

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 978  
HOUSE BILL 943

AN ACT TO REQUIRE A MINIMUM PERIOD OF FIVE YEARS OF MEMBERSHIP SERVICE FOR A RETIREMENT ALLOWANCE FROM THE STATE ADMINISTERED RETIREMENT SYSTEMS AND TO PROVIDE FOR THE COORDINATION OF JUDGES RETIREMENT BENEFITS.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 135-5(a)(1) is amended by rewriting the subsection to read as follows:

"(1) Any member may retire upon written application to the Board of Trustees setting forth at what time, as of the first day of a calendar month, not less than 30 days nor more than 90 days subsequent to the execution of and filing thereof, he desires to be retired: Provided, that the said member at the time so specified for his retirement shall have attained the age of 60 years and have at least five years of membership service or shall have completed 30 years of creditable service."

**Sec. 2.** G.S. 135-5(b7)(1) is amended by deleting the words ", regardless of his years of creditable service,".

**Sec. 3.** G.S. 128-27(a)(1) is amended by rewriting the subsection to read as follows:

"(1) Any member may retire upon written application to the Board of Trustees setting forth at what time, as of the first day of a calendar month, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired: Provided, that the said member at the time so specified for his retirement shall have attained the age of 60 years and have at least five years of creditable service or shall have completed 30 years of creditable service, or if a uniformed policeman or fireman, he shall have attained the age of 55 years and have at least five years of creditable service."

**Sec. 4.** G.S. 128-27(b6)(1) is amended by deleting the words ", regardless of his years of creditable service,".

**Sec. 5.** G.S. 143-166(y) is amended by rewriting the first paragraph thereof to read as follows:

"(y) Any member may retire on a basic service retirement allowance who: has attained 50 years of age and has completed 15 or more years of creditable service; or has completed 30 or more years of creditable service; or has attained 55 years of age and has completed five or more years of creditable service."

**Sec. 6.** G.S. 135-57(a) is amended by rewriting the subsection to read as follows:

"(a) Any member on or after January 1, 1974, who has attained his fiftieth birthday and five years of membership service may retire upon written application to the Board of Trustees setting forth at what time, as of the first day of a calendar month, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired."

**Sec. 7.** Article 4 of Chapter 135 is amended by adding a new section to read as follows:

**"§ 135-72. Coordination of benefits.** — (a) Members who are appointed to serve as a justice, judge or magistrate in the United States Courts shall not be eligible for benefits under this Article while actively serving as a justice, judge or magistrate in the United States Courts.

(b) Should a retired former member be appointed to serve as a justice, judge or magistrate in the United States Courts or be in receipt of a retirement allowance from service as a justice, judge or magistrate in the United States Courts, his retirement allowance provided under the provisions of this Article shall be reduced so that the sum of his retirement allowance and the salary or retirement allowance from service as a justice, judge or magistrate in the United States Courts does not exceed the salary for the office last held by the retired member in the General Court of Justice of North Carolina. Provided, however, that under no circumstances will the retired member's retirement allowance be reduced below the amount of his annuity resulting from his accumulated contributions."

**Sec. 8.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of October, 1981.