

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 1050

Short Title: Wildlife/Campus Officers/Longevity.

(Public)

Sponsors: Representatives Hackney; Bowman and Culp.

Referred to: Public Employees.

April 22, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO INCLUDE MAGISTRATES' PRIOR SERVICE AS WILDLIFE
3 OFFICERS AND CAMPUS POLICE OFFICERS IN DETERMINATION OF
4 LONGEVITY CREDIT.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 7A-171.1(a) reads as rewritten:

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

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

15 **TABLE OF SALARIES OF FULL-TIME MAGISTRATES**

16 <u>Number of Prior Years of Service</u>	17 <u>Annual Salary</u>	
	<u>1989-90</u>	<u>1990-91</u>
18 Less than 1	\$ 15,600	\$16,536
19 1 or more but less than 3	16,416	17,412
20 3 or more but less than 5	18,084	19,176
21 5 or more but less than 7	19,920	21,120
22 7 or more but less than 9	21,972	23,292
23 9 or more but less than 11	24,204	25,656
24 11 or more	26,628	28,236

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

3 Notwithstanding any other provision of this subdivision, a full-time
4 magistrate, who was serving as a magistrate on December 31, 1978,
5 and who was receiving an annual salary in excess of that which would
6 ordinarily be allowed under the provisions of this subdivision, shall
7 not have the salary, which he was receiving reduced during any
8 subsequent term as a full-time magistrate. That magistrate's salary
9 shall be fixed at the salary level from the table above which is nearest
10 and higher than the latest annual salary he was receiving on December
11 31, 1978, and, thereafter, shall advance in accordance with the
12 schedule in the table above.

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

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

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

- 36 (3) Notwithstanding any other provision of this section, a magistrate with
37 a two-year Associate in Applied Science degree in criminal justice or
38 paralegal training from a North Carolina community college or the
39 equivalent degree from a private educational institution in North
40 Carolina, shall receive the annual salary provided in the table above
41 for a magistrate with three years of service in addition to those which
42 the magistrate has served; a magistrate with a four-year degree from an
43 accredited senior institution of higher education shall receive the
44 annual salary provided in the table above for a magistrate with five

1 years of service in addition to those which the magistrate has served; a
2 magistrate who holds a law degree from an accredited law school shall
3 receive the annual salary provided in the table above for a magistrate
4 with seven years of service in addition to those which the magistrate
5 has served; and a magistrate who is licensed to practice law in North
6 Carolina shall receive the annual salary provided in the table above for
7 a magistrate with nine years of service in addition to those which the
8 magistrate has served.

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

19 (4) Notwithstanding any other provision of this section, a magistrate with
20 10 years' experience within the last 12 years as a sheriff or deputy
21 sheriff, administrative officer for a district attorney, city or county
22 police officer, campus police officer, wildlife officer, or highway
23 patrolman in the State of North Carolina, or with 10 years' experience
24 within the last 12 years as clerk of superior court or an assistant or
25 deputy clerk of court in the State of North Carolina shall receive the
26 annual salary provided in the table in subdivision (1) for a magistrate
27 with five years of service in addition to those the magistrate has
28 served. A magistrate who qualifies for the increased salary under both
29 subdivisions (3) and (4) of this subsection shall receive either the
30 salary determined under subdivision (3) or that determined under
31 subdivision (4), whichever is higher, but no more.

32 (5) The Administrative Officer of the Courts shall provide magistrates
33 with longevity pay at the same rates as are provided by the State to its
34 employees subject to the State Personnel Act."

35 Sec. 2. This act is effective upon ratification and applies to all persons serving
36 as magistrates on its effective date or appointed to serve on and after that date.