

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 290

Short Title: Redefine "Employee" and "Employer".

(Public)

Sponsors: Senator Block.

Referred to: Pensions and Retirement.

March 27, 1991

A BILL TO BE ENTITLED

AN ACT TO REDEFINE "EMPLOYEE" AND "EMPLOYER" IN THE LOCAL GOVERNMENTAL EMPLOYEE'S RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-21(10) reads as rewritten:

"(10) 'Employee' shall mean any person who is regularly employed in the service of and whose salary or compensation is paid by the employer as defined in subdivision (11) of this section, including employees of any light and water board or commission, and full-time employees of any housing authority created and operating under and by virtue of Chapter 157 of the General Statutes, whether employed or appointed for stated terms or otherwise, except teachers in the public schools and except such employees who hold office by popular election as are not required to devote a major portion of their time to the duties of their office. 'Employee' shall also mean all full-time, paid firemen who are employed by any fire department that serves a city or county or any part thereof and that is supported in whole or in part by municipal or county funds. In all cases of doubt the Board of Trustees shall decide who is an employee."

Sec. 2. G.S. 128-21(11) reads as rewritten:

"(11) 'Employer' shall mean any county, incorporated city or town, the light and water board or commission of any incorporated city or town, the board of alcoholic control of any county or incorporated city or town, the North Carolina League of

1 Municipalities, and the State Association of County Commissioners,
2 Commissioners. ~~county and/or city airport authorities, housing~~
3 ~~authorities created and operated under and by virtue of Chapter 157 of~~
4 ~~the General Statutes, redevelopment commissions created and operated~~
5 ~~under and by virtue of Article 37, Chapter 160 of the General Statutes,~~
6 ~~county and/or city or regional libraries, county and/or city boards of~~
7 ~~health, district boards of health, any other separate, local governmental~~
8 ~~entity, and the Retirement System. 'Employer' shall also mean any fire~~
9 ~~department that serves a city or county or any part thereof, and that is~~
10 ~~supported in whole or in part by municipal or county funds. 'Employer'~~
11 shall also mean any separate, juristic political subdivision of the
12 State as may be approved by the Board of Trustees upon the advice
13 of the Attorney General."

14 Sec. 3. This act is effective upon ratification.