

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 1341

Short Title: Amend Judicial Retirement System. (Public)

Sponsors: Senator Soles.

Referred to: Pensions & Retirement & Aging.

May 24, 2010

A BILL TO BE ENTITLED
AN ACT TO AMEND THE PROVISIONS OF THE CONSOLIDATED JUDICIAL
RETIREMENT SYSTEM TO AUTHORIZE RETIREMENT AFTER ATTAINING THE
AGE OF SIXTY-TWO WITH TWENTY YEARS OF SERVICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-58(a6) reads as rewritten:

"(a6) Any member who retires under the provisions of G.S. 135-57(a) or G.S. 135-57(c) on or after July 1, 2008, but before July 1, 2010, after the member has either attained the member's 65th birthday or has completed 24 years or more of creditable service, shall receive an annual retirement allowance, payable monthly, which shall commence on the effective date of the member's retirement and shall be continued on the first day of each month thereafter during the member's lifetime, the amount of which shall be computed as the sum of the amounts in subdivisions (1), (2), (3), (4), and (5) of this subsection, provided that in no event shall the annual allowance payable to any member be greater than an amount which, when added to the allowance, if any, to which the member is entitled under the Teachers' and State Employees' Retirement System, the Legislative Retirement System, or the Local Governmental Employees' Retirement System (prior in any case to any reduction for early retirement or for an optional mode of payment), would total three-fourths of the member's final compensation:

- (1) Four and two hundredths percent (4.02%) of the member's final compensation, multiplied by the number of years of creditable service rendered as a justice of the Supreme Court or judge of the Court of Appeals;
- (2) Three and fifty-two hundredths percent (3.52%) of the member's final compensation, multiplied by the number of years of creditable service rendered as a judge of the superior court or as Administrative Officer of the Courts;
- (3) Three and two hundredths percent (3.02%) of the member's final compensation, multiplied by the number of years of creditable service rendered as a judge of the district court, district attorney, clerk of superior court, public defender, or the Director of Indigent Defense Services;
- (4) A service retirement allowance computed in accordance with the service retirement provisions of Article 3 of Chapter 128 of the General Statutes using an average final compensation as defined in G.S. 135-53(2a) and creditable service equal to the number of years of the member's creditable service that was transferred from the Local Governmental Employees' Retirement System to this System as provided in G.S. 135-56; and
- (5) A service retirement allowance computed in accordance with the service retirement provisions of Article 1 of this Chapter using an average final



1 compensation as defined in G.S. 135-53(2a) and creditable service, including
2 any sick leave standing to the credit of the member, equal to the number of
3 years of the member's creditable service that was transferred from the
4 Teachers' and State Employees' Retirement System or the Legislative
5 Retirement System to this System as provided in G.S. 135-56."

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

7 "(a7) Any member who retires under the provisions of G.S. 135-57(a) or G.S. 135-57(c)
8 on or after July 1, 2010, after the member has either attained the member's 65th birthday or has
9 completed 24 years or more of creditable service, or has attained the member's 62nd birthday
10 with 20 years or more of creditable service, shall receive an annual retirement allowance,
11 payable monthly, which shall commence on the effective date of the member's retirement and
12 shall be continued on the first day of each month thereafter during the member's lifetime, the
13 amount of which shall be computed as the sum of the amounts in subdivisions (1), (2), (3), (4),
14 and (5) of this subsection, provided that in no event shall the annual allowance payable to any
15 member be greater than an amount which, when added to the allowance, if any, to which the
16 member is entitled under the Teachers' and State Employees' Retirement System, the
17 Legislative Retirement System, or the Local Governmental Employees' Retirement System
18 (prior in any case to any reduction for early retirement or for an optional mode of payment),
19 would total three-fourths of the member's final compensation:

- 20 (1) Four and two hundredths percent (4.02%) of the member's final
21 compensation, multiplied by the number of years of creditable service
22 rendered as a justice of the Supreme Court or judge of the Court of Appeals;
23 (2) Three and fifty-two hundredths percent (3.52%) of the member's final
24 compensation, multiplied by the number of years of creditable service
25 rendered as a judge of the superior court or as Administrative Officer of the
26 Courts;
27 (3) Three and two hundredths percent (3.02%) of the member's final
28 compensation, multiplied by the number of years of creditable service
29 rendered as a judge of the district court, district attorney, clerk of superior
30 court, public defender, or the Director of Indigent Defense Services;
31 (4) A service retirement allowance computed in accordance with the service
32 retirement provisions of Article 3 of Chapter 128 of the General Statutes
33 using an average final compensation as defined in G.S. 135-53(2a) and
34 creditable service equal to the number of years of the member's creditable
35 service that was transferred from the Local Governmental Employees'
36 Retirement System to this System as provided in G.S. 135-56; and
37 (5) A service retirement allowance computed in accordance with the service
38 retirement provisions of Article 1 of this Chapter using an average final
39 compensation as defined in G.S. 135-53(2a) and creditable service, including
40 any sick leave standing to the credit of the member, equal to the number of
41 years of the member's creditable service that was transferred from the
42 Teachers' and State Employees' Retirement System or the Legislative
43 Retirement System to this System as provided in G.S. 135-56."

44 **SECTION 3.** This act becomes effective July 1, 2010.