GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 795
SENATE BILL 1124

AN ACT TO APPROPRIATE FUNDS TO THE ADMINISTRATIVE OFFICE OF THE COURTS, TO MAKE IMPROVEMENTS TO THE JUDICIAL BRANCH OF GOVERNMENT, AND TO ADD ADDITIONAL COURT PERSONNEL.

The General Assembly of North Carolina enacts:

JUROR AND WITNESS FEES

Section 1. There is appropriated from the General Fund to the Judicial Department $400,000 for fiscal year 1989-90 and $400,000 for fiscal year 1990-91 to be used to pay jurors and witnesses called before either the superior or district courts.

SUPREME COURT PERSONNEL

Sec. 2. There is appropriated from the General Fund to the Judicial Department $40,580 for fiscal year 1989-90 and $69,074 for fiscal year 1990-91 for new support personnel in the supreme court reporter's office and library.

COURT OF APPEALS PERSONNEL

Sec. 3. There is appropriated from the General Fund to the Judicial Department $35,454 for fiscal year 1989-90 and $39,501 for fiscal year 1990-91 for one court of appeals staff attorney.

NEW SUPERIOR COURT PERSONNEL

Sec. 4. There is appropriated from the General Fund to the Judicial Department $92,260 for fiscal year 1989-90 to be used for two official court reporters and two administrative secretaries to superior court judges. Further, there is appropriated from the General Fund to the Judicial Department $626,236 for fiscal year 1990-91 to be allocated for the following purposes:

(1) To continue the four positions funded in fiscal year 1989-90 - $103,056;
(2) To establish six resident superior court judgeships - $377,136;
(3) To create six official court reporter positions - $98,910;
(4) To establish two administrative secretaries to superior court judges - $47,134.

NEW DISTRICT COURT PERSONNEL

Sec. 5.(a) There is appropriated from the General Fund to the Judicial Department $558,367 for fiscal year 1989-90 to be allocated for the following purposes:

(1) One new district court judgeship - $87,339;
(2) Four official court reporters - $105,068;
(3) Ten magistrates - $179,980;

(4) Ten secretaries for district courts now without secretarial assistance - $185,980.

(b) There is appropriated from the General Fund to the Judicial Department $1,588,914 for fiscal year 1990-91 to be allocated for the following purposes:

(1) To continue the positions established in fiscal year 1989-90 in subsection (a) of this section - $606,983;

(2) To establish 15 new district court judgeships - $820,621;

(3) To establish five new magistrate positions - $107,280;

(4) To establish two case management assistants to trial court administrators - $54,030.

NEW JUVENILE SERVICES PERSONNEL

Sec. 6. There is appropriated from the General Fund to the Judicial Department $616,651 for fiscal year 1989-90 and $867,239 for fiscal year 1990-91 for new personnel in the Juvenile Services Division of the Administrative Office of the Courts, and for contract services to provide for intensive juvenile supervision.

NEW DEPUTY CLERKS OF SUPERIOR COURT

Sec. 7. There is appropriated from the General Fund to the Judicial Department $586,008 for fiscal year 1989-90 and $1,032,282 for fiscal year 1990-91 for 36 new deputy clerks of superior court in the 1989-90 fiscal year and an additional 18 new deputy clerks in the 1990-91 fiscal year.

NEW PUBLIC DEFENDER PERSONNEL

Sec. 8.(a) There is appropriated from the General Fund to the Judicial Department $37,130 for fiscal year 1989-90 for two new personnel in public defender offices.

(b) There is appropriated from the General Fund to the Judicial Department $96,521 for fiscal year 1990-91 for continuation of the two positions established for fiscal year 1989-90 and for two additional positions.

NEW PERSONNEL FOR SPECIAL COUNSEL

Sec. 9. There is appropriated from the General Fund to the Judicial Department $23,957 for fiscal year 1989-90 and $27,854 for fiscal year 1990-91 for one assistant to the special counsel in the 10th judicial district.

NEW DISTRICT ATTORNEY PERSONNEL

Sec. 10.(a) There is appropriated from the General Fund to the Judicial Department $1,296,436 for fiscal year 1989-90 to be allocated for the following purposes:

(1) Nineteen new assistant district attorneys - $831,136;

(2) To establish 14 district attorney's secretaries - $247,450;

(3) To establish 10 new victim/witness assistants - $217,850.

(b) There is appropriated from the General Fund to the Judicial Department $2,073,670 for fiscal year 1990-91 to be allocated for the following purposes:

(1) To continue the positions established in fiscal year 1989-90 in subsection (a) of this section - $1,522,010;

(2) To establish 8 new assistant district attorney positions - $419,864;

(3) To establish 2 new victim/witness assistants - $26,856;

(4) To establish five district attorney's secretaries - $104,940.

NEW OR UPGRADED GUARDIAN AD LITEM PROGRAM POSITIONS

Sec. 11.(a) There is appropriated from the General Fund to the Judicial Department for transfer to the Indigent Persons' Attorney Fee Fund, Guardian **Ad Litem** Program, $314,902 for fiscal year 1989-90 for the establishment or upgrade of 32 Guardian **Ad Litem** Program staff positions.

(b) There is appropriated from the General Fund to the Judicial Department for transfer to the Indigent Persons' Attorney Fee Fund, Guardian **Ad Litem** Program, $494,758 for fiscal year 1990-91 to continue the 32 positions that were established or upgraded in fiscal year 1989-90 and to create four new Guardian **Ad Litem** Program staff positions.

NEW ADMINISTRATIVE OFFICE OF THE COURTS GENERAL ADMINISTRATION POSITIONS PERSONNEL

Sec. 12.(a) There is appropriated from the General Fund to the Judicial Department $205,948 for fiscal year 1989-90 to establish a total of seven 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 $315,612 for fiscal year 1990-91 to provide for the continuation of the seven positions established in the Administrative Office of the Courts in fiscal year 1989-90 and to provide for the establishment of three new staff positions effective July 1, 1990.

NEW ADMINISTRATIVE OFFICE OF THE COURTS WAREHOUSE AND PRINTING SERVICE PERSONNEL

Sec. 13. There is appropriated from the General Fund to the Judicial Department $30,954 for fiscal year 1989-90 and $55,749 for fiscal year 1990-91 to establish two new positions within the warehouse and print shop of the Administrative Office of the Courts for the 1989-90 fiscal year and one additional position for the 1990-91 fiscal year.

COURT INFORMATION SYSTEM EXPANSION

Sec. 14.(a) There is appropriated from the General Fund to the Judicial Department $5,293,377 for the creation of 13 new staff positions within the information services division of the Administrative Office of the Courts, the upgrade of the central mainframe computer maintained by the information services section, and the expansion for the court information system.

(b) There is appropriated from the General Fund to the Judicial Department $1,933,127 for fiscal year 1990-91 to continue the 13 positions established in fiscal year 1989-90, to establish six additional positions in the information services division of the Administrative Office of the Courts, and to continue the further expansion of the court information system.

ESTABLISH STATEWIDE CUSTODY AND VISITATION MEDIATION PROGRAMS

Sec. 15. (a) Chapter 7A of the General Statutes is amended by adding the following new Article:

"ARTICLE 39A.

"Custody and Visitation Mediation Program.

"**§ 7A-494. Custody and Visitation Mediation Program established.**

(a) The Administrative Office of the Courts shall establish a Custody and Visitation Mediation Program to provide statewide and uniform services in accordance with G.S. 50-13.1 in cases involving unresolved issues about the custody or visitation of minor children. The Director of the Administrative Office of the Courts shall appoint such AOC staff support required for planning, organizing, and administering such program on a statewide basis.

The purposes of the Custody and Visitation Mediation Program shall be to provide the services of skilled mediators to further the goals expressed in G.S. 50-13.1(b).

(b) Beginning on July 1, 1989, the Administrative Office of the Courts shall establish in phases a statewide custody mediation program comprised of local district programs to be established in all judicial districts of the State. Each local district program shall consist of: a qualified mediator or mediators to provide mediation services; and such clerical staff as the Administrative Office of the Courts in consultation with the local district program deems necessary. Such personnel, to be employed by the Chief District Court Judge of the district, may serve as full-time or part-time State employees or, in the alternative, such activities may be provided on a contractual basis when determined appropriate by the Administrative Office of the Courts. The Administrative Office of the Courts may authorize all or part of a program in one judicial district to be operated in conjunction with that of another district or districts. The Director of the Administrative Office of the Courts is authorized to approve contractual agreements for such services as executed by order of the Chief District Court Judge of a district court district; such contracts to be exempt from competitive bidding procedures under Chapter 143 of the General Statutes. The Administrative Office of the Courts shall promulgate rules and regulations necessary and appropriate for the administration of the program. Funds appropriated by the General Assembly for the establishment and maintenance of mediation programs under this Article shall be administered by the Administrative Office of the Courts.

(c) For a person to qualify to provide mediation services under this Article, that person shall show that he or she:

(1) Has at minimum a master's degree in psychology, social work, family counselling, or a comparable human relations discipline; and

(2) Has at least 40 hours of training in mediation techniques by a qualified instructor of mediation as determined by the Administrative Office of the Courts; and

(3) Has had professional training and experience relating to child development, family dynamics, or comparable areas; and

(4) Meets such other criteria as may be specified by the Administrative Office of the Courts.

"**§ 7A-495. Implementation and administration.**

(a) Local District Program.–The Administrative Office of the Courts shall, in cooperation with each Chief District Court Judge and other district personnel, implement and administer the program mandated by this Article.

(b) Advisory Committee Established.–The Director of the Administrative Office of the Courts shall appoint a Custody Mediation Advisory Committee consisting of at least five members to advise the Custody Mediation Program. The members of the Advisory Committee shall receive the same per diem and reimbursement for travel expenses as members of State boards and commissions generally."

(b) G.S. 50-13.1 reads as rewritten:

"**§ 50-13.1. Action or proceeding for custody of minor child.**

(a) Any parent, relative, or other person, agency, organization, or institution claiming the right to custody of or visitation with a minor child may institute an action or proceeding for custody of or visitation with such child, as hereinafter provided. Unless a contrary intent is clear, the word 'custody' shall be deemed to include custody or visitation or both.

(b) Whenever it appears to the court, from the pleadings or otherwise, that an action involves a contested issue as to the custody or visitation of a minor child, the matter, where there is a program established pursuant to G.S. 7A-494, shall be set for mediation of the unresolved issues as to custody and visitation before or concurrent with the setting of the matter for hearing unless the court waives mediation pursuant to subsection (c). Issues that arise in motions for contempt or for modifications as well as in other pleadings shall be set for mediation unless mediation is waived by the court. Alimony, child support, and other economic issues may not be referred for mediation pursuant to this section. The purposes of mediation under this section include the pursuit of the following goals:

(1) To reduce any acrimony that exists between the parties to a dispute involving custody or visitation of a minor child;

(2) The development of custody and visitation agreements that are in the child's best interest;

(3) To provide the parties with informed choices and, where possible, to give the parties the responsibility for making decisions about child custody and visitation;

(4) To provide a structured, confidential, nonadversarial setting that will facilitate the cooperative resolution of custody and visitation disputes and minimize the stress and anxiety to which the parties, and especially the child, are subjected; and

(5) To reduce the relitigation of custody and visitation disputes.

(c) For good cause, on the motion of either party or on the court's own motion, the court may waive the mandatory setting under Article 39A of Chapter 7A of the General Statutes of a contested custody or visitation matter for mediation. Good cause may include, but is not limited to, the following: a showing of undue hardship to a party; an agreement between the parties for voluntary mediation, subject to court approval; allegations of abuse or neglect of the minor child; allegations of alcoholism, drug abuse, or spouse abuse; or allegations of severe psychological, psychiatric, or emotional problems. A showing by either party that the party resides more than fifty miles from the court shall be considered good cause.

(d) Either party may move to have the mediation proceedings dismissed and the action heard in court due to the mediator's bias, undue familiarity with a party, or other prejudicial ground.

(e) Mediation proceeding shall be held in private and shall be confidential. Except as provided in this Article, all verbal or written communications from either or both parties to the mediator or between the parties in the presence of the mediator made in a proceeding pursuant to this section are absolutely privileged and inadmissible in court. The mediator may assess the needs and interests of the child, and may interview the child or others who are not parties to the proceedings when he or she thinks appropriate.

(f) Neither the mediator nor any party or other person involved in mediation sessions under this section shall be competent to testify to communications made during or in furtherance of such mediation sessions; provided, there is no privilege as to communications made in furtherance of a crime or fraud. Nothing in this subsection shall be construed as permitting an individual to obtain immunity from prosecution for criminal conduct or as excusing an individual from the reporting requirements of G.S. 7A-543 or G.S. 108A-102.

(g) Any agreement reached by the parties as a result of the mediation shall be reduced to writing, signed by each party, and submitted to the court as soon as practicable. Unless the court finds good reason not to, it shall incorporate the agreement in a court order and it shall become enforceable as a court order. If some or all of the issues as to custody or visitation are not resolved by mediation, the mediator shall report that fact to the court.

(h) If an agreement that results from mediation and is incorporated into a court order is referred to as a 'parenting agreement' or called by some similar name, it shall nevertheless be deemed to be a custody order or child custody determination for purposes of Chapter 50A of the General Statutes, G.S. 14-320.1, G.S. 110-139.1, or other places where those terms appear."

(c) Programs in judicial districts 26 and 27A shall be established as of July 1, 1989, and programs in additional judicial districts shall be established by the Administrative Office of the Courts as provided in G.S. 7A-494(b).

(d) Funds in the amount of $140,000 for the 1989-90 fiscal year and $212,000 for the 1990-91 fiscal year are appropriated from the General Fund to the Judicial Department to achieve the purposes of this section.

NONBINDING ARBITRATION PROGRAM

Sec. 16. There is appropriated from the General Fund to the Judicial Department $189,118 for fiscal year 1989-90 and $350,402 for fiscal year 1990-91 to provide for the development of nonbinding arbitration programs in judicial districts 3, 14, and 29, and programs in additional judicial districts shall be established by the Administrative Office of the Courts as provided in G.S. 7A-37.1.

APPELLATE DIVISION LIBRARY FUNDS

Sec. 17. There is appropriated from the General Fund to the Judicial Department $117,617 for fiscal year 1989-90 and $158,542 for fiscal year 1990-91 to

provide for the adequate maintenance and upkeep of libraries within the Appellate Division of the General Court of Justice.

INCREASED JUDICIAL DEPARTMENT OPERATING EXPENSE REQUIREMENTS

Sec. 18. From the funds appropriated to the Judicial Department for the 1989-90 fiscal year, the Administrative Office of the Courts may use up to $898,828 to meet the 1988-89 fiscal year deficit for juror and witness fees and to meet additional operating expenses for the 1989-90 fiscal year in the area of supplies, office materials, postage, and legal reference supplementation and upkeep.

EXPANSION OF DISPUTE SETTLEMENT CENTERS

Sec. 19. There is appropriated from the General Fund to the Judicial Department $71,990 for fiscal year 1989-90 and $81,490 for fiscal year 1990-91 to provide for the expansion of dispute settlement centers in Orange, Buncombe, Durham, Guilford, Henderson, Iredell, Forsyth, Alamance, and Wayne Counties.

ADDITIONAL DEPUTY CLERKS OF SUPERIOR COURT

Sec. 20. In addition to all other funds specifically appropriated or otherwise available for new part-time or full-time permanent deputy clerks of superior court, from funds appropriated to the Judicial Department in the current operating budget for the 1989-91 biennium in line item 1260-1160 (Office-Clerk of Superior Court/EPA Salaries-Temporary), the Administrative Office of the Courts may use in each fiscal year up to $670,000 to allocate among the counties of the State, pursuant to the formula authorized by Section 9 of Chapter 881 of the 1983 Session Laws or any law amending the same, additional new permanent full-time or part-time deputy clerks of superior court.

ADDITIONAL ASSISTANT PUBLIC DEFENDERS

Sec. 21. From the funds appropriated to the Indigent Persons Attorney Fee Fund in the Judicial Department for the 1989-91 biennium, the Administrative Office of the Courts may use up to $218,055 in the 1989-90 fiscal year and $260,670 in the 1990-91 fiscal year for salaries, benefits, and related expenses of five new assistant public defender positions, and may use up to an additional $261,615 in the 1990-91 fiscal year for salaries, benefits, and related expenses of five additional new public defender positions.

ADD ADDITIONAL SUPERIOR COURT JUDGES

Sec. 22. (a) Effective January 1, 1991, G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck,	2

		Dare, Gates, Pasquotank, Perquimans	
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
	3A	Pitt	~~1~~ 2
	3B	Carteret, Craven, Pamlico	1
	4A	Duplin, Jones, Sampson	1
	4B	Onslow	1
	5	New Hanover, Pender	~~2~~ 3
	6A	Halifax	1
	6B	Bertie, Hertford, Northampton	1
	7A	Nash	1
	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
	8A	Lenoir and Greene	1
	8B	Wayne	1
Second	9	Franklin, Granville, Person, Vance, Warren	2
	10A	(part of Wake, see subsection (b))	1
	10B	(part of Wake, see subsection (b))	2
	10C	(part of Wake, see subsection (b))	1
	10D	(part of Wake, see subsection (b))	1
	11	Harnett, Johnston, Lee	~~1~~ 2
	12A	(part of Cumberland, see subsection (b))	1
	12B	(part of Cumberland, see subsection (b))	1
	12C	(part of Cumberland,	2

		see subsection (b))	
	13	Bladen, Brunswick, Columbus	~~1~~ 2
	14A	(part of Durham, see subsection (b))	1
	14B	(part of Durham, see subsection (b))	3
	15A	Alamance	1
	15B	Orange, Chatham	1
	16A	Scotland, Hoke	1
	16B	Robeson	2
Third	17A	Caswell, Rockingham	~~1~~ 2
	17B	Stokes, Surry	1
	18A	(part of Guilford, see subsection (b))	1
	18B	(part of Guilford, see subsection (b))	1
	18C	(part of Guilford, see subsection (b))	1
	18D	(part of Guilford, see subsection (b))	1
	18E	(part of Guilford, see subsection (b))	1
	19A	Cabarrus	1
	19B	Montgomery, Randolph	1
	19C	Rowan	1
	20A	Anson, Moore, Richmond	~~1~~ 2
	20B	Stanly, Union	1
	21A	(part of Forsyth, see subsection (b))	1
	21B	(part of Forsyth, see subsection (b))	1
	21C	(part of Forsyth, see subsection (b))	1
	21D	(part of Forsyth, see subsection (b))	1
	22	Alexander, Davidson, Davie, Iredell	2
	23	Alleghany, Ashe, Wilkes, Yadkin	1
Fourth	24	Avery, Madison, Mitchell,	1

	Watauga, Yancey	
25A	Burke, Caldwell	~~1~~ 2
25B	Catawba	1
26A	(part of Mecklenburg, see subsection (b))	2
26B	(part of Mecklenburg, see subsection (b))	2
26C	(part of Mecklenburg, see subsection (b))	2
27A	Gaston	2
27B	Cleveland, Lincoln	1
28	Buncombe	2
29	Henderson, McDowell, Polk, Rutherford, Transylvania	~~1~~ 2
30A	Cherokee, Clay, Graham, Macon, Swain	1
30B	Haywood, Jackson	1."

(b) The additional judgeships authorized by subsection (a) of this section are established effective January 1, 1991. To maintain the policy of having all superior court judges for the same superior court district serve concurrent terms, the initial terms for the additional judgeships in superior court districts:

(1) 3A and 20A shall be January 1, 1985 to December 31, 1992;

(2) 5, 13, and 25A shall be January 1, 1987 to December 31, 1994;

(3) 11, 17A and 29 shall be January 1, 1991 to December 31, 1998.

At the primary and general election in 1990 candidates shall be elected to serve a full term in superior court districts 11, 17A and 29, and to serve the remainder of the unexpired terms that will exist as of January 1, 1991, in superior court districts 3A, 5, 13, 20A and 25A.

ADD ADDITIONAL DISTRICT COURT JUDGES/MAGISTRATE FOR DISTRICTS 15A AND 15B/SPLIT DISTRICT COURT DISTRICTS 6 AND 19A

Sec. 23. (a) Effective September 1, 1989, 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:

			Magistrates		Additional Seats of
District	Judges	County	Min.	Max.	Court
1	3	Camden	1	2	
		Chowan	2	3	

		Currituck	1	2	
		Dare	3	5	
		Gates	2	3	
		Pasquotank	3	4	
		Perquimans	2	3	
2	3	Martin	5	8	
		Beaufort	4	5	
		Tyrrell	1	3	
		Hyde	2	4	
		Washington	3	4	
3	7	Craven	7	10	Havelock
		Pitt	10	12	Farmville, Ayden
		Pamlico	2	3	
		Carteret	5	8	
4	5	Sampson	6	8	
		Duplin	9	11	
		Jones	2	3	
		Onslow	8	11	
5	5	New Hanover	6	~~10~~ 11	
		Pender	4	6	
6	3	Northampton	5	6	
		Halifax	9	14	Roanoke Rapids, Scotland Neck
		Bertie	4	5	
		Hertford	5	6	
7	5	Nash	7	10	Rocky Mount
		Edgecombe	4	6	Rocky Mount
		Wilson	4	6	
8	5	Wayne	5	8	Mount Olive
		Greene	2	4	
		Lenoir	4	7	La Grange
9	4	Person	3	4	
		Granville	3	7	
		Vance	3	5	
		Warren	3	4	
		Franklin	3	6	
10	10	Wake	12	17	Apex, Wendell, Fuquay-Varina, Wake Forest
11	5	Harnett	7	11	Dunn
		Johnston	10	12	Benson,

					Clayton and Selma
		Lee	4	6	
12	5	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	~~9~~ 10	Burlington
15B	3	Orange	4	~~8~~ 9	Chapel Hill
		Chatham	3	6	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	2	Stokes	2	5	
		Surry	5	8	Mt. Airy
18	9	Guilford	20	26	High Point
19A	~~4~~ 2	Cabarrus	5	9	Kannapolis
		~~Rowan~~	~~5~~	~~10~~	
19B	3	Montgomery	2	4	
		Randolph	5	8	Liberty
19C	2	Rowan	5	10	
20	5	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	5	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	6	Burke	4	7	
		Caldwell	4	7	
		Catawba	6	9	Hickory
26	12	Mecklenburg	15	26	
27A	5	Gaston	11	20	
27B	3	Cleveland	5	8	
		Lincoln	4	6	
28	4	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, 1989, the district court judgeships held on February 1, 1989, by Clarence H. Horton, Jr., and Adam C. Grant, Jr., or their successors, shall be allocated to district court district 19A. Effective September 1, 1989, the district court judgeships held on February 1, 1989, by Frank M. Montgomery and Robert M. Davis, Sr., or their successors, shall be allocated to district court district 19C.

(c) Of the funds appropriated to the Judicial Department in Chapter 500 of the 1989 Session Laws, $3,924 for the 1989-90 fiscal year and $5,232 for the 1990-91 fiscal year may be used to implement the provisions of subsections (a) and (b) of this section. In addition to the funds appropriated to the Judicial Department for the 1989-91 biennium to operate the present District Court District 19A, $73,204 of the funds appropriated to the Judicial Department for the 1989-90 fiscal year shall be used to implement the provisions of subsections (a) and (b) of this section. There is appropriated to the Judicial Department for the 1990-91 fiscal year $83,631 to implement the provisions of subsections (a) and (b) of this section.

(c1) G.S. 7A-293 reads as rewritten:

"**§ 7A-293. Special authority of a magistrate assigned to a municipality located in more than one county of a district court district.**

A magistrate assigned to an incorporated municipality, the boundaries of which lie in more than one county of a district court district, may, in criminal matters, exercise the powers granted by G.S. 7A-273 as if the corporate limits plus the territory embraced within a distance of one mile in all directions therefrom were located wholly within the magistrate's county of residence. Appeals from a magistrate exercising the authority granted by this section shall be taken in the district court in the county in which the offense was committed. A magistrate exercising the special authority granted by this section shall transmit all records, reports, and monies collected to the clerk of the superior court of the county in which the offense was committed. In addition, if a magistrate is assigned to an incorporated municipality, the boundaries of which lie in two district court districts, the magistrate may exercise the powers described in this section as if both counties were in the same district court district, if the clerks of superior court and the chief district court judges serving both districts in which the municipality is located agree in writing that the exercise of this special authority would promote the administration of justice in the municipality and in both districts."

(c2) G.S. 7A-199(c) reads as rewritten:

"(c) A district court judge sitting at a seat of court described in this section may, in criminal cases, conduct preliminary hearings and try misdemeanors arising within the corporate limits of the municipality plus the territory embraced within a distance of one mile in all directions therefrom.

If the corporate limits of the municipality extend into two counties, each of which is in a separate district court district, a district court judge assigned to sit at the seat of court has the same authority over criminal cases arising in the municipality and the territory embraced within a distance of one mile in all directions that he would have if the corporate limits of the municipality were solely located in a single district court district. Judges assigned to sit in such a municipality shall be assigned by the chief district court judge serving the district in which a majority of the voters of the municipality reside, but offenses arising in the portion of the municipality in which the minority of the voters reside shall not be disposed of in the municipality unless the chief district court judge for that district consents in writing to the disposition of criminal cases in the municipality."

(d) Effective December 1, 1989, G.S. 7A-133 as rewritten by subsection (a) of this section 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:

			Magistrates		Additional Seats of
District	Judges	County	Min.	Max.	Court
1	3	Camden	1	2	
		Chowan	2	3	
		Currituck	1	2	

		Dare	3	5	
		Gates	2	3	
		Pasquotank	3	4	
		Perquimans	2	3	
2	3	Martin	5	8	
		Beaufort	4	5	
		Tyrrell	1	3	
		Hyde	2	4	
		Washington	3	4	
3	7	Craven	7	10	Havelock
		Pitt	10	12	Farmville, Ayden
		Pamlico	2	3	
		Carteret	5	8	
4	5	Sampson	6	8	
		Duplin	9	11	
		Jones	2	3	
		Onslow	8	11	
5	5	New Hanover	6	11	
		Pender	4	6	
~~6~~	~~3~~	~~Northampton~~	~~5~~	~~6~~	
		~~Halifax~~	~~9~~	~~14~~	~~Roanoke Rapids, Scotland Neck~~
		~~Bertie~~	~~4~~	~~5~~	
		~~Hertford~~	~~5~~	~~6~~	
6A	2	Halifax	9	14	Roanoke Rapids, Scotland Neck
6B	2	Northampton	5	6	
		Bertie	4	5	
		Hertford	5	6	
7	5	Nash	7	10	Rocky Mount
		Edgecombe	4	6	Rocky Mount
		Wilson	4	6	
8	5	Wayne	5	8	Mount Olive
		Greene	2	4	
		Lenoir	4	7	La Grange
9	4	Person	3	4	
		Granville	3	7	
		Vance	3	5	
		Warren	3	4	
		Franklin	3	6	
10	10	Wake	12	17	Apex,

					Wendell, Fuquay-Varina, Wake Forest
11	5	Harnett	7	11	Dunn
		Johnston	10	12	Benson, Clayton and Selma
		Lee	4	6	
12	5	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	Chapel Hill
		Chatham	3	6	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	2	Stokes	2	5	
		Surry	5	8	Mt. Airy
18	9	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	5	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	5	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	6	Burke	4	7	
		Caldwell	4	7	
		Catawba	6	9	Hickory
26	12	Mecklenburg	15	26	
27A	5	Gaston	11	20	
27B	3	Cleveland	5	8	
		Lincoln	4	6	
28	4	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."	

(e) The additional district court judgeship for District Court District 6B, as provided for in subsection (d) of this section, shall become effective December 1, 1989. The judgeship shall be filled by the Governor. The initial appointee shall serve until a successor takes office. In the November 1990 general election, and quadrennially thereafter, a successor shall be elected for a four-year term beginning the first Monday in December after the election.

(f) Effective December 1, 1989, Nicholas Long and Harold P. McCoy, or their successors, shall be district court judges for District Court District 6A. Effective December 1, 1989, Robert E. Williford, or his successors, shall be district court judge for District Court District 6B.

(g) Of the funds appropriated to the Judicial Department for the 1989-90 fiscal year, $116,199 may be used to implement the provisions of subsections (d), (e), and (f) of this section. There is appropriated from the General Fund to the Judicial Department

$182,604 for the 1990-91 fiscal year to implement the provisions of subsections (d), (e), and (f) of this section.

(h) Effective December 3, 1990, G.S. 7A-133 as rewritten by subsection (d) of this section 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.	Magistrates Max.	Additional Seats of Court
1	3	Camden	1	2	
		Chowan	2	3	
		Currituck	1	2	
		Dare	3	5	
		Gates	2	3	
		Pasquotank	3	4	
		Perquimans	2	3	
2	3	Martin	5	8	
		Beaufort	4	5	
		Tyrrell	1	3	
		Hyde	2	4	
		Washington	3	4	
3	7	Craven	7	10	Havelock
		Pitt	10	12	Farmville, Ayden
		Pamlico	2	3	
		Carteret	5	8	
4	~~5~~ 6	Sampson	6	8	
		Duplin	9	11	
		Jones	2	3	
		Onslow	8	11	
5	~~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	~~5~~ 6	Nash	7	10	Rocky Mount
		Edgecombe	4	6	Rocky Mount
		Wilson	4	6	

8	5	Wayne	5	8	Mount Olive
		Greene	2	4	
		Lenoir	4	7	La Grange
9	~~4~~ 5	Person	3	4	
		Granville	3	7	
		Vance	3	5	
		Warren	3	4	
		Franklin	3	6	
10	~~10~~ 11	Wake	12	17	Apex, Wendell, Fuquay-Varina, Wake Forest
11	~~5~~ 6	Harnett	7	11	Dunn
		Johnston	10	12	Benson, Clayton and Selma
		Lee	4	6	
12	~~5~~ 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	Chapel Hill
		Chatham	3	6	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	~~2~~ 3	Stokes	2	5	
		Surry	5	8	Mt. Airy
18	~~9~~ 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	~~5~~ 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	~~5~~ 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	~~6~~ 7	Burke	4	7	
		Caldwell	4	7	
		Catawba	6	9	Hickory
26	~~12~~ 13	Mecklenburg	15	26	
27A	5	Gaston	11	20	
27B	~~3~~ 4	Cleveland	5	8	
		Lincoln	4	6	
28	~~4~~ 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."	

(i) Except for district court district 9, the additional judges authorized by subsection (h) of this section shall be nominated and elected in the 1990 primary and general elections in accordance with Chapter 163 of the General Statutes. The additional district court judge authorized for District Court District 9 by subsection (h) of this section shall be appointed by the Governor from nominations submitted by the

bar of Judicial District 9 as defined in G.S. 84-19. The nominations must be submitted to the Governor not later than May 1, 1990. If the district bar fails to submit the nominations by May 1, 1990, the Governor shall make the appointment without the nominations. This additional district court judge shall begin service July 1, 1990, and serve the term expiring on the first Monday in December of 1992. A successor shall be elected in 1992 in accordance with general law.

ADD ADDITIONAL ASSISTANT DISTRICT ATTORNEYS/DIVIDE PROSECUTORIAL DISTRICT SIX

Sec. 24. (a) Effective September 1, 1989, 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:

Judicial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	5
2	Beaufort, Hyde, Martin, Tyrrell, Washington	4
3A	Pitt	5
3B	Carteret, Craven, Pamlico	~~4~~ 5
4	Duplin, Jones, Onslow, Sampson	~~8~~ 9
5	New Hanover, Pender	~~7~~ 8
~~6~~	~~Bertie, Halifax, Hertford, Northampton~~	~~4~~
6A	Halifax	2
6B	Bertie, Hertford, Northampton	2
7	Edgecombe, Nash, Wilson	~~7~~ 8
8	Greene, Lenoir, Wayne	8
9	Franklin, Granville, Person, Vance, Warren	6
10	Wake	~~15~~ 16
11	Harnett, Johnston, Lee	~~6~~ 7
12	Cumberland	11
13	Bladen, Brunswick, Columbus	5
14	Durham	8
15A	Alamance	~~3~~ 4
15B	Orange, Chatham	~~3~~ 4
16A	Scotland, Hoke	~~none~~ 2
16B	Robeson	7
17A	Caswell,	4

	Rockingham	
17B	Stokes, Surry	3
18	Guilford	~~14~~ 15
19A	Cabarrus, Rowan	6
19B	Montgomery, Randolph	4
20	Anson, Moore, Richmond, Stanly, Union	~~8~~ 9
21	Forsyth	~~10~~ 11
22	Alexander, Davidson, Davie, Iredell	~~7~~ 8
23	Alleghany, Ashe, Wilkes, Yadkin	~~3~~ 4
24	Avery, Madison, Mitchell, Watauga, Yancey	3
25	Burke, Caldwell, Catawba	~~8~~ 9
26	Mecklenburg	~~19~~ 20
27A	Gaston	~~6~~ 7
27B	Cleveland, Lincoln	4
28	Buncombe	~~5~~ 6
29	Henderson, McDowell, Polk, Rutherford, Transylvania	6
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	5

(b) The district attorney authorized for Prosecutorial District 6A by subsection (a) of this section shall be appointed by the Governor for a term to expire December 31, 1990. A successor shall be elected in 1990 in accordance with general law.

(c) Effective September 1, 1989, David Beard, or his successor, shall be district attorney for Prosecutorial District 6B.

(d) There is appropriated from the General Fund to the Judicial Department $43,744 for the 1989-90 fiscal year and $152,090 for the 1990-91 fiscal year to implement the provisions of subsections (b) and (c) of this section. Of the funds appropriated to the Judicial Department for the 1989-90 fiscal year, $103,350 may also be used to implement the provisions of subsections (b) and (c) of this section.

(e) Effective July 1, 1990, G.S. 7A-60(a1) as rewritten by subsection (a) of this section 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:

Judicial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck,	~~5~~ 6

	Dare, Gates, Pasquotank, Perquimans	
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	8
8	Greene, Lenoir, Wayne	8
9	Franklin, Granville, Person, Vance, Warren	~~6~~ 7
10	Wake	16
11	Harnett, Johnston, Lee	7
12	Cumberland	11
13	Bladen, Brunswick, Columbus	~~5~~ 6
14	Durham	~~8~~ 9
15A	Alamance	4
15B	Orange, Chatham	4
16A	Scotland, Hoke	2
16B	Robeson	7
17A	Caswell, Rockingham	4
17B	Stokes, Surry	~~3~~ 4
18	Guilford	15
19A	Cabarrus, Rowan	6
19B	Montgomery, Randolph	4
20	Anson, Moore, Richmond, Stanly, Union	9
21	Forsyth	11
22	Alexander, Davidson, Davie, Iredell	8
23	Alleghany, Ashe, Wilkes, Yadkin	4
24	Avery, Madison, Mitchell, Watauga, Yancey	3
25	Burke, Caldwell, Catawba	9
26	Mecklenburg	20
27A	Gaston	7
27B	Cleveland, Lincoln	~~4~~ 5

28	Buncombe	6
29	Henderson, McDowell, Polk, Rutherford, Transylvania	6
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	~~5~~ 6

INDIGENT ACCESS TO CIVIL JUSTICE SYSTEM

Sec. 25. (a) Chapter 7A of the General Statutes is amended by adding a new Article to read:

"ARTICLE 37A.

"Access to Civil Justice Act.

"**§ 7A-474.1. Legislative findings and purpose.**

The General Assembly of North Carolina declares it to be its purpose to provide access to legal representation for indigent persons in certain kinds of civil matters. The General Assembly finds that such representation can best be provided in an efficient, effective, and economic manner through Legal Services of North Carolina, Inc., and the geographically based field programs in this State receiving funds under the Legal Services Corporation Act (42 U.S.C. §2996 **et seq.**).

"**§ 7A-474.2. Definitions.**

The following definitions shall apply throughout this Article, unless the context otherwise requires:

(1) 'Eligible client' means a resident of North Carolina financially eligible for representation under the Legal Services Corporation Act, regulations, and interpretations adopted thereunder (45 CFR §1611, and subsequent revisions).

(2) 'Legal assistance' means the provision of any legal services, as defined by Chapter 84 of the General Statutes, consistent with this Article. Provided, that all legal services provided hereunder shall be performed consistently with the Rules of Professional Conduct promulgated by the North Carolina State Bar. Provided, further, that no funds appropriated under this Article shall be used for lobbying to influence the passage or defeat of any legislation before any municipal, county, state, or national legislative body.

(3) 'Legal Services of North Carolina, Inc.,' means the not-for-profit corporation established by the North Carolina Bar Association to administer the system of local legal services programs primarily funded under the Legal Services Corporation Act (42 U.S.C. §2996 **et seq.**) and the interest on Lawyer's Trust Accounts program of the North Carolina State Bar.

(4) 'Geographically based field programs' means the 15 local not-for-profit corporations supported by funds from Legal Services of North Carolina, Inc., and the Legal Services Corporation and which provide civil legal services to low-income residents of geographic service areas comprising all 100 counties in North Carolina.

"**§ 7A-474.3. Eligible activities and limitations.**

(a) Eligible Activities. Funds appropriated under this Article shall be used only for the following purposes:

(1) To provide legal assistance to eligible clients;

(2) To provide education to eligible clients regarding their rights and duties under the law;

(3) To involve the private bar in the representation of eligible clients pursuant to this Article.

(b) Eligible Cases. Legal assistance shall be provided to eligible clients under this Article only in the following types of cases:

(1) Family violence or spouse abuse;

(2) Assistance for the disabled in obtaining federal Social Security benefits;

(3) Representation of eligible farmers faced with the potential of farm foreclosure;

(4) Representation of eligible clients over the age of 60 regarding the following matters:

a. Wills and estates;

b. Safe and sanitary housing;

c. Pensions and retirement rights;

d. Social Security and Medicare rights;

e. Access to health care;

f. Food and nutrition; and

g. Transportation.

(5) Representation of eligible clients designed to enable them to obtain the necessary skills and means to obtain meaningful employment at a decent wage and reduce the public welfare rolls; and

(6) Representation of eligible clients under the age of 21 or eligible families with legal problems affecting persons under the age of 21 regarding the following matters:

a. Financial support and custody of children;

b. Day care;

c. Child abuse or neglect;

d. Safe and sanitary housing;

e. Food and nutrition; and

f. Access to health care.

(c) Limitations. No funds appropriated under this Article shall be used for any of the following purposes:

(1) To provide legal assistance with respect to any proceeding or litigation which seeks to procure a nontherapeutic abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion;

(2) To provide legal assistance with respect to any criminal proceeding;

(3) To provide legal assistance to any agricultural employee or migrant farmworker employed in North Carolina with regard to the terms of the worker's employment, including conditions relating to housing;

(4) To provide legal assistance to any prisoner within the North Carolina Department of Correction with regard to the terms of that person's incarceration; or

(5) To provide legal assistance to persons with mental handicaps residing in State institutions with regard to the terms and conditions of the treatment or services provided to them by the State.

"**§ 7A-474.4. Funds.**

Funds to provide representation pursuant to this Article shall be provided to Legal Services of North Carolina, Inc., for provision of direct services by and support of the geographically based programs based upon the eligible client population in each program's geographic coverage area. Funds authorized by law shall be provided by the North Carolina State Bar to Legal Services of North Carolina, Inc., by a contract between those entities. The North Carolina State Bar shall not use any of these funds for its administrative costs.

"**§ 7A-474.5. Records and reports.**

Legal Services of North Carolina, Inc., shall keep appropriate records and make periodic reports, as requested, to the North Carolina State Bar."

(b) There is appropriated from the General Fund to the North Carolina State Bar, $1,000,000 for the 1989-90 fiscal year and $1,000,000 for the 1990-91 fiscal year for the implementation of this section.

DRUG TRAFFICKING PROSECUTION PROGRAM/13TH P.D.

Sec. 25.1. The Administrative Officer of the Courts may continue for the 1989-91 fiscal biennium the contract for a special drug trafficking prosecution program in the 13th Prosecutorial District from funds available within the Judicial Department.

FUNDS FOR UNDISCIPLINED JUVENILES PROGRAMS

Sec. 26. (a) There is appropriated from the General Fund to Bringing It All Back Home Study Center at Appalachian State University $41,000 for the 1989-90 fiscal year and $41,000 for the 1990-91 fiscal year, to allow the Center to continue its home remedies community-based alternatives program for undisciplined juveniles and their families.

(b) There is appropriated from the General Fund to the Youth and Family Counselling Service $80,000 for the 1989-90 fiscal year and $80,000 for the 1990-91 fiscal year, to allow the Service to continue the Grimes Alternative School Model Program, a community-based alternatives program for undisciplined juveniles in the public schools in Davidson County.

DISTRICT ATTORNEY'S OFFICE STUDY

Sec. 27. From the funds appropriated to the Judicial Department in the certified budget for the 1989-91 biennium, the Administrative Office of the Courts may use such funds as are needed to study the efficiency of district attorney's offices in such prosecutorial districts as it deems necessary. Such funds may include not to exceed $50,000 for the employment of outside consultants.

MAKE PERMANENT A TEMPORARY ACT AUTHORIZING RECALL BY CHIEF JUSTICE OF RETIRED OR EMERGENCY JUSTICES OR JUDGES FOR TEMPORARY VACANCY

Sec. 27.1. G.S. 7A-39.14(f) is repealed.

Sec. 27.2. From the funds specifically appropriated to the Judicial Department in the certified budget for the 1989-90 fiscal year, the Administrative Office of the Courts may transfer within its budget up to $25,000 to support the existing Rape Victim Witness Counselor Program.

Sec. 28. From funds appropriated to the Judicial Department for fiscal year 1989-90, the Director of the Administrative Office of the Courts is directed to reimburse superior court judges for their commuting expenses incurred in fiscal year 1988-89 which were not reimbursed due to a lack of funds; provided, that no expenses shall be reimbursed unless the expenses are reimbursable under the rules and regulations of the Administrative Office of the Courts applicable to commuting costs.

Sec. 28.1. From funds appropriated to the Judicial Department in the certified budget for the 1989-91 biennium, the Administrative Office of the the Courts may use up to $23,000 for fiscal year 1989-90 and up to $23,000 for fiscal year 1990-91 for reimbursement of expenses and travel of the North Carolina delegation of the National Conference of Commissioners on Uniform State Laws.

COMPREHENSIVE CHILD SUPPORT ENFORCEMENT STUDY

Sec. 28.2. (a) Section 80 of Chapter 500 of the 1989 Session Laws is repealed.

(b) The Department of Human Resources and the Administrative Office of the Courts shall jointly undertake a comprehensive study of child support enforcement services in North Carolina. The report shall examine the current delivery of all child support services (IV-D and non-IV-D) by the Department of Human Resources, court offices, and county departments of social services. Such a study shall evaluate the efficiency and effectiveness of the current system and make organizational, administrative, and procedural recommendations to optimize effective delivery of service to families. The study shall examine the potential for the delivery of child support enforcement services which would provide equitable treatment of cases regardless of case type.

The study shall examine the organizational and fiscal relationship between State- and county-administered programs with the goal of eliminating or reducing duplication and fragmentation in local IV-D programs and court offices. Proposals for system-wide reform of the program shall take into consideration the use of federal IV-D revenues to support program services. The report shall include the recommendations of the respective agencies, accompanied by estimates of the costs and potential benefits of those recommendations and a plan for the implementation of these proposals. The Department of Human Resources and the Administrative Office of the Courts may contract for outside consultation and assistance with the study with funds from existing resources in their budgets. An interim report shall be submitted to the Legislative Services Office by May 15, 1990, and to the 1989 General Assembly, 1990 Regular

Session. A final report shall be submitted to the Legislative Services Office by January 15, 1991, and to the 1991 General Assembly.

DEATH PENALTY RESOURCE CENTER LIMITATIONS

Sec. 28.3. (a) The Death Penalty Resource Center shall:

(1) Provide consulting services to attorneys representing defendants in capital cases;

(2) Maintain a clearinghouse of materials to assist attorneys representing defendants in capital cases;

(3) Recruit qualified members of the private bar who are willing to provide representation in State and federal death penalty post-conviction proceedings; and

(4) Undertake direct representation and consultation in cases pending in federal court only to the extent that such work is fully federally funded.

The Center shall not lobby any entity, organization, or legislative body to urge either abolition or retention of the death penalty; no employee of the Center acting within the scope and course of that employment shall directly advocate the general abrogation of the death penalty, other than as may be appropriate in representing fully as attorney of record a defendant in a particular case.

(b) The Death Penalty Resource Center may:

(1) Serve as counsel of record for indigent defendants in capital cases in State court;

(2) To the extent fully funded by federal sources, serve as counsel of record in capital cases in federal court; and

(3) Provide training and continuing legal education to attorneys and perform such other tasks as may be necessary to ensure that adequate representation is provided to indigent defendants in capital cases.

The authority granted to the Center pursuant to subdivisions (1) and (2) of this subsection is subject to the Center's ability to decline this representation if, in the judgment of the Appellate Defender, the workload of the Center is such that it would substantially impair its ability to render adequate assistance of counsel in additional cases.

(c) The Director of the Administrative Office of the Courts shall submit to the 1989 General Assembly, Regular Session 1990:

(1) Formal job descriptions for the director and staff attorneys of the Death Penalty Resource Center, as well as written guidelines for keeping appropriate records of the time expended by the Center in State and federal cases; and

(2) A possible revision of G.S. 7A-486.2 that will provide for the appointment of the Appellate Defender and the Director of the Death Penalty Resource Center by the Director of the Administrative Office of the Courts or other appropriate person.

By October 1, 1990, the Appellate Defender shall submit a report to the Director of the Administrative Office of the Courts detailing the activities of the Center in the

previous year, including a breakdown of the amount of time expended by the Center in State and federal cases. The report shall be forwarded to the 1991 General Assembly.

(d) If the Death Penalty Resource Center or any of its employees fails to comply with this section or any of its provisions, the Director of the Administrative Office of the Courts may refuse to seek continued State funding for the Center, or take such other actions that the Director considers appropriate.

Sec. 29. The provisions of this act are severable, and if any provision of this act is held invalid by a court of competent jurisdiction, or is unenforceable under Section 5 of the Voting Rights Act of 1965, the invalidity or unenforceability shall not affect other provisions of the act which can be given effect without the invalid or unenforceable provision.

Sec. 30. This act shall become effective September 1, 1989, except that Sections 5(a)(1), 15, 16, 18, 25, 26, 27, and 27.1 are effective upon ratification. Section 28.1 is effective upon ratification.

In the General Assembly read three times and ratified this the 12th day of August, 1989.