

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

H

1

HOUSE BILL 1501

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

Sponsors: Representative Nye.

Referred to: Pensions and Retirement.

April 21, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO INCLUDE EMPLOYEES OF REGIONAL ECONOMIC
3 DEVELOPMENT COMMISSIONS AS MEMBERS OF THE TEACHERS' AND
4 STATE EMPLOYEES' RETIREMENT SYSTEM.

5 The General Assembly of North Carolina enacts:

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

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

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

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

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

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