

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1851

Short Title: Court of Appeals Judges/Funds.

(Public)

Sponsors: Representatives Haire; Barefoot and Miller.

Referred to: Appropriations.

May 30, 2000

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO ADD A NEW PANEL TO THE NORTH CAROLINA COURT OF APPEALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-16 reads as rewritten:

**"§ 7A-16. Creation and organization.**

The Court of Appeals is created effective January 1, 1967. It shall consist initially of six judges, elected by the qualified voters of the State for terms of eight years. The Chief Justice of the Supreme Court shall designate one of the judges as Chief Judge, to serve in such capacity at the pleasure of the Chief Justice. Before entering upon the duties of his office, a judge of the Court of Appeals shall take the oath of office prescribed for a judge of the General Court of Justice.

The Governor on or after July 1, 1967, shall make temporary appointments to the six initial judgeships. The appointees shall serve until January 1, 1969. Their successors shall be elected at the general election for members of the General Assembly in November, 1968, and shall take office on January 1, 1969, to serve for the remainder of the unexpired term which began on January 1, 1967.

Upon the appointment of at least five judges, and the designation of a Chief Judge, the court is authorized to convene, organize, and promulgate, subject to the approval of the

1 Supreme Court, such supplementary rules as it deems necessary and appropriate for the  
2 discharge of the judicial business lawfully assigned to it.

3 Effective January 1, 1969, the number of judges is increased to nine, and the  
4 Governor, on or after March 1, 1969, shall make temporary appointments to the  
5 additional judgeships thus created. The appointees shall serve until January 1, 1971.  
6 Their successors shall be elected at the general election for members of the General  
7 Assembly in November, 1970, and shall take office on January 1, 1971, to serve for the  
8 remainder of the unexpired term which began on January 1, 1969.

9 Effective January 1, 1977, the number of judges is increased to 12; and the Governor,  
10 on or after July 1, 1977, shall make temporary appointments to the additional judgeships  
11 thus created. The appointees shall serve until January 1, 1979. Their successors shall be  
12 elected at the general election for members of the General Assembly in November, 1978,  
13 and shall take office on January 1, 1979, to serve the remainder of the unexpired term  
14 which began on January 1, 1977.

15 Effective October 1, 2000, the number of judges is increased to 15; and the Governor  
16 shall make appointments to the three new judgeships on or before January 1, 2001. The  
17 appointees shall serve from the date of qualification until January 1, 2005. If the  
18 Governor fails to make the appointments by January 1, 2001, then the judgeships shall be  
19 treated as vacancies on the court and filled as provided by law. Their successors shall be  
20 elected at the general election for members of the General Assembly in November 2004,  
21 and shall take office on January 1, 2005, to serve a term expiring December 31, 2012.

22 The Court of Appeals shall sit in panels of three judges each. The Chief Judge insofar  
23 as practicable shall assign the members to panels in such fashion that each member sits a  
24 substantially equal number of times with each other member. He shall preside over the  
25 panel of which he is a member, and shall designate the presiding judge of the other panel  
26 or panels.

27 Three judges shall constitute a quorum for the transaction of the business of the court,  
28 except as may be provided in § 7A-32.

29 In the event the Chief Judge is unable, on account of absence or temporary incapacity,  
30 to perform the duties placed upon him as Chief Judge, the Chief Justice shall appoint an  
31 acting Chief Judge from the other judges of the Court, to temporarily discharge the duties  
32 of Chief Judge."

33 Section 2. There is appropriated from the General Fund to the Judicial  
34 Department the sum of six hundred twenty-one thousand five hundred forty dollars  
35 (\$621,540) for the 2000-2001 fiscal year to establish the three new judgeships, six  
36 research assistant positions, three executive assistant positions, one appellate clerk  
37 position, and one staff attorney position.

38 Section 3. This act becomes effective October 1, 2000.