

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 1031
HOUSE BILL 1681

AN ACT TO MERGE THE UNIFORM JUDICIAL, UNIFORM SOLICITORIAL
AND UNIFORM CLERKS OF SUPERIOR COURT RETIREMENT SYSTEMS
INTO THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 135 of the General Statutes is amended by rewriting the title to read "Consolidated Judicial Retirement Act".

Sec. 2. G.S. 135-50(a) is amended by deleting the phrase "Uniform Judicial Retirement Act of 1973" and by substituting the phrase "Consolidated Judicial Retirement Act".

Sec. 3. G.S. 135-50(b) is rewritten to read:

"(b) The purpose of this Article is to improve the administration of justice by attracting and retaining the most highly qualified talent available within the State to the positions of justice and judge, district attorney and solicitor, and clerk of superior court, within the General Court of Justice."

Sec. 4. G.S. 135-51 is rewritten to read:

"§ 135-51. Scope.—(a) This Article provides consolidated retirement benefits for all justices and judges, district attorneys, and solicitors who are serving on January 1, 1974, and who become such thereafter; and for all clerks of superior court who are so serving on January 1, 1975, and who become such thereafter.

(b) For justices and judges of the appellate and superior court divisions of the General Court of Justice who so served prior to January 1, 1974, the provisions of this Article supplement and, under certain circumstances, replace the provisions of Articles 6 and 8, as the case may be, of Chapter 7A of the General Statutes.

For district attorneys and judges of the district court of the General Court of Justice who so served prior to January 1, 1974, the provisions of this Article supplement and, under certain circumstances, replace the provisions of Article 1 of this Chapter.

For clerks of superior court of the General Court of Justice who so served prior to January 1, 1975, the provisions of this Article supplement and, under certain circumstances, replace the provisions of Article 1 of this Chapter.

(c) The retirement benefits of any person who becomes a justice or judge, district attorney, or solicitor on and after January 1, 1974, or clerk of superior court on and after January 1, 1975, shall be determined solely in accordance with the provisions of this Article."

Sec. 5. G.S. 135-53 is amended by adding a new subdivision (4.1) to read:

"(4.1) 'Clerk of superior court' shall mean the clerk of superior court provided for in G.S. 7A-100(a)."

Sec. 6. G.S. 135-53(5) is amended by inserting after the word "judge" and before the period the phrase ", or district attorney, or clerk of superior court".

Sec. 7. G.S. 135-53 is amended by adding a new subdivision (6.1) to read:

"(6.1) 'District attorney' shall mean the district attorney or solicitor provided for in G.S. 7A-60."

Sec. 8. G.S. 135-53(12) is rewritten to read:

"(12) 'Membership service' shall mean service as a judge, district attorney, or clerk of superior court rendered while a member of the Retirement System."

Sec. 9. G.S. 135-53(13) is amended by inserting between the phrases "judges of the district court division" and "of the General Court of Justice" the phrase ", and district attorney, and clerk of superior court".

Sec. 10. G.S. 135-53(18) is amended by deleting the phrase "Uniform Judicial Retirement System" and substituting the phrase "Consolidated Judicial Retirement System".

Sec. 11. G.S. 135-54 is amended in the first paragraph by inserting between the phrases "for justices and judges" and "of the General Court of Justice" the phrase ", district attorneys, and clerks of superior court"; and is further amended in the second paragraph by deleting the word "Uniform" and substituting the word "Consolidated".

Sec. 12. G.S. 135-55(a) is amended by inserting immediately after the word "judges" wherever it appears the phrase "and district attorneys"; and is further amended in subdivision (1) by deleting the word "and"; and is further amended in subdivision (2) by deleting the period and substituting a semicolon; and is further amended by adding two new subdivisions (3) and (4) to read:

"(3) All clerks of superior court in office on January 1, 1975; and

(4) All persons who become clerks of superior court or reenter service as clerks of superior court after January 1, 1975."

Sec. 13. G.S. 135-55(b)(1) is amended after the phrase "no longer a judge" and before the comma by inserting the phrase ", district attorney or clerk of superior court".

Sec. 14. G.S. 135-56(a) is amended by deleting the word "member's" and substituting the word "judge's" and by deleting the word "member" and substituting the word "judge".

Sec. 15. G.S. 135-56 is amended by adding new subsections (c) and (d) to read:

"(c) On and after January 1, 1984, the creditable service of a member who was a member of the former Uniform Solicitorial or Uniform Clerks of Superior Court Retirement Systems at the time of merger of those Systems into this Consolidated Judicial Retirement System and whose accumulated contributions are transferred from those Systems to this System, includes service that was creditable in the Uniform Solicitorial and Uniform Clerks of Superior Court Retirement Systems; and membership service with those Retirement Systems is membership service with this Retirement System.

(d) Any member may purchase creditable service for service as a judge, district attorney, or clerk of superior court, when not otherwise provided for in this section, and as a judge of any lawfully constituted court of this State inferior to the superior court, not to include service as a magistrate, justice of the peace or mayor's court judge. The member, after the transfer of any accumulated contributions from the Teachers' and State Employees' Retirement System or Local Governmental Employees' Retirement System, shall pay an amount equal to the full cost of the service credits calculated on the basis of the assumptions used for purposes of the actuarial valuation of the System's liabilities, taking into account the additional retirement allowance arising on account of the additional service credit commencing at the earliest age at which the member could retire with an unreduced retirement allowance as determined by the Board of Trustees upon the advice of the consulting actuary."

Sec. 16. G.S. 135-56.1 is repealed.

Sec. 17. G.S. 135-58(a)(3) is rewritten to read:

"(3) Three percent (3%) of his final compensation, multiplied by the number of years of his creditable service rendered as a judge of the district court, district attorney, or clerk of superior court."

Sec. 18. G.S. 135-58(b) is amended by deleting the phrase "in service as a judge" wherever it appears and substituting the phrase "in membership service".

Sec. 19. G.S. 135-60(a) is amended by deleting the word "judge" and substituting the word "member".

Sec. 20. G.S. 135-62 is amended by deleting the phrase "to be a judge" wherever it appears and substituting the phrase "membership service".

Sec. 21. G.S. 135-70(a) is amended by deleting the phrase "whose service as a judge" and substituting the phrase "whose membership service".

Sec. 22. G.S. 135-71(a) is amended by deleting the phrase "return to service as a justice or judge" and substituting the phrase "return to membership service".

Sec. 23. G.S. 135-72 is amended by deleting the phrase "as a justice, judge or magistrate" wherever it appears and substituting the phrase "as a judicial officer".

Sec. 24. Article 4A and 4B of Chapter 135 of the General Statutes are repealed and the assets and liabilities of the former Uniform Solicitorial and Uniform Clerks of Superior Court Retirement Systems shall be transferred to the Consolidated Judicial Retirement System in the amounts calculated and in order of precedence as follows: (1) the accumulated contributions of members of the former Systems shall be transferred from the annuity savings funds of the former Systems to the annuity savings fund of the Consolidated Judicial Retirement System to the credit of each individual member; and, (2) all reserves held in the pension accumulation funds of the former Systems shall be transferred to the pension accumulation fund of the Consolidated Judicial Retirement System.

Sec. 25. Any and all accrued or inchoate rights of members and beneficiaries of the former Uniform Solicitorial and Uniform Clerks of Superior Court Retirement Systems shall, from and after the effective date of this act, be transferred to the Consolidated Judicial Retirement System and all benefits and allowances shall be payable by the Consolidated Judicial Retirement System.

Sec. 26. This act shall become effective January 1, 1985.

In the General Assembly read three times and ratified, this the 28th day of June, 1984.