrees to the reduction or unless
34 the Local Government Commission pursuant to Chapter 159, Article 10, orders a
35 reduction.

36 (2) During the year of a general election, the board of commissioners may reduce the
37 salary, allowances, or other compensation of an officer to be elected at the general
38 election only in accordance with this subdivision. The board of commissioners shall by
39 resolution give notice of intention to make the reduction no later than 14 days before
40 the last day for filing notice of candidacy for the office. The resolution shall set forth
41 the reduced salary, allowances, and other compensation and shall provide that the
42 reduction is to take effect at the time the person elected to the office in the general
43 election takes office. Once adopted, the resolution may not be altered until the person

1 elected to the office in the general election has taken office. The filing fee for the office
2 shall be determined by reference to the reduced salary.

3 (3) If the board of commissioners reduces the salaries, allowances, or other
4 compensation of employees assigned to an officer elected by the people, and the
5 reduction does not apply alike to all county offices and departments, the elected officer
6 involved must approve the reduction. If the elected officer refuses to approve the
7 reduction, he and the board of commissioners shall meet and attempt to reach
8 agreement. If agreement cannot be reached, either the board or the officer may refer
9 the dispute to arbitration by the senior ~~regular~~ resident superior court judge of the
10 ~~judicial district~~ superior court district or set of districts as defined in G.S. 7A-41.1 in
11 which the county is located. The judge shall make an award within 30 days after the
12 day the matter is referred to him. The award may extend for no more than two fiscal
13 years, including the fiscal year for which it is made.

14 (4) The board of commissioners shall fix their own salaries, allowances, and other
15 compensation in accordance with G.S. 153A-28.

16 (5) The board of commissioners shall fix the salaries, allowances and other
17 compensation of county employees subject to the State Personnel Act according to the
18 procedures set forth in Chapter 126. The board may make these employees subject to a
19 county position classification plan only as provided in Chapter 126.

20 (c) In counties with a county manager, the manager is responsible for preparing
21 position classification and pay plans for submission to the board of commissioners and
22 for administering the pay plan and any position classification plan in accordance with
23 general policies and directives adopted by the board. In counties without a county
24 manager, the board of commissioners shall appoint or designate a personnel officer,
25 who shall then be responsible for administering the pay plan and any position
26 classification plan in accordance with general policies and directives adopted by the
27 board.

28 (d) A county may purchase life insurance or health insurance or both for the benefit
29 of all or any class of county officers and employees as a part of their compensation. A
30 county may provide other fringe benefits for county officers and employees."

31 Sec. 123. G.S. 153A-223 reads as rewritten:

32 **"§153A-223. Enforcement of minimum standards.**

33 If an inspection conducted pursuant to G.S. 153A-222 discloses that the jailers and
34 supervisory and administrative personnel of a local confinement facility do not meet the
35 entry level employment standards established pursuant to Chapter 17C or Chapter 17E
36 or that a local confinement facility does not meet the minimum standards published
37 pursuant to G.S. 153A-221 and, in addition, if the Secretary determines that conditions
38 in the facility jeopardize the safe custody, safety, health, or welfare of persons confined
39 in the facility, the Secretary may order corrective action or close the facility, as
40 provided in this section:

41 (1) The Secretary shall give notice of his determination to the governing body and
42 each other local official responsible for the facility. The Secretary shall also send a
43 copy of this notice, along with a copy of the inspector's report, to the senior ~~regular~~

1 resident superior court judge ~~for the judicial district~~ of the superior court district or set
2 of districts as defined in G.S. 7A-41.1 in which the facility is located. Upon receipt of
3 the Secretary's notice, the governing body shall call a public hearing to consider the
4 report. The hearing shall be held within 20 days after the day the Secretary's notice is
5 received. The inspector shall appear at this hearing to advise and consult with the
6 governing body concerning any corrective action necessary to bring the facility into
7 conformity with the standards.

8 (2) The governing body shall, within 30 days after the day the Secretary's notice is
9 received, request a contested case hearing, initiate appropriate corrective action or close
10 the facility. The corrective action must be completed within a reasonable time.

11 (3) A contested case hearing, if requested, shall be conducted pursuant to G.S.
12 150A, Article 3. The issues shall be: (i) whether the facility meets the minimum
13 standards; (ii) whether the conditions in the facility jeopardize the safe custody, safety,
14 health, or welfare of persons confined therein; and (iii) the appropriate corrective action
15 to be taken and a reasonable time to complete that action.

16 (4) If the governing body does not, within 30 days after the day the Secretary's
17 notice is received, or within 30 days after service of the final agency decision if a
18 contested case hearing is held, either initiate corrective action or close the facility, or
19 does not complete the action within a reasonable time, the Secretary may order that the
20 facility be closed.

21 (5) The governing body may appeal an order of the Secretary to the senior ~~regular~~
22 resident superior court judge. The governing body shall initiate the appeal by giving by
23 registered mail to the judge and to the Secretary notice of its intention to appeal. The
24 notice must be given within 15 days after the day the Secretary's order is received. If
25 notice is not given within the 15-day period, the right to appeal is terminated.

26 (6) The senior ~~regular~~ resident superior court judge shall hear the appeal. He shall
27 cause notice of the date, time, and place of the hearing to be given to each interested
28 party, including the Secretary, the governing body, and each other local official
29 involved. The Secretary, if a contested case hearing has been held, shall file the official
30 record, as defined in G.S. 150A-37, with the senior ~~regular~~ resident superior court
31 judge and shall serve a copy on each person who has been given notice of the hearing.
32 The judge shall conduct the hearing without a jury. He shall consider the official
33 record, if any, and may accept evidence from the Secretary, the governing body, and
34 each other local official which he finds appropriate. The issue before the court shall be
35 whether the facility continues to jeopardize the safe custody, safety, health, or welfare
36 of persons confined therein. The court may affirm, modify, or reverse the Secretary's
37 order."

38 Sec. 124. G.S. 156-134 reads as rewritten:

39 "§156-134. Duties of the auditor. The auditor for the drainage district will be
40 required to examine the assessment roll and the records and accounts of the sheriff or
41 tax collector as to the assessment roll which went into his hands on the previous first
42 Monday in September and for all previous years as to which the records and accounts
43 of the sheriff or tax collector have not been audited.

1 The auditor shall for each of such years make a report as to each drainage district,
2 showing the total amount of drainage assessments due for each year, the amount
3 collected by the sheriff up to the fifteenth day of May of the following year, the names
4 of the owners of land, and a brief description of the lands on which the drainage
5 assessments have not been paid, and the total amount of unpaid drainage assessments,
6 with any further data or information which the auditor may regard as pertinent.

7 If the lands in the district lie in other counties, the auditor for the county in which
8 the district was established shall also examine the records of the sheriff or tax collector
9 for such other counties.

10 The auditor shall also examine the books of the treasurer for similar years, and he
11 shall report the amount of drainage assessments paid to the treasurer by the sheriff or
12 tax collector for each year, and the amounts paid out by the treasurer during such
13 years, and for what purposes paid. It shall be the duty of the sheriff and treasurer to
14 permit the auditor to examine their official books and records and to furnish all
15 necessary information, and to assist the auditor in the discharge of his duties.

16 The auditor shall make a report to the board of county commissioners on or before
17 the first Monday in July following his appointment, and he shall deliver a duplicate of
18 such report to the chairman of the board of drainage commissioners of each drainage
19 district established in the county.

20 If the sheriff has not collected all of the drainage assessments, or has not paid over
21 all collections to the treasurer, or if the treasurer has not made disbursements of the
22 drainage funds as required by law, or has not in his hands the funds not so disbursed by
23 him, it shall be the duty of the auditor to so report, and to prepare two certified copies
24 of his report, one of which shall be delivered to the judge holding a session of superior
25 court in the county following the first Monday in July, and a copy to the district
26 attorney of the ~~judicial district~~ prosecutorial district as defined in G.S. 7A-60 in which
27 the county is located, and it shall be the duty of such district attorney to examine
28 carefully such report and to institute such action, civil or criminal, against the sheriff or
29 tax collector or the treasurer, as the facts contained in the report may justify, or as may
30 be required by law."

31 Sec. 125. G.S. 163-156 reads as rewritten:

32 "~~§ 163-156. Rules when two or more vacancies for superior court judge of~~
33 ~~different term length are to be voted on in the same year, or where two or more~~
34 ~~elections for less than a full term are to be voted on in the same year. --(a) The~~
35 ~~General Assembly finds that:~~

36 ~~(1) The provisions of law requiring candidates for Superior court judge to designate~~
37 ~~the vacancy they are seeking are unenforceable under Section 5 of The Voting Rights~~
38 ~~Act of 1965;~~

39 ~~(2) In some judicial districts, where such staggered Terms have been approved under~~
40 ~~Section 5 of the Voting Rights Act, not all the terms of the Superior court judges~~
41 ~~expire at the same time, and The provisions of Article IV, Section 19 of the North~~
42 ~~Carolina Constitution dealing with filling of Unexpired terms in an election could result~~

~~1 in an Election being held simultaneously in a judicial District for one or more full
2 eight-year terms, and One or more unexpired terms of two, four, or six Years.~~

~~3 (3) The senior resident superior court judge is given Additional responsibilities by
4 North Carolina law, And applying a rule whereby a full term and an Unexpired term
5 are voted on at the same time Without designation as to vacancy could result in a
6 Senior judge running for reelection for a full Eight-year term instead being elected to a
7 two-year Unexpired term merely because that judge finished Second in statewide voting
8 for two seats, which Would be disruptive of the process of retaining Career judges;~~

~~9 (4) Article IV, Section 19 of the North Carolina Constitution requires that vacancies
10 in superior Court judgeships occurring as late as 31 days Before the general election be
11 filled for the Remainder of the unexpired term, which is long After the main part of the
12 judicial ballot has been Printed, and while absentee voting is already going On. In the
13 past, when an unexpired term has Occurred soon before the election, a supplemental
14 Ballot has been issued for use along with the Regular judicial ballot. If the State were
15 Required to conduct elections for last-minute Unexpired terms without designation as to
16 vacancy With the already scheduled full terms, it would Require scrapping ballots
17 already printed and would Greatly disrupt the election process.~~

~~18 (b) When there is an election in a judicial district for one or more offices of superior
19 court judge for full terms, and there is also to be an election for one or more unexpired
20 terms in the same district at that same election in accordance with Article IV, Section
21 19 of the North Carolina Constitution, the nomination and election shall be determined
22 by the following special rules in addition to any other provisions of law;~~

~~23 (1) If the unexpired term occurs prior to the tenth day Before the filing period ends
24 under G.S. 163-106(c), nominations shall be made by primary Election as provided by
25 Article 10 of this Chapter, With designation as to the vacancy for the Unexpired term
26 as against any full term, but Without designation as to vacancy between unexpired
27 Terms if there is more than one unexpired term;~~

~~28 (2) If the unexpired term occurs beginning on the tenth Day before the filing period
29 ends under G.S. 163-106(c), and ending on the sixtieth day before the General
30 election, a nomination shall be made by the Appropriate district executive committee of
31 each Political party and the names of the nominees shall Be printed on the general
32 election ballots, with Designation as to the vacancy for the unexpired Term as against
33 any full term, but without Designation as to vacancy between unexpired terms If there
34 is more than one unexpired term;~~

~~35 (4) The general election ballot shall contain, without Designation as to vacancy
36 between full terms, Spaces for the election of all full terms. The General election
37 ballot shall contain, without Designation as to vacancy between unexpired terms,
38 Spaces for the election of all unexpired terms Where nominations were made under
39 subdivisions (1) Or (2) of this subsection;~~

~~40 (5) In the general election, the persons receiving the Highest numbers of votes equal
41 to the number of Full terms to be elected shall be elected to those Full terms;~~

~~42 (6) In the general election, the persons receiving the Highest numbers of votes shall
43 be elected to the Unexpired term or terms, in order of length of the Unexpired terms~~

~~1 (longest first), until all those Terms have been filled. If unexpired terms of Different
2 lengths are to be filled, and two or more Persons receive an equal number of votes, and
3 all are to be elected, then the provisions of the last Sentence of G.S. 163-191 shall not
4 apply, and the State Board of Elections by lot shall determine Which term each
5 candidate elected is to receive;~~

6 (c) When there is no election in a judicial district for any offices of superior court
7 judge for full terms, and there is to be an election for one or more unexpired terms in
8 that district at that same election in accordance with Article VI, Section 19 of the North
9 Carolina Constitution, the nomination and election shall be determined by the following
10 special rules in addition to any other provisions of law:

11 (1) If the unexpired term occurs prior to the tenth day Before the filing period ends
12 under G.S. 163-106(c), nominations shall be made by primary election as provided by
13 Article 10 of this Chapter, without designation as to the vacancy;

14 (2) If the unexpired term occurs beginning on the tenth day before the filing period
15 ends under G.S. 163-106(c), and ending on the sixtieth day before the general election,
16 a nomination shall be made by the appropriate district executive committee of each
17 political party and the names of the nominees shall Be printed on the general election
18 ballots, without designation as to the vacancy;

19 (4) The general election ballot shall contain, without Designation as to vacancy,
20 spaces for the election Of all unexpired terms where nominations were made under
21 subdivisions (1) or (2) of this subsection. The persons receiving the highest numbers of
22 votes equal to the unexpired term or terms, shall be elected to the unexpired term or
23 terms, ~~in order of length of the unexpired terms (longest first), until all those terms
24 have been filled. If unexpired terms of different lengths are to be filled, and two or
25 more persons receive an equal number of votes, and all are to be elected, then the
26 provisions of the last sentence of G.S. 163-191 shall not apply, and if the terms are of
27 unequal length, the State Board of Elections by lot shall determine which term each
28 candidate elected is to receive; ."~~

29 Sec. 126. G.S. 163-192 reads as rewritten:

30 "§ 163-192. State Board of Elections to prepare abstracts and declare results of
31 primaries and elections.

32 (a) After Primary. -- At the conclusion of its canvass of the primary election, the
33 State Board of Elections shall prepare separate abstracts of the votes cast:

- 34 (1) For Governor and all State officers, justices of the Supreme Court,
35 judges of the Court of Appeals, judges of the superior court, and
36 United States Senators.
- 37 (2) For members of the United States House of Representatives for the
38 several congressional districts in the State.
- 39 (3) For district court judges for the several judicial district court districts
40 in the State.
- 41 (4) For district attorney in the several prosecutorial districts in the State.
- 42 (5) For State Senators in the several senatorial districts in the State
43 composed of more than one county.

1 (6) For members of the State House of Representatives in the several
2 representative districts in the State composed of more than one
3 county.

4 Abstracts prepared by the State Board of Elections under this subsection shall state
5 the total number of votes cast for each candidate of each political party for each of the
6 various offices canvassed by the State Board of Elections. They shall also state the
7 name or names of the person or persons whom the State Board of Elections shall
8 ascertain and judicially determine by the count to be nominated for each office.

9 Abstracts prepared under this subsection shall be signed by the members of the State
10 Board of Elections in their official capacity and shall have the great seal of the State
11 affixed thereto.

12 (b) After General Election. -- At the conclusion of its canvass of the general election,
13 the State Board of Elections shall prepare abstracts of the votes cast:

14 (1) For President and Vice-President of the United States, when an
15 election is held for those offices.

16 (2) For Governor and all State officers, justices of the Supreme Court,
17 judges of the Court of Appeals, judges of the superior court, and
18 United States Senators.

19 (3) For members of the United States House of Representatives for the
20 several congressional districts in the State.

21 (4) For district court judges for the several ~~judicial districts~~ district court
22 district as defined in G.S. 7A-133 in the State.

23 (5) For district attorney in the several prosecutorial districts in the State.

24 (6) For State Senators in the several senatorial districts in the State
25 composed of more than one county.

26 (7) For members of the State House of Representatives in the several
27 representative districts in the State composed of more than one
28 county.

29 (8) For and against any constitutional amendments or propositions
30 submitted to the people.

31 Abstracts prepared by the State Board of Elections under this subsection shall state
32 the names of all persons voted for, the office for which each received votes, and the
33 number of legal ballots cast for each candidate for each office canvassed by the State
34 Board of Elections. They shall also state the name or names of the person or persons
35 whom the State Board of Elections shall ascertain and judicially determine by the count
36 to be elected to each office.

37 Abstracts prepared under this subsection shall be signed by the members of the State
38 Board of Elections in their official capacity and shall have the great seal of the State
39 affixed thereto.

40 (c) Disposition of Abstracts of Returns. -- The State Board of Elections shall file with
41 the Secretary of State the original abstracts of returns prepared by it under the
42 provisions of subsections (a) and (b) of this section, and also the duplicate county

- 1 abstracts transmitted to the State Board of Elections under the provisions of G.S.
- 2 163-177."
- 3 Sec. 127. This act shall become effective January 1, 1989.

APPENDIX A

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION
RATIFIED BILL

CHAPTER 509
HOUSE BILL 589

AN ACT TO PROVIDE FOR CONTINUED COMPLIANCE WITH THE VOTING RIGHTS ACT AND TO IMPROVE THE ADMINISTRATION OF JUSTICE BY PROVIDING FOR THE ELIMINATION OF STAGGERED TERMS FOR SUPERIOR COURT JUDGES, CREATING MORE SUPERIOR COURT JUDICIAL DISTRICTS, ELIMINATING THE OFFICE OF SPECIAL SUPERIOR COURT JUDGE, AND MAKING CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

TITLE I. Division of Superior Court Districts
and Elimination of Staggered Terms.

Section 1. Effective beginning with the 1988 primaries and elections for election purposes and for terms of office, and effective January 1, 1989, for all other purposes, G.S. 7A-41 reads as rewritten:

"§ 7A-41. Superior court divisions and districts; judges; ~~assistant district attorneys.~~
(a) The counties of the State are organized into ~~four~~ judicial divisions and ~~34~~ judicial districts, and each district has the counties, and the number of regular resident superior court judges, ~~and the number of full-time assistant district attorneys~~ set forth in the following table, ~~and for districts of less than a whole county, as set out in subsection (b) of this section:~~

<u>Judicial Division</u>	<u>Judicial District</u>	<u>Counties</u>	<u>No. of Resident Judges</u>	<u>No. of Full-Time Ass't District Attorneys</u>
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2	5
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1	4
	3	Carteret, Craven, Pamlico, Pitt	2	8
	<u>3A</u>	<u>Pitt</u>	<u>1</u>	
	<u>3B</u>	<u>Carteret, Craven</u>	<u>1</u>	
	<u>4</u>	<u>Pamlico</u>		
	4	Duplin, Jones, Onslow, Sampson	2	8
	<u>4A</u>	<u>Duplin, Jones,</u>	<u>1</u>	

Second

	<u>Sampson</u>		
<u>4B</u>	<u>Onslow</u>	1	
5	New Hanover, Pender	2	7
6	Bertie, Halifax, Hertford, Northampton	1	4
<u>6A</u>	<u>Halifax</u>	1	
<u>6B</u>	<u>Bertie, Hertford Northampton</u>	1	
7	Edgecombe, Nash, Wilson	2	7
<u>7A</u>	<u>Nash</u>	1	
<u>7B</u>	<u>(part of Wilson, part of Edgecombe, see subsection (b))</u>	1	
<u>7C</u>	<u>(part of Wilson, part of Edgecombe, see subsection (b))</u>	1	
8	Greene, Lenoir Wayne	2	8
<u>8A</u>	<u>Lenoir and Greene</u>	1	
<u>8B</u>	<u>Wayne</u>	1	
9	Franklin, Granville, Person, Vance, Warren	2	6
10	Wake	4	15
<u>10A</u>	<u>(part of Wake see subsection (b))</u>	1	
<u>10B</u>	<u>(part of Wake see subsection (b))</u>	2	
<u>10C</u>	<u>(part of Wake see subsection (b))</u>	1	
<u>10D</u>	<u>(part of Wake see subsection (b))</u>	1	
11	Harnett, Johnston, Lee	1	5
12	Cumberland, Hoke	3	12
<u>12A</u>	<u>(part of Cumberland see subsection (b))</u>	1	
<u>12B</u>	<u>(part of Cumberland see subsection (b))</u>	1	
<u>12C</u>	<u>(part of Cumberland see subsection (b))</u>	2	
13	Bladen, Brunswick, Columbus	1	5
14	Durham	3	8
<u>14A</u>	<u>(part of Durham see subsection (b))</u>	1	
<u>14B</u>	<u>(part of Durham see subsection (b))</u>	3	
15A	Alamance	1	3

	15B	Orange, Chatham	1	3
	16	Robeson, Scotland	1	7
	<u>16A</u>	<u>Scotland, Hoke</u>	1	
	<u>16B</u>	<u>Robeson</u>	1	
Third	17A	Caswell, Rockingham	1	3
	17B	Stokes, Surry	1	3
	18	Guilford	4	14
	<u>18A</u>	<u>(part of Guilford see subsection (b))</u>	1	
	<u>18B</u>	<u>(part of Guilford see subsection (b))</u>	1	
	<u>18C</u>	<u>(part of Guilford see subsection (b))</u>	1	
	<u>18D</u>	<u>(part of Guilford see subsection (b))</u>	1	
	<u>18E</u>	<u>(part of Guilford see subsection (b))</u>	1	
	19A	Cabarrus, Rowan	2	5
	<u>19A</u>	<u>Cabarrus</u>	1	
	19B	Montgomery, Randolph	1	3
	<u>19C</u>	<u>Rowan</u>	1	
	20	Anson, Moore, Richmond, Stanly, Union	2	8
	<u>20A</u>	<u>Anson, Moore, Richmond</u>	1	
	<u>20B</u>	<u>Stanly, Union</u>	1	
	21	Forsyth	3	9
	<u>21A</u>	<u>(part of Forsyth see subsection (b))</u>	1	
	<u>21B</u>	<u>(part of Forsyth see subsection (b))</u>	1	
	<u>21C</u>	<u>(part of Forsyth see subsection (b))</u>	1	
	<u>21D</u>	<u>(part of Forsyth see subsection (b))</u>	1	
	22	Alexander, Davidson	2	7
	23	Davie, Iredell	1	3
	24	Alleghany, Ashe, Wilkes, Yadkin	1	3
Fourth	25	Avery, Madison, Mitchell, Watauga, Yancey	1	3
	25	Burke, Caldwell, Catawba	2	7
	<u>25A</u>	<u>Burke, Caldwell</u>	1	
	<u>25B</u>	<u>Catawba</u>	1	
	26	Mecklenburg	5	19
	<u>26A</u>	<u>(part of Mecklenburg see subsection (b))</u>	2	
	<u>26B</u>	<u>(part of Mecklenburg</u>	2	

	<u>see subsection (b))</u>		
<u>26C</u>	<u>(part of Mecklenburg</u>	<u>2</u>	
	<u>see subsection (b))</u>		
27A	Gaston	2	5
27B	Cleveland, Lincoln	1	3
28	Buncombe	2	5
29	Henderson,	1	5
	McDowell, Polk,		
	Rutherford,		
	Transylvania		
30	Cherokee, Clay,	2	5
	Graham,		
	Haywood, Jackson,		
	Macon,		
	Swain		
<u>30A</u>	<u>Cherokee, Clay,</u>	<u>1</u>	
	<u>Graham, Macon,</u>		
	<u>Swain</u>		
<u>30B</u>	<u>Haywood, Jackson</u>	<u>1</u>	

(b) For judicial districts of less than a whole county, or with part of one county with part of another, the composition of the district and the number of judges is as follows:

- (1) Judicial District 7B consists of County Commissioner Districts 1, 2 and 3 of Wilson County, Blocks 127 and 128 of Census Tract 6 of Wilson County, and Townships 12 and 14 of Edgecombe County. It has one judge.
- (2) Judicial District 7C consists of the remainder of Edgecombe and Wilson Counties not in Judicial District 7B. It has one judge.
- (3) Judicial District 10A consists of Raleigh Precincts 12, 13, 14, 18, 19, 20, 22, 25, 26, 28, 34, 35, and 40, and St. Matthews #3, except that if the Wake County Board of Elections provides that the area in Raleigh Township which was incorrectly placed in a St. Mary's precinct shall be in Raleigh Precinct 40, that area shall be considered to be in Raleigh Precinct 40 for district purposes. It has one judge.
- (4) Judicial District 10B consists of Buckhorn Precinct, Cary Precincts 1, 2, 3, 4, 5, 6, and 7, Cedar Fork Precinct, Holly Springs Precinct, House Creek Precinct #1, Meredith Precinct, Middle Creek Township, Raleigh Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 21, 23, 24, 27, 29, 31, 32, 33, 36, and 41, Swift Creek Precinct #1 and #2 and White Oak Township. It has two judges.
- (5) Judicial District 10C consists of Barton's Creek Precinct, Leesville Precinct, House Creek Precinct #2, Little River Township, Marks Creek Township, New Light Township, Panther Branch Township, St. Mary's Precincts #1, #2, #3, #4, #5, and #6, and Wake Forest Township. It has one judge.
- (6) Judicial District 10D consists of the remainder of Wake County not in Judicial Districts 10A, 10B or 10C. It has one judge.
- (7) Judicial District 12A consists of that part of Cross Creek Precinct #18 north of Raeford Road, Montclair Precinct, that part of Precinct 71-1 not in Judicial District 12B, Precinct 71-2, Morganton

- #2 Precinct, Cottonade Precinct, Cumberland Precincts 1 and 2, and Brentwood Precinct. It has one judge.
- (8) Judicial District 12B consists of all of State House of Representatives District 17, except for Westarea Precinct, and it also includes that part of Cross Creek Precinct #15 east of Village Drive. It has one judge.
- (9) Judicial District 12C consists of the remainder of Cumberland County not in Judicial Districts 12A or 12B. It has two judges.
- (10) Judicial District 14A consists of Durham Precincts 9, 11, 12, 13, 14, 15, 18, 34, 40, 41, and 42, and that part of Durham Precinct 39 east of North Carolina Highway #751. It has one judge.
- (11) Judicial District 14B consists of the remainder of Durham County not in Judicial District 14A. It has three judges.
- (12) Judicial District 18A consists of Greensboro Precincts 5, 6, 7, 8, 9, 19, 25, 29, 30, 44, and 45 and Clay and Fentress Precincts. It has one judge.
- (13) Judicial District 18B consists of High Point Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, and 21, Deep River Precinct, and Jamestown Precincts 1 and 3. It has one judge.
- (14) Judicial District 18C consists of Greensboro Precincts 20, 27, 31, 32, 34, 37, 38, 39, and 43, High Point Precinct 19, Stokesdale, Oak Ridge, Bruce, Friendship I, Friendship II, Jamestown II, South Center Grove, North Center Grove, and North Monroe Precincts. It has one judge.
- (15) Judicial District 18D consists of Greensboro Precincts 4, 11, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 26, 36, and 42, and North and South Sumner Precincts. It has one judge.
- (16) Judicial District 18E consists of the remainder of Guilford County not in Judicial Districts 18A, 18B, 18C, or 18D. It has one judge.
- (17) Judicial District 21A consists of the Southwest Ward of Winston-Salem, and Precincts 80-6, 80-7, 80-8, 3-1, 9-1, 13-1, 13-2, 13-3, 7-1, 7-2, 7-3, 5-1, 5-2, 5-3, 12-2, and 12-3. It has one judge.
- (18) Judicial District 21B consists of the Northwest Ward, the South Ward, and the Southeast Ward of Winston-Salem, and Precincts 4-1 and 4-2. It has one judge.
- (19) Judicial District 21C consists of Precincts 80-1, 80-2, 80-3, 80-4, 80-5, 80-9, 10-2, 10-3, 3-2, 3-3, 11-1, 11-2, 2-1, 6-1, 6-2, 6-3, 6-4, 1-1, 1-2, and 1-3. It has one judge.
- (20) Judicial District 21D consists of the North Ward, the Northeast Ward, and the East Ward of Winston-Salem, and Precincts 8-2 and 8-3. It has one judge.
- (21) Judicial District 26A consists of Charlotte Precincts 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, 31, 33, 39, 41, 42, 46, 52, 54, 55, 56, 58, 60, 77, 78, and 82, and Long Creek Precinct #2 of Mecklenburg County. It has two judges.
- (22) Judicial District 26B consists of Charlotte Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 20, 21, 28, 29, 30, 32, 34, 35, 36, 37, 38, 43, 44, 45, 47, 51, 61, 62, 63, 65, 66, 67, 68, 69, 71, 74, 83, 84, and 86, Crab Orchard Precincts 1 and 2, and Mallard Creek Precinct 1. It has two judges.
- (23) Judicial District 26C consists of the remainder of Mecklenburg County not in Judicial Districts 26A or 26B. It has two judges.

(c) In subsection (b) above:

- (1) the names and boundaries of townships are as they were legally defined and in effect as of January 1, 1980, and recognized in the 1980 U.S. Census;
- (2) for Guilford County, precinct boundaries are as shown on maps in use by the Guilford County Board of Elections on April 15, 1987,
- (3) for Mecklenburg, Wake, and Durham Counties, precinct boundaries are as shown on the current maps in use by the appropriate county board of elections as of January 31, 1984, in accordance with G.S. 163-128(b); and
- (4) for Wilson County, commissioner districts are those in use for election of members of the county board of commissioners as of January 1, 1987.
- (5) for Cumberland County, House District 17 is in accordance with the boundaries in effect on January 1, 1987. Precincts are in accordance with those as approved by the United States Department of Justice on February 28, 1986.
- (6) for Forsyth County, the boundaries of Wards and precincts are those in effect on 'WARD MAP 1985', published November 1985 by the City of Winston-Salem and Forsyth County.

If any changes in precinct boundaries, wards, commissioner districts, or House of Representative districts have been made since the dates specified, or are made, those changes shall not change the boundaries of the judicial districts.

(d) The several judges, their terms of office, and their assignments to districts are as follows:

- (1) In the first judicial district, J. Herbert Small and Thomas S. Watts serve terms expiring December 31, 1994.
- (2) In the second judicial district, William C. Griffin serves a term expiring December 31, 1994.
- (3) In the third-A judicial district, David E. Reid serves a term expiring on December 31, 1992.
- (4) In the third-B judicial district, Herbert O. Phillips, III, serves a term expiring on December 31, 1994.
- (5) In the fourth-A judicial district, Henry L. Stevens, III, serves a term expiring December 31, 1994.
- (6) In the fourth-B judicial district, James R. Strickland serves a term expiring December 31, 1992.
- (7) In the fifth judicial district, no election shall be held in 1992 for the full term of the seat now occupied by Bradford Tillery, and the holder of that seat shall serve until a successor is elected in 1994 and qualifies. The succeeding term begins January 1, 1995. In the fifth judicial district, Napoleon B. Barefoot serves a term expiring December 31, 1994.
- (8) In the sixth-A judicial district, Richard B. Allsbrook serves a term expiring December 31, 1990.
- (9) In the sixth-B judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (10) In the seventh-A judicial district, Charles B. Winberry, serves a term expiring December 31, 1994.
- (11) In the seventh-B judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.

- (12) In the seventh-C judicial district, Franklin R. Brown serves a term expiring December 31, 1990.
- (13) In the eighth-A judicial district, James D. Llewellyn serves a term expiring December 31, 1994.
- (14) In the eighth-B judicial district, Paul M. Wright serves a term expiring December 31, 1992.
- (15) In the ninth judicial district, Robert H. Hobgood and Henry W. Hight, Jr., serve terms expiring December 31, 1994.
- (16) In the tenth-A judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (17) In the tenth-B judicial district, Robert L. Farmer serves a term expiring December 31, 1992. In the tenth-B judicial district, no election shall be held in 1990 for the full term of the seat now occupied by Henry V. Barnette, Jr., and the holder of that seat shall serve until a successor is elected in 1992 and qualifies. The succeeding term begins January 1, 1993.
- (18) In the tenth-C judicial district, Edwin S. Preston, serves a term expiring December 31, 1990. In the tenth-D judicial district, Donald Stephens serves a term expiring December 31, 1988.
- (19) In the eleventh judicial district, Wiley F. Bowen serves a term expiring December 31, 1990.
- (20) In the twelfth-A judicial district, D.B. Herring, Jr., serves a term expiring December 31, 1990.
- (21) In the twelfth-B judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (22) In the twelfth-C judicial district, no election shall be held in 1992 for the full term of the seat now occupied by Coy E. Brewer, Jr., and the holder of that seat shall serve until a successor is elected in 1994 and qualifies. The succeeding term begins January 1, 1995. In the twelfth-C judicial district, E. Lynn Johnson serves a term expiring December 31, 1994.
- (23) In the thirteenth judicial district, Giles R. Clark serves a term expiring December 31, 1994.
- (24) In the fourteenth-A judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (25) In the fourteenth-B judicial district, no election shall be held in 1992 for the full term of the seat now occupied by Anthony M. Brannon, and the holder of that seat shall serve until a successor is elected in 1994 and qualifies. The succeeding term begins July 1, 1995.
- (26) In the fourteenth-B judicial district, no election shall be held in 1990 for the full term of the seat now occupied by Thomas H. Lee, and the holder of that seat shall serve until a successor is elected in 1994 and qualifies. The succeeding term begins January 1, 1995. In the fourteenth-B judicial district, J. Milton Read, Jr., serves a term expiring December 31, 1994.
- (27) In the fifteenth-A judicial district, J.B. Allen, Jr., serves a term expiring December 31, 1994.
- (28) In the fifteenth-B judicial district, F. Gordon Battle serves a term expiring December 31, 1994.
- (29) In the sixteenth-A judicial district, B. Craig Ellis serves a term expiring December 31, 1994.

- (30) In the sixteenth-B judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (31) In the seventeenth-A judicial district, Melzer A. Morgan, Jr., serves a term expiring December 31, 1990.
- (32) In the seventeenth-B judicial district, James M. Long serves a term expiring December 31, 1994.
- (33) In the eighteenth-A judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (34) In the eighteenth-B judicial district, Edward K. Washington's term expired December 31, 1986, but he is holding over because of a court order enjoining an election from being held in 1986. A successor shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (35) In the eighteenth-C judicial district, W. Douglas Albright serves a term expiring December 31, 1990.
- (36) In the eighteenth-D judicial district, Thomas W. Ross's term expired December 31, 1986, but he is holding over because of a court order enjoining an election from being held in 1986. A successor shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (37) In the eighteenth-E judicial district, Joseph John's term expired December 31, 1986, but he is holding over because of a court order enjoining an election from being held in 1986. A successor shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (38) In the nineteenth-A judicial district, James C. Davis serves a term expiring December 31, 1992.
- (39) In the nineteenth-B judicial district, Russell G. Walker, Jr., serves a term expiring December 31, 1990.
- (40) In the nineteenth-C judicial district, Thomas W. Seay, Jr., serves a term expiring December 31, 1990.
- (41) In the twentieth-A judicial district, F. Fetzer Mills serves a term expiring December 31, 1992.
- (42) In the twentieth-B judicial district, William H. Helms serves a term expiring December 31, 1990.
- (43) In the twenty-first-A judicial district, William Z. Wood serves a term expiring December 31, 1990.
- (44) In the twenty-first-B judicial district, Judson D. DeRamus, Jr., serves a term expiring December 31, 1988.
- (45) In the twenty-first-C judicial district, William H. Freeman serves a term expiring December 31, 1990.
- (46) In the twenty-first-D judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (47) In the twenty-second judicial district, no election shall be held in 1992 for the full term of the seat now occupied by Preston Cornelius, and the holder of that seat shall serve until a successor is elected in 1994 and qualifies. The succeeding term shall begin January 1, 1995. In the twenty-second judicial district, Robert A. Collier serves a term expiring December 31, 1994.
- (48) In the twenty-third judicial district, Julius A. Rousseau, Jr., serves a term expiring December 31, 1990.

- (49) In the twenty-fourth judicial district, Charles C. Lamm, Jr., serves a term expiring December 31, 1994.
- (50) In the twenty-fifth-A judicial district, Claude S. Sitton serves a term expiring December 31, 1994.
- (51) In the twenty-fifth-B judicial district, Forrest A. Ferrell serves a term expiring December 31, 1990.
- (52) In the twenty-sixth-A judicial district, no election shall be held in 1994 for the full term of the seat now occupied by W. Terry Sherrill, and the holder of that seat shall serve until a successor is elected in 1996 and qualifies. The succeeding term shall begin January 1, 1997. In the twenty-sixth-A judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (53) In the twenty-sixth-B judicial district, Frank W. Snapp, Jr., and Kenneth A. Griffin serve terms expiring December 31, 1990.
- (54) In the twenty-sixth-C judicial district, no election shall be held in 1992 for the full term of the seat now occupied by Chase Boone Saunders, and the holder of that seat shall serve until a successor is elected in 1994 and qualifies. The succeeding term shall begin January 1, 1995. In the twenty-seventh-C judicial district, Robert M. Burroughs serves a term expiring December 31, 1994.
- (55) In the twenty-seventh-A judicial district, no election shall be held in 1988 for the full term of the seat now occupied by Robert E. Gaines, and the holder of that seat shall serve until a successor is elected in 1990 and qualifies. The succeeding term begins January 1, 1991. In the twenty-seventh-A judicial district, Robert W. Kirby serves a term expiring December 31, 1990.
- (56) In the twenty-seventh-B judicial district, John M. Gardner serves a term expiring December 31, 1994.
- (57) In the twenty-eighth judicial district, Robert D. Lewis and C. Walter Allen serve terms expiring December 31, 1990.
- (58) In the twenty-ninth judicial district, Hollis M. Owens, Jr., serves a term expiring December 31, 1990.
- (59) In the thirtieth-A judicial district, James U. Downs serves a term expiring December 31, 1990.
- (60) In the thirtieth-B judicial district, Janet M. Hyatt serves a term expiring December 31, 1994.

(e) In a district having more than one regular resident judge where the district consists of all of a county or all of several counties, the judge who has the most continuous service on the superior court is the senior regular resident superior court judge. If two judges are of equal seniority, the oldest judge is the senior regular resident judge. In a single-judge district, where the district consists of all of a county or all of several counties, the single judge is the senior regular resident judge.

In any county where there is more than one judicial district, but the districts include only territory from that county, then from all of the districts in that county, the judge who has the most continuous service on the superior court is the senior regular resident superior court judge for all of those districts and for the county. If two judges are of equal seniority, the oldest judge is the senior regular resident judge for all of those districts and for the county.

In any county where there is more than one judicial district, and the districts include part from that county, and part from another county, then from all of the districts in both those counties, the judge who has the most continuous service on the

superior court is the senior regular resident superior court judge for all of those districts and for both counties. If two judges are of equal seniority, the oldest judge is the senior regular resident judge for all of those districts and for both counties.

Senior regular resident judges and regular resident judges possess equal judicial jurisdiction, power, authority and status, but all duties placed by the Constitution or statutes on the resident judge of a judicial district, including the appointment to and removal from office, which are not related to a case, controversy or judicial proceeding and which do not involve the exercise of judicial power, shall be discharged by the senior regular resident judge. A senior regular resident superior court judge in a multi-judge district, by notice in writing to the Administrative Officer of the Courts, may decline to exercise the authority vested in him by this section, in which event such authority shall be exercised by the regular resident judge next senior in point of service or age, respectively.

In the event the senior regular resident judge of a multi-judge district is unable, due to mental or physical incapacity, to exercise the authority vested in him by the statute, and the Chief Justice, in his discretion, has determined that such incapacity exists, the Chief Justice shall appoint an acting senior regular resident judge from the other regular resident judges of the district, to exercise, temporarily, the authority of the senior regular resident judge; provided that in any county where there is more than one judicial district, the appointment may be made of any of the other regular resident judges of any district in that county. Such appointee shall serve at the pleasure of the Chief Justice and until his temporary appointment is vacated by appropriate order."

Sec. 2. Effective January 1, 1989, Article 7 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-47.2. **Jurisdiction of superior court judges.**-- Notwithstanding any other provision of law, in addition to any other jurisdiction granted by law, a superior court judge of a district has jurisdiction in the entire county or counties in which the district is located, and a superior court judge holding court in a district has jurisdiction in the entire county or counties in which the district is located."

Sec. 3. Effective January 1, 1989, Article 7 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-47.3. **Assignment of judges in certain districts.**--When a county is divided into more than one district, and judges are assigned to hold court, assignments shall be made for the county as a whole, for the superior court of that county."

TITLE II. Prosecutorial Districts Not Changed.

Sec. 4. Effective July 1, 1987, G.S. 7A-60(a) reads as rewritten:

"(a) Except as provided in subsection (b), effective January 1, 1971, the State shall be divided into prosecutorial districts, ~~the numbers and boundaries of which shall be identical with those of the superior and district court judicial districts, except as provided in this section, as shown in subsection (a1) of this section.~~ In the general election of November 1970, a district attorney shall be elected for a four-year term for each prosecutorial district. The district attorney shall be a resident of the district for which elected, and shall take office on January 1 following the election. A vacancy in the office of district attorney shall be filled as provided in Article IV, Sec. 19 of the Constitution."

Sec. 5. Effective July 1, 1987, G.S. 7A-60 is amended by adding a new subsection to read:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Judicial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	5
2	Beaufort, Hyde, Martin, Tyrrell, Washington	4
3A	Pitt	4
3B	Carteret, Craven, Pamlico	4
4	Duplin, Jones, Onslow, Sampson	8
5	New Hanover, Pender	7
6	Bertie, Halifax, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	7
8	Greene, Lenoir, Wayne	8
9	Franklin, Granville, Person, Vance, Warren	6
10	Wake	15
11	Harnett, Johnston, Lee	5
12	Cumberland, Hoke	12
13	Bladen, Brunswick, Columbus	5
14	Durham	8
15A	Alamance	3
15B	Orange, Chatham	3
16	Robeson, Scotland	7
17A	Caswell, Rockingham	3
17B	Stokes, Surry	3
18	Guilford	14
19A	Cabarrus, Rowan	5
19B	Montgomery, Randolph	3
20	Anson, Moore, Richmond, Stanly, Union	8
21	Forsyth	9
22	Alexander, Davidson, Davie, Iredell	7
23	Alleghany, Ashe, Wilkes, Yadkin	3
24	Avery, Madison, Mitchell, Watauga, Yancey	3
25	Burke, Caldwell, Catawba	7
26	Mecklenburg	19
27A	Gaston	5
27B	Cleveland, Lincoln	3
28	Buncombe	5
29	Henderson, McDowell, Polk, Rutherford, Transylvania	5
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon,	5

Swain."

TITLE III. Elimination of Special Superior Court Judges.

Sec. 6. Effective upon ratification, G.S. 7A-45 reads as rewritten:

"§ 7A-45. Special judges; appointment; removal; vacancies; authority.--(a) The Governor may appoint eight special superior court judges except as provided by this subsection. A special judge takes the same oath of office and is subject to the same requirements and disabilities as is or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district. Initial appointments made under this section shall be to terms of office beginning July 1, 1967, and expiring June 30, 1971. As the terms expire, the Governor may appoint successors for terms of four years each, except that terms beginning July 1, 1987, shall expire December 31, 1988; provided that if any judge serving as a special superior court judge on December 31, 1988, is to become first eligible for service retirement under G.S. 135-57 between December 31, 1988, and July 1, 1989, the term of that judge shall expire on that eligibility date, and except that if any special superior court judge who is holding office on June 30, 1987, has five years of membership service under G.S. 135-53(12) on that date, or will have three years of such service on or before December 1, 1987 if continued in office, the term of office of that judge is extended through December 31, 1988. All incumbents shall continue in office until their successors are appointed and qualify.

(b) A special judge is subject to removal from office for the same causes and in the same manner as a regular judge of the superior court, and a vacancy occurring in the office of special judge is filled by the Governor by appointment for the unexpired term.

(c) A special judge, in any court in which he is duly appointed to hold, has the same power and authority in all matters whatsoever that a regular judge holding the same court would have. A special judge, duly assigned to hold the court of a particular county, has during the session of court in that county, in open court and in chambers, the same power and authority of a regular judge in all matters whatsoever arising in that judicial district that could properly be heard or determined by a regular judge holding the same session of court.

(d) A special judge is authorized to settle cases on appeal and to make all proper orders in regard thereto after the time for which he was commissioned has expired."

Sec. 7. Effective January 1, 1989, G.S. 7A-45 is repealed, except that as to any judge continuing to serve under the proviso of G.S. 7A-45(a) added by this act, G.S. 7A-45 is repealed on the eligibility date for retirement set forth in the proviso.

Sec. 8. Notwithstanding G.S. 7A-44.1, the provisions of Section 1 of this act, which have the effect of adding new positions of senior regular superior court judge, do not authorize any additional positions as judicial secretaries. Additional secretaries shall only be provided to the extent funds are appropriated.

TITLE IV. Conforming Election Law Changes.

Sec. 9. Effective upon ratification, Chapter 987, Session Laws of 1985, is repealed.

Sec. 10. Effective with respect to vacancies in nomination occurring on or after January 1, 1988, G.S. 163-114 reads as rewritten:

"§ 163-114. Filling vacancies among party nominees occurring after nomination and before election.--If any person nominated as a candidate of a political party for one of the offices listed below (either in a primary or convention or by virtue of having no opposition in a primary) dies, resigns, or for any reason becomes ineligible

or disqualified before the date of the ensuing general election, the vacancy shall be filled by appointment according to the following instructions:

<p>Position Any elective State office United States Senator</p>	<p> </p>	<p>Vacancy is to be filled by appointment of State executive committee of political party in which vacancy occurs</p>
<p>A district office, including: Member of the United States House of Representatives Judge of superior court Judge of district court Solicitor State Senator in a multi-county senatorial district Member of State House of Representatives in a multi-county representative district</p>	<p> </p>	<p>Appropriate district executive committee of political party in which vacancy occurs</p>
<p>State Senator in a single-county senatorial district Member of State House of Representatives in a single-county representative district Any elective county office</p>	<p> </p>	<p>County executive committee of political party in which vacancy occurs, but if the vacancy arises from a cause other than death, the vacancy shall not be filled unless the board of elections in the county in which the vacancy occurs issues an order to that effect, provided, in the case of the State Senator or State Representative in a single-county district where not all the county is located in that district, then in voting, only those members of the county executive committee who reside within the district shall vote <u>vote</u></p>
<p><u>Judge of Superior Court in a single-county judicial district where the district is the whole county or part of the county</u></p>	<p> </p>	<p><u>County executive committee of political party in which vacancy occurs; provided, in the case of a superior court judge in a single-county district where not all the county is</u></p>

located in that district,
then in voting, only those
members of the county
executive committee who
reside within the
district shall vote

Judge of Superior Court in a
multi-county judicial
district

1 Appropriate district
1 executive committee of
1 political party in which
vacancy occurs.

The party executive making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, State or county, charged with the duty of printing the ballots on which the name is to appear. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S. 163-139 shall apply.

In a county which is partly in a multi-county judicial district, in choosing that county's member or members of the judicial district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote.

In a county not all of which is located in one congressional district, in choosing the congressional district executive committee member or members from that area of the county, only the county convention delegates or county executive committee members who reside within the area of the county which is within the congressional district may vote.

In a county which is partly in a multi-county senatorial district or which is partly in a multi-county House of Representatives district, in choosing that county's member or members of the senatorial district executive committee or House of Representatives district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote."

Sec. 11. The Legislative Research Commission shall report to the 1987 General Assembly, Regular Session 1988, any necessary conforming amendments to implement this act.

Sec. 12. Except for Sections 4, 5, 6, 9, 12, 15 and 16, this act shall only become effective if funds are appropriated to implement this act. It is the intent of the General Assembly to review this question during consideration of the Expansion Budget request of the Administrative Office of the Courts.

Sec. 13. G.S. 163-106 is amended by adding a new subsection to read:

"(i) No person may file a notice of candidacy for superior court judge unless that person is at the time of filing the notice of candidacy a resident of the judicial district as it will exist at the time the person would take office if elected. No person may be nominated as a superior court judge under G.S. 163-114 unless that person is at the time of nomination a resident of the judicial district as it will exist at the time the person would take office if elected. This subsection implements Article IV Section 9 (1) of the North Carolina Constitution which requires regular Superior Court Judges to reside in the district for which elected."

Sec. 14. G.S. 7A-130 reads as rewritten:

"§ 7A-130. **Creation of district court division and district court districts; seats of court.**--The district court division of the General Court of Justice is hereby created. It consists of various district courts organized in territorial districts. The numbers and

boundaries of the districts are ~~identical to those of the superior court judicial districts as provided by G.S. 7A-133.~~ The district court shall sit in the county seat of each county, and at such additional places in each county as the General Assembly may authorize, except that sessions of court are not required at an additional seat of court unless the chief district judge and the Administrative Officer of the Courts concur in a finding that the facilities are adequate."

Sec. 15. If any provision of this act is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of this act, so that its provisions are severable.

Sec. 16. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 29th day of June, 1987.

Robert B. Jordan III
President of the Senate

Liston B. Ramsey
Speaker of the House of Representatives

APPENDIX B
MEMBERSHIP
LEGISLATIVE RESEARCH COMMISSION
COMMITTEE ON SUPERIOR COURT JUDGE ELECTION AND TERMS

Pres. Pro Tem's Appointments

Sen. Dennis J. Winner, Cochair
81B Central Avenue
Asheville, NC 28801
(704) 258-0094

Judge Robert M. Burroughs
3813 Table Rock Road
Charlotte, NC 28226

Sen. William N. Martin
Post Office Box 21325
Greensboro, NC 27420
(919) 373-1108

Sen. A. P. Sands III
Post Office Box 449
Reidsville, NC 27320
(919) 349-7041

Sen. Robert S. Swain
612 Northwestern Plaza
Asheville, NC 28801
(704) 255-7703

Staff:

Mr. Gerry Cohen
Legislative Services Office
(919) 733-6660

Clerks:

Ms. Janet Pruitt and Ms. Sybil Barnes

LRC Member:

Sen. Henson P. Barnes

Speaker's appointments

Rep. Daniel T. Blue, Jr.
Post Office Box 1730
Raleigh, NC 27602
(919) 833-1931

Rep. H. M. Michaux, Jr.
Post Office Box 2152
Durham, NC 27702
(919) 596-8181

Rep. Martin L. Nesbitt
Suite 903
Northwestern Bank Plaza
Asheville, NC 28801
(704) 252-0490

Rep. Dennis A. Wicker
Post Office Box 309
Sanford, NC 27330
(919) 775-7119

Rep. Richard Wright
Post Office Box 457
Tabor City, NC 28463
(919) 653-2082

