

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Teachers' and State Employees' Retirement System Board of Trustees AND
Local Governmental Employees' Retirement System Board of Trustees

RULE CITATION: All rules, generally

DEADLINE FOR RECEIPT: Monday, December 12, 2022

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Is this the proper agency or body to submit these rules? Are there boards for the other systems or funds, such as those referenced in 20 NCAC 02A .0101? Must they be included to approve rule changes?

Please retype the rule accordingly and resubmit it to our office electronically.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Teachers' and State Employees' Retirement System Board of Trustees

RULE CITATION: 20 NCAC 02F .0101

DEADLINE FOR RECEIPT: Monday, December 12, 2022

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Item (1) should be put into the format of a definition. See the above formatting.

Additionally, for clarity, place reference to the definition for "Director" being applicable to this Section.

In Item (3), insert the zip code in the address.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: December 7, 2022

1 20 NCAC 02F .0101 is readopted, with changes as published in 36:23 NCR page 1850, as follows:

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4 **SUBCHAPTER 02F - CONSOLIDATED JUDICIAL RETIREMENT SYSTEM OF NORTH CAROLINA**

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6 **20 NCAC 02F .0101 GENERAL INFORMATION**

7 The following is general information about the Consolidated Judicial Retirement System:

- 8 (1) The ~~Director chief officer~~ is the Director of the Retirement ~~Systems~~; Systems Division;
- 9 (2) The mailing address is Retirement Systems Division, Department of State Treasurer, 3200 Atlantic
10 Avenue, Raleigh, North Carolina 27604;
- 11 (3) The office is located ~~at in the Longleaf Building~~, 3200 Atlantic Avenue Raleigh, North Carolina.

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13 *History Note: Authority G.S. 135-6(f); 135-54;*
14 *Eff. February 1, 1976;*
15 *Readopted Eff. September 21, 1977;*
16 *Amended Eff. March 1, 1985;*
17 *Amended Eff. September 1, ~~2019~~, 2019;*
18 *Readopted Eff. January 1, 2023.*
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REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Teachers' and State Employees' Retirement System Board of Trustees

RULE CITATION: 20 NCAC 02F .0104

DEADLINE FOR RECEIPT: Monday, December 12, 2022

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Note: while this is not subject to rulemaking, having more clear rules within the Code when such exempt rules are codified is a concern for the Commission.

In (a), line 7, use the active voice and change "will" to "shall". If possible, place a timeline on when adoption of the actuarial tables and assumptions will occur.

In (b) and both instances in (c), include an Oxford comma after "rates".

Also, what does it mean for the "file" to be "open" as well as "readily available" for the public?

How is G.S. 135-69 an authoritative source for this Rule?

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: December 7, 2022

1 20 NCAC 02F .0104 is readopted as published in 36:23 NCR, page 1850, as follows:

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4 **20 NCAC 02F .0104 ACTUARIAL TABLES: RATES AND ASSUMPTIONS**

5 (a) Actuarial tables and assumptions will be adopted by the ~~board~~Board of ~~trustees~~Trustees after the presentation of
6 the recommendations of the ~~actuary~~actuary. ~~by including the tables, rates, etc. in the minutes of the board with the~~
7 ~~resolution adopting said tables, rates or assumptions. As provided by G.S. 150B-1(d), these actions of the Board of~~
8 Trustees are not subject to rule-making requirements.

9 (b) The ~~director of the retirement systems~~Director shall maintain a file of copies of all resolutions adopting tables,
10 rates or assumptions and the current version of all tables as amended by the ~~board~~Board of ~~trustees~~Trustees. The file
11 shall be open and readily available to the public during regular office hours.

12 ~~(c) This Rule includes but is not limited to the following actuarial tables and assumptions:~~

- 13 (1) ~~interest rate assumptions;~~
14 (2) ~~salary increase assumptions;~~
15 (3) ~~required contribution rates;~~
16 (4) ~~mortality assumptions;~~
17 (5) ~~separation and retirement assumptions;~~
18 (6) ~~joint and survivor tables;~~
19 (7) ~~reserve transfer tables.~~

20 ~~(d)~~(c) Tables, rates and assumptions shall become effective on the first day of the month following adoption, unless
21 a specific effective date is included in the adopting resolution. If the specific date is included, the tables, rates or
22 assumptions shall be effective as provided in the adopting resolution.

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24 *History Note: Authority G.S. 135-69; 135-6(f);*
25 *Eff. September 21, 1977;*
26 *Amended Eff. August 1, ~~1981-1981~~;*
27 *Readopted Eff. January 1, 2023.*
28

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Teachers' and State Employees' Retirement System Board of Trustees

RULE CITATION: 20 NCAC 02F .0107

DEADLINE FOR RECEIPT: Monday, December 12, 2022

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In reviewing this Rule, the staff recommends the following changes be made:

G.S. 135-58(a6) does not use the entire quoted portion of "three fourths limitation of the member's final compensation". Remove "limitation" to avoid any confusion and place it outside of the quotation of the statute.

Is it not duplicative, and thus open for misinterpretation, to say use "the last position... applicable to this system" then include "actual state or local governmental service"?

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel

Date submitted to agency: December 7, 2022

1 20 NCAC 02F .0107 is readopted with changes as published in 36:23 NCR, page 1850, as follows:

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4 **20 NCAC 02F .0107 FINAL COMPENSATION FOR THREE-FOURTHS LIMITATION**

5 For the sole purpose of calculating the "three-fourths limitation of the member's ~~his~~ final compensation" under G.S.
6 ~~135-58(a)~~ 135-58(a6) for a member whose final state service was not as a member of this system, the phrase "final
7 compensation" shall mean the rate of compensation established for the last position held by the member applicable to
8 this system on the last day of the member's ~~his~~ actual state or local governmental service.

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10 *History Note: Authority G.S. 135-6(f); ~~135-58(a); 135-58(a6)~~;*

11 *Eff. June 1, ~~1984~~.1984;*

12 *Readopted Eff. January 1, 2023.*

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