

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

S

1

SENATE BILL 2108\*

Short Title: Equitable Judicial Salary Structure. (Public)

---

Sponsors: Senators Clodfelter; and Atwater.

---

Referred to: Appropriations/Base Budget.

---

May 28, 2008

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPROVE THE ADMINISTRATION OF JUSTICE AND PRESERVE  
3 THE QUALITY OF THE JUDICIARY BY IMPROVING SALARIES AND  
4 ESTABLISHING AN EQUITABLE SALARY STRUCTURE FOR JUDICIAL  
5 OFFICIALS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Subchapter I of Chapter 7A of the General Statutes is amended  
8 by adding a new Article to read:

9 "Article 1C.

10 "Equitable Salary Structure for Justices and Judges.

11 **"§ 7A-4.30. Compensation of justices and judges.**

12 (a) The annual salary of the Chief Justice of the Supreme Court shall be an  
13 amount commensurate with the judicial and administrative authorities, duties, and  
14 stature of that office taking into consideration comparable judicial salaries in other  
15 states, relevant positions in State government and the private sector, and  
16 recommendations of the State Judicial Council.

17 (b) The annual salary of each other justice and judge of the General Court of  
18 Justice shall be set as follows:

19 (1) The annual salary of an associate justice of the Supreme Court shall be  
20 four percent (4%) below the annual salary of the Chief Justice;

21 (2) The annual salary of the Chief Judge of the Court of Appeals shall be  
22 five percent (5%) below the annual salary of the Chief Justice;

23 (3) The annual salary of each associate judge of the Court of Appeals shall  
24 be five percent (5%) below the annual salary of an associate justice of  
25 the Supreme Court;

26 (4) The annual salary of each senior resident superior court judge shall be  
27 five percent (5%) below the annual salary of the Chief Judge of the  
28 Court of Appeals;

(5) The annual salary of each special or regular resident superior court judge shall be five percent (5%) below the annual salary of an associate judge of the Court of Appeals;

(6) The annual salary of each chief district court judge shall be five percent (5%) below the annual salary of a senior resident superior court judge; and

(7) The annual salary of each other district court judge shall be five percent (5%) below the annual salary of a superior court judge."

**SECTION 2.** G.S. 7A-10(b) reads as rewritten:

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

**SECTION 3.** G.S. 7A-18(a) reads as rewritten:

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

**SECTION 4.** G.S. 7A-44(a) reads as rewritten:

"(a) A judge of the superior court, regular or special, shall receive the annual salary set forth in the Current Operations Appropriations Act, in an amount as specified in G.S. 7A-4.30, and in addition shall be paid the same travel allowance as State employees generally by G.S. 138-6(a)(1) and (2), provided that no travel allowance be paid for travel within his county of residence. In addition, a judge of the superior court shall be allowed seven thousand dollars (\$7,000) per year, payable monthly, in lieu of necessary subsistence expenses while attending court or transacting official business at a place other than in the county of his residence and in lieu of other professional expenses incurred in the discharge of his official duties. The Administrative Officer of the Courts may also reimburse superior court judges, in addition to the above funds for travel and subsistence, for travel and subsistence expenses incurred for professional education."

**SECTION 5.** G.S. 7A-144(a) reads as rewritten:

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

**SECTION 6.** Section 28.4 of S.L. 2007-323 reads as rewritten:

**"SECTION 28.4.(a)** The annual salaries, payable monthly, for specified judicial branch officials for the 2007-2008 ~~and 2008-2009 fiscal years~~ fiscal year are:

<u>Judicial Branch Officials</u>	<u>Annual Salary</u>
Chief Justice, Supreme Court	\$ 137,160
Associate Justice, Supreme Court	133,576
Chief Judge, Court of Appeals	130,236

1	Judge, Court of Appeals	128,011
2	Judge, Senior Regular Resident Superior Court	124,532
3	Judge, Superior Court	121,053
4	Chief Judge, District Court	109,923
5	Judge, District Court	106,445
6	District Attorney	116,112
7	Administrative Officer of the Courts	123,346
8	Assistant Administrative Officer of the Courts	112,665
9	Public Defender	116,112

10

11 The annual salaries, payable monthly, for specified judicial branch officials for the  
 12 2008-2009 fiscal year are:

13

14	<u>Judicial Branch Officials</u>	<u>Annual Salary</u>
15	<u>Chief Justice, Supreme Court</u>	<u>\$ 150,000</u>
16	<u>Associate Justice, Supreme Court</u>	<u>144,000</u>
17	<u>Chief Judge, Court of Appeals</u>	<u>142,500</u>
18	<u>Judge, Court of Appeals</u>	<u>136,800</u>
19	<u>Judge, Senior Regular Resident Superior Court</u>	<u>135,375</u>
20	<u>Judge, Superior Court</u>	<u>129,960</u>
21	<u>Chief Judge, District Court</u>	<u>128,606</u>
22	<u>Judge, District Court</u>	<u>123,462</u>
23	<u>District Attorney</u>	<u>131,991</u>
24	<u>Administrative Officer of the Courts</u>	<u>135,375</u>
25	<u>Assistant Administrative Officer of the Courts</u>	<u>123,191</u>
26	<u>Public Defender</u>	<u>131,991"</u>

27

**SECTION 7.** G.S. 7A-65(a) reads as rewritten:

28

"(a) The annual salary of:

29

(1) District attorneys shall be ~~as provided in the Current Operations Appropriations Act.~~ the midpoint amount between the salary of a senior resident superior court judge and the salary of a chief district court judge, as provided by law.

30

31

32

33

(2) Full-time assistant district attorneys shall be ~~as provided in the Current Operations Appropriations Act.~~ set by the district attorney of each district, with the approval of the Administrative Office of the Courts, such that the average of the salaries of all assistant district attorneys in the district do not exceed sixty percent (60%) of the salary of a district attorney, and the minimum salary of any assistant district attorney is at least thirty percent (30%) of the salary of the district attorney.

34

35

36

37

38

39

40

When traveling on official business, each district attorney and assistant district attorney is entitled to reimbursement for his subsistence and travel expenses to the same extent as State employees generally."

41

42

43

**SECTION 8.** G.S. 7A-498.7 is amended by adding a new subsection to read:

1        "(b1) The annual salary of public defenders shall be the midpoint amount between  
 2 the salary of a senior resident superior court judge and the salary of a chief district court  
 3 judge, as provided by law."

4           **SECTION 9.** G.S. 7A-398.7(f) reads as rewritten:

5        "(f) Each public defender is entitled to assistant public defenders, investigators,  
 6 and other staff, full-time or part-time, as may be authorized by the Commission.  
 7 Assistants, investigators, and other staff are appointed by the public defender and serve  
 8 at the pleasure of the public defender. ~~Average and minimum compensation of~~  
 9 ~~assistants shall be as provided in the biennial Current Operations Appropriations Act.~~  
 10 The ~~actual~~ salaries of assistants shall be set by the public defender in charge of the  
 11 office, subject to approval by the ~~Commission.~~ Commission, such that the average  
 12 salaries of all assistant public defenders in the office do not exceed sixty percent (60%)  
 13 of the salary of a public defender, and the minimum salary of any assistant public  
 14 defender is at least thirty percent (30%) of the salary of the public defender. The  
 15 Commission shall fix the compensation of investigators. Assistants and investigators  
 16 shall perform such duties as may be assigned by the public defender."

17           **SECTION 10.** Section 28.4(b) of S.L. 2007-323 is repealed.

18           **SECTION 11.** G.S. 7A-101(a) reads as rewritten:

19        "(a) The clerk of superior court is a full-time employee of the State and shall  
 20 receive an annual salary, payable in equal monthly installments, based on the population  
 21 of the county as determined in subsection (a1) of this section, according to the following  
 22 ~~schedule:~~ schedule, in which the annual salary of the clerk shall be the following  
 23 percentage of the salary of a chief district court judge:

Population	Annual Salary	Percentage
Less than 100,000	<del>\$ 80,196</del>	<u>73%</u>
100,000 to 149,999	<del>89,993</del>	<u>82%</u>
150,000 to 249,999	<del>99,792</del>	<u>91%</u>
250,000 and above	<del>109,593.</del>	<u>100%</u>

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

34           **SECTION 12.** G.S. 7A-171.1(a) reads as rewritten:

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

38        (1) A full-time magistrate shall be paid the annual salary indicated in the  
 39 table set out in this subdivision. The annual salaries for full-time  
 40 magistrates shall be the percentages of the salary of a district court  
 41 judge indicated in the table in this subdivision. A full-time magistrate  
 42 is a magistrate who is assigned to work an average of not less than 40  
 43 hours a week during the term of office. The Administrative Officer of  
 44 the Courts shall designate whether a magistrate is full-time. Initial

1 appointment shall be at the entry rate. A magistrate's salary shall  
 2 increase to the next step every two years on the anniversary of the date  
 3 the magistrate was originally appointed for increases to Steps 1  
 4 through 3, ~~and every four years on the anniversary of the date the~~  
 5 ~~magistrate was originally appointed for increases to Steps 4 through 6.~~  
 6 Steps 3 through 6, and after five years on the anniversary of the date  
 7 the magistrate was originally appointed for an increase from Step 6 to  
 8 Step 7.

9 Table of Salaries of Full-Time Magistrates

10 Step Level	Annual Salary	Percentage
11 Entry Rate	\$31,533	33%
12 Step 1	34,425	35%
13 Step 2	37,571	37%
14 Step 3	41,006	41%
15 Step 4	44,768	45%
16 Step 5	49,007	49%
17 Step 6	53,760.	53%
18 Step 7		58%

19 (2) A part-time magistrate is a magistrate who is assigned to work an  
 20 average of less than 40 hours of work a week during the term, except  
 21 that no magistrate shall be assigned an average of less than 10 hours of  
 22 work a week during the term. A part-time magistrate is included, in  
 23 accordance with G.S. 7A-170, under the provisions of G.S. 135-1(10)  
 24 and G.S. 135-40.2(a). The Administrative Officer of the Courts  
 25 designates whether a magistrate is a part-time magistrate. A part-time  
 26 magistrate shall receive an annual salary based on the following  
 27 formula: The average number of hours a week that a part-time  
 28 magistrate is assigned work during the term shall be multiplied by the  
 29 annual salary payable to a full-time magistrate who has the same  
 30 number of years of service prior to the beginning of that term as does  
 31 the part-time magistrate and the product of that multiplication shall be  
 32 divided by the number 40. The quotient shall be the annual salary  
 33 payable to that part-time magistrate.

34 (3) Notwithstanding any other provision of this subsection, a magistrate  
 35 who is licensed to practice law in North Carolina or any other state  
 36 shall receive the annual salary provided in the Table in subdivision (1)  
 37 of this subsection for ~~Step 4.~~ Step 3."

38 **SECTION 13.** There is appropriated from the General Fund to the Judicial  
 39 Department the amount of twenty-nine million four hundred thousand four hundred  
 40 forty-five dollars (\$29,400,445) for the 2008-2009 fiscal year to implement the  
 41 provision of this act.

42 **SECTION 14.** This act becomes effective July 1, 2008.