

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1130

Short Title: Magistrates' Salary Change, Funds.

(Public)

Sponsors: Senator Daughtry.

Referred to: Appropriations.

June 3, 1992

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THE HIGHER SALARY GRADE FOR MAGISTRATES
3 WITH A TWO-YEAR ASSOCIATE OF ARTS DEGREE AND TO
4 APPROPRIATE FUNDS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 7A-171.1(a) reads as rewritten:

7 "(a) The Administrative Officer of the Courts, after consultation with the chief
8 district judge and pursuant to the following provisions, shall set an annual salary for
9 each magistrate.

10 (1) A full-time magistrate, so designated by the Administrative Officer of
11 the Courts, shall be paid the annual salary indicated in the table below
12 according to the number of years he has served as a magistrate. The
13 salary steps shall take effect on the anniversary of the date the
14 magistrate was originally appointed:
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16 TABLE OF SALARIES OF FULL-TIME MAGISTRATES

17	18 Number of Prior Years of Service	19 Annual Salary
	20 <u>1989-90</u> <u>1990-91</u>	
21	Less than 1	\$ 15,600
22	1 or more but less than 3	16,416
23	17,412	

1	3 or more but less than 5	18,084
2	19,176	
3	5 or more but less than 7	19,920
4	21,120	
5	7 or more but less than 9	21,972
6	23,292	
7	9 or more but less than 11	24,204
8	25,656	
9	11 or more	26,628
10	28,236	

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A 'Full-time magistrate' is a magistrate who is assigned to work an average of not less than 40 hours a week during his term of office.

Notwithstanding any other provision of this subdivision, a full-time magistrate, who was serving as a magistrate on December 31, 1978, and who was receiving an annual salary in excess of that which would ordinarily be allowed under the provisions of this subdivision, shall not have the salary, which he was receiving reduced during any subsequent term as a full-time magistrate. That magistrate's salary shall be fixed at the salary level from the table above which is nearest and higher than the latest annual salary he was receiving on December 31, 1978, and, thereafter, shall advance in accordance with the schedule in the table above.

- (2) A part-time magistrate, so designated by the Administrative Officer of the Courts, is included, in accordance with G.S. 7A-170, under the provisions of G.S. 135-1(10) and 135-40.2(a) and shall receive an annual salary based on the following formula: The average number of hours a week that a part-time magistrate is assigned work during his term shall be multiplied by the annual salary payable to a full-time magistrate who has the same number of years of service prior to the beginning of that term as does the part-time magistrate and the product of that multiplication shall be divided by the number 40. The quotient shall be the annual salary payable to that part-time magistrate.

A 'part-time magistrate' is a magistrate who is assigned to work an average of less than 40 hours of work a week during his term. No magistrate may be assigned an average of less than 10 hours of work a week during his term.

Notwithstanding any other provision of this subdivision, upon reappointment as a magistrate and being assigned to work the same or greater number of hours as he worked as a magistrate for a term of office ending on December 31, 1978, a person who received an annual salary in excess of that to which he would be entitled under the formula contained in this subdivision shall receive an annual salary equal to that received during the prior term. That magistrate's salary

1 shall increase in accordance with the salary formula contained in this
2 subdivision.

- 3 (3) Notwithstanding any other provision of this section, a magistrate with
4 a two-year Associate in Applied Science degree in criminal justice or
5 paralegal training from a North Carolina community college or the
6 equivalent degree from a private educational institution in North
7 Carolina, shall receive the annual salary provided in the table above
8 for a magistrate with three years of service in addition to those which
9 the magistrate has served; a magistrate with a two-year Associate of
10 Arts degree from a North Carolina community college or the
11 equivalent degree from a private education institution in North
12 Carolina, shall receive the annual salary provided in the table above
13 for a magistrate with three years of service in addition to those which
14 the magistrate has served; a magistrate with a four-year degree from an
15 accredited senior institution of higher education shall receive the
16 annual salary provided in the table above for a magistrate with five
17 years of service in addition to those which the magistrate has served; a
18 magistrate who holds a law degree from an accredited law school shall
19 receive the annual salary provided in the table above for a magistrate
20 with seven years of service in addition to those which the magistrate
21 has served; and a magistrate who is licensed to practice law in North
22 Carolina shall receive the annual salary provided in the table above for
23 a magistrate with nine years of service in addition to those which the
24 magistrate has served.

25 Magistrates with a two or four-year degree or a law degree described
26 herein who became magistrates before July 1, 1979 are entitled to an
27 increase of three, five and seven years, respectively, in their seniority,
28 for pay purposes only. Full-time magistrates licensed to practice law in
29 North Carolina who became magistrates before July 1, 1979 are
30 entitled to the pay of a magistrate with 9 or more years of service, and
31 part-time magistrates holding a law degree or a license to practice law
32 as described above who became magistrates before July 1, 1979 are
33 entitled to a proportionate adjustment in their pay. Pay increases
34 authorized by this paragraph of this subdivision are not retroactive.

- 35 (4) Notwithstanding any other provision of this section, a magistrate with
36 10 years' experience within the last 12 years as a sheriff or deputy
37 sheriff, administrative officer for a district attorney, city or county
38 police officer, campus police officer, wildlife officer, or highway
39 patrolman in the State of North Carolina, or with 10 years' experience
40 within the last 12 years as clerk of superior court or an assistant or
41 deputy clerk of court in the State of North Carolina shall receive the
42 annual salary provided in the table in subdivision (1) for a magistrate
43 with five years of service in addition to those the magistrate has
44 served. A magistrate who qualifies for the increased salary under both

1 subdivisions (3) and (4) of this subsection shall receive either the
2 salary determined under subdivision (3) or that determined under
3 subdivision (4), whichever is higher, but no more.

4 (5) The Administrative Officer of the Courts shall provide magistrates
5 with longevity pay at the same rates as are provided by the State to its
6 employees subject to the State Personnel Act.”

7 Sec. 2. There is appropriated from the General Fund to the Judicial
8 Department the sum of sixty thousand dollars (\$60,000) for the 1992-93 fiscal year to
9 implement this act.

10 Sec. 3. This act becomes effective July 1, 1992.