

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 742
HOUSE BILL 1287

AN ACT TO APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF
THE COURTS, TO AUTHORIZE ADDITIONAL COURT PERSONNEL, AND
TO ADJUST FEES IN THE GENERAL COURT OF JUSTICE.

The General Assembly of North Carolina enacts:

INDIGENT PERSONS' ATTORNEY FEE FUND

Section 1. There is appropriated from the General Fund to the Judicial Department the sum of \$2,374,043 for the 1991-92 fiscal year and the sum of \$2,369,249 for the 1992-93 fiscal year for the Indigent Persons' Attorney Fee Fund.

SPECIAL CAPITAL CASE REHEARING FUND

Sec. 2. (a) There is continued in the Judicial Department the nonreverting special fund known as "The Special Capital Case Rehearing Fund." The funds shall be used to provide for related expenses in connection with resentencing hearings, related appeals, and post-conviction hearings required by the decisions of the United States Supreme Court in **McKoy v. North Carolina**, March 5, 1990, and of the Supreme Court of North Carolina upon the remand of that case, including the payment of attorneys' fees and related expenses for representation of indigent persons. The Special Capital Case Rehearing Fund shall terminate, and all funds remaining in it shall revert to the General Fund, when the Director of the Administrative Office of the Courts certifies to the State Controller that all reasonably foreseeable resentencing hearings, related appeals, and post-conviction hearings have been substantially completed.

(b) There is appropriated from the General Fund to the Judicial Department the sum of \$547,626 for the 1991-92 fiscal year and \$1,048,424 for the 1992-93 fiscal year for the purposes indicated in this section.

NEW DISTRICT COURT PERSONNEL

Sec. 3. There is appropriated from the General Fund to the Judicial Department the sum of \$46,472 for the 1991-92 fiscal year and the sum of \$44,756 for the 1992-93 fiscal year for two new magistrates.

NEW DEPUTY CLERKS OF SUPERIOR COURT

Sec. 4. There is appropriated from the General Fund to the Judicial Department the sum of \$767,516 for the 1991-92 fiscal year and the sum of \$749,564 for the 1992-93 fiscal year for 34 new deputy clerks of superior court.

NEW PUBLIC DEFENDER PERSONNEL

Sec. 5. From the funds appropriated to the Indigent Persons Attorney Fee Fund in the Judicial Department for the 1991-93 biennium, the Administrative Office of the Courts may use up to \$291,050 in the 1991-92 fiscal year and \$290,330 in the 1992-

93 fiscal year for salaries, benefits, and related expenses of five new assistant public defender positions, and may use up to an additional \$291,210 in the 1992-93 fiscal year for salaries, benefits, and related expenses of five additional new assistant public defender positions.

NEW DISTRICT ATTORNEY PERSONNEL

Sec. 6. (a) There is appropriated from the General Fund to the Judicial Department the sum of \$746,789 for the 1991-92 fiscal year to be allocated for the following purposes:

- (1) To establish 10 new assistant district attorneys - \$582,800;
- (2) To establish 7 district attorneys' secretaries - \$163,989.

(b) There is appropriated from the General Fund to the Judicial Department the sum of \$736,400 for the 1992-93 fiscal year to continue the positions established in the 1991-92 fiscal year.

EXPANSION OF GUARDIAN **AD LITEM** PROGRAM

Sec. 7. There is appropriated from the General Fund to the Judicial Department the sum of \$225,000 for the 1991-92 fiscal year and the sum of \$225,000 for the 1992-93 fiscal year for transfer to the Indigent Persons' Attorney Fee Fund, Guardian **Ad Litem** Program for the following purposes:

- (1) To provide for additional contractual guardian **ad litem** fees - \$166,900 for the 1991-92 fiscal year and \$166,900 for the 1992-93 fiscal year;
- (2) To provide for additional volunteer guardian **ad litem** expenses - \$58,100 for the 1991-92 fiscal year and \$58,100 for the 1992-93 fiscal year.

NEW ADMINISTRATIVE OFFICE OF THE COURTS GENERAL ADMINISTRATION POSITIONS

Sec. 8. (a) There is appropriated from the General Fund to the Judicial Department the sum of \$119,380 for the 1991-92 fiscal year to establish staff positions within the general administration section of the Administrative Office of the Courts.

(b) There is appropriated from the General Fund to the Judicial Department the sum of \$102,256 for the 1992-93 fiscal year to provide for the continuation of the positions established in the Administrative Office of the Courts in the 1991-92 fiscal year.

COURT INFORMATION SYSTEM EXPANSION

Sec. 9. There is appropriated from the General Fund to the Judicial Department the sum of \$453,617 for the 1991-92 fiscal year to expand and enhance the court information system maintained by the Administrative Office of the Courts.

CONTINUED PHASING IN OF NONBINDING ARBITRATION PROGRAM AND OF CUSTODY AND VISITATION MEDIATION

Sec. 10. From funds appropriated to the Judicial Department in the certified budget for the 1991-92 fiscal year, the Administrative Office of the Courts may transfer up to \$75,000 to implement nonbinding arbitration procedures in additional counties and judicial districts pursuant to G.S. 7A-37.1 and to establish local custody and visitation mediation programs in additional counties pursuant to G.S. 7A-494.

INCREASE MAXIMUM NUMBER OF MAGISTRATES AUTHORIZED FOR CERTAIN COUNTIES

Sec. 11. G.S. 7A-133 reads as rewritten:

"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.

Each district court district shall have the numbers of judges and each county within the district shall have the numbers of magistrates and additional seats of court, as set forth in the following table:

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

8	5	Wayne	5	8 <u>11</u>	Mount Olive
		Greene	2	4	
		Lenoir	4	7 <u>10</u>	La Grange
9	5	Person	3	4	
		Granville	3	7	
		Vance	3	5	
		Warren	3	4	
		Franklin	3	6	
10	11	Wake	12	17 <u>20</u>	Apex, Wendell, Fuquay-Varina, Wake Forest
11	6	Harnett	7	11	Dunn
		Johnston	10	12	Benson, Clayton, and Selma
		Lee	4	6	
12	6	Cumberland	10	17	
13	4	Bladen	4	6	
		Brunswick	4	7	
		Columbus	6	8	Tabor City
14	5	Durham	8	12	
15A	3	Alamance	7	10	Burlington
15B	3	Orange	4	9 <u>11</u>	Chapel Hill
		Chatham	3	6 <u>8</u>	Siler City
16A	2	Scotland	3	5	
		Hoke	4	5	
16B	5	Robeson	8	16	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
17A	3	Caswell	2	5	
		Rockingham	4	9	Reidsville, Eden, Madison
17B	3	Stokes	2	5	
		Surry	5	8	Mt. Airy
18	10	Guilford	20	26	High Point
19A	2	Cabarrus	5	9	Kannapolis
19B	3	Montgomery	2	4	
		Randolph	5	8	Liberty
19C	2	Rowan	5	10	
20	6	Stanly	5	6	

		Union	4	6	
		Anson	4	5	
		Richmond	5	6	Hamlet
		Moore	5	8	Southern Pines
21	7	Forsyth	3	15	Kernersville
22	6	Alexander	2	3	
		Davidson	7	10	Thomasville
		Davie	2	3	
		Iredell	4	8	Mooresville
23	3	Alleghany	1	2	
		Ashe	3	4	
		Wilkes	4	6	
		Yadkin	3	5	
24	3	Avery	3	4	
		Madison	4	5	
		Mitchell	3	4	
		Watauga	4	6	
		Yancey	2	4	
25	7	Burke	4	7	
		Caldwell	4	7	
		Catawba	6	9	Hickory
26	13	Mecklenburg	15	26	
27A	5	Gaston	11	20	
27B	4	Cleveland	5	8	
		Lincoln	4	6	
28	5	Buncombe	6	15	
29	4	Henderson	4	6	
		McDowell	3	4	
		Polk	3	4	
		Rutherford	6	8	
		Transylvania	2	4	
30	3	Cherokee	3	4	
		Clay	1	2	
		Graham	2	3	
		Haywood	5	7	Canton
		Jackson	3	4	
		Macon	3	4	
		Swain	2	3."	

DIVIDE DISTRICT COURT DISTRICT 3 INTO DISTRICTS 3A AND 3B CONSISTENT WITH THE BOUNDARIES ESTABLISHED FOR SUPERIOR COURT AND PROSECUTORIAL DISTRICTS 3A AND 3B.

Sec. 12. (a) Effective September 1, 1991, G.S. 7A-133, as rewritten by Section 11 of this act, reads as rewritten:

"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.

Each district court district shall have the numbers of judges and each county within the district shall have the numbers of magistrates and additional seats of court, as set forth in the following table:

District	Additional Judges	County	Magistrates Min.-Max.		Seats of Court
1	3	Camden	1	2	
		Chowan	2	3	
		Currituck	1	2	
		Dare	3	8	
		Gates	2	3	
		Pasquotank	3	4	
		Perquimans	2	3	
2	3	Martin	5	8	
		Beaufort	4	8	
		Tyrrell	1	3	
		Hyde	2	4	
		Washington	3	4	
3	7	Craven	7	10	Havelock Farmville, Ayden
		Pitt	10	12	
		Pamlico	2	3	
		Carteret	5	8	
<u>3A</u>	<u>3</u>	<u>Pitt</u>	<u>10</u>	<u>12</u>	<u>Farmville</u> <u>Ayden</u>
<u>3B</u>	<u>4</u>	<u>Craven</u>	<u>7</u>	<u>10</u>	<u>Havelock</u>
		<u>Pamlico</u>	<u>2</u>	<u>3</u>	
		<u>Carteret</u>	<u>5</u>	<u>8</u>	
4	6	Sampson	6	8	
		Duplin	9	11	
		Jones	2	3	
		Onslow	8	14	
		New Hanover	6	11	
5	6	Pender	4	6	
		Halifax	9	14	Roanoke Rapids, Scotland Neck
6A	2	Northampton	5	6	
		Bertie	4	5	
		Hertford	5	6	

7	6	Nash	7	10	Rocky Mount
		Edgecombe	4	6	Rocky Mount
		Wilson	4	6	
8	5	Wayne	5	11	Mount Olive
		Greene	2	4	
		Lenoir	4	10	La Grange
9	5	Person	3	4	
		Granville	3	7	
		Vance	3	5	
		Warren	3	4	
		Franklin	3	6	
10	11	Wake	12	20	Apex, Wendell, Fuquay- Varina, Wake Forest
11	6	Harnett	7	11	Dunn
		Johnston	10	12	Benson, Clayton
and Selma					
		Lee	4	6	
12	6	Cumberland	10	17	
13	4	Bladen	4	6	
		Brunswick	4	7	
		Columbus	6	8	Tabor City
14	5	Durham	8	12	
15A	3	Alamance	7	10	Burlington
15B	3	Orange	4	11	Chapel Hill
		Chatham	3	8	Siler City
16A	2	Scotland	3	5	
		Hoke	4	5	
16B	5	Robeson	8	16	Fairmont, Maxton, Pembroke, Red Springs, Rowland, St. Pauls
17A	3	Caswell	2	5	
		Rockingham	4	9	Reidsville, Eden, Madison
17B	3	Stokes	2	5	
		Surry	5	8	Mt. Airy
18	10	Guilford	20	26	High Point

19A	2	Cabarrus	5	9	Kannapolis
19B	3	Montgomery	2	4	
		Randolph	5	8	Liberty
19C	2	Rowan	5	10	
20	6	Stanly	5	6	
		Union	4	6	
		Anson	4	5	
		Richmond	5	6	Hamlet
		Moore	5	8	Southern
		Pines			
21	7	Forsyth	3	15	Kernersville
22	6	Alexander	2	3	
		Davidson	7	10	Thomasville
		Davie	2	3	
		Iredell	4	8	Mooresville
23	3	Alleghany	1	2	
		Ashe	3	4	
		Wilkes	4	6	
		Yadkin	3	5	
24	3	Avery	3	4	
		Madison	4	5	
		Mitchell	3	4	
		Watauga	4	6	
		Yancey	2	4	
25	7	Burke	4	7	
		Caldwell	4	7	
		Catawba	6	9	Hickory
26	13	Mecklenburg	15	26	
27A	5	Gaston	11	20	
27B	4	Cleveland	5	8	
		Lincoln	4	6	
28	5	Buncombe	6	15	
29	4	Henderson	4	6	
		McDowell	3	4	
		Polk	3	4	
		Rutherford	6	8	
		Transylvania	2	4	
30	3	Cherokee	3	4	
		Clay	1	2	
		Graham	2	3	
		Haywood	5	7	Canton
		Jackson	3	4	
		Macon	3	4	
		Swain	2	3."	

(b) Effective September 1, 1991, David Leech, E. Burt Aycock, and James E. Martin, or their successors, shall be district court judges for District Court District 3A. Effective September 1, 1991, George Wainright, James Ragan, W. Lee Lumpkin, and H. Horton Roundtree, or their successors, shall be district court judges for District Court District 3B.

(c) There is appropriated from the General Fund to the Judicial Department the sum of \$125,957 for the 1991-92 fiscal year and the sum of \$130,751 for the 1992-93 fiscal year to implement this section.

ADDITIONAL ASSISTANT DISTRICT ATTORNEYS

Sec. 13. G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

District	Counties	No. of Full-Time Prosecutorial Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	6
2	Beaufort, Hyde, Martin, Tyrrell, Washington	4
3A	Pitt	5
3B	Carteret, Craven, Pamlico	5
4	Duplin, Jones, Onslow, Sampson	9
5	New Hanover, Pender	8
6A	Halifax	2
6B	Bertie, Hertford, Northampton	2
7	Edgecombe, Nash, Wilson	<u>89</u>
8	Greene, Lenoir, Wayne	8
9	Franklin, Granville, Person, Vance, Warren	7
10	Wake	<u>1617</u>
11	Harnett, Johnston, Lee	7
12	Cumberland	11
13	Bladen, Brunswick, Columbus	6
14	Durham	9
15A	Alamance	<u>45</u>
15B	Orange, Chatham	4
16A	Scotland, Hoke	2
16B	Robeson	7
17A	Caswell, Rockingham	4

17B	Stokes, Surry	4
18	Guilford	15
19A	Cabarrus, Rowan	67
19B	Montgomery, Randolph	4
20	Anson, Moore, Richmond, Stanly, Union	<u>910</u>
21	Forsyth	11
22	Alexander, Davidson, Davie, Iredell	<u>89</u>
23	Alleghany, Ashe, Wilkes, Yadkin	4
24	Avery, Madison, Mitchell, Watauga, Yancey	3
25	Burke, Caldwell, Catawba	<u>910</u>
26	Mecklenburg	2022
27A	Gaston	7
27B	Cleveland, Lincoln	5
28	Buncombe	6
29	Henderson, McDowell, Polk, Rutherford, Transylvania	<u>67</u>
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	6

INCLUDE MAGISTRATES' PRIOR SERVICE AS WILDLIFE OFFICERS AND CAMPUS POLICE OFFICERS IN DETERMINATION OF LONGEVITY CREDIT.

Sec. 14. (a) 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, so designated by the Administrative Officer of the Courts, shall be paid the annual salary indicated in the table below according to the number of years he has served as a magistrate. The salary steps shall take effect on the anniversary of the date the magistrate was originally appointed:

Table of Salaries of Full-Time Magistrates

Number of Prior Years of Service	Annual Salary	
	<u>1989-90</u>	<u>1990-91</u>
Less than 1	\$ 15,600	\$16,536
1 or more but less than 3	16,416	17,412
3 or more but less than 5	18,084	19,176

5 or more but less than 7	19,920	21,120
7 or more but less than 9	21,972	23,292
9 or more but less than 11	24,204	25,656
11 or more	26,628	28,236

A 'Full-time magistrate' is a magistrate who is assigned to work an average of not less than 40 hours a week during his term of office.

Notwithstanding any other provision of this subdivision, a full-time magistrate, who was serving as a magistrate on December 31, 1978, and who was receiving an annual salary in excess of that which would ordinarily be allowed under the provisions of this subdivision, shall not have the salary, which he was receiving reduced during any subsequent term as a full-time magistrate. That magistrate's salary shall be fixed at the salary level from the table above which is nearest and higher than the latest annual salary he was receiving on December 31, 1978, and, thereafter, shall advance in accordance with the schedule in the table above.

- (2) A part-time magistrate, so designated by the Administrative Officer of the Courts, is included, in accordance with G.S. 7A-170, under the provisions of G.S. 135-1(10) and 135-40.2(a) and shall receive an annual salary based on the following formula: The average number of hours a week that a part-time magistrate is assigned work during his term shall be multiplied by the annual salary payable to a full-time magistrate who has the same number of years of service prior to the beginning of that term as does the part-time magistrate and the product of that multiplication shall be divided by the number 40. The quotient shall be the annual salary payable to that part-time magistrate.

A 'part-time magistrate' is a magistrate who is assigned to work an average of less than 40 hours of work a week during his term. No magistrate may be assigned an average of less than 10 hours of work a week during his term.

Notwithstanding any other provision of this subdivision, upon reappointment as a magistrate and being assigned to work the same or greater number of hours as he worked as a magistrate for a term of office ending on December 31, 1978, a person who received an annual salary in excess of that to which he would be entitled under the formula contained in this subdivision shall receive an annual salary equal to that received during the prior term. That magistrate's salary shall increase in accordance with the salary formula contained in this subdivision.

- (3) Notwithstanding any other provision of this section, a magistrate with a two-year Associate in Applied Science degree in criminal justice or paralegal training from a North Carolina community college or the equivalent degree from a private educational institution in North

Carolina, shall receive the annual salary provided in the table above for a magistrate with three years of service in addition to those which the magistrate has served; a magistrate with a four-year degree from an accredited senior institution of higher education shall receive the annual salary provided in the table above for a magistrate with five years of service in addition to those which the magistrate has served; a magistrate who holds a law degree from an accredited law school shall receive the annual salary provided in the table above for a magistrate with seven years of service in addition to those which the magistrate has served; and a magistrate who is licensed to practice law in North Carolina shall receive the annual salary provided in the table above for a magistrate with nine years of service in addition to those which the magistrate has served.

Magistrates with a two or four-year degree or a law degree described herein who became magistrates before July 1, 1979 are entitled to an increase of three, five and seven years, respectively, in their seniority, for pay purposes only. Full-time magistrates licensed to practice law in North Carolina who became magistrates before July 1, 1979 are entitled to the pay of a magistrate with 9 or more years of service, and part-time magistrates holding a law degree or a license to practice law as described above who became magistrates before July 1, 1979 are entitled to a proportionate adjustment in their pay. Pay increases authorized by this paragraph of this subdivision are not retroactive.

- (4) Notwithstanding any other provision of this section, a magistrate with 10 years' experience within the last 12 years as a sheriff or deputy sheriff, administrative officer for a district attorney, city or county police officer, campus police officer, wildlife officer, or highway patrolman in the State of North Carolina, or with 10 years' experience within the last 12 years as clerk of superior court or an assistant or deputy clerk of court in the State of North Carolina shall receive the annual salary provided in the table in subdivision (1) for a magistrate with five years of service in addition to those the magistrate has served. A magistrate who qualifies for the increased salary under both subdivisions (3) and (4) of this subsection shall receive either the salary determined under subdivision (3) or that determined under subdivision (4), whichever is higher, but no more.
- (5) The Administrative Officer of the Courts shall provide magistrates with longevity pay at the same rates as are provided by the State to its employees subject to the State Personnel Act."

(b) This section applies to all persons serving as magistrates on July 1, 1991, or appointed to serve on and after that date.

ADJUST FEES IN THE GENERAL COURT OF JUSTICE

Sec. 15. (a) G.S. 7A-304(a) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or **nolo contendere**, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

- (1) For each arrest or personal service of criminal process, including citations and subpoenas, the sum of five dollars (\$5.00), to be remitted to the county wherein the arrest was made or process was served, except that in those cases in which the arrest was made or process served by a law-enforcement officer employed by a municipality, the fee shall be paid to the municipality employing the officer.
- (2) For the use of the courtroom and related judicial facilities, the sum of five dollars (\$5.00) in the district court, including cases before a magistrate, and the sum of twenty-three dollars (\$23.00) in superior court, to be remitted to the county in which the judgment is rendered. In all cases where the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used exclusively by the county or municipality for providing, maintaining, and constructing adequate courtroom and related judicial facilities, including: adequate space and furniture for judges, district attorneys, public defenders, magistrates, juries, and other court related personnel; office space, furniture and vaults for the clerk; jail and juvenile detention facilities; free parking for jurors; and a law library (including books) if one has heretofore been established or if the governing body hereafter decides to establish one. In the event the funds derived from the facilities fees exceed what is needed for these purposes, the county or municipality may, with the approval of the Administrative Officer of the Courts as to the amount, use any or all of the excess to retire outstanding indebtedness incurred in the construction of the facilities, or to reimburse the county or municipality for funds expended in constructing or renovating the facilities (without incurring any indebtedness) within a period of two years before or after the date a district court is established in such county, or to supplement the operations of the General Court of Justice in the county.
- (3) For the retirement and insurance benefits of both State and local government law-enforcement officers, the sum of seven dollars and twenty-five cents (\$7.25), to be remitted to the State Treasurer. Fifty cents (50¢) of this sum shall be administered as is provided in Article 12C of Chapter 143 of the General Statutes. Five dollars and seventy-five cents (\$5.75) of this sum shall be administered as is provided in Article 12E of Chapter 143 of the General Statutes, with one dollar and twenty-five cents (\$1.25) being administered in accordance with the

provisions of G.S. 143-166.50(e). One dollar (\$1.00) of this sum shall be administered as is provided in Article 12F of Chapter 143 of the General Statutes.

(3a) For the supplemental pension benefits of sheriffs, the sum of seventy-five cents (75¢), to be remitted to the Department of Justice and administered under the provisions of Article 12G of Chapter 143 of the General Statutes.

(4) For support of the General Court of Justice, the sum of ~~thirty-three dollars (\$33.00)~~ thirty-seven dollars (\$37.00) in the district court, including cases before a magistrate, and the sum of ~~forty dollars (\$40.00)~~ forty-four dollars (\$44.00) in the superior court, to be remitted to the State Treasurer."

(b) G.S. 7A-305(a) reads as rewritten:

"(a) In every civil action in the superior or district court the following costs shall be assessed:

(1) For the use of the courtroom and related judicial facilities, the sum of five dollars (\$5.00) in cases heard before a magistrate, and the sum of nine dollars (\$9.00) in district and superior court, to be remitted to the county in which the judgment is rendered, except that in all cases in which the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used in the same manner, for the same purposes, and subject to the same restrictions, as facilities fees assessed in criminal actions.

(2) For support of the General Court of Justice, the sum of ~~forty-seven dollars (\$47.00)~~ fifty-one dollars (\$51.00) in the superior court, and the sum of ~~thirty-two dollars (\$32.00)~~ thirty-six dollars (\$36.00) in the district court except that if the case is assigned to a magistrate the sum shall be ~~twenty dollars (\$20.00)~~ twenty-four dollars (\$24.00). Sums collected under this subsection shall be remitted to the State Treasurer."

(c) This section shall apply to all cases pending on or commenced on or after July 1, 1991.

CHANGE THE METHOD FOR FILLING DISTRICT COURT VACANCIES

Sec. 16. G.S. 7A-142 reads as rewritten:

"§ 7A-142. Vacancies in office.

A vacancy in the office of district judge shall be filled for the unexpired term by appointment of the Governor from nominations submitted by the bar of the judicial district as defined in G.S. 84-19. If the district court district is comprised of counties in more than one judicial district, the nominees shall be submitted jointly by the bars of those judicial districts, but only those members who reside in the district court district shall participate in the selection of the nominees. If the district court judge was elected as the nominee of a political party, then the district bar shall submit to the Governor the names of three persons who are residents of the district court district who are duly

authorized to practice law in the district and who are members of the same political party as the vacating judge; provided that if there are not three persons who are available, the bar shall submit the names of two persons who meet the qualifications of this sentence. Within 60 days after the district bar submits nominations for a vacancy, the Governor shall appoint to fill the vacancy. If the Governor fails to appoint a district bar nominee within 60 days, then the district bar nominee who received the highest number of votes from the district bar shall fill the vacancy. If the district bar fails to submit nominations within 30 days from the date the vacancy occurs, the Governor may appoint to fill the vacancy without waiting for nominations."

EFFECTIVE DATE

Sec. 17. Except where otherwise provided, this act becomes effective July 1, 1991.

In the General Assembly read three times and ratified this the 16th day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives