

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1541

Short Title: Law Officers' 25 Year Retirement.

(Public)

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Sponsors: Senator Kaplan.

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Referred to: Pensions and Retirement.

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June 5, 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 The General Assembly of North Carolina enacts:

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

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

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.

23 b. This allowance shall also be governed by the provisions of G.S.  
24 135-5(b9)(1)b.

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

4 a. If the member's service retirement date occurs on or after his  
5 65th birthday upon the completion of five years of creditable  
6 service or after the completion of 30 years of creditable service  
7 or on or after his 60th birthday upon the completion of 25 years  
8 of creditable service, the allowance shall be equal to one and  
9 sixty-three hundredths percent (1.63%) of his average final  
10 compensation, multiplied by the number of years of creditable  
11 service.

12 b. This allowance shall also be governed by the provisions of G.S.  
13 135-5(b9)(2)b. c. and d."

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

15 "(b12) Service Retirement Allowance of Members Retiring on or after July 1,  
16 1990. – Upon retirement from service in accordance with subsection (a) above, on or  
17 after July 1, 1990, a member shall receive the following service retirement allowance:

18 (1) A member who is a law enforcement officer or an eligible former law  
19 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 55th birthday, and completion of five years of creditable service  
23 as a law enforcement officer, or after the completion of 25 years  
24 of creditable service, the allowance shall be equal to one and  
25 sixty-three hundredths percent (1.63%) of his average final  
26 compensation, multiplied by the number of years of his  
27 creditable service.

28 b. This allowance shall also be governed by the provisions of G.S.  
29 135-5(b9)(1)b.

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

33 a. If the member's service retirement date occurs on or after his  
34 65th birthday upon the completion of five years of creditable  
35 service or after the completion of 30 years of creditable service  
36 or on or after his 60th birthday upon the completion of 25 years  
37 of creditable service, the allowance shall be equal to one and  
38 sixty-three hundredths percent (1.63%) of his average final  
39 compensation, multiplied by the number of years of creditable  
40 service.

41 b. This allowance shall also be governed by the provisions of G.S.  
42 135-5(b9)(2)b. c. and d."

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

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

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

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

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

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

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

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

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

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

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

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