

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1148

Short Title: Utilities Fee/Transfer.

(Public)

Sponsors: Senators Marvin; Johnson, Sherron, and Walker.

Referred to: Finance.

June 3, 1992

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH THE PERCENTAGE RATE OF THE PUBLIC UTILITY
2 REGULATORY FEE FOR THE 1992-93 FISCAL YEAR, AND TO TRANSFER
3 COMMISSIONERS OF THE UTILITIES COMMISSION FROM THE
4 TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO THE
5 CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. The percentage rate to be used in calculating the public utility
9 regulatory fee under G.S. 62-302(b)(2) is eighty-five thousandths percent (0.085%) of
10 each public utility's North Carolina jurisdictional revenues earned during each quarter
11 that begins on or after July 1, 1992.

12 Sec. 2. G.S. 135-28.1 is amended by adding a new subsection to read:

13 "(b1) Effective January 1, 1991, the Commissioners of the Utilities Commission
14 shall be transferred to the Consolidated Judicial Retirement System in the manner set
15 forth in subsection (b) of this section."

16 Sec. 3. G.S. 135-50(b) reads as rewritten:

17 "(b) The purpose of this Article is to ~~improve the administration of justice by~~
18 ~~attracting and retaining~~ attract and retain the most highly qualified talent available within
19 the State to the positions of justice and judge, district attorney and solicitor, and clerk of
20 superior court, within the General Court of ~~Justice.~~ Justice, and to the Utilities
21 Commission."

22 Sec. 4. G.S. 135-51 reads as rewritten:

23 **"§ 135-51. Scope.**

1 (a) This Article provides consolidated retirement benefits for all justices and
2 judges, district attorneys, and solicitors who are serving on January 1, 1974, and who
3 become such thereafter; and for all clerks of superior court who are so serving on
4 January 1, 1975, and who become such ~~thereafter~~ thereafter; and for all Commissioners
5 of the Utilities Commission who are serving on January 1, 1991, and who become such
6 thereafter.

7 (b) For justices and judges of the appellate and superior court divisions of the
8 General Court of Justice who so served prior to January 1, 1974, the provisions of this
9 Article supplement and, under certain circumstances, replace the provisions of Articles
10 6 and 8, as the case may be, of Chapter 7A of the General Statutes.

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

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

17 For Commissioners of the Utilities Commission who so served prior to January 1,
18 1991, the provisions of this Article supplement and, under certain circumstances,
19 replace the provisions of Article 1 of this Chapter.

20 (c) The retirement benefits of any person who becomes a justice or judge,
21 district attorney, or solicitor on and after January 1, 1974, or clerk of superior court on
22 and after January 1, 1975, or Commissioner of the Utilities Commission on and after
23 January 1, 1991, shall be determined solely in accordance with the provisions of this
24 Article."

25 Sec. 5. G.S. 135-53 reads as rewritten:

26 "**§ 135-53. Definitions.**

27 The following words and phrases as used in this Article, unless a different meaning
28 is plainly required by the context, shall have the following meanings:

- 29 (1) 'Accumulated contributions' with respect to any member shall mean
30 the sum of all the amounts deducted from the compensation of the
31 member pursuant to G.S. 135-68 since he last became a member and
32 credited to his account in the annuity savings fund, plus any amount
33 standing to his credit pursuant to G.S. 135-67(c) as a result of a prior
34 period of membership, plus any amounts credited to his account
35 pursuant to G.S. 135-28.1(b) or 135-56(b), together with regular
36 interest on all such amounts computed as provided in G.S. 135-7(b).
- 37 (2) 'Actuarial equivalent' shall mean a benefit of equal value when
38 computed upon the bases of such mortality tables as shall be adopted
39 by the Board of Trustees, and regular interest.
- 40 (3) 'Beneficiary' shall mean any person in receipt of a retirement
41 allowance or other benefit as provided in this Article.
- 42 (4) 'Board of Trustees' shall mean the Board of Trustees established by
43 G.S. 135-6.

- 1 (4a) 'Clerk of superior court' shall mean the clerk of superior court
2 provided for in G.S. 7A-100(a).
- 3 (5) 'Compensation' shall mean all salaries and wages derived from public
4 funds which are earned by a member of the Retirement System for his
5 service as a justice or judge, or district attorney, or clerk of superior
6 ~~court~~-court, or Commissioner of the Utilities Commission.
- 7 (5a) 'Commissioner of the Utilities Commission' shall mean a
8 Commissioner of the North Carolina Utilities Commission, as
9 appointed by the Governor subject to confirmation by the General
10 Assembly, as provided in G.S. 62-10.
- 11 (6) 'Creditable service' shall mean for any member the total of his prior
12 service plus his membership service.
- 13 (6a) 'District attorney' shall mean the district attorney or solicitor provided
14 for in G.S. 7A-60.
- 15 (7) 'Filing' when used in reference to an application for retirement shall
16 mean the receipt of an acceptable application on a form provided by
17 the Retirement System.
- 18 (8) 'Final compensation' shall mean for any member the annual equivalent
19 of the rate of compensation most recently applicable to him.
- 20 (9) 'Judge' shall mean any justice or judge of the General Court of Justice
21 and the administrative officer of the courts.
- 22 (10) 'Medical board' shall mean the board of physicians provided for in
23 G.S. 135-6.
- 24 (11) 'Member' shall mean any person included in the membership of the
25 Retirement System as provided in this Article.
- 26 (12) 'Membership service' shall mean service as a judge, district attorney,
27 ~~or~~-clerk of superior ~~court~~-court, or Commissioner of the Utilities
28 Commission rendered while a member of the Retirement System.
- 29 (13) 'Previous system' shall mean, with respect to any member, the
30 retirement benefit provisions of Article 6 and Article 8 of Chapter 7A
31 of the General Statutes, to the extent that such Article or Articles were
32 formerly applicable to the member, and in the case of judges of the
33 district court division, and district attorney, and clerk of superior court
34 of the General Court of Justice, and Commissioners of the Utilities
35 Commission, the Teachers' and State Employees' Retirement System.
- 36 (14) 'Prior service' shall mean service rendered by a member, prior to his
37 membership in the Retirement System, for which credit is allowable
38 under G.S. 135-56.
- 39 (15) 'Regular interest' shall mean interest compounded annually at such a
40 rate as shall be determined by the Board of Trustees in accordance
41 with G.S. 135-7(b).
- 42 (16) 'Retirement' shall mean the withdrawal from active service with a
43 retirement allowance granted under the provisions of this Chapter. In

1 order for a member's retirement to become effective in any month, the
2 member must render no service at any time during that month.

3 (17) 'Retirement allowance' shall mean the periodic payments to which a
4 beneficiary becomes entitled under the provisions of this Article.

5 (18) 'Retirement System' shall mean the 'Consolidated Judicial Retirement
6 System' of North Carolina, as established in this Article.

7 (19) 'Year' as used in this Article shall mean the regular fiscal year
8 beginning July 1 and ending June 30 in the following calendar year,
9 unless otherwise defined by regulation of the Board of Trustees."

10 Sec. 6. G.S. 135-54 reads as rewritten:

11 **"§ 135-54. Name and date of establishment.**

12 A Retirement System is hereby established and placed under the management of the
13 Board of Trustees for the purpose of providing retirement allowances and other benefits
14 under the provisions of this Article for justices and judges, district attorneys, ~~and~~ clerks
15 of superior court of the General Court of Justice of North Carolina, and Commissioners
16 of the Utilities Commission, and their survivors. The Retirement System so created shall
17 be established as of January 1, 1974.

18 The Retirement System shall have the power and privileges of a corporation and
19 shall be known as the 'Consolidated Judicial Retirement System of North Carolina,' and
20 by such name all of its business shall be transacted."

21 Sec. 7. G.S. 135-55 reads as rewritten:

22 **"§ 135-55. Membership.**

23 (a) The membership of the Retirement System shall consist of:

24 (1) All judges and district attorneys in office on January 1, 1974;

25 (2) All persons who become judges and district attorneys or reenter
26 service as judges and district attorneys after January 1, 1974;

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

28 (4) All persons who become clerks of superior court or reenter service as
29 clerks of superior court after January 1, ~~1975-~~1975;

30 (5) All Commissioners of the Utilities Commission in office on January 1,
31 1991; and

32 (6) All persons who become Commissioners of the Utilities Commission
33 or reenter service as Commissioners after January 1, 1991.

34 (b) The membership of any person in the Retirement System shall cease upon:

35 (1) The withdrawal of his accumulated contributions after he is no longer
36 a judge, district ~~attorney~~ ~~or~~ ~~attorney~~, clerk of superior court, or
37 Commissioner of the Utilities Commission; or

38 (2) His retirement under the provisions of the Retirement System, or

39 (3) His death."

40 Sec. 8. G.S. 135-56 is amended by adding a new subsection to read:

41 "(f) On and after January 1, 1991, the creditable service of a member who is a
42 Commissioner of the Utilities Commission and was a member of the Teachers' and State
43 Employees' Retirement System at the time of transfer from that Retirement System into
44 this Consolidated Judicial Retirement System, and whose accumulated contributions are

1 transferred from that System to this System, includes creditable service that was
2 creditable in that System to the extent such service was as a Commissioner of the
3 Utilities Commission; and membership service as a Commissioner of the Utilities
4 Commission with the Teachers' and State Employees' Retirement System is membership
5 service with this Retirement System."

6 Sec. 9. G.S. 135-58(a1) reads as rewritten:

7 "(a1) Any member who retires under the provisions of subsection (a) or subsection
8 (c) of G.S. 135-57 on or after July 1, 1990, after he either has attained his 65th birthday
9 or has completed 24 years or more of creditable service shall receive an annual
10 retirement allowance, payable monthly, which shall commence on the effective date of
11 his retirement and shall be continued on the first day of each month thereafter during his
12 lifetime, the amount of which shall be computed as the sum of (1), (2), and (3)
13 following, provided that in no event shall the annual allowance payable to any member
14 be greater than an amount which, when added to the allowance, if any, to which he is
15 entitled under the Teachers' and State Employees' Retirement System, the Legislative
16 Retirement System or the North Carolina Local Governmental Employees' Retirement
17 System (prior in any case to any reduction for early retirement or for an optional mode
18 of payment) would total three-fourths of his final compensation:

- 19 (1) Four and two-hundredths percent (4.02%) of his final compensation,
20 multiplied by the number of years of his creditable service rendered as
21 a justice of the Supreme Court or judge of the Court of Appeals;
- 22 (2) Three and fifty-two hundredths percent (3.52%) of his final
23 compensation, multiplied by the number of years of his creditable
24 service rendered as a judge of the superior ~~court~~ or court, as
25 administrative officer of the ~~courts~~ courts, or as a Commissioner of the
26 Utilities Commission;
- 27 (3) Three and two-hundredths percent (3.02%) of his final compensation,
28 multiplied by the number of years of his creditable service rendered as
29 a judge of the district court, district attorney, or clerk of superior
30 court."

31 Sec. 10. This act is effective upon ratification.