

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2380

Short Title: Law Officers' 25 Year Retirement.

(Public)

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Sponsors: Representatives Blue; Grady, Anderson, H. Hunter, Miller, Perdue, Stamey, Buchanan, Balmer, and Hackney.

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Referred to: Pensions and Retirement.

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June 6, 1990

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS  
2 OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR  
3 THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO  
4 RETIRE WITH UNREDUCED BENEFITS AFTER COMPLETING TWENTY-  
5 FIVE YEARS OF SERVICE.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 135-5(b11) reads as rewritten:

9 "(b11) Service Retirement Allowance of Members Retiring on or after July 1,  
10 ~~1989-1989~~, but before July 1, 1990. – Upon retirement from service in accordance with  
11 subsection (a) above, on or after July 1, 1989, but before July 1, 1990, a member shall  
12 receive the following service retirement allowance:

13 (1) A member who is a law enforcement officer or an eligible former law  
14 enforcement officer shall receive a service retirement allowance  
15 computed as follows:

16 a. If the member's service retirement date occurs on or after his  
17 55th birthday, and completion of five years of creditable service  
18 as a law enforcement officer, or after the completion of 30 years  
19 of creditable service, the allowance shall be equal to one and  
20 sixty-three hundredths percent (1.63%) of his average final  
21 compensation, multiplied by the number of years of his  
22 creditable service.

1           b.       This allowance shall also be governed by the provisions of G.S.  
2                    135-5(b9)(1)b.

3           (2)     A member who is not a law enforcement officer or an eligible former  
4                   law enforcement officer shall receive a service retirement allowance  
5                   computed as follows:

6           a.       If the member's service retirement date occurs on or after his  
7                   65th birthday upon the completion of five years of creditable  
8                   service or after the completion of 30 years of creditable service  
9                   or on or after his 60th birthday upon the completion of 25 years  
10                  of creditable service, the allowance shall be equal to one and  
11                  sixty-three hundredths percent (1.63%) of his average final  
12                  compensation, multiplied by the number of years of creditable  
13                  service.

14          b.       This allowance shall also be governed by the provisions of G.S.  
15                    135-5(b9)(2)b. c. and d."

16           Sec. 2. G.S. 135-5 is amended by adding a new subsection to read:

17           "(b12) Service Retirement Allowance of Members Retiring on or after July 1,  
18           1990. – Upon retirement from service in accordance with subsection (a) above, on or  
19           after July 1, 1990, a member shall receive the following service retirement allowance:

20           (1)     A member who is a law enforcement officer or an eligible former law  
21                   enforcement officer shall receive a service retirement allowance  
22                   computed as follows:

23           a.       If the member's service retirement date occurs on or after his  
24                   55th birthday, and completion of five years of creditable service  
25                   as a law enforcement officer, or after the completion of 25 years  
26                   of creditable service, the allowance shall be equal to one and  
27                   sixty-three hundredths percent (1.63%) of his average final  
28                   compensation, multiplied by the number of years of his  
29                   creditable service.

30          b.       This allowance shall also be governed by the provisions of G.S.  
31                   135-5(b9)(1)b.

32           (2)     A member who is not a law enforcement officer or an eligible former  
33                   law enforcement officer shall receive a service retirement allowance  
34                   computed as follows:

35           a.       If the member's service retirement date occurs on or after his  
36                   65th birthday upon the completion of five years of creditable  
37                   service or after the completion of 30 years of creditable service  
38                   or on or after his 60th birthday upon the completion of 25 years  
39                   of creditable service, the allowance shall be equal to one and  
40                   sixty-three hundredths percent (1.63%) of his average final  
41                   compensation, multiplied by the number of years of creditable  
42                   service.

43          b.       This allowance shall also be governed by the provisions of G.S.  
44                   135-5(b9)(2)b. c. and d."

1           Sec. 3. G.S. 128-27(b11) reads as rewritten:

2           "(b11) Service Retirement Allowance of Members Retiring on or after July 1,  
3 ~~1989-1989, but before July 1, 1990.~~ – Upon retirement from service in accordance with  
4 subsection (a) above, on or after July 1, 1989, but before July 1, 1990, a member shall  
5 receive the following service retirement allowance:

6           (1) A member who is a law enforcement officer or an eligible former law  
7 enforcement officer shall receive a service retirement allowance  
8 computed as follows:

9           a. If the member's service retirement date occurs on or after his  
10 55th birthday, and completion of five years of creditable service  
11 as a law enforcement officer, or after the completion of 30 years  
12 of creditable service, the allowance shall be equal to one and  
13 sixty-three hundredths percent (1.63%) of his average final  
14 compensation, multiplied by the number of years of his  
15 creditable service.

16           b. This allowance shall also be governed by the provisions of G.S.  
17 128-27(b8)(2).

18           (2) A member who is not a law enforcement officer or an eligible former  
19 law enforcement officer shall receive a service retirement allowance  
20 computed as follows:

21           a. If the member's service retirement date occurs on or after his  
22 65th birthday upon the completion of five years of creditable  
23 service or after the completion of 30 years of creditable service  
24 or on or after his 60th birthday upon the completion of 25 years  
25 of creditable service, the allowance shall be equal to one and  
26 sixty-three hundredths percent (1.63%) of his average final  
27 compensation, multiplied by the number of years of creditable  
28 service.

29           b. This allowance shall also be governed by the provisions of G.S.  
30 128-27(b7)(2a) and (3)."

31           Sec. 4. G.S. 128-27 is amended by adding a new section to read:

32           "(b12) Service Retirement Allowance of Members Retiring on or after July 1,  
33 1990. – Upon retirement from service in accordance with subsection (a) above, on or  
34 after July 1, 1990, a member shall receive the following service retirement allowance:

35           (1) A member who is a law enforcement officer or an eligible former law  
36 enforcement officer shall receive a service retirement allowance  
37 computed as follows:

38           a. If the member's service retirement date occurs on or after his  
39 55th birthday, and completion of five years of creditable service  
40 as a law enforcement officer, or after the completion of 25 years  
41 of creditable service, the allowance shall be equal to one and  
42 sixty-three hundredths percent (1.63%) of his average final  
43 compensation, multiplied by the number of years of his  
44 creditable service.

- 1                    b. This allowance shall also be governed by the provisions of G.S.  
2                    128-27(b8)(2).
- 3            (2) A member who is not a law enforcement officer or an eligible former  
4            law enforcement officer shall receive a service retirement allowance  
5            computed as follows:
- 6            a. If the member's service retirement date occurs on or after his  
7            65th birthday upon the completion of five years of creditable  
8            service or after the completion of 30 years of creditable service  
9            or on or after his 60th birthday upon the completion of 25 years  
10           of creditable service, the allowance shall be equal to one and  
11           sixty-three hundredths percent (1.63%) of his average final  
12           compensation, multiplied by the number of years of creditable  
13           service.
- 14           b. This allowance shall also be governed by the provisions of G.S.  
15           128-27(b7)(2a) and (3)."
- 16            Sec. 5. This act shall become effective July 1, 1990, and applies to benefits  
17 payable on and after that date.