

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 313

Short Title: Legislative Retirement Option.

(Public)

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Sponsors: Senators East, McDaniel, Carrington, Clark, Ledbetter, Forrester, Webster, McKoy, Davis, Horton, Little, Foxx, and Sawyer.

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Referred to: Pensions and Retirement/Insurance/State Personnel

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March 7, 1995

A BILL TO BE ENTITLED

AN ACT TO MAKE THE LEGISLATIVE RETIREMENT SYSTEM OPTIONAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-4.11 reads as rewritten:

**"§ 120-4.11. Membership.**

The following members of the General Assembly and former members of the General Assembly are eligible for membership in the Retirement System, provided they are not contributing to nor are qualified to contribute to the North Carolina Teachers' and State Employees' Retirement System, the Local Governmental Employees' Retirement System, the Law Enforcement Officers' Retirement System or the Consolidated Judicial Retirement System of North Carolina:

(1) Members of the General Assembly who serve on and after June 15, ~~1983; 1983,~~ and who have not made an irrevocable election to be excluded from the Retirement System; and

(2) Former members of the General Assembly who served prior to June 15, 1983; and

a. Who elect to transfer current and future entitlements, or contributions, from the Legislative Retirement Fund established by Chapter 1269 of the 1969 Session Laws; or

1                   b.     Who have five or more years of service as a member of the  
2                   General Assembly."

3                   Sec. 2. G.S. 120-4.25 reads as rewritten:

4     **"§ 120-4.25. Return of accumulated contributions.**

5     If a member ceases to be a member of the General Assembly except by death or  
6     retirement, or makes an irrevocable election to be excluded from the Retirement System,  
7     he shall, upon submission of an application, be paid not earlier than 60 days following the  
8     date of termination of service, the sum of his contributions if he has less than five years  
9     of creditable service, or the sum of his accumulated contributions if he has five or more  
10    years of creditable service, provided he has not in the meantime returned to service.  
11    Upon payment of this sum his membership in the System ceases. If he becomes a  
12    member afterwards, no credit shall be allowed for any service previously rendered except  
13    as provided in G.S. 120-4.14 and the payment shall be in full and complete discharge of  
14    any rights in or to any benefits otherwise payable under this Article. Upon receipt of  
15    proof satisfactory to the Board of Trustees of the death, prior to retirement, of a member  
16    or former member, there shall be paid to the person or persons he nominated by written  
17    designation duly acknowledged and filed with the Board of Trustees, if the person or  
18    persons are living at the time of the member's death, otherwise to the member's legal  
19    representatives, the amount of his accumulated contributions at the time of his death,  
20    unless the beneficiary elects to receive the alternate benefit under the provisions of G.S.  
21    120-4.28."

22                   Sec. 3. This act becomes effective July 1, 1995.