

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1241

Short Title: Sick Leave/Judicial Retirement System. (Public)

Sponsors: Representative Redwine.

Referred to: Pensions and Retirement.

April 12, 2001

A BILL TO BE ENTITLED

1 AN ACT TO INCLUDE SICK LEAVE IN THE COMPUTATION OF SERVICE
2 RETIREMENT BENEFITS FOR MEMBERS OF THE JUDICIAL RETIREMENT
3 SYSTEM IN THE SAME MANNER THAT IT IS INCLUDED FOR MEMBERS
4 OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.
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6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 135-58(a2) reads as rewritten:

8 "(a2) Any member who retires under the provisions of G.S. 135-57(a) or G.S.
9 135-57(c) on or after July 1, 1999, but before July 1, 2001, after the member has either
10 attained the member's 65th birthday or has completed 24 years or more of creditable
11 service, shall receive an annual retirement allowance, payable monthly, which shall
12 commence on the effective date of the member's retirement and shall be continued on
13 the first day of each month thereafter during the member's lifetime, the amount of which
14 shall be computed as the sum of the amounts in subdivisions (1), (2), (3), (4), and (5)
15 following, provided that in no event shall the annual allowance payable to any member
16 be greater than an amount which, when added to the allowance, if any, to which the
17 member is entitled under the Teachers' and State Employees' Retirement System, the
18 Legislative Retirement System, or the Local Governmental Employees' Retirement
19 System (prior in any case to any reduction for early retirement or for an optional mode
20 of payment) would total three-fourths of the member's final compensation:

- 21 (1) Four and two-hundredths percent (4.02%) of the member's final
22 compensation, multiplied by the number of years of creditable service
23 rendered as a justice of the Supreme Court or judge of the Court of
24 Appeals;
- 25 (2) Three and fifty-two hundredths percent (3.52%) of the member's final
26 compensation, multiplied by the number of years of creditable service
27 rendered as a judge of the superior court or as Administrative Officer
28 of the Courts;

- 1 (3) Three and two-hundredths percent (3.02%) of the member's final
2 compensation, multiplied by the number of years of creditable service,
3 rendered as a judge of the district court, district attorney, or clerk of
4 superior court;
- 5 (4) A service retirement allowance computed in accordance with the
6 service retirement provisions of Article 3 of Chapter 128 of the
7 General Statutes using an average final compensation as defined in
8 G.S. 135-53(2a) and creditable service equal to the number of years of
9 the member's creditable service that was transferred from the Local
10 Governmental Employees' Retirement System to this System as
11 provided in G.S. 135-56; and
- 12 (5) A service retirement allowance computed in accordance with the
13 service retirement provisions of Article 1 of this Chapter using an
14 average final compensation as defined in G.S. 135-53(2a) and
15 creditable service equal to the number of years of the member's
16 creditable service that was transferred from the Teachers' and State
17 Employees' Retirement System to this System as provided in G.S.
18 135-56."

19 **SECTION 2.** G.S. 135-58 is amended by adding a new subsection to read:

20 "(a3) Any member who retires under the provisions of G.S. 135-57(a) or G.S. 135-
21 57(c) on or after July 1, 2001, after the member has either attained the member's 65th
22 birthday or has completed 24 years or more of creditable service, shall receive an annual
23 retirement allowance, payable monthly, which shall commence on the effective date of
24 the member's retirement and shall be continued on the first day of each month thereafter
25 during the member's lifetime, the amount of which shall be computed as the sum of the
26 amounts in subdivisions (1), (2), (3), (4), and (5) following, provided that in no event
27 shall the annual allowance payable to any member be greater than an amount which,
28 when added to the allowance, if any, to which the member is entitled under the
29 Teachers' and State Employees' Retirement System, the Legislative Retirement System,
30 or the Local Governmental Employees' Retirement System (prior in any case to any
31 reduction for early retirement or for an optional mode of payment) would total three-
32 fourths of the member's final compensation:

- 33 (1) Four and two-hundredths percent (4.02%) of the member's final
34 compensation, multiplied by the number of years of creditable service
35 rendered as a justice of the Supreme Court or judge of the Court of
36 Appeals;
- 37 (2) Three and fifty-two hundredths percent (3.52%) of the member's final
38 compensation, multiplied by the number of years of creditable service
39 rendered as a judge of the superior court or as Administrative Officer
40 of the Courts;
- 41 (3) Three and two-hundredths percent (3.02%) of the member's final
42 compensation, multiplied by the number of years of creditable service,
43 rendered as a judge of the district court, district attorney, or clerk of
44 superior court;

- 1 (4) A service retirement allowance computed in accordance with the
2 service retirement provisions of Article 3 of Chapter 128 of the
3 General Statutes using an average final compensation as defined in
4 G.S. 135-53(2a) and creditable service equal to the number of years of
5 the member's creditable service that was transferred from the Local
6 Governmental Employees' Retirement System to this System as
7 provided in G.S. 135-56; and
8 (5) A service retirement allowance computed in accordance with the
9 service retirement provisions of Article 1 of this Chapter using an
10 average final compensation as defined in G.S. 135-53(2a) and
11 creditable service, including any sick leave standing to the credit of the
12 member, equal to the number of years of the member's creditable
13 service that was transferred from the Teachers' and State Employees'
14 Retirement System to this System as provided in G.S. 135-56."

15 **SECTION 3.** This act becomes effective July 1, 2001.