

March 17, 2009

**S 645. RETIREMENT TECHNICAL CORRECTIONS (=H 642).** Filed 3/17/09. *TO MAKE TECHNICAL CORRECTIONS AND OTHER CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.*

Identical to H 642, filed 3/17/09.

**Intro. by Foriest.**

GS 58, 120, 127A, 128, 135

May 7, 2009

**S 645. RETIREMENT TECHNICAL CORRECTIONS.** Filed 3/17/09. Senate committee substitute makes the following changes to 1st edition.

Amends GS 128-32.1 [Local Governmental Employees' Retirement System (LGERS)] and GS 135-10.1 [Teachers' & State Employees' Retirement System (TSERS)] to provide that the Director of the Retirement Systems Division, acting on behalf of the Board of Trustees, may extend the 90-day limitation on the time period that the member has to respond after the Form 6-E and the preliminary option figures are mailed. Provides for the extension if (1) the member is incapacitated to the extent that a reasonable person would not have expected the member to complete the paperwork within the regular deadline or (2) when an omission by the Retirement Systems Division prevents the member from having sufficient time to meet the regular deadline.

Amends GS 135-5(g) (TSERS) and GS 128-27(g) (LGERS) to provide that when a member dies after the effective date of retirement but prior to the Board of Trustees receiving a properly acknowledged and filed election of benefits form from the member, if there is a single designated beneficiary for the return of accumulated contributions, that beneficiary may elect to receive the benefit; however, if there is more than one beneficiary named for the return of accumulated contributions, then the administrator or executor of the deceased member's estate is to select an option and name the beneficiary or beneficiaries.

Amends GS 135-5(m) (TSERS) and GS 128-27(m) (LGERS) by deleting the proposed provisions that allowed a designated beneficiary to elect to receive the survivor's alternate benefit in the event that the member dies after the effective retirement date has been approved but prior to the receipt by the Board of Trustees of an election of benefits acknowledged and filed by the member.

Amends proposed subdivision (c1) to GS 135-3(8) (TSERS) and proposed subdivision (c1) to GS 128-24(5) (LGERS) (respectively directing employers to report each reemployment of beneficiaries who retired on early or service retirement) to provide that if the report is not received within the required 90 days, the Board of Trustees is to assess the employer with a penalty of 10% of the compensation of the unreported reemployed beneficiaries during the unreported period (was, 1% per month) with a minimum penalty of \$25.

Deletes proposed amendments to GS 135-106(b) (related to the Disability Income Plan of North Carolina long-term disability benefits) determining the schedule for commencing a reduction in primary Social Security disability benefits for a member who qualifies for long-term disability benefits.