

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

1

SENATE BILL 1412

Short Title: Judicial Divisions/Compensation.

(Public)

Sponsors: Senators Winner of Buncombe; and Carpenter.

Referred to: Appropriations.

May 25, 1994

A BILL TO BE ENTITLED

AN ACT TO DIVIDE EACH JUDICIAL DISTRICT SO AS TO REDUCE TRAVEL TIME AND COSTS, TO ESTABLISH A NEW JUDICIAL PAY SCALE, AND TO TIE PER DIEM REIMBURSEMENT TO SUPERIOR COURT JUDGES TO TRAVEL OUTSIDE THE COUNTY OF RESIDENCE.

The General Assembly of North Carolina enacts:

Section 1. Effective July 1, 1994, G.S. 7A-41(a), as amended by Sections 200.4(a) and 200.5(a) of Chapter 321 of the 1993 Session Laws, reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court 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	Superior Court District	Counties	No. of Resident Judges
First <u>1</u>	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
<u>1</u>	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1

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

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

1			see subsection (b))	
2	<u>5</u>	26C	(part of Mecklenburg,	2
3			see subsection (b))	
4	<u>5</u>	27A	Gaston	2
5	<u>5</u>	27B	Cleveland, Lincoln	1
6	<u>6</u>	28	Buncombe	2
7	<u>6</u>	29	Henderson,	2
8			McDowell, Polk,	
9			Rutherford,	
10			Transylvania	
11	<u>6</u>	30A	Cherokee, Clay,	1
12			Graham, Macon,	
13			Swain	
14	<u>6</u>	30B	Haywood, Jackson	1."

15 Sec. 2. Subchapter I of Chapter 7A of the General Statutes is amended by
 16 adding a new Article to read:

17 **"ARTICLE 1C.**

18 **"PAY SCALE FOR CERTAIN JUDICIAL OFFICERS.**

19 **"§ 7A-4.30. Pay scale.**

20 Effective July 1, 1994, the following are the annual salaries, payable monthly, of the
 21 officers listed below:

22	<u>Chief Justice, Supreme Court</u>	<u>\$97,600</u>
23	<u>Associate Justice, Supreme Court</u>	<u>96,000</u>
24	<u>Chief Judge, Court of Appeals</u>	<u>93,600</u>
25	<u>Judge, Court of Appeals</u>	<u>92,000</u>
26	<u>Judge, Senior Regular Resident</u>	
27	<u>Superior Court</u>	<u>89,600</u>
28	<u>Judge, Superior Court</u>	<u>88,000</u>
29	<u>Chief Judge, District Court</u>	<u>81,600</u>
30	<u>Judge, District Court</u>	<u>80,000</u>
31	<u>District Attorney</u>	<u>80,000</u>
32	<u>Public Defender</u>	<u>80,000</u>
33	<u>Clerk of Court:</u>	
34	<u>Population less than 100,000</u>	<u>52,000</u>
35	<u>Population 100,000 to 149,999</u>	<u>59,000</u>
36	<u>Population 150,000 to 249,999</u>	<u>69,000</u>
37	<u>Population 250,000 and above</u>	<u>69,000.</u>

38 If an acting senior regular resident superior court judge is appointed under the
 39 provisions of G.S. 7A-41, he shall receive the salary for Judge, Senior Regular Resident,
 40 Superior Court, until his temporary appointment is vacated, and the judge he replaces
 41 shall receive the salary indicated for Judge, Superior Court."

42 Sec. 3. G.S. 7A-10 reads as rewritten:

43 **"§ 7A-10. Organization; compensation of justices.**

1 (a) The Supreme Court shall consist of a Chief Justice and six associate justices,
2 elected by the qualified voters of the State for terms of eight years. Before entering upon
3 the duties of his office, each justice shall take an oath of office. Four justices shall
4 constitute a quorum for the transaction of the business of the court. Sessions of the court
5 shall be held in the city of Raleigh, and scheduled by rule of court so as to discharge
6 expeditiously the court's business.

7 (b) The Chief Justice and each of the associate justices shall receive the annual
8 salary provided in ~~Current Operations Appropriations Act~~. G.S. 7A-4.30. Each justice is
9 entitled to reimbursement for travel and subsistence expenses at the rate allowed State
10 employees generally.

11 (c) In lieu of merit and other increment raises paid to regular State employees,
12 the Chief Justice and each of the Associate Justices shall receive as longevity pay an
13 annual amount equal to four and eight-tenths percent (4.8%) of the annual salary set
14 forth in ~~the Current Operations Appropriations Act~~ G.S. 7A-4.30 payable monthly after
15 five years of service, nine and six-tenths percent (9.6%) after 10 years of service,
16 fourteen and four-tenths percent (14.4%) after 15 years of service, and nineteen and
17 two-tenths percent (19.2%) after 20 years of service. 'Service' means service as a justice
18 or judge of the General Court of Justice or as a member of the Utilities Commission.
19 Service shall also mean service as a district attorney or as a clerk of superior court."

20 Sec. 4. G.S. 7A-18 reads as rewritten:

21 "**§ 7A-18. Compensation of judges.**

22 (a) The Chief Judge and each associate judge of the Court of Appeals shall
23 receive the annual salary provided in ~~the Current Operations Appropriations Act~~. G.S. 7A-
24 4.30. Each judge is entitled to reimbursement for travel and subsistence expenses at the
25 rate allowed State employees generally.

26 (b) In lieu of merit and other increment raises paid to regular State employees, a
27 judge of the Court of Appeals shall receive as longevity pay an annual amount equal to
28 four and eight-tenths percent (4.8%) of the annual salary set forth in ~~the Current~~
29 ~~Operations Appropriations Act~~. G.S. 7A-4.30 payable monthly after five years of service,
30 nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-tenths
31 percent (14.4%) after 15 years of service, and nineteen and two-tenths percent (19.2%)
32 after 20 years of service. 'Service' means service as a justice or judge of the General
33 Court of Justice or as a member of the Utilities Commission. Service shall also mean
34 service as a district attorney or as a clerk of superior court."

35 Sec. 5. G.S. 7A-44 reads as rewritten:

36 "**§ 7A-44. Salary and expenses of superior court judge.**

37 (a) A judge of the superior court, regular or special, shall receive the annual
38 salary set forth in ~~the Current Operations Appropriations Act~~, and in addition shall be
39 ~~paid the same travel allowance as State employees generally by G.S. 138-6(a)(1) and~~
40 ~~(2), provided that no travel allowance be paid for travel within his county of residence.~~
41 G.S. 7A-4.30. In addition, a judge of the superior court shall ~~be allowed seven thousand~~
42 ~~dollars (\$7,000) per year, payable monthly, in lieu of necessary subsistence expenses~~
43 ~~while attending court or transacting official business at a place other than in the county~~
44 ~~of his residence receive:~~

1 (1) Travel reimbursement for actual expenses for meals and lodging out of
2 the county of residence, but not to exceed the daily rate members of
3 the General Assembly receive under G.S. 120-3.1(a)(3); and
4 (2) Mileage for travel from place of residence to the place of holding court
5 at the business standard mileage rate set by the Internal Revenue
6 Service per mile of travel, which is the same rate as is provided for
7 State employees
8 for any day that judge is assigned to hold court in a location other than the judge's
9 county of residence, and in lieu of other professional expenses incurred in the discharge
10 of his official duties. The Administrative Officer of the Courts may also reimburse
11 superior court judges, in addition to the above funds for travel and subsistence, for
12 travel and subsistence expenses incurred for professional education.

13 (b) In lieu of merit and other increment raises paid to regular State employees, a
14 judge of the superior court, regular or special, shall receive as longevity pay an annual
15 amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in ~~the~~
16 ~~Current Operations Appropriations Act.~~ G.S. 7A-4.30 payable monthly after five years of
17 service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-
18 tenths percent (14.4%) after 15 years of service, and nineteen and two-tenths percent
19 (19.2%) after 20 years of service. 'Service' means service as a justice or judge of the
20 General Court of Justice or as a member of the Utilities Commission or as director or
21 assistant director of the Administrative Office of the Courts. Service shall also mean
22 service as a district attorney or as a clerk of superior court."

23 Sec. 6. G.S. 7A-65 reads as rewritten:

24 **"§ 7A-65. Compensation and allowances of district attorneys and assistant district**
25 **attorneys.**

26 (a) The annual salary of district attorneys ~~and shall be as provided by G.S. 7A-~~
27 ~~4.30.~~ The annual salary of full-time assistant district attorneys shall be as provided in
28 the Current Operations Appropriations Act. When traveling on official business, each
29 district attorney and assistant district attorney is entitled to reimbursement for his
30 subsistence and travel expenses to the same extent as State employees generally.

31 (b) Repealed by Session Laws 1985, c. 689, s. 2, effective July 11, 1985.

32 (c) In lieu of merit and other increment raises paid to regular State employees, a
33 district attorney shall receive as longevity pay an amount equal to four and eight-tenths
34 percent (4.8%) of the annual salary set forth in ~~the Current Operations Appropriations Act.~~
35 G.S. 7A-4.30 payable monthly after five years of service, and nine and six-tenths
36 percent (9.6%) after 10 years of service, fourteen and four-tenths percent (14.4%) after
37 15 years of service, and nineteen and two-tenths percent (19.2%) after 20 years of
38 service. Service shall mean service in the elective position of a district attorney and
39 shall not include service as a deputy or acting district attorney. Service shall also mean
40 service as a justice or judge of the General Court of Justice, as a clerk of superior court,
41 or as an assistant district attorney.

42 (d) In lieu of merit and other increment raises paid to regular State employees, an
43 assistant district attorney shall receive as longevity pay an amount equal to four and
44 eight-tenths percent (4.8%) of the annual salary set forth in the Current Operations

1 Appropriations Act payable monthly after five years of service, nine and six-tenths
 2 percent (9.6%) after 10 years of service, and fourteen and four-tenths percent (14.4%)
 3 after 15 years of service. 'Service' means service as an assistant district attorney."

4 Sec. 7. G.S. 7A-101(a) reads as rewritten:

5 "(a) The clerk of superior court is a full-time employee of the State and shall
 6 receive an annual salary, payable in equal monthly installments, based on the population
 7 of the county as determined in subsection (a1) of this section, according to the following
 8 ~~schedule:~~ schedule set out in G.S. 7A-4.30.

9 Population	Annual Salary
10 Less than 100,000	\$48,391
11 100,000 to 149,999	54,621
12 150,000 to 249,999	62,247
13 250,000 and above	68,256.

14 When a county changes from one population group to another, the salary of the clerk
 15 shall be changed, on July 1 of the fiscal year for which the change is reported, to the
 16 salary appropriate for the new population group, except that the salary of an incumbent
 17 clerk shall not be decreased by any change in population group during his continuance
 18 in office."

19 Sec. 8. G.S. 7A-144 reads as rewritten:

20 "**§ 7A-144. Compensation.**

21 (a) Each judge shall receive the annual salary provided in ~~the Current Operations~~
 22 ~~Appropriations Act, G.S. 7A-4.30,~~ and reimbursement on the same basis as State
 23 employees generally, for his necessary travel and subsistence expenses.

24 (b) Notwithstanding merit, longevity and other increment raises paid to regular
 25 State employees, a judge of the district court shall receive as longevity pay an annual
 26 amount equal to four and eight-tenths percent (4.8%) of the annual salary set forth in ~~the~~
 27 ~~Current Operations Appropriations Act G.S. 7A-4.30~~ payable monthly after five years of
 28 service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and four-
 29 tenths percent (14.4%) after 15 years of service, and nineteen and two-tenths percent
 30 (19.2%) after 20 years of service. 'Service' means service as a justice or judge of the
 31 General Court of Justice or as a member of the Utilities Commission or as director or
 32 assistant director of the Administrative Office of the Courts. Service shall also mean
 33 service as a district attorney or as a clerk of superior court."

34 Sec. 9. G.S. 7A-465(b) reads as rewritten:

35 "(b) The public defender shall be an attorney licensed to practice law in North
 36 Carolina, and shall devote his full time to the duties of his office. A public defender
 37 shall receive the salary provided by G.S. 7A-4.30.

38 In lieu of merit and other increment raises paid to regular State employees, a public
 39 defender shall receive as longevity pay an amount equal to four and eight-tenths percent
 40 (4.8%) of the annual salary set forth in ~~the Current Operations Appropriations Act G.S. 7A-~~
 41 ~~4.30~~ payable monthly after five years of service, nine and six-tenths percent (9.6%) after
 42 10 years of service, fourteen and four-tenths percent (14.4%) after 15 years of service,
 43 and nineteen and two-tenths percent (19.2%) after 20 years of service. 'Service' means
 44 service as a public defender."

1 Sec. 10. This act becomes effective July 1, 1994.