GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

SENATE BILL 857

Sponsors:Senator Clodfelter.Referred to:Ways and Means.

March 23, 2005

1	A BILL TO BE ENTITLED
2	AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE
3	FOR THE SELECTION OF THE CHIEF JUSTICE OF THE SUPREME COURT
4	FROM AMONG THE ASSOCIATE JUSTICES.
5	The General Assembly of North Carolina enacts:
6	SECTION 1. Section 6(1) of Article IV of the North Carolina Constitution
7	reads as rewritten:
8	"(1) Membership. The Supreme Court shall consist of a Chief Justice and six
9	seven Associate Justices, but the General Assembly may increase the number of
10	Associate Justices to not more than eight. In the event the Chief Justice is unable,
11	on account of absence or temporary incapacity, to perform any of the duties placed upon
12	him, the senior Associate Justice available may discharge those duties. The General
13	Assembly shall provide by law for the designation of a Chief Justice from among the
14	Associate Justices."
15	SECTION 2. The amendment set out in this act shall be submitted to the
16	qualified voters of the State at a statewide general election to be held November 8,
17	2005, which election shall be conducted under the laws then governing elections in the
18	State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of
19	the General Statutes. The question to be used in the voting systems and ballots shall be:
20	"[]FOR []AGAINST
21	Constitutional amendment to provide that the Chief Justice of the Supreme
22	Court shall be designated by the Governor from among the Associate Justices."
23	SECTION 3. If a majority of the votes cast on the question are in favor of
24	the amendment set out in this act, the State Board of Elections shall certify the
25	amendment to the Secretary of State, who shall enroll the amendment so certified
26	among the permanent records of that office. The amendment becomes effective upon
27	the next vacancy in the office of Chief Justice.
28	SECTION 4. G.S. 7A-10 reads as rewritten:
29	"§ 7A-10. Organization; compensation of justices.

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(Public)

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General Assembly of North Carolina

The Supreme Court shall consist of a Chief Justice and six seven associate 1 (a) 2 justices, elected by the qualified voters of the State for terms of eight years. Before 3 entering upon the duties of his office, each justice shall take an oath of office. Four 4 justices shall constitute a quorum for the transaction of the business of the court. Except 5 as otherwise provided in this subsection, sessions of the court shall be held in the city of 6 Raleigh, and scheduled by rule of court so as to discharge expeditiously the court's 7 business. The court may by rule hold sessions not more than twice annually in the Old 8 Chowan County Courthouse (1767) in the Town of Edenton, which is a State-owned 9 court facility that is designated as a National Historic Landmark by the United States 10 Department of the Interior.

11 (a1) The Governor shall designate one of the associate justices as Chief Justice, to 12 serve in such capacity for the lesser of four years or until the expiration of the term of 13 office that the Associate Justice is holding at the time of designation. If at the expiration 14 of the designation, the Chief Justice has served in that capacity for four consecutive 15 years or more, that person may not again be designated as Chief Justice until the 16 expiration of four more years.

17 (b) The <u>Chief Justice and each of the associate justices justices shall receive the</u> 18 annual salary provided in Current Operations Appropriations Act. Each justice is 19 entitled to reimbursement for travel and subsistence expenses at the rate allowed State 20 employees generally.

21 (c) In lieu of merit and other increment raises paid to regular State employees, 22 the Chief Justice and each of the Associate Justices shall receive as longevity pay an 23 annual amount equal to four and eight-tenths percent (4.8%) of the annual salary set 24 forth in the Current Operations Appropriations Act payable monthly after five years of service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and 25 four-tenths percent (14.4%) after 15 years of service, and nineteen and two-tenths 26 27 percent (19.2%) after 20 years of service. "Service" means service as a justice or judge of the General Court of Justice or as a member of the Utilities Commission. Service 28 29 shall also mean service as a district attorney or as a clerk of superior court."

30 **SECTION 5.** Section 4 of this act becomes effective only if the voters 31 approve the constitutional amendment set out in Section 1 of this act. If the voters 32 approve the constitutional amendment, Section 4 of this act becomes effective upon the 33 next vacancy in the office of Chief Justice.