



- 1 (6) Providing for the financial support of the judicial department, and for  
2 uniform costs and fees in the trial divisions of the General Court of  
3 Justice;
- 4 (6a) Further assuring the fiscal integrity and accountability of the Judicial  
5 Branch as a separate and coordinate branch of government under the  
6 North Carolina Constitution by:
- 7 a. Affirming the Judicial Branch's authority and responsibility for  
8 the expenditure of funds appropriated for its maintenance and  
9 operation,
- 10 b. Providing for the nonreversion of those funds,
- 11 c. Establishing reserves in the continuing operations budget of the  
12 Judicial Branch for the resources required to keep up with the  
13 increasing workload of the courts, including personnel and  
14 equipment, and
- 15 d. Affirming the Judicial Branch's authority and responsibility for  
16 the allocation of resources and support positions within the  
17 Judicial Branch;
- 18 (7) Providing for an orderly transition from the present system of courts to  
19 a uniform system completely operational in all counties of the State  
20 not later than January 1, 1971;
- 21 (8) Repealing certain laws inconsistent with the foregoing purposes; and
- 22 (9) Effectuating other purposes incidental and supplemental to the  
23 foregoing enumerated purposes."

24 **SECTION 1.2.** Chapter 7A of the General Statutes is amended by  
25 redesignating Article 29A, "Trial Court Administrators", as Article 29C and by adding a  
26 new Article to read:

27 "Article 29A.

28 "Judicial Branch Fiscal Integrity and Accountability.

29 **"§ 7A-349. Appropriations to the Judicial Branch of Government.**

30 All General Fund appropriations made by the General Assembly for the continuing  
31 operations of the Judicial Branch of Government shall be made in the form of a single  
32 sum to the budget code of the Judicial Branch for each year of the fiscal period for  
33 which the appropriation is being made. Notwithstanding any contrary provision in  
34 Article 1 of Chapter 143 of the General Statutes (the Executive Budget Act) or  
35 elsewhere in the General Statutes, the Director of the Administrative Office of the  
36 Courts, after consultation with and upon the advice of the State Judicial Council, may  
37 expend the General Fund moneys so appropriated in the manner deemed by the Director  
38 to be best calculated to maintain and advance the effective and efficient operation of the  
39 Judicial Branch as a separate and coordinate branch of the government of the State. The  
40 preparation, presentation, and review of expansion budget requests of the Judicial  
41 Branch shall be conducted as provided in G.S. 7A-409.1 and G.S. 143-8. Except as  
42 provided in G.S. 143-25(c), the quarterly allotment procedure established under G.S.  
43 143-17 shall apply to General Fund appropriations made for the current operations of  
44 the Judicial Branch. All General Fund moneys so appropriated shall be recorded,

1 reported, and audited in the same manner as are General Fund appropriations to the  
2 Executive and Legislative Branches of Government.

3 **"§ 7A-350. Reserve funds.**

4 (a) All appropriations for the continuing operations of the Judicial Branch of  
5 Government shall include appropriations to the reserves created by this section.

6 (b) There is created within the budget of the Judicial Branch a Position Reserve  
7 that shall include all funding required for the additional assistant and deputy clerks of  
8 superior court, magistrates, judicial support staff, assistant district attorneys, and  
9 prosecutorial support staff required statewide to keep up with the increased workload of  
10 the courts in each fiscal year, as determined by the Director under the formulas  
11 developed under G.S. 7A-343(2a). All moneys in the Position Reserve shall be  
12 expended exclusively to fund such positions.

13 (c) There is created within the budget of the Judicial Branch an Equipment  
14 Replacement Reserve that shall include all funding required for the replacement and  
15 upgrade of equipment each fiscal year, as those replacement and upgrade needs are  
16 determined by the Director using the aging and replacement tables and formulas  
17 developed under G.S. 7A-343(6a). All moneys in the Equipment Replacement Reserve  
18 shall be expended exclusively to replace and upgrade such equipment.

19 **"§ 7A-351. Reversions.**

20 Of the General Fund current operations appropriations credit balance remaining at  
21 the end of each fiscal year in the budget code for the Judicial Branch of Government,  
22 any amount may be carried forward to the next fiscal year and may be used for one-time  
23 expenditures that will not impose additional obligations on the State.

24 **"§ 7A-352. Position management.**

25 After consultation with, and upon the advice of, the State Judicial Council, the  
26 Director may establish and abolish, and allocate and reallocate, all personnel positions  
27 within the Judicial Branch of Government so as best to meet the personnel needs of all  
28 Judicial Branch hiring authorities and of the Administrative Office of the Courts and to  
29 assure the most effective and efficient overall operation of the Judicial Branch of  
30 Government. This authority is subject to the following limitations:

31 (1) The authority does not apply to the following positions:

32 a. Justices and judges of the General Court of Justice;

33 b. The Assistant Director of the Administrative Office of the  
34 Courts provided for in G.S. 7A-340 and 7A-342;

35 c. Clerks of Superior Court provided for in G.S. 7A-100;

36 d. District attorneys provided for in G.S. 7A-60;

37 e. The Clerk of the Supreme Court, the Clerk of the Court of  
38 Appeals, the Supreme Court Librarian, the Supreme Court  
39 Marshall, the Appellate Reporters, and the Assistant Director of  
40 the Administrative Office of the Courts;

41 f. The executive directors of the Judicial Standards Commission,  
42 the Conference of District Attorneys, and the Sentencing and  
43 Policy Advisory Commission; or

1 g. Positions provided for in Article 39B of this Chapter (Indigent  
2 Defense) or otherwise funded from the Indigent Persons'  
3 Attorney Fee Fund;

4 (2) Positions for assistant and deputy clerks of superior court, magistrates,  
5 judicial support staff, assistant district attorneys, and prosecutorial  
6 support staff shall be allocated among the counties of the State  
7 according to the formula developed under G.S. 7A-343(2a);

8 (3) The magistrate positions for each county shall not be fewer than the  
9 minimum number specified for the county in G.S. 7A-133(c); and

10 (4) The assistant district attorney positions for a prosecutorial district shall  
11 not be fewer than the minimum number specified for the district in  
12 G.S. 7A-60.

13 **"§ 7A-353. Report to the Joint Legislative Commission on Governmental**  
14 **Operations.**

15 On or before October 1 of each calendar year, the Director shall submit to the Joint  
16 Legislative Commission on Governmental Operations a detailed report of all  
17 expenditures made and other actions taken under this Article for the fiscal year ending  
18 June 30 of that year.

19 **"§ 7A-354. Nonreverting special funds and other earmarked or pass-through**  
20 **funds.**

21 (a) Nothing in this Article expands the permissible uses of any nonreverting  
22 special funds within the budget of the Judicial Branch of Government, including the  
23 Court Information Technology Fund created by G.S. 7A-343.2, the Collection of  
24 Worthless Checks Fund created by G.S. 7A-308(c), and the Indigent Persons' Attorneys  
25 Fee Fund, or to other similar funds earmarked by statute for a specific purpose.

26 (b) This Article does not apply to funds generated by the administrative fees for  
27 the regulation of mediators collected pursuant to G.S. 7A-39.2.

28 (c) Nothing in this Article precludes the General Assembly from designating the  
29 Administrative Office of the Courts as the appropriate State entity to receive and  
30 disburse State funds appropriated to non-State entities."

31  
32 **PART II. CONFORMING CHANGES TO DUTIES OF THE DIRECTOR OF THE**  
33 **ADMINISTRATIVE OFFICE OF THE COURTS AND THE STATE JUDICIAL**  
34 **COUNCIL**

35  
36 **SECTION 2.1.** G.S. 7A-343 reads as rewritten:

37 **"§ 7A-343. Duties of Director.**

38 The Director is the Administrative Officer of the Courts, and his duties include the  
39 following:

40 (1) Collect and compile statistical data and other information on the  
41 judicial and financial operation of the courts and on the operation of  
42 other offices directly related to and serving the courts;

43 (2) Determine the state of the dockets and evaluate the practices and  
44 procedures of the courts, and make recommendations concerning the

- 1                    number of ~~judges, judges and district attorneys, and magistrates~~  
2                    ~~attorneys~~ required for the efficient administration of justice;
- 3                    (2a) After consultation with, and on the advice of, the State Judicial  
4                    Council, develop a workload-based methodology for the allocation of  
5                    assistant and deputy clerks of superior court and magistrates among  
6                    the counties of the State, for the allocation of assistant district  
7                    attorneys among the prosecutorial districts of the State, and for the  
8                    allocation of judicial support staff and prosecutorial support staff. In  
9                    developing this methodology, the Director may take into  
10                    consideration, among other things, prior personnel levels, growth in  
11                    caseload volume and composition, population, the effect of technology  
12                    on personnel needs, recommendations of appropriate State and  
13                    national organizations and agencies specializing in determining the  
14                    personnel needs of courts, and other relevant factors;
- 15                    (2b) Establish and abolish, and allocate and reallocate, personnel positions  
16                    within the Judicial Branch of Government, as further provided in G.S.  
17                    7A-352;
- 18                    (3) Prescribe uniform administrative and business methods, systems,  
19                    forms and records to be used in the offices of the clerks of superior  
20                    court;
- 21                    (4) Prepare and submit budget estimates of State appropriations necessary  
22                    for the maintenance and operation of the ~~Judicial Department, and~~  
23                    ~~authorize expenditures from funds appropriated for these purposes;~~  
24                    Judicial Branch as further provided in G.S. 7A-409.1 and G.S. 143-8;
- 25                    (4a) After consultation with, and on the advice of, the State Judicial  
26                    Council, authorize expenditures from funds appropriated for the  
27                    maintenance and operation of the Judicial Branch, as further provided  
28                    in Article 29A of this Chapter, including:
- 29                    a. Authorize expenditures from the Position Reserve and  
30                    Equipment Replacement Reserve created by G.S. 7A-350; and  
31                    b. Specify the uses, within the Judicial Branch budget, of funds  
32                    that remain available for expenditure at the end of each fiscal  
33                    year under G.S. 7A-351 and G.S. 143-18 or revert such funds  
34                    under G.S. 143-18.
- 35                    (5) Investigate, make recommendations concerning, and assist in the  
36                    securing of adequate physical accommodations for the General Court  
37                    of Justice;
- 38                    (6) Procure, distribute, exchange, transfer, ~~and assign~~ assign and reassign  
39                    such equipment, books, forms and supplies as are to be acquired with  
40                    State funds for the General Court of Justice;
- 41                    (6a) Develop standard tables and formulas for the aging and replacement of  
42                    all equipment used in the Judicial Branch and use funds available in  
43                    the Equipment Replacement Reserve created by G.S. 7A-350 to

1 replace and upgrade equipment in accordance with those tables and  
2 formulas;

3 (7) Make recommendations for the improvement of the operations of the  
4 ~~Judicial Department;~~ Branch;

5 (8) Prepare and submit an annual report on the work of the Judicial  
6 ~~Department~~ Branch to the Chief Justice, and transmit a copy to each  
7 member of the General Assembly;

8 (9) Assist the Chief Justice in performing his duties relating to the transfer  
9 of district court judges for temporary or specialized duty;

10 (9a) Establish and operate systems and services that provide electronic  
11 transaction processing and access to court information systems  
12 pursuant to G.S. 7A-343.2; and

13 (10) Perform such additional duties and exercise such additional powers as  
14 may be prescribed by statute or assigned by the Chief Justice."

15 **SECTION 2.2.** G.S. 7A-409.1(a) reads as rewritten:

16 "(a) The State Judicial Council shall:

17 (1) Study the judicial system and report periodically to the Chief Justice  
18 on its findings;

19 (2) Advise the Chief Justice on priorities for funding;

20 (3) Review and advise the Chief Justice on the budget prepared by the  
21 Director of the Administrative Office of the Courts for submission to  
22 the General Assembly;

23 (4) Study and recommend to the General Assembly the salaries of justices  
24 and judges;

25 (5) Recommend to the General Assembly changes in the expense  
26 allowances, benefits, and other compensation for judicial officials;  
27 bills to implement such recommendations shall have the same status  
28 for introduction in the General Assembly as bills recommended by the  
29 Courts Commission;

30 (6) Recommend the creation of ~~judgeships;~~ and judgeships;

31 (6a) Consult with the Director on, and advise the Director in, the  
32 performance of the Director's duties under G.S. 7A-343(2a),  
33 7A-343(4a), and 7A-343(6a) and under Article 29A of this Chapter  
34 (Judicial Branch Fiscal Integrity and Accountability); and

35 (7) Advise or assist the Chief Justice, as requested, on any other matter  
36 concerning the operation of the courts."  
37

38 PART III. ADDITIONAL CONFORMING CHANGES TO CHAPTER 7A OF THE  
39 GENERAL STATUTES

40  
41 **SECTION 3.1.** G.S. 7A-7 reads as rewritten:

42 "**§ 7A-7. Law clerks; secretaries and stenographers.**

43 (a) Each justice and judge of the appellate division is entitled to the services of  
44 ~~not more than two~~ research assistants, who must be graduates of an accredited law

1 school. ~~The salaries of research assistants shall be set by the Administrative Officer of~~  
 2 ~~the Courts, subject to the approval of the Supreme Court.~~

3 (b) ~~The Administrative Officer of the Courts shall determine the number and~~  
 4 ~~salaries of all secretaries secretaries, research assistants, and stenographers in the~~  
 5 ~~appellate ~~division:~~ division, as provided in Article 29A of this Chapter, and subject to~~  
 6 ~~the approval of the Supreme Court."~~

7 **SECTION 3.2.** G.S. 7A-44.1(a) reads as rewritten:

8 "(a) ~~Each senior resident superior court judge may appoint a judicial secretary to~~  
 9 ~~serve at his pleasure and under his direction the secretarial and clerical needs of the~~  
 10 ~~superior court judges of the district or set of districts as defined by G.S. 7A-41.1(a) for~~  
 11 ~~which he is the senior resident superior court judge. The appointment may be full or~~  
 12 ~~part-time and the compensation and allowances of such secretary shall be fixed by the~~  
 13 ~~senior regular resident superior court judge, within limits determined by the~~  
 14 ~~Administrative Office of the Courts, and paid by the State. Senior resident superior~~  
 15 ~~court judges may employ judicial secretaries when positions for them are established by~~  
 16 ~~the Director of the Administrative Office of the Courts as provided in Article 29A of~~  
 17 ~~this Chapter. The Director shall determine the number and compensation of the judicial~~  
 18 ~~secretaries for each district or set of districts as defined in G.S. 7A-41.1(a)."~~

19 **SECTION 3.3.** G.S. 7A-60(a1) reads as rewritten:

20 "(a1) The counties of the State are organized into prosecutorial districts, and each  
 21 district has the counties and at least the number of full-time assistant district attorneys  
 22 set forth in the following ~~table:~~ table. The Director of the Administrative Office of the  
 23 Courts may establish additional assistant district attorney positions for a prosecutorial  
 24 district, as provided in Article 29A of this Chapter.

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	9
2	Beaufort, Hyde, Martin, Tyrrell, Washington	5
3A	Pitt	9
3B	Carteret, Craven, Pamlico	10
4	Duplin, Jones, Onslow, Sampson	14
5	New Hanover, Pender	14
6A	Halifax	4
6B	Bertie, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	15
8	Greene, Lenoir, Wayne	11
9	Franklin, Granville,	10

1		Vance, Warren	
2	9A	Person, Caswell	4
3	10	Wake	30
4	11	Harnett, Johnston, Lee	14
5	12	Cumberland	18
6	13	Bladen, Brunswick, Columbus	10
7	14	Durham	13
8	15A	Alamance	8
9	15B	Orange, Chatham	7
10	16A	Scotland, Hoke	5
11	16B	Robeson	9
12	17A	Rockingham	5
13	17B	Stokes, Surry	5
14	18	Guilford	26
15	19A	Cabarrus	6
16	19B	Montgomery, Moore, Randolph	11
17	19C	Rowan	5
18	20	Anson, Richmond,	15
19		Stanly, Union	
20	21	Forsyth	17
21	22	Alexander, Davidson, Davie,	16
22		Iredell	
23	23	Alleghany, Ashe, Wilkes,	5
24		Yadkin	
25	24	Avery, Madison, Mitchell,	4
26		Watauga, Yancey	
27	25	Burke, Caldwell, Catawba	14
28	26	Mecklenburg	33
29	27A	Gaston	12
30	27B	Cleveland,	8
31		Lincoln	
32	28	Buncombe	10
33	29	Henderson, McDowell, Polk,	11
34		Rutherford, Transylvania	
35	30	Cherokee, Clay, Graham,	8
36		Haywood, Jackson, Macon,	
37		Swain."	

**SECTION 3.4.** G.S. 7A-68(a) reads as rewritten:

"(a) Each district attorney shall be entitled to at least one administrative assistant to be appointed by the district attorney and to serve at his pleasure. The Director of the Administrative Office of the Courts shall determine the number and salaries of the administrative assistants for each district attorney, as provided in Article 29A of this Chapter. ~~The~~ An administrative assistant need not be an attorney licensed to practice law in the State of North Carolina."



1           **SECTION 3.5.** G.S. 7A-69 reads as rewritten:

2   "**§ 7A-69. Investigatorial assistants.**

3       ~~The district attorney in prosecutorial districts 1, 3B, 4, 5, 7, 8, 11, 12, 13, 14, 15A,~~  
4 ~~15B, 18, 19B, 20, 21, 22, 24, 25, 26, 27A, 27B, 28, 29, and 30 is entitled to one~~  
5 ~~investigatorial assistant, and the district attorney in prosecutorial district 10 is entitled to~~  
6 ~~two investigatorial assistants, to be appointed by the district attorney and to serve at his~~  
7 ~~pleasure. District attorneys may employ investigative assistants, when positions for~~  
8 ~~them are created by the Director of the Administrative Office of the Courts, as provided~~  
9 ~~in Article 29A of this Chapter. The Director shall determine the number and salaries of~~  
10 ~~the investigative assistants for each district attorney.~~

11       It shall be the duty of the investigatorial assistant to investigate cases preparatory to  
12 trial and to perform such other Duties as may be assigned by the district attorney. The  
13 investigatorial assistant is entitled to reimbursement for his subsistence and travel  
14 expenses to the same extent as State employees generally."

15           **SECTION 3.6.** G.S. 7A-95(e) reads as rewritten:

16       "~~(e) Appointment of a reporter or reporters for superior court proceedings in each~~  
17 ~~district or set of districts as defined in G.S. 7A-41.1(a) shall be made by the senior~~  
18 ~~regular resident superior court judge of that district or set of districts. The compensation~~  
19 ~~and allowances of reporters in each such district or set of districts shall be fixed by the~~  
20 ~~senior regular resident superior court judge, within limits determined by the~~  
21 ~~Administrative Officer of the Courts, and paid by the State. Senior resident superior~~  
22 ~~court judges may employ official court reporters when positions for them are~~  
23 ~~established by the Director of the Administrative Office of the Courts, as provided in~~  
24 ~~Article 29A of this Chapter. The Director shall determine the number and compensation~~  
25 ~~of the official court reporters for each district or set of districts as defined in~~  
26 ~~G.S. 7A-41.1(a). Each official court reporter shall be appointed by the senior resident~~  
27 ~~superior court judge and shall serve at the judge's pleasure. An official court reporter~~  
28 ~~shall record and transcribe superior court proceedings in the district or set of districts for~~  
29 ~~which appointed, may be assigned by the Director to record and transcribe proceedings~~  
30 ~~in other districts or sets of districts, and shall perform other official duties assigned by~~  
31 ~~the senior resident superior court judge."~~

32           **SECTION 3.7.** G.S. 7A-102(a) reads as rewritten:

33       "(a) The numbers and salaries of assistant clerks, deputy clerks, and other  
34 employees in the office of each clerk of superior court shall be determined by the  
35 Administrative Officer of the Courts as provided in Article 29 of this Chapter, after  
36 consultation with the clerk concerned. All personnel in the clerk's office are employees  
37 of the State. The clerk appoints the assistants, deputies, and other employees in his  
38 office to serve at his pleasure. Assistant and deputy clerks shall take the oath of office  
39 prescribed for clerks of superior court, conformed to the office of assistant or deputy  
40 clerk, as the case may be. The job classifications and related salaries of each employee  
41 within the office of each superior court clerk shall be subject to the approval of the  
42 Administrative Officer of the Courts after consultation with each clerk concerned and  
43 shall be subject to the availability of funds appropriated for that purpose by the General  
44 Assembly."

**SECTION 3.8.** G.S. 7A-133(c) read as rewritten:

"(c) Each county shall have ~~the numbers of magistrates and~~ at least the number of magistrates, and the additional seats of district court, as set forth in the following table:  
table. The Director of the Administrative Office of the Courts may establish additional  
magistrate positions for a county, as provided in Article 29A of this Chapter.

County	Magistrates		Additional Seats of Court
	Min.	Max.	
Camden	1	<del>3</del>	
Chowan	2	<del>3</del>	
Currituck	1	4	
Dare	3	<del>8</del>	
Gates	2	<del>3</del>	
Pasquotank	3	<del>5</del>	
Perquimans	2	4	
Martin	5	<del>8</del>	
Beaufort	4	<del>8</del>	
Tyrrell	1	<del>3</del>	
Hyde	2	4	
Washington	3	4	
Pitt	10	<del>12</del>	Farmville Ayden
Craven	7	<del>10</del>	Havelock
Pamlico	2	4	
Carteret	5	<del>8</del>	
Sampson	6	<del>8</del>	
Duplin	9	<del>11</del>	
Jones	2	<del>3</del>	
Onslow	8	<del>14</del>	
New Hanover	6	<del>11</del>	
Pender	4	<del>6</del>	
Halifax	9	<del>14</del>	Roanoke Rapids, Scotland Neck
Northampton	5	7	
Bertie	4	<del>6</del>	
Hertford	5	7	
Nash	7	<del>10</del>	Rocky Mount
Edgecombe	4	7	Rocky Mount
Wilson	4	7	
Wayne	5	<del>12</del>	Mount Olive
Greene	2	4	
Lenoir	4	<del>10</del>	La Grange

1	Granville	3	7	
2	Vance	3	6	
3	Warren	3	5	
4	Franklin	3	7	
5	Person	3	4	
6	Caswell	2	5	
7	Wake	12	<del>21</del>	Apex,
8				Wendell,
9				Fuquay-
10				Varina,
11				Wake Forest
12	Harnett	7	<del>11</del>	Dunn
13	Johnston	10	<del>12</del>	Benson,
14				Clayton,
15				Selma
16	Lee	4	6	
17	Cumberland	10	<del>19</del>	
18	Bladen	4	6	
19	Brunswick	4	9	
20	Columbus	6	<del>10</del>	Tabor City
21	Durham	8	<del>13</del>	
22	Alamance	7	<del>11</del>	Burlington
23	Orange	4	<del>11</del>	Chapel Hill
24	Chatham	3	9	Siler City
25	Scotland	3	5	
26	Hoke	4	5	
27	Robeson	8	<del>16</del>	Fairmont,
28				Maxton,
29				Pembroke,
30				Red Springs,
31				Rowland,
32				St. Pauls
33	Rockingham	4	9	Reidsville,
34				Eden,
35				Madison
36	Stokes	2	5	
37	Surry	5	9	Mt. Airy
38	Guilford	20	<del>27</del>	High Point
39	Cabarrus	5	9	Kannapolis
40	Montgomery	2	4	
41	Randolph	5	<del>10</del>	Liberty
42	Rowan	5	<del>10</del>	
43	Stanly	5	6	
44	Union	4	7	

1	Anson	4	6	
2	Richmond	5	6	Hamlet
3	Moore	5	8	Southern
4				Pines
5	Forsyth	3	<del>15</del>	Kernersville
6	Alexander	2	4	
7	Davidson	7	<del>10</del>	Thomasville
8	Davie	2	3	
9	Iredell	4	9	Mooreville
10	Alleghany	1	2	
11	Ashe	3	4	
12	Wilkes	4	6	
13	Yadkin	3	5	
14	Avery	3	5	
15	Madison	4	5	
16	Mitchell	3	4	
17	Watauga	4	6	
18	Yancey	2	4	
19	Burke	4	7	
20	Caldwell	4	7	
21	Catawba	6	<del>10</del>	Hickory
22	Mecklenburg	15	<del>28</del>	
23	Gaston	11	<del>22</del>	
24	Cleveland	5	8	
25	Lincoln	4	7	
26	Buncombe	6	<del>15</del>	
27	Henderson	4	7	
28	McDowell	3	6	
29	Polk	3	4	
30	Rutherford	6	8	
31	Transylvania	2	4	
32	Cherokee	3	4	
33	Clay	1	<del>2</del>	
34	Graham	2	3	
35	Haywood	5	7	Canton
36	Jackson	3	5	
37	Macon	3	4	
38	Swain	2	<del>3</del>	

**SECTION 3.9.** G.S. 7A-146 reads as rewritten:

**"§ 7A-146. Administrative authority and duties of chief district judge.**

(a) The chief district judge, subject to the general supervision of the Chief Justice of the Supreme Court, has administrative supervision and authority over the operation of the district courts and magistrates in his district. These powers and duties include, but are not limited to, the following:

- 1 (1) Arranging schedules and assigning district judges for sessions of  
2 district courts;
- 3 (2) Arranging or supervising the calendaring of noncriminal matters for  
4 trial or hearing;
- 5 (3) Supervising the clerk of superior court in the discharge of the clerical  
6 functions of the district court;
- 7 (4) Assigning matters to magistrates, and consistent with the salaries set  
8 by the Administrative Officer of the Courts, prescribing times and  
9 places at which magistrates shall be available for the performance of  
10 their duties; however, the chief district judge may in writing delegate  
11 his authority to prescribe times and places at which magistrates in a  
12 particular county shall be available for the performance of their duties  
13 to another district court judge or the clerk of the superior court, and the  
14 person to whom such authority is delegated shall make monthly  
15 reports to the chief district judge of the times and places actually  
16 served by each magistrate; ~~and~~
- 17 (5) Making arrangements with proper authorities for the drawing of civil  
18 court jury panels and determining which sessions of district court shall  
19 be jury sessions;
- 20 (6) Arranging for the reporting of civil cases by court reporters or other  
21 authorized means;
- 22 (7) Arranging sessions, to the extent practicable for the trial of specialized  
23 cases, including traffic, domestic relations, and other types of cases,  
24 and assigning district judges to preside over these sessions so as to  
25 permit maximum practicable specialization by individual judges;
- 26 (8) Repealed by Session Laws 1991 (Regular Session, 1992), c. 900, s.  
27 118(b), effective July 15, 1992.
- 28 (9) Assigning magistrates during an emergency to temporary duty outside  
29 the county of their residence but within that district; and, upon the  
30 request of a chief district judge of an adjoining district and upon the  
31 approval of the Administrative Officer of the Courts, to temporary  
32 duty in the district of the requesting chief district judge; and
- 33 (10) Designating another district judge of his district as acting chief district  
34 judge, to act during the absence or disability of the chief district judge.

35 (b) Chief district court judges may employ judicial secretaries when positions for  
36 them are established by the Director of the Administrative Office of the Courts, as  
37 provided in Article 29A of this Chapter. The Director shall determine the number and  
38 compensation of the judicial secretaries for each district or set of districts as defined in  
39 G.S. 7A-133(b)."

40 **SECTION 3.10.** G.S. 7A-171 reads as rewritten:

41 "**§ 7A-171. Numbers; appointment and terms; vacancies.**

42 (a) The General Assembly shall establish a minimum ~~and a maximum~~ quota  
43 number of magistrates for each county. In no county shall the minimum quota be less  
44 than one.

1 (b) Not earlier than the Tuesday after the first Monday nor later than the third  
2 Monday in December of each even-numbered year, the clerk of the superior court shall  
3 submit to the senior regular resident superior court judge of the district or set of districts  
4 as defined in G.S. 7A-41.1(a) in which his county is located the names of two (or more,  
5 if requested by the judge) nominees for each magisterial office ~~in the minimum quota~~  
6 established for the ~~county~~ county, pursuant to Article 29A of this Chapter. Not later  
7 than the fourth Monday in December, the senior regular resident superior court judge  
8 shall, from the nominations submitted by the clerk of the superior court, appoint  
9 magistrates to fill the ~~minimum quota~~ magisterial offices established for each county of  
10 his district or set of districts. The term of a magistrate so appointed shall be two years,  
11 commencing on the first day in January of the calendar year next ensuing the calendar  
12 year of appointment.

13 (c) ~~After the biennial appointment of the minimum quota of magistrates,~~  
14 ~~additional magistrates in a number not to exceed, in total, the maximum quota~~  
15 ~~established for each county may be appointed in the following manner. The chief~~  
16 ~~district judge for the district court district in which the county is located, with the~~  
17 ~~approval of the Administrative Officer of the Courts, may certify to the clerk of superior~~  
18 ~~court that the minimum quota is insufficient for the efficient administration of justice~~  
19 ~~and that a specified additional number, not to exceed the maximum quota established~~  
20 ~~for the county, is required. Within 15 days after the receipt of this certification the clerk~~  
21 ~~of superior court shall submit to the senior regular resident superior court judge of the~~  
22 ~~district or set of districts as defined in G.S. 7A-41.1(a) in which his county is located the~~  
23 ~~names of two (or more, if requested by the judge) nominees for each additional~~  
24 ~~magisterial office. Within 15 days after receipt of the nominations the senior regular~~  
25 ~~resident superior court judge shall from the nominations submitted appoint magistrates~~  
26 ~~in the number specified in the certification. A magistrate so appointed shall serve a term~~  
27 ~~commencing immediately and expiring on the same day as the terms of office of~~  
28 ~~magistrates appointed to fill the minimum quota for the county.~~

29 (d) Within 30 days after a vacancy in the office of magistrate occurs the clerk of  
30 superior court shall submit to the senior regular resident superior court judge the names  
31 of two (or more, if so requested by the judge) nominees for the office vacated. Within  
32 15 days after receipt of the nominations the senior regular resident superior court judge  
33 shall appoint from the nominations received a magistrate who shall take office  
34 immediately and shall serve for the remainder of the unexpired term."

35 **SECTION 3.11.** G.S. 7A-198(f) reads as rewritten:

36 "(f) ~~Appointment of a reporter or reporters for district court proceedings in each~~  
37 ~~district court district shall be made by the chief district judge for that district. The~~  
38 ~~compensation and allowances of reporters in each district shall be fixed by the chief~~  
39 ~~district judge, within limits determined by the Administrative Officer of the Courts, and~~  
40 ~~paid by the State. Chief district court judges may employ official court reporters when~~  
41 such positions are established by the Director of the Administrative Office of the  
42 Courts, as provided in Article 29A of this Chapter. The Director shall determine the  
43 number and compensation of the official court reporters for each district or set of  
44 districts as defined in G.S. 7A-41.1(a). Each official court reporter shall be appointed by

1 the chief district court judge and shall serve at the judge's pleasure. An official court  
2 reporter shall record and transcribe district court proceedings in the district or set of  
3 districts for which appointed, may be assigned by the Director to record and transcribe  
4 proceedings in other districts or sets of districts, and shall perform other official duties  
5 assigned by the chief district court judge."

6 **SECTION 3.12.** G.S. 7A-347 reads as rewritten:

7 "**§ 7A-347. Assistants for administrative and victim and witness services.**

8 Assistant for administrative and victim and witness services positions are established  
9 under the district attorneys' offices. Each prosecutorial district is allocated at least one  
10 assistant for administrative and victim and witness services to be employed by the  
11 district attorney. The Director of the Administrative Office of the Courts shall allocate  
12 additional assistants to prosecutorial districts on the basis of need and within available  
13 appropriations. determine the number of additional assistants for each prosecutorial  
14 district and shall determine the salaries of all assistants, as provided in Article 29A of  
15 this Chapter. Each district attorney may also use any volunteer or other personnel to  
16 assist the assistant. The assistant is responsible for coordinating efforts of the  
17 law-enforcement and judicial systems to assure that each victim and witness is provided  
18 fair treatment under Article 45 of Chapter 15A, Fair Treatment for Victims and  
19 Witnesses and shall also provide administrative and legal support to the district  
20 attorney's office."

21 **SECTION 3.13.** G.S. 7A-355 reads as rewritten:

22 "**§ 7A-355. Trial court administrators.**

23 ~~The following districts or sets of districts as defined in G.S. 7A-41.1(a) shall have~~  
24 ~~trial court administrators: Set of districts 10A, 10B, 10C, 10D; District 22 and District~~  
25 ~~28, and such other districts or sets of districts as may be designated by the~~  
26 ~~Administrative Office of the Courts. The office of trial court administrator is~~  
27 ~~established. The superior court districts and sets of districts as defined in~~  
28 ~~G.S. 7A-41.1(a) to be served by trial court administrators shall be determined by the~~  
29 ~~Director of the Administrative Office of the Courts, as provided in Article 29A of this~~  
30 ~~Chapter. A trial court administrator may employ supporting staff to assist in carrying~~  
31 ~~out the trial court administrator's duties when such positions are established by the~~  
32 ~~Director pursuant to Article 29A of this Chapter. The salaries of the trial court~~  
33 ~~administrators and support staff shall be determined by the Director."~~

34 **SECTION 3.14.** G.S. 7A-377 reads as rewritten:

35 "**§ 7A-377. Procedures; employment of executive secretary, special counsel or**  
36 **investigator. counsel, investigator, or supporting staff.**

37 (a) Any citizen of the State may file a written complaint with the Commission  
38 concerning the qualifications or conduct of any justice or judge of the General Court of  
39 Justice, and thereupon the Commission shall make such investigation as it deems  
40 necessary. The Commission may also make an investigation on its own motion. The  
41 Commission is authorized to issue process to compel the attendance of witnesses and  
42 the production of evidence, to administer oaths, to punish for contempt, and to prescribe  
43 its own rules of procedure. No justice or judge shall be recommended for censure or  
44 removal unless he has been given a hearing affording due process of law. Unless

1 otherwise waived by the justice or judge involved, all papers filed with and proceedings  
2 before the Commission, including any preliminary investigation which the Commission  
3 may make, are confidential, except as provided herein. After the preliminary  
4 investigation is completed, and if the Commission concludes that formal proceedings  
5 should be instituted, the notice and complaint filed by the Commission, along with the  
6 answer and all other pleadings, are not confidential. Formal hearings ordered by the  
7 Commission are not confidential, and recommendations of the Commission to the  
8 Supreme Court, along with the record filed in support of such recommendations are not  
9 confidential. Testimony and other evidence presented to the Commission is privileged  
10 in any action for defamation. At least five members of the Commission must concur in  
11 any recommendation to censure or remove any justice or judge. A respondent who is  
12 recommended for censure or removal is entitled to a copy of the proposed record to be  
13 filed with the Supreme Court, and if he has objections to it, to have the record settled by  
14 the Commission. He is also entitled to present a brief and to argue his case, in person  
15 and through counsel, to the Supreme Court. A majority of the members of the Supreme  
16 Court voting must concur in any order of censure or removal. The Supreme Court may  
17 approve the recommendation, remand for further proceedings, or reject the  
18 recommendation. A justice of the Supreme Court or a member of the Commission who  
19 is a judge is disqualified from acting in any case in which he is a respondent.

20 (b) The chair of the Commission is authorized to employ an executive secretary  
21 to assist the Commission in carrying out its duties. For specific cases, the Commission  
22 may also employ special counsel or call upon the Attorney General to furnish counsel.  
23 For specific cases, the Commission may also employ an investigator or call upon the  
24 Director of the State Bureau of Investigation to furnish an investigator. While  
25 performing duties for the Commission such executive secretary, special counsel or  
26 investigator shall have authority throughout the State to serve subpoenas or other  
27 process issued by the Commission in the same manner and with the same effect as an  
28 officer authorized to serve process of the General Court of Justice.

29 (c) The Commission may employ supporting staff to assist it in carrying out its  
30 duties when such positions are established by the Director of the Administrative Office  
31 of the Courts, as provided in Article 29A of this Chapter. The salaries of the executive  
32 secretary and other supporting staff shall be determined by the Director."

33 **SECTION 3.15.** G.S. 7A-414 reads as rewritten:

34 "**§ 7A-414. Executive Secretary; ~~secretary~~; clerical support.**

35 The Conference may employ an executive ~~secretary and any necessary supporting~~  
36 ~~staff to assist it in carrying out its duties.~~ secretary. The Conference may employ  
37 supporting staff to assist it in carrying out its duties when such positions are established  
38 by the Director of the Administrative Office of the Courts, as provided in Article 29A of  
39 this Chapter. The salaries of the executive secretary and other supporting staff shall be  
40 determined by the Director."

41 **SECTION 3.16.** Section 9 of Chapter 881 of the 1993 Session Laws is  
42 repealed.  
43



1 PART IV. CONFORMING CHANGES TO THE EXECUTIVE BUDGET ACT AND  
2 RELATED PROVISIONS

3  
4 **SECTION 4.1.** G.S. 143-18 reads as rewritten:

5 **"§ 143-18. Unencumbered balances to revert to treasury; capital appropriations**  
6 **excepted.**

7 All unencumbered balances of maintenance appropriations shall revert to the State  
8 treasury to the credit of the general fund or special funds from which the appropriation  
9 and/or appropriations, were made and/or expended, at the end of each fiscal year; except  
10 that capital expenditures for the purchase of land, the erection of buildings, new  
11 construction or renovations in progress shall continue in force until the attainment of the  
12 object or the completion of the work for which the appropriations are made; except that  
13 maintenance appropriations to the General Assembly shall remain available until  
14 expended, unless otherwise provided by the Legislative Services ~~Commission.~~  
15 Commission, and except that maintenance appropriations to the Judicial Branch of  
16 Government shall remain available until expended, unless otherwise provided by the  
17 Director of the Administrative Office of the Courts.

18 As used in this section, "unencumbered" means not obligated in the form of  
19 purchase orders, contracts, renovations in progress or salary commitments. No purchase  
20 orders, contracts, renovations in progress, or salary commitments shall be entered into  
21 during a fiscal year unless sufficient funds are available within the purpose for which  
22 the funds were appropriated by the General Assembly or as authorized by the Director  
23 of the Budget as allowed by law."

24 **SECTION 4.2.** G.S. 143-25 reads as rewritten:

25 **"§ 143-25. Maintenance appropriations dependent upon adequacy of revenues to**  
26 **support them.**

27 (a) All maintenance appropriations now or hereafter made are hereby declared to  
28 be maximum, conditional and proportionate appropriations, the purpose being to make  
29 the appropriations payable in full in the amounts named herein if necessary and then  
30 only in the event the aggregate revenues collected and available during each fiscal year  
31 of the biennium for which such appropriations are made, are sufficient to pay all of the  
32 appropriations in full; otherwise, the said appropriations shall be deemed to be payable  
33 in such proportion as the total sum of all appropriations bears to the total amount of  
34 revenue available in each of said fiscal years. Except as provided in ~~subsection (b)~~  
35 subsections (b) and (c) of this section, the Director of the Budget is given full power and  
36 authority to examine and survey the progress of the collection of the revenue out of  
37 which such appropriations are to be made, and to declare and determine the amounts  
38 that can be, during each quarter of each of the fiscal years of the biennium properly  
39 allocated to each respective appropriation. In making such examination and survey, the  
40 Director of the Budget shall receive estimates of the prospective collection of revenues  
41 from the Secretary of Revenue and every other revenue collecting agency of the State.  
42 The Director of the Budget may reduce all of said appropriations pro rata when  
43 necessary to prevent an overdraft or deficit to the fiscal period for which such  
44 appropriations are made. The Governor may also reduce all of said appropriations

1 pursuant to Article III, Section 5(3) of the Constitution in accordance with subsection  
2 (b) of this section, after consulting with the Joint Legislative Commission on  
3 Governmental Operations under G.S. 120-76(8) if prior consultation is required by that  
4 section. The purpose and policy of this Article are to provide and insure that there shall  
5 be no overdraft or deficit in the general fund of the State at the end of the fiscal period,  
6 growing out of appropriations for maintenance and the Director of the Budget is  
7 directed and required to so administer this Article as to prevent any such overdraft or  
8 deficit. Prior to taking any action under this section to reduce appropriations pro rata,  
9 the Governor may consult with the Advisory Budget Commission.

10 (b) The General Assembly recognizes that it has required units of local  
11 government to adopt and maintain annual balanced budgets and take other steps to  
12 assure financially sound operations under the Local Government Budget and Fiscal  
13 Control Act and other provisions of Chapter 159 of the General Statutes. Accordingly,  
14 the General Assembly finds that in order to satisfy those statutory requirements and  
15 provide adequate services to their citizens, units of local government must be able to  
16 rely on the funds and local revenue sources the General Assembly has provided.

17 It is the intent of the General Assembly that funds that have been collected by the  
18 State on behalf of local governments and funds that the General Assembly has  
19 appropriated or otherwise committed to local governments shall not be reduced except  
20 as provided in this section. In exercising the powers contained in Section 5(3) of Article  
21 III of the North Carolina Constitution, the Governor shall not withhold from distribution  
22 funds that have been collected by the State on behalf of local governments or funds that  
23 the General Assembly has appropriated or otherwise committed to local governments  
24 unless, after making adequate provision for the prompt payment of principal of and  
25 interest on bonds and notes of the State according to their terms, the Governor has  
26 exhausted all other sources of revenue of the State including surplus remaining in the  
27 treasury at the beginning of the fiscal period.

28 This subsection does not authorize the Governor to withhold revenues from taxes  
29 levied by units of local governments and collected by the State. The General Assembly  
30 recognizes that under Section 19 of Article I of the North Carolina Constitution and  
31 under the Due Process Clause of the United States Constitution, the State is prohibited  
32 from taking local tax revenue.

33 (c) Whenever performing the duties set forth in Article III, Section 5(3) of the  
34 North Carolina Constitution, the Governor shall consult with the Chief Justice before  
35 making any reductions or revisions to the Judicial Branch appropriations and, to the  
36 extent practicable consistent with the Governor's responsibilities under Article III,  
37 Section 5(3) of the Constitution, shall attempt to follow such recommendations as the  
38 Chief Justice may make for reductions or revisions in those appropriations."

39 **SECTION 4.3.** G.S. 120-76(8) reads as rewritten:

40 "**§ 120-76. Powers and duties of the Commission.**

41 The Commission shall have the following powers:

42 ...

- 1 (8) The Joint Legislative Commission on Governmental Operations shall  
2 be consulted by the Governor before the Governor does any of the  
3 following:
- 4 a. Makes allocations from the Contingency and Emergency Fund.  
5 b. Authorizes expenditures in excess of the total requirements of a  
6 purpose or program as enacted by the General Assembly and as  
7 provided by G.S. 143-23(a1)(3), except for trust funds as  
8 defined in G.S. 116-36.1(g).  
9 c. Proceeds to reduce programs subsequent to a reduction of ten  
10 percent (10%) or more in the federal fund level certified to a  
11 department and any subsequent changes in distribution  
12 formulas.  
13 d. Takes extraordinary measures under Article III, Section 5(3) of  
14 the Constitution to effect necessary economies in State  
15 expenditures required for balancing the budget due to a revenue  
16 shortfall, including, but not limited to, the following: loans  
17 among funds, personnel freezes or layoffs, capital project  
18 reversions, program eliminations, and use of reserves. However,  
19 if the Committee fails to meet within 10 calendar days of a  
20 request by the Governor for its consultation, the Governor may  
21 proceed to take the actions he feels are appropriate and  
22 necessary and shall then report those actions at the next meeting  
23 of the Commission. With respect to expenditures from  
24 appropriations for the maintenance and operation of the Judicial  
25 Branch of Government, the Chief Justice shall comply with this  
26 subdivision.  
27 e. Approves a new capital improvement project funded from gifts,  
28 grants, receipts, special funds, self-liquidating indebtedness,  
29 and other funds or any combination of funds for the project not  
30 specifically authorized by the General Assembly. The budget  
31 for each capital project must include projected revenues in an  
32 amount not less than projected expenditures.

33 Notwithstanding the provisions of this subdivision or any other  
34 provision of law requiring prior consultation by the ~~Governor~~  
35 Governor, or the Chief Justice with respect to expenditures from  
36 appropriations for the maintenance and operation of the Judicial  
37 Branch, with the Commission, whenever an expenditure is required  
38 because of an emergency that poses an imminent threat to public  
39 health or public safety, and is either the result of a natural event, such  
40 as a hurricane or a flood, or an accident, such as an explosion or a  
41 wreck, the Governor or the Chief Justice may take action under this  
42 subsection without consulting the Commission if the action is  
43 determined by the Governor or the Chief Justice to be related to the  
44 emergency. The Governor or the Chief Justice shall report to the

1                   Commission on any expenditures made under this paragraph no later  
2                   than 30 days after making the expenditure and shall identify in the  
3                   report the emergency, the type of action taken, and how it was related  
4                   to the emergency."  
5

6   **PART V. CHANGE REFERENCES FROM "JUDICIAL DEPARTMENT" TO**  
7   **"JUDICIAL BRANCH OF GOVERNMENT"**

8  
9                   **SECTION 5.1.** The Revisor of Statutes shall change all references in the  
10                  General Statutes to the "Judicial Department" by deleting that term each time it appears  
11                  and substituting the term "Judicial Branch of Government" or "Judicial Branch" as the  
12                  context requires and shall make any necessary conforming grammatical changes in the  
13                  affected provisions.  
14

15   **PART VI. EFFECTIVE DATE AND APPLICABILITY**

16  
17                  **SECTION 6.1.** This act becomes effective July 1, 2003.