



# HOUSE BILL 284: 25-Year LEO Retirement Option.

**This Bill Analysis  
reflects the  
contents of the bill  
as it was presented  
in committee.**

2017-2018 General Assembly

<b>Committee:</b>	House Pensions and Retirement. If favorable, re-refer to Appropriations	<b>Date:</b>	March 27, 2017
<b>Introduced by:</b>	Reps. Murphy, McNeill, Rogers, Malone	<b>Prepared by:</b>	Theresa Matula Committee Staff
<b>Analysis of:</b>	PCS to First Edition H284-CSSH-8		

**OVERVIEW:** *House Bill 284 would allow separation buyouts for law enforcement officers; permit transfers under the special retirement allowance to be paid in whole or in part with employer contributions; and allow law enforcement officers who are members of the Teachers' and State Employees' Retirement System (TSERS) and the Local Governmental Employees Retirement System (LGERS) to retire with 25 years of creditable service. The transfer provisions in Section 2, and the 25 year retirement option in Section 3, would become effective January 1, 2018, the remainder of the bill would become effective when it becomes law.*

*The PCS amends the 25 year retirement option to require that of the 25 years of creditable service, a minimum of 15 years of that creditable service must be earned in a law enforcement capacity.*

### **BILL ANALYSIS:**

**Separation buyouts:** Section 1 of the bill would amend Chapter 143, Article 12D, pertaining to separation allowances, to add a new law allowing separation buyouts for law enforcement officers. The new statute would allow any State department, agency or institution, or any local government employer, to offer a lump sum buyout to a law enforcement officer who leaves employment prior to reaching eligibility for a separation allowance. The buyout must be paid from funds available and must not exceed the total that would otherwise be paid under existing special separation allowance laws for State (G.S. 143-166.41) and local (G.S. 143-166.42) government employers.

**Special Retirement Allowance Transfer:** Current law (G.S. 135-5(m2) and G.S. 128-27(m2))<sup>1</sup> allows a member to make a one-time irrevocable election to transfer any portion of the member's eligible accumulated contributions, not including any Roth after-tax contributions and earnings, from the Supplemental Retirement Income Plan or the Public Employee Deferred Compensation Plan to the TSERS or LGERS and to receive in addition to the member's basic service, early or disability retirement allowance, a special retirement allowance based upon the member's transferred balance.

Section 2(a) of the bill amends the Teachers' and State Employees' Retirement System (TSERS) law on special retirement allowance described above to allow any transfer to be paid in whole or in part with employer contributions paid directly to the Retirement System at the time of transfer. Section 2(b) amends the Local Governmental Employees' Retirement System (LGERS) law in the same manner as described in Section 2(a) for TSERS.

<sup>1</sup> G.S. 135-5(m1) and G.S. 128-27 (m1) also provide for a special retirement allowance for law enforcement officers.

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# House PCS 284

Page 2

**25-year Retirement:** Sections 3(a), (b), (c), and (d) pertain to the TSERS, Sections 3(e), (f), (g), and (h) make the same changes to LGERS.

Section 3(a) amends TSERS benefits to allow any member who is a law-enforcement officer and who (i) attains age 50 with 15 or more years of creditable service in this capacity, (ii) attains age 55 and completes five or more years of creditable service in this capacity, or (iii) has completed 25 years of creditable service may retire. *The PCS amends (iii) to require that of the 25 years of creditable service, 15 years of creditable service must be in a law enforcement capacity.*

Section 3(b) amends G.S. 135-5(b19) to end the current service retirement allowance before January 1, 2018.

Section 3(c) provides the statutory language to allow the 25 year retirement option on or after January 1, 2018. Because Section 3(b) provides an end date for the retirement service options under G.S. 135-5(b19), the current service retirement allowance options that remain in place are set out again in Section 3(c) which adds a new G.S. 135-5(b21).

This section sets out the **current law** providing the following service retirement allowance:

- Similar to G.S. 135-5(b19)(1)a, G.S. 135-5(b21)(1)a provides that if the service retirement date occurs on or after the member's 55th birthday and completion of five years of creditable service as a law enforcement officer, or after the completion of 30 years of creditable service, the allowance shall be equal to one and eighty-two hundredths percent (1.82%) of the member's average final compensation, multiplied by the number of years of the member's creditable service.
- Similar to G.S. 135-5(b19)(1)c, G.S. 135-5(b21)(1)c provides that if the service retirement date occurs on or after the member's 50th birthday and before the member's 55th birthday with 15 or more years of creditable service as a law enforcement officer and prior to the completion of 30 years of creditable service, the retirement allowance shall be equal to the greater of the following amounts:
  - The service retirement allowance payable under G.S. 135-5(b21)(1)a. reduced by one-third of one percent (1/3 of 1%) thereof for each month by which the retirement date precedes the first day of the month coincident with or next following the month the member would have attained age 55.
  - The service retirement allowance as computed under G.S. 135-5(b21)(1)a. reduced by five percent (5%) times the difference between 30 years and the amount of creditable service at retirement.

In addition, the **PCS provides the following service retirement allowance for 25 years of creditable service with at least 15 years of creditable service in a law enforcement capacity:**

- G.S. 135-5(b21)(1)b provides that if the service retirement date occurs prior to the member's 50th birthday and after the completion of 25 years of creditable service with 15 years of creditable service in a law enforcement capacity but before the completion of 30 years of creditable service, the retirement allowance shall be equal to the greater of the following amounts:
  - The service retirement allowance payable under G.S. 135-5(b21)(1)a. reduced by one-third of one percent (1/3 of 1%) thereof for each month by which the member's retirement date precedes the first day of the month coincident with or next following the month the member would have attained age 55.
  - The service retirement allowance as computed under G.S. 135-5(b21)(1)a. reduced by five percent (5%) times the difference between 30 years and the member's creditable

# House PCS 284

Page 3

service at retirement plus four percent (4%) times the difference between age 50 and the member's age at retirement.

The benefits in G.S. 135-5(b21)(2) for a member who is not a law enforcement officer or an eligible former law enforcement officer remain unchanged but are being set out again because of the end date on subsection (b19).

Section 3(d) makes conforming changes to the survivor's alternate benefit.

Sections 3(e), (f), (g), and (h) make the same changes to LGERS as Sections 3 (a),(b), (c), and (d) did for under the TSERS, including the amendments in the PCS to require at least 15 years of creditable service in a law enforcement capacity under the 25 year option.

Section 4 allows the Retirement Systems Division, Department of State Treasurer, to increase receipts from the retirement assets of the corresponding retirement system or pay costs association with the administration of the changes directly from the retirement assets in order to provide for the administration of Sections 2 and 3.

**EFFECTIVE DATE:** Sections 2 and 3 would become effective January 1, 2018, the remainder becomes effective when it becomes law.