

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

1

SENATE BILL 404

Short Title: Law Officers' 25-Year Retirement.

(Public)

Sponsors: Senators Perdue; Warren and Plexico.

Referred to: Pensions and Retirement.

April 1, 1991

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 GOVERNMENT 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(b12) reads as rewritten:

8 "(b12) Service Retirement Allowance of Members Retiring on or after July 1,
9 ~~1990-1990, but before July 1, 1991.~~ – Upon retirement from service in accordance with
10 subsection (a) above, on or after July 1, ~~1990-1990, but before July 1, 1991,~~ a member
11 shall receive the following service retirement allowance:

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

15 a. If the member's service retirement date occurs on or after his
16 55th birthday, and completion of five years of creditable service
17 as a law enforcement officer, or after the completion of 30 years
18 of creditable service, the allowance shall be equal to one and
19 sixty-four hundredths percent (1.64%) of his average final
20 compensation, multiplied by the number of years of his
21 creditable service.

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

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-four hundredths percent (1.64%) 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 "(b13) Service Retirement Allowance of Members Retiring on or after July 1,
16 1991. – Upon retirement from service in accordance with subsection (a) above, on or
17 after July 1, 1991, 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 his 50th birthday and the
24 completion of 25 years of creditable service, the allowance shall
25 be equal to one and sixty-four hundredths percent (1.64%) of
26 his average final compensation, multiplied by the number of
27 years of his 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-four hundredths percent (1.64%) 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(b12) reads as rewritten:

1 "(b12) Service Retirement Allowance of Members Retiring on or after July 1,
2 ~~1990-1990, but before July 1, 1991.~~ – Upon retirement from service in accordance with
3 subsection (a) above, on or after July 1, ~~1990-1990, but before July 1, 1991,~~ a member
4 shall 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-four hundredths percent (1.64%) 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-four hundredths percent (1.64%) 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 "(b13) Service Retirement Allowance of Members Retiring on or after July 1,
32 1991. – Upon retirement from service in accordance with subsection (a) above, on or
33 after July 1, 1991, 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 his 50th birthday and the
40 completion of 25 years of creditable service, the allowance shall
41 be equal to one and sixty-four hundredths percent (1.64%) of
42 his average final compensation, multiplied by the number of
43 years of his 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-four hundredths percent (1.64%) 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 becomes effective July 1, 1991, and applies to benefits
17 payable on and after that date.