

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1756

Short Title: Salary Increase for State Employees. (Public)

Sponsors: Representatives Harrell, Goforth (Primary Sponsors); England, Faison, Gibson, Goodwin, Jeffus, Jones, Luebke, McLawhorn, Underhill, Wainwright, Warren, and Wray.

Referred to: Appropriations.

May 12, 2005

A BILL TO BE ENTITLED

AN ACT APPROPRIATING FUNDS TO PROVIDE TO STATE EMPLOYEES A
LEGISLATIVE PAY INCREASE OF FIVE PERCENT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The salaries in effect June 30, 2005, of all permanent full-time State employees whose salaries are set in accordance with the State Personnel Act and who are paid from the General Fund or the Highway Fund shall be increased, effective July 1, 2005, by five percent (5%), unless otherwise provided by this act.

SECTION 1.(b) Except as otherwise provided in this act, the fiscal year 2005-2006 salaries for permanent full-time State officials and persons in exempt positions that are recommended by the Governor or the Governor and the Advisory Budget Commission and set by the General Assembly shall be increased by five percent (5%), effective July 1, 2005, unless otherwise provided by this act.

SECTION 1.(c) The salaries in effect for fiscal year 2005-2006 for all permanent part-time State employees shall be increased, effective July 1, 2005, by five percent (5%).

SECTION 1.(d) The Director of the Budget may allocate out of special operating funds or from other sources of the employing agency, except tax revenues, sufficient funds to allow a salary increase, effective July 1, 2005, in accordance with subsection (a), (b), or (c) of this section, including funds for the employer's retirement and social security contributions, for the permanent full-time and part-time employees of the agency, provided the employing agency elects to make available the necessary funds.

SECTION 1.(e) Within regular Executive Budget Act procedures as limited by this act, all State agencies and departments may increase on an equitable basis the rate of pay of temporary and permanent hourly State employees, subject to availability

1 of funds in the particular agency or department, by five percent (5%), effective July 1,
2 2005.

3 **SECTION 2.(a)** Salaries and related benefits for positions that are funded
4 partially from the General Fund or Highway Fund and partially from sources other than
5 the General Fund or Highway Fund shall be increased from the General Fund or
6 Highway Fund appropriation only to the extent of the proportionate part of the salaries
7 paid from the General Fund or Highway Fund.

8 **SECTION 2.(b)** The granting of the salary increases under this act does not
9 affect the status of eligibility for salary increments for which employees may be eligible
10 unless otherwise required by this act.

11 **SECTION 2.(c)** The salary increases provided in this act are to be effective
12 July 1, 2005, and do not apply to persons separated from State service due to
13 resignation, dismissal, reduction in force, death, or retirement, or whose last workday is
14 prior to July 1, 2005.

15 Payroll checks issued to employees after July 1, 2005, which represent
16 payment of services provided prior to July 1, 2005, shall not be eligible for salary
17 increases provided for in this act. This subsection shall apply to all employees except
18 public school employees, subject to or exempt from the State Personnel Act, paid from
19 State funds, community colleges, and The University of North Carolina.

20 **SECTION 2.(d)** The Director of the Budget shall transfer from the Reserve
21 for Compensation Increases in this act for fiscal year 2005-2006 all funds necessary for
22 the salary increases provided by this act, including funds for the employer's retirement
23 and social security contributions.

24 **SECTION 2.(e)** Nothing in this act authorizes the transfer of funds between
25 the General Fund and the Highway Fund for salary increases.

26 **SECTION 3.(a)** Effective July 1, 2005, G.S. 147-11(a) reads as rewritten:

27 "(a) The salary of the Governor shall be ~~one hundred twenty one thousand three~~
28 ~~hundred ninety one dollars (\$121,391)~~one hundred twenty-seven thousand four hundred
29 sixty-one dollars (\$127,461) annually, payable monthly."

30 **SECTION 3.(b)** Effective July 1, 2005, the annual salaries for the members
31 of the Council of State, payable monthly, for the 2005-2006 and 2006-2007 fiscal years
32 are:
33

<u>Council of State</u>	<u>Annual Salary</u>
Lieutenant Governor	\$112,493
Attorney General	112,493
Secretary of State	112,493
State Treasurer	112,493
State Auditor	112,493
Superintendent of Public Instruction	112,493
Agriculture Commissioner	112,493
Insurance Commissioner	112,493
Labor Commissioner	112,493.

1 **SECTION 4.** In accordance with G.S. 143B-9, the maximum annual
2 salaries, payable monthly, for the nonelected heads of the principal State departments
3 for the 2005-2006 and 2006-2007 fiscal years are:

<u>Nonelected Department Heads</u>	<u>Annual Salary</u>
Secretary of Administration	\$109,906
Secretary of Correction	109,906
Secretary of Crime Control and Public Safety	109,906
Secretary of Cultural Resources	109,906
Secretary of Commerce	109,906
Secretary of Environment and Natural Resources	109,906
Secretary of Health and Human Services	109,906
Secretary of Juvenile Justice and Delinquency Prevention	109,906
Secretary of Transportation	109,906.

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16 **SECTION 5.** The annual salaries, payable monthly, for the 2005-2006 and
17 2006-2007 fiscal years for the following executive branch officials are:

<u>Executive Branch Officials</u>	<u>Annual Salary</u>
Chairman, Alcoholic Beverage Control Commission	\$100,034
State Controller	139,997
Commissioner of Motor Vehicles	100,034
Commissioner of Banks	112,493
Chairman, Employment Security Commission	139,819
State Personnel Director	109,906
Chairman, Parole Commission	91,343
Members of the Parole Commission	84,331
Chairman, Utilities Commission	125,281
Members of the Utilities Commission	112,493
Executive Director, Agency for Public Telecommunications	84,331
Director, Museum of Art	102,502
Executive Director, North Carolina Agricultural Finance Authority	97,369
State Chief Information Officer	139,913.

35
36 **SECTION 6.(a)** The annual salaries, payable monthly, for specified judicial
37 branch officials for the 2005-2006 and 2006-2007 fiscal years are:

<u>Judicial Branch Officials</u>	<u>Annual Salary</u>
Chief Justice, Supreme Court	\$127,461
Associate Justice, Supreme Court	124,130
Chief Judge, Court of Appeals	121,026
Judge, Court of Appeals	118,958
Judge, Senior Regular Resident Superior Court	115,726

1	Judge, Superior Court	112,493
2	Chief Judge, District Court	102,149
3	Judge, District Court	98,917
4	Administrative Officer of the Courts	115,726
5	Assistant Administrative Officer of the Courts	105,705.

6
7 **SECTION 6.(b)** The district attorney or public defender of a judicial district,
8 with the approval of the Administrative Officer of the Courts or the Commission on
9 Indigent Defense Services, respectively, shall set the salaries of assistant district
10 attorneys or assistant public defenders, respectively, in that district such that the average
11 salaries of assistant district attorneys or assistant public defenders in that district do not
12 exceed sixty-four thousand seven hundred eighty-one dollars (\$64,781), and the
13 minimum salary of any assistant district attorney or assistant public defender is at least
14 thirty-three thousand six hundred thirty-seven dollars (\$33,637), effective July 1, 2005.

15 **SECTION 6.(c)** Effective July 1, 2005, the annual salaries of permanent
16 full-time employees of the Judicial Department whose salaries are not itemized in this
17 act shall be increased by five percent (5%).

18 **SECTION 6.(d)** Effective July 1, 2005, the annual salaries of permanent
19 part-time employees of the Judicial Department whose salaries are not itemized in this
20 act shall be increased by five percent (5%).

21 **SECTION 7.** Effective July 1, 2005, G.S. 7A-101(a) reads as rewritten:

22 "(a) The clerk of superior court is a full-time employee of the State and shall
23 receive an annual salary, payable in equal monthly installments, based on the population
24 of the county as determined in subsection (a1) of this section, according to the following
25 schedule:

26	Population	Annual Salary
27	Less than 100,000	\$71,659 <u>\$75,242</u>
28	100,000 to 149,999	80,413 <u>84,434</u>
29	150,000 to 249,999	89,169 <u>93,627</u>
30	250,000 and above	97,925 <u>102,821.</u>

31 The salary schedule in this subsection is intended to represent the following
32 approximate percentage of the salary of a chief district court judge:

33	Population	Annual Salary
34	Less than 100,000	73%
35	100,000 to 149,999	82%
36	150,000 to 249,999	91%
37	250,000 and above	100%.

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

43 **SECTION 8.** Effective July 1, 2005, G.S. 7A-102(c1) reads as rewritten:

"(c1) A full-time assistant clerk or a full-time deputy clerk, and up to one full-time deputy clerk serving as head bookkeeper per county, shall be paid an annual salary subject to the following minimum and maximum rates:

Assistant Clerks and Head Bookkeeper	Annual Salary
Minimum	\$27,515 <u>\$28,891</u>
Maximum	47,626 <u>50,007</u>

Deputy Clerks	Annual Salary
Minimum	\$23,565 <u>\$24,743</u>
Maximum	36,934. <u>38,781.</u> "

SECTION 9.(a) Effective July 1, 2005, G.S. 7A-171.1(a) reads as rewritten:

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

- (1) A full-time magistrate shall be paid the annual salary indicated in the table set out in this subdivision. A full-time magistrate is a magistrate who is assigned to work an average of not less than 40 hours a week during the term of office. The Administrative Officer of the Courts shall designate whether a magistrate is full-time. Initial appointment shall be at the entry rate. A magistrate's salary shall increase to the next step every two years on the anniversary of the date the magistrate was originally appointed for increases to Steps 1 through 3, and every four years on the anniversary of the date the magistrate was originally appointed for increases to Steps 4 through 6.

Table of Salaries of Full-Time Magistrates

Step Level	Annual Salary
Entry Rate	\$27,889 <u>\$29,283</u>
Step 1	30,525 <u>32,051</u>
Step 2	33,393 <u>35,063</u>
Step 3	36,523 <u>38,349</u>
Step 4	39,952 <u>41,950</u>
Step 5	43,789 <u>45,978</u>
Step 6	48,036. <u>50,438.</u>

- (2) A part-time magistrate is a magistrate who is assigned to work an average of less than 40 hours of work a week during the term, except that no magistrate shall be assigned an average of less than 10 hours of work a week during the term. A part-time magistrate is included, in accordance with G.S. 7A-170, under the provisions of G.S. 135-1(10) and G.S. 135-40.2(a). The Administrative Officer of the Courts designates whether a magistrate is a part-time magistrate. A part-time magistrate shall receive an annual salary based on the following formula: The average number of hours a week that a part-time

1 magistrate is assigned work during the term shall be multiplied by the
 2 annual salary payable to a full-time magistrate who has the same
 3 number of years of service prior to the beginning of that term as does
 4 the part-time magistrate and the product of that multiplication shall be
 5 divided by the number 40. The quotient shall be the annual salary
 6 payable to that part-time magistrate.

- 7 (3) Notwithstanding any other provision of this subsection, a magistrate
 8 who is licensed to practice law in North Carolina or any other state
 9 shall receive the annual salary provided in the Table in subdivision (1)
 10 of this subsection for Step 4."

11 **SECTION 9.(b)** Effective July 1, 2005, G.S. 7A-171.1(a1) reads as
 12 rewritten:

13 "(a1) Notwithstanding subsection (a) of this section, the following salary provisions
 14 apply to individuals who were serving as magistrates on June 30, 1994:

- 15 (1) The salaries of magistrates who on June 30, 1994, were paid at a salary
 16 level of less than five years of service under the table in effect that date
 17 shall be as follows:

18	Less than 1 year of service	\$22,325	<u>\$23,441</u>
19	1 or more but less than 3 years of service	23,389	<u>24,558</u>
20	3 or more but less than 5 years of service	25,530.	<u>26,807.</u>

21 Upon completion of five years of service, those magistrates shall
 22 receive the salary set as the Entry Rate in the table in subsection (a).

- 23 (2) The salaries of magistrates who on June 30, 1994, were paid at a salary
 24 level of five or more years of service shall be based on the rates set out
 25 in subsection (a) as follows:

26	Salary Level	Salary Level
27	on June 30, 1994	on July 1, 1994
28	5 or more but less than 7 years of service	Entry Rate
29	7 or more but less than 9 years of service	Step 1
30	9 or more but less than 11 years of service	Step 2
31	11 or more years of service	Step 3

32 Thereafter, their salaries shall be set in accordance with the
 33 provisions in subsection (a).

- 34 (3) The salaries of magistrates who are licensed to practice law in North
 35 Carolina shall be adjusted to the annual salary provided in the table in
 36 subsection (a) as Step 4, and, thereafter, their salaries shall be set in
 37 accordance with the provisions in subsection (a).

- 38 (4) The salaries of "part-time magistrates" shall be set under the formula
 39 set out in subdivision (2) of subsection (a) but according to the rates
 40 set out in this subsection."

41 **SECTION 10.** Effective July 1, 2005, G.S. 120-37(c) reads as rewritten:

42 "(c) The principal clerks shall be full-time officers. Each principal clerk shall be
 43 entitled to other benefits available to permanent legislative employees and shall be paid
 44 an annual salary of ~~ninety thousand five hundred fourteen dollars (\$90,514)~~ninety-five

1 thousand forty dollars (\$95,040) payable monthly. The Legislative Services
2 Commission shall review the salary of the principal clerks prior to submission of the
3 proposed operating budget of the General Assembly to the Governor and Advisory
4 Budget Commission and shall make appropriate recommendations for changes in those
5 salaries. Any changes enacted by the General Assembly shall be by amendment to this
6 paragraph."

7 **SECTION 11.** Effective July 1, 2005, G.S. 120-37(b) reads as rewritten:

8 "(b) The sergeant-at-arms and the reading clerk in each house shall be paid a
9 salary of ~~three hundred eleven dollars (\$311.00)~~three hundred twenty-seven dollars
10 (\$327.00) per week plus subsistence at the same daily rate provided for members of the
11 General Assembly, plus mileage at the rate provided for members of the General
12 Assembly for one round trip only from their homes to Raleigh and return. The
13 sergeants-at-arms shall serve during sessions of the General Assembly and at such time
14 prior to the convening of, and subsequent to adjournment or recess of, sessions as may
15 be authorized by the Legislative Services Commission. The reading clerks shall serve
16 during sessions only."

17 **SECTION 12.** Effective July 1, 2005, the Legislative Services Officer shall
18 increase the salaries of nonelected employees of the General Assembly in effect for
19 fiscal year 2005-2006 by five percent (5%). Nothing in this act limits any of the
20 provisions of G.S. 120-32.

21 **SECTION 13.** The Director of the Budget shall transfer from the Reserve
22 for Compensation Increases, created in this act for fiscal years 2005-2006 and
23 2006-2007, funds to the North Carolina Community Colleges System Office necessary
24 to provide an annual salary increase of five percent (5%), including funds for the
25 employer's retirement and social security contributions, commencing July 1, 2005, for
26 all community college employees supported by State funds.

27 **SECTION 14.(a)** The Director of the Budget shall transfer to the Board of
28 Governors of The University of North Carolina sufficient funds from the Reserve for
29 Compensation Increases, created in this act for fiscal years 2005-2006 and 2006-2007,
30 to provide an annual salary increase of five percent (5%), including funds for the
31 employer's retirement and social security contributions, commencing July 1, 2005, for
32 all employees of The University of North Carolina, as well as employees other than
33 teachers of the North Carolina School of Science and Mathematics, supported by State
34 funds and whose salaries are exempt from the State Personnel Act (EPA).

35 **SECTION 14.(b)** The Director of the Budget shall transfer to the Board of
36 Governors of The University of North Carolina sufficient funds from the Reserve for
37 Compensation Increases, created in this act for fiscal years 2005-2006 and 2006-2007,
38 to provide an annual salary increase of five percent (5%), including funds for the
39 employer's retirement and social security contributions, commencing July 1, 2005, for
40 all teaching employees of the North Carolina School of Science and Mathematics,
41 supported by State funds and whose salaries are exempt from the State Personnel Act
42 (EPA). These funds shall be allocated to individuals according to the rules adopted by
43 the Board of Trustees of the North Carolina School of Science and Mathematics and

1 may not be used for any purpose other than for salary increases and necessary employer
2 contributions provided by this section.

3 **SECTION 15.(a)** There is appropriated from the General Fund to the
4 Reserve for Compensation Increases the sum of two hundred twenty-eight million four
5 hundred five thousand dollars (\$228,405,000) for the 2005-2006 fiscal year and the sum
6 of two hundred twenty-eight million four hundred five thousand dollars (\$228,405,000)
7 for the 2006-2007 fiscal year to implement the legislative pay increases authorized by
8 this act for public school personnel and State employees.

9 **SECTION 15.(b)** There is appropriated from the Highway Fund to the
10 Reserve for Compensation Increases the sum of twenty-two million six hundred three
11 thousand dollars (\$22,603,000) for the 2005-2006 fiscal year and the sum of twenty-two
12 million six hundred three thousand dollars (\$22,603,000) for the 2006-2007 fiscal year
13 to implement legislative pay increases authorized by this act.

14 **SECTION 16.** This act becomes effective July 1, 2005.