

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10309-NJp-22

Short Title: 25-Year Retirement for First Responders. (Public)

Sponsors: Representative Clampitt.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ALLOWING FIRST RESPONDERS (LAW ENFORCEMENT OFFICERS,
3 FIREFIGHTERS, AND EMERGENCY MEDICAL SERVICES PERSONNEL) WHO ARE
4 MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM
5 OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO
6 RETIRE WITH UNREDUCED BENEFITS AFTER ACHIEVING TWENTY-FIVE
7 YEARS OF CREDITABLE SERVICE AND MAKING CONFORMING CHANGES.

8 The General Assembly of North Carolina enacts:

9 SECTION 1.(a) G.S. 135-1 reads as rewritten:

10 "§ 135-1. Definitions.

11 The following words and phrases as used in this Chapter, unless a different meaning is plainly
12 required by the context, shall have the following meanings:

13 ...

14 (9a) "Emergency medical services personnel" or "EMS personnel" shall mean all
15 full-time employees of any State department, agency, or institution who meet
16 the definition of emergency services personnel under G.S. 131E-155. This
17 includes emergency medical dispatchers and the Director of EMS.

18 ...

19 (11b) "Firefighter" shall mean all full-time employees of any State department,
20 agency, or institution who are actively serving in a position with assigned
21 primary duties and responsibilities for the prevention, detection, and
22 suppression of fire. This includes fire dispatchers, fire inspectors, and fire
23 marshals.

24 ~~(11b)~~(11c) "Fraud investigation" means an independent review or examination by
25 Retirement Systems Division staff or authorized representatives who are
26 assisting the Retirement Systems Division staff of records, activities, actions,
27 or decisions by employers or other affiliated or associated entities having an
28 impact on the Retirement System. The purpose of a fraud investigation is to
29 help detect and prevent fraud and to ensure full accountability in the use of
30 pension funds.

31 ~~(11e)~~(11d) "Law Enforcement Officer" means a full-time paid employee of an
32 employer who is actively serving in a position with assigned primary duties
33 and responsibilities for prevention and detection of crime or the general
34 enforcement of the criminal laws of the State of North Carolina or serving
35 civil processes, and who possesses the power of arrest by virtue of an oath
36 administered under the authority of the State. "Law Enforcement Officer" also



1 means a probation/parole officer as defined in this section with respect to any
2 service rendered on or after July 1, 2017. This includes police dispatchers,
3 police investigators, sheriff's deputies, bailiffs, corrections officers, detention
4 officers, and jailers.

5"

6 **SECTION 1.(b)** G.S. 135-5(a) is amended by adding a new subdivision to read:

7 "(4b) Any member who is a law enforcement officer, firefighter, or emergency
8 medical services personnel and has completed 25 years of creditable service
9 may retire upon electronic submission or written application to the Board of
10 Trustees setting forth at what time, as of the first day of a calendar month, not
11 less than one day nor more than 120 days subsequent to the execution and
12 filing thereof, the member desires to be retired; provided, however, that any
13 member who has met the 25 years of creditable service required by this
14 subsection but does not retire and later becomes employed other than as the
15 member was employed while completing 25 years of creditable service shall
16 continue to have the right to commence retirement."

17 **SECTION 1.(c)** G.S. 135-5(b21) reads as rewritten:

18 "(b21) Service Retirement Allowance of Non-First Responder Members Retiring on or After
19 July 1, 2019; and First Responder Members Retiring on or After July 1, 2019, but
20 Before January 1, 2024. – Upon retirement from service on or after July 1, 2019, in accordance
21 with subsection (a) or (a1) of this section, a member shall receive the following service retirement
22 allowance:

23"

24 **SECTION 1.(d)** G.S. 135-5 is amended by adding a new subsection to read:

25 "(b22) Service Retirement Allowance of First Responders Retiring on or After January 1,
26 2024. – Upon retirement from service on or after January 1, 2024, in accordance with subsection
27 (a) or (a1) of this section and notwithstanding any other provision of this section to the contrary,
28 a member who is a law enforcement officer, eligible former law enforcement officer, firefighter,
29 eligible former firefighter, emergency medical services personnel, or eligible former medical
30 service personnel shall receive a service retirement allowance computed as follows:

31 (1) If the member's service retirement date occurs on or after the member's
32 fifty-fifth birthday and completion of five years of creditable service as a law
33 enforcement officer, as a firefighter, or as EMS personnel, or after the
34 completion of 25 years of creditable service, the allowance shall be equal to
35 one and eighty-two hundredths percent (1.82%) of the member's average final
36 compensation multiplied by the number of years of the member's creditable
37 service.

38 (2) If the member's service retirement date occurs on or after the member's fiftieth
39 birthday and before the member's fifty-fifth birthday with 15 or more years of
40 creditable service as a law enforcement officer, firefighter, or EMS personnel
41 and prior to the completion of 25 years of creditable service, the retirement
42 allowance shall be equal to the greater of the following amounts:

43 a. The service retirement allowance payable under subdivision (1) of this
44 subsection reduced by one-third of one percent (1/3 of 1%) thereof for
45 each month by which the retirement date precedes the first day of the
46 month coincident with or next following the month the member would
47 have attained age 55.

48 b. The service retirement allowance as computed under subdivision (1)
49 of this subsection reduced by five percent (5%) times the difference
50 between 25 years and the amount of creditable service at retirement."

51 **SECTION 1.(e)** G.S. 135-5(m) reads as rewritten:

1 "(m) Survivor's Alternate Benefit. – Upon the death of a member in service, the beneficiary
2 designated to receive a return of accumulated contributions shall have the right to elect to receive
3 in lieu thereof the reduced retirement allowance provided by Option 2 of subsection (g) above
4 computed by assuming that the member had retired on the first day of the month following the
5 date of ~~his~~ the member's death, provided that all four of the following conditions apply:

- 6 (1)a. The member had attained such age and/or creditable service to be eligible to
7 commence retirement with an early or service retirement allowance, or
8 b. The member had obtained 20 years of creditable service in which case
9 the retirement allowance shall be computed in accordance with
10 G.S. 135-5(b19)(1)b. or G.S. 135-5(b19)(2)c., notwithstanding the
11 requirement of obtaining age 50, or
12 b1. The member was a law enforcement officer who had obtained 15 years
13 of service as a law enforcement ~~officer~~ officer, or the member was a
14 firefighter who had obtained 15 years of service as a firefighter, or the
15 member was EMS personnel who had obtained 15 years of service as
16 EMS personnel, and was killed in the line of duty, in which case the
17 retirement allowance shall be computed in accordance with
18 G.S. 135-5(b19)(1)b.,—G.S. 135-5(b22)(1), notwithstanding the
19 requirement of obtaining age 50.
20 c. Repealed by Session Laws 2010-72, s. 2(a), effective July 1, 2010.

21"

22 **SECTION 2.(a)** G.S. 128-21 is amended by adding a new subdivision to read:

23 "(9a) "Emergency medical services personnel" or "EMS personnel" means all
24 full-time rescue squad workers and all full-time employees of any employer
25 that participates in the Local Governmental Employees' Retirement System
26 who meet the definition of emergency services personnel under
27 G.S. 131E-155."

28 **SECTION 2.(b)** G.S. 128-27(a) is amended by adding a new subdivision to read:

29 "(6) Any member who is a law enforcement, firefighter, or emergency medical
30 services personnel who has completed 25 years of creditable service may
31 retire upon electronic submission or written application to the Board of
32 Trustees setting forth at what time, as of the first day of a calendar month, not
33 less than one day nor more than 120 days subsequent to the execution and
34 filing of the application, the member desires to be retired; provided, however,
35 that any member who has met the conditions required by this subdivision but
36 does not retire and later becomes employed other than as the member was
37 employed while completing 25 years of creditable service shall continue to
38 have the right to commence retirement."

39 **SECTION 2.(c)** G.S. 128-27(b22) reads as rewritten:

40 "(b22) Service Retirement Allowance of ~~Member~~ Non-First Responder Members Retiring
41 on or After July 1, 2019, July 1, 2019; and First-Responder Members Retiring on or After July
42 1, 2019, but Before January 1, 2024. – Upon retirement from service in accordance with
43 subsection (a) or (a1) of this section, on or after July 1, 2019, a member shall receive for members
44 other than law enforcement officers, firefighters, and EMS personnel, and on or after July 1,
45 2019, but before January 1, 2024, for law enforcement officers, firefighters, and EMS personnel,
46 the following service retirement ~~allowance~~:allowance shall apply:

47"

48 **SECTION 2.(d)** G.S. 128-27 is amended by adding a new subsection to read:

49 "(b23) Service Retirement Allowance of Law Enforcement Officers, Firefighters, and
50 Emergency Medical Services Personnel Retiring on or After January 1, 2024. – Upon retirement
51 from service in accordance with subsection (a) or (a1) of this section on or after January 1, 2024,

1 and notwithstanding any other provision of this section to the contrary, a member who is a law
 2 enforcement officer, eligible former law enforcement officer, firefighter, eligible former
 3 firefighter, EMS personnel, or eligible former EMS personnel shall receive a service retirement
 4 allowance computed as follows:

5 (1) If the member's service retirement date occurs on or after the member's
 6 fifty-fifth birthday and completion of five years of creditable service as a law
 7 enforcement officer, as a firefighter, or as EMS personnel, or after the
 8 completion of 25 years of creditable service, the allowance shall be equal to
 9 one and eighty-five hundredths percent (1.85%) of the member's average final
 10 compensation multiplied by the number of years of the member's creditable
 11 service.

12 (2) If the member's service retirement date occurs on or after the member's fiftieth
 13 birthday and before the member's fifty-fifth birthday with 15 or more years of
 14 creditable service as a law enforcement officer, firefighter, or EMS personnel
 15 and prior to the completion of 25 years of creditable service, the retirement
 16 allowance shall be equal to the greater of the following amounts:

- 17 a. The service retirement allowance payable under subdivision (1) of this
 18 subsection reduced by one-third of one percent (1/3 of 1%) thereof for
 19 each month by which the retirement date precedes the first day of the
 20 month coincident with or next following the month the member would
 21 have attained age 55.
- 22 b. The service retirement allowance as computed under subdivision (1)
 23 of this subsection reduced by five percent (5%) times the difference
 24 between 25 years and the amount of creditable service at retirement."

25 **SECTION 2.(e)** G.S. 128-27(m) reads as rewritten:

26 "(m) Survivor's Alternate Benefit. – Upon the death of a member in service, the beneficiary
 27 designated to receive a return of accumulated contributions shall have the right to elect to receive
 28 in lieu thereof the reduced retirement allowance provided by Option two of subsection (g) above
 29 computed by assuming that the member had retired on the first day of the month following the
 30 date of the member's death, provided that all four of the following conditions apply:

- 31 (1)a. The member had attained such age and/or creditable service to be eligible to
 32 commence retirement with an early or service retirement allowance, or
- 33 b. The member had obtained 20 years of creditable service in which case
 34 the retirement allowance shall be computed in accordance with
 35 G.S. 128-27(b22)(1)c. or G.S. 128-27(b22)(2)c., notwithstanding the
 36 requirement of obtaining age 50, or
- 37 b1. The member was a law enforcement officer who had obtained 15 years
 38 of service as a law enforcement officer and was killed in the line of
 39 duty, or the member was a firefighter or a rescue squad worker who
 40 had obtained 15 years of service as a firefighter or a rescue squad
 41 worker and was killed in the line of duty, or the member was EMS
 42 personnel who had obtained 15 years of service as EMS personnel and
 43 was killed in the line of duty, in which cases the retirement allowance
 44 shall be computed in accordance with ~~G.S. 128-27(b22)(1)c.,~~
 45 G.S. 127-27(b23)(1), notwithstanding the requirement of obtaining
 46 age 50.
- 47 c. Repealed by Session Laws 2010-72, s. 2(b), effective July 1, 2010.

48"

49 **SECTION 3.(a)** G.S. 143-166.41(a) reads as rewritten:

50 "§ 143-166.41. Special separation allowance.

1 (a) Notwithstanding any other provision of law, every sworn law-enforcement officer as
 2 defined by G.S. 135-1(11c) or G.S. 143-166.30(a)(4) employed by a State department, agency,
 3 or institution who qualifies under this section shall receive, beginning in the month in which he
 4 retires on a basic service retirement under the provisions of G.S. 135-5(a), an annual separation
 5 allowance equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the base
 6 rate of compensation most recently applicable to him for each year of creditable service. The
 7 allowance shall be paid in equal installments on the payroll frequency used by the employer. To
 8 qualify for the allowance the ~~officer shall~~ following requirements apply:

- 9 (1) ~~Have~~ For officers retiring before January 1, 2024, the officer has either (i)
 10 completed 30 or more years of creditable service or, (ii) ~~have~~ attained 55 years
 11 of age and completed five or more years of creditable ~~service;~~ and service.
 12 (2) ~~Not have~~ For officers retiring on or after January 1, 2024, the officer has either
 13 (i) completed 25 or more years of creditable service or (ii) attained 55 years
 14 of age and completed five or more years of creditable service.
 15 (3) The officer has not attained 62 years of age; ~~and age.~~
 16 (3)(4) ~~Have~~ The officer has completed at least five years of continuous service as a
 17 law enforcement officer as herein defined immediately preceding a service
 18 retirement. Any break in the continuous service required by this subsection
 19 because of disability retirement or disability salary continuation benefits shall
 20 not adversely affect an officer's qualification to receive the allowance,
 21 provided the officer returns to service within 45 days after the disability
 22 benefits cease and is otherwise qualified to receive the allowance."

23 **SECTION 3.(b)** G.S. 143-166.42(a) reads as rewritten:

24 "**§ 143-166.42. Special separation allowances for local officers.**

25 (a) On and after January 1, 1987, every sworn law enforcement officer as defined by
 26 G.S. 128-21(11d) or G.S. 143-166.50(a)(3) employed by a local government employer who
 27 qualifies under this section shall receive, beginning in the month in which the officer retires on a
 28 basic service retirement under the provisions of G.S. 128-27(a), an annual separation allowance
 29 equal to eighty-five hundredths percent (0.85%) of the annual equivalent of the base rate of
 30 compensation most recently applicable to the officer for each year of creditable service. The
 31 allowance shall be paid in equal installments on the payroll frequency used by the employer. To
 32 qualify for the allowance, the ~~officer shall~~ following requirements apply:

- 33 (1) ~~Have~~ For officers retiring before January 1, 2024, the officer has either (i)
 34 completed 30 or more years of creditable service or (ii) ~~have~~ attained 55 years
 35 of age and completed five or more years of creditable ~~service;~~ and service.
 36 (2) ~~Not have~~ For officers retiring on or after January 1, 2024, the officer has either
 37 (i) completed 25 or more years of creditable service or (ii) attained 55 years
 38 of age and completed five or more years of creditable service.
 39 (3) The officer has not attained 62 years of age; ~~and age.~~
 40 (3)(4) ~~Have~~ The officer has completed at least five years of continuous service as a
 41 law enforcement officer as herein defined immediately preceding a service
 42 retirement. Any break in the continuous service required by this subsection
 43 because of disability retirement or disability salary continuation benefits shall
 44 not adversely affect an officer's qualification to receive the allowance,
 45 provided the officer returns to service within 45 days after the disability
 46 benefits cease and is otherwise qualified to receive the allowance."

47 **SECTION 4.** This act becomes effective January 1, 2024, and applies to eligible
 48 retirements occurring on or after that date.