

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH80233-LL-172 (3/23)

Short Title: Econ. Development Comm./State Retirement. (Public)

Sponsors: Representative Nye.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCLUDE EMPLOYEES OF REGIONAL ECONOMIC
DEVELOPMENT COMMISSIONS AS MEMBERS OF THE TEACHERS' AND
STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 135-1(10) reads as rewritten:

"(10) "Employee" shall mean all full-time employees, agents or officers of the State of North Carolina or any of its departments, bureaus and institutions other than educational, whether such employees are elected, appointed or employed: Provided that the term "employee" shall not include any person who is a member of the Consolidated Judicial Retirement System, any member of the General Assembly or any part-time or temporary employee. Notwithstanding any other provision of law, "employee" shall include all employees of the General Assembly except participants in the Legislative Intern Program, pages, and beneficiaries in receipt of a monthly retirement allowance under this Chapter who are reemployed on a temporary basis. In all cases of doubt, the Board of Trustees shall determine whether any person is an employee as defined in this Chapter. "Employee shall also mean every full-time civilian employee of the army national guard and air national guard of this State who is employed pursuant to section 709 of Title 32 of the United States Code and paid from federal appropriated funds, but held by the federal authorities not to be a federal employee: Provided, however, that the authority or agency paying the salaries of such employees shall deduct or cause to be deducted from each employee's salary the employee's contribution in accordance with applicable provisions of G.S. 135-8

1 and remit the same, either directly or indirectly, to the Retirement
2 System; coverage of employees described in this sentence shall
3 commence upon the first day of the calendar year or fiscal year,
4 whichever is earlier, next following the date of execution of an
5 agreement between the Secretary of Defense of the United States and
6 the Adjutant General of the State acting for the Governor in behalf of
7 the State, but no credit shall be allowed pursuant to this sentence for
8 any service previously rendered in the above-described capacity as a
9 civilian employee of the national guard: Provided, further, that the
10 Adjutant General, in his discretion, may terminate the Retirement
11 System coverage of the above-described national guard employees if a
12 federal retirement system is established for such employees and the
13 Adjutant General elects to secure coverage of such employees under
14 such federal retirement system. Any full-time civilian employee of the
15 national guard described above who is now or hereafter may become a
16 member of the Retirement System may secure Retirement System
17 credit for such service as a national guard civilian employee for the
18 period preceding the time when such employees became eligible for
19 Retirement System coverage by paying to the Retirement System an
20 amount equal to that which would have constituted employee
21 contributions if he had been a member during the years of ineligibility,
22 plus interest. Employees of State agencies, departments, institutions,
23 boards, and ~~commissions~~ commissions, including regional economic
24 development commissions created under Article 2 of Chapter 158 of
25 the General Statutes, who are employed in permanent job positions on
26 a recurring basis and who work 30 or more hours per week for nine or
27 more months per calendar year are covered by the provisions of this
28 subdivision. On and after August 1, 2001, a person who is a
29 nonimmigrant alien and who otherwise meets the requirements of this
30 subdivision shall not be excluded from the definition of "employee"
31 solely because the person holds a temporary or time-limited visa."

32 **SECTION 2.** G.S. 135-1(11) reads as rewritten:

33 "(11) "Employer" shall mean the State of North Carolina, the county board
34 of education, the city board of education, the State Board of Education,
35 the board of trustees of the University of North Carolina, the board of
36 trustees of other institutions and agencies supported and under the
37 control of the State, regional economic development commissions
38 created under Article 2 of Chapter 158 of the General Statutes, or any
39 other agency of and within the State by which a teacher or other
40 employee is paid."

41 **SECTION 3.** This act becomes effective July 1, 2005.