

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**EXTRA SESSION 1994**

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SENATE BILL 174

Short Title: Judicial Divisions/Compensation.

(Public)

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Sponsors: Senator Winner of Buncombe.

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Referred to: Courts.

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February 15, 1994

A BILL TO BE ENTITLED

AN ACT TO DIVIDE EACH JUDICIAL DIVISION 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
<del>First</del> <u>1A</u>	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
<u>1A</u>	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1

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

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

1			see subsection (b))	
2	<u>4B</u>	26C	(part of Mecklenburg,	2
3			see subsection (b))	
4	<u>4B</u>	27A	Gaston	2
5	<u>4B</u>	27B	Cleveland, Lincoln	1
6	<u>4A</u>	28	Buncombe	2
7	<u>4A</u>	29	Henderson,	2
8			McDowell, Polk,	
9			Rutherford,	
10			Transylvania	
11	<u>4A</u>	30A	Cherokee, Clay,	1
12			Graham, Macon,	
13			Swain	
14	<u>4A</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 (a) Unless an election is made under subsection (c) of this section to have the old  
 21 judicial pay scale apply, effective July 1, 1994, the following are the annual salaries,  
 22 payable monthly, of the officers listed below:

23	<u>Chief Justice, Supreme Court</u>	<u>\$97,600</u>
24	<u>Associate Justice, Supreme Court</u>	<u>96,000</u>
25	<u>Chief Judge, Court of Appeals</u>	<u>93,600</u>
26	<u>Judge, Court of Appeals</u>	<u>92,000</u>
27	<u>Judge, Senior Regular Resident</u>	
28	<u>Superior Court</u>	<u>89,600</u>
29	<u>Judge, Superior Court</u>	<u>88,000</u>
30	<u>Chief Judge, District Court</u>	<u>81,600</u>
31	<u>Judge, District Court</u>	<u>80,000</u>
32	<u>District Attorney</u>	<u>85,000</u>
33	<u>Public Defender</u>	<u>85,000</u>
34	<u>Clerk of Court:</u>	
35	<u>Population less than 100,000</u>	<u>52,000</u>
36	<u>Population 100,000 to 149,999</u>	<u>59,000</u>
37	<u>Population 150,000 to 249,999</u>	<u>69,000</u>
38	<u>Population 250,000 and above</u>	<u>69,000.</u>

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

43 (b) Each officer whose salary is set by subsection (a) of this section may elect to  
 44 instead:

- 1           (1) Be paid at the salary level set by Section 56(a) of Chapter 321 of the  
2           1993 Session Laws; and  
3           (2) Annually receive the payment set by Section 69 of Chapter 321 of the  
4           1993 Session Laws if such payment was received by that officer  
5           during the 1993-94 fiscal year.

6           Such election shall be made on a form provided by the Administrative Officer of the  
7           Courts and filed with the Administrative Officer of the Courts on or before May 1,  
8           1994. Any election applies to both subdivisions of this subsection. It is the intent of the  
9           General Assembly that if any across-the-board cost-of-living salary increases are  
10          granted for the 1994-95 fiscal year, those increases shall be applied to the salary  
11          schedule provided by subsection (a) of this section, but not to the salary schedule  
12          provided by Section 56 of Chapter 321 of the 1993 Session Laws, except for persons not  
13          covered by subsection (a) of this section (Assistant District Attorneys, Assistant Public  
14          Defenders, Administrative Officer of the Courts, and Assistant Administrative Officer  
15          of the Courts). It is the intent of the General Assembly that if any across-the-board  
16          cost-of-living salary increases are granted for the 1995-96 or later fiscal years, those  
17          increases shall be applied to the salary schedule provided by Section 56 of Chapter 321  
18          of the 1993 Session Laws.

19          (c) The election made under subsection (c) of this section applies only if the  
20          officer continues in the same office, provided that a change of:

- 21               (1) Justice of the Supreme Court to Chief Justice of the Supreme Court;  
22               (2) Judge of the Court of Appeals to Chief Judge of that Court;  
23               (3) Superior Court Judge to Senior Resident Superior Court Judge; and  
24               (4) District Court Judge to Chief District Court Judge

25          is considered to be continuance in the same office for the purpose of the election, and  
26          shall entitle the person to the higher salary for that office under Section 56 of Chapter  
27          321 of the 1993 Session Laws."

28               Sec. 3. G.S. 7A-10(b) reads as rewritten:

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

33               Sec. 4. G.S. 7A-18(a) reads as rewritten:

34               "(a) The Chief Judge and each associate judge of the Court of Appeals shall  
35 receive the annual salary provided in ~~the Current Operations Appropriations Act.~~ G.S.  
36 7A-4.30. Each judge is entitled to reimbursement for travel and subsistence expenses at  
37 the rate allowed State employees generally."

38               Sec. 5. G.S. 7A-44(a) reads as rewritten:

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

1 while attending court or transacting official business at a place other than in the county  
 2 of his residence receive:

- 3 (1) Travel reimbursement for actual expenses for meals and lodging out of  
 4 the county of residence, but not to exceed the daily rate members of  
 5 the General Assembly receive under G.S. 120-3.1(a)(3); and
- 6 (2) Mileage for travel from place of residence to the place of holding court  
 7 at the business standard mileage rate set by the Internal Revenue  
 8 Service per mile of travel, which is the same rate as is provided for  
 9 State employees

10 for any day that judge is assigned to hold court in a location other than the judge's  
 11 county of residence, and in lieu of other professional expenses incurred in the discharge  
 12 of his official duties. The Administrative Officer of the Courts may also reimburse  
 13 superior court judges, in addition to the above funds for travel and subsistence, for  
 14 travel and subsistence expenses incurred for professional education.

15 Any judge of the superior court who has elected under G.S. 7A-4.30 to continue  
 16 under the old pay schedule may, on the same form, elect to receive, in lieu of the  
 17 reimbursement and mileage set out in subdivisions (1) and (2) of this subsection, seven  
 18 thousand dollars (\$7,000) per year, payable monthly, in lieu of necessary subsistence  
 19 expenses while attending court or transacting official business at a place other than in  
 20 the county of his residence and in addition shall be paid the same travel allowance as  
 21 State employees generally by G.S. 138-6(a)(1) and (2), provided that no travel  
 22 allowance be paid for travel within his county of residence."

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

24 "(a) The annual salary of district attorneys ~~and~~ shall be as provided by G.S. 7A-  
 25 4.30. The annual salary of full-time assistant district attorneys shall be as provided in  
 26 the Current Operations Appropriations Act. When traveling on official business, each  
 27 district attorney and assistant district attorney is entitled to reimbursement for his  
 28 subsistence and travel expenses to the same extent as State employees generally."

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

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

Population	Annual Salary
34 <del>Less than 100,000</del>	\$48,391
35 <del>100,000 to 149,999</del>	54,621
36 <del>150,000 to 249,999</del>	62,247
37 <del>250,000 and above</del>	68,256.

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

44 Sec. 8. G.S. 7A-144(a) reads as rewritten:

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

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

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

8       In lieu of merit and other increment raises paid to regular State employees, a public  
9 defender shall receive as longevity pay an amount equal to four and eight-tenths percent  
10 (4.8%) of the annual salary set forth in the Current Operations Appropriations Act  
11 payable monthly after five years of service, nine and six-tenths percent (9.6%) after 10  
12 years of service, fourteen and four-tenths percent (14.4%) after 15 years of service, and  
13 nineteen and two-tenths percent (19.2%) after 20 years of service. 'Service' means  
14 service as a public defender."

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