

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE DRH80171-LL-54 (2/14)**

Short Title: 25-Year Retirement for First Responders. (Public)

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Sponsors: Representative Howard.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO ALLOW LAW ENFORCEMENT OFFICERS WHO ARE MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM OR THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND CAREER FIREFIGHTERS AND CAREER EMERGENCY MEDICAL SERVICES WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETIRE WITH UNREDUCED BENEFITS AFTER COMPLETING TWENTY-FIVE YEARS OF SERVICE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 135-5(b19) reads as rewritten:

"(b19) Service Retirement Allowance of Members Retiring on or After July 1, ~~2002~~2002, but Before July 1, 2005. – Upon retirement from service in accordance with subsection (a) or (a1) above, on or after July 1, 2002, but before July 1, 2005, a member shall receive the following service retirement allowance:

(1) A member who is a law enforcement officer or an eligible former law enforcement officer shall receive a service retirement allowance computed as follows:

- a. If the member's service retirement date occurs on or after his 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 his average final compensation, multiplied by the number of years of his creditable service.
- b. If the member's service retirement date occurs on or after his 50th birthday and before his 55th birthday with 15 or more years of creditable service as a law enforcement officer and

1 prior to the completion of 30 years of creditable service, his  
2 retirement allowance shall be equal to the greater of:

- 3 1. The service retirement allowance payable under  
4 G.S. 135-5(b19)(1)a. reduced by one-third of one percent  
5 (1/3 of 1%) thereof for each month by which his  
6 retirement date precedes the first day of the month  
7 coincident with or next following the month the member  
8 would have attained his 55th birthday; or
- 9 2. The service retirement allowance as computed under  
10 G.S. 135-5(b19)(1)a. reduced by five percent (5%) times  
11 the difference between 30 years and his creditable  
12 service at retirement.

13 (2) A member who is not a law enforcement officer or an eligible former  
14 law enforcement officer shall receive a service retirement allowance  
15 computed as follows:

- 16 a. If the member's service retirement date occurs on or after his  
17 65th birthday upon the completion of five years of membership  
18 service or after the completion of 30 years of creditable service  
19 or on or after his 60th birthday upon the completion of 25 years  
20 of creditable service, the allowance shall be equal to one and  
21 eighty-two hundredths percent (1.82%) of his average final  
22 compensation, multiplied by the number of years of creditable  
23 service.
- 24 b. If the member's service retirement date occurs after his 60th  
25 birthday and before his 65th birthday and prior to his  
26 completion of 25 years or more of creditable service, his  
27 retirement allowance shall be computed as in  
28 G.S. 135-5(b19)(2)a. but shall be reduced by one-quarter of one  
29 percent (1/4 of 1%) thereof for each month by which his  
30 retirement date precedes the first day of the month coincident  
31 with or next following his 65th birthday.
- 32 c. If the member's early service retirement date occurs on or after  
33 his 50th birthday and before his 60th birthday and after  
34 completion of 20 years of creditable service but prior to the  
35 completion of 30 years of creditable service, his early service  
36 retirement allowance shall be equal to the greater of:
  - 37 1. The service retirement allowance as computed under  
38 G.S. 135-5(b19)(2)a. but reduced by the sum of  
39 five-twelfths of one percent (5/12 of 1%) thereof for  
40 each month by which his retirement date precedes the  
41 first day of the month coincident with or next following  
42 the month the member would have attained his 60th  
43 birthday, plus one-quarter of one percent (1/4 of 1%)  
44 thereof for each month by which his 60th birthday

- 1 precedes the first day of the month coincident with or  
2 next following his 65th birthday; or  
3 2. The service retirement allowance as computed under  
4 G.S. 135-5(b19)(2)a. reduced by five percent (5%) times  
5 the difference between 30 years and his creditable  
6 service at retirement; or  
7 3. If the member's creditable service commenced prior to  
8 July 1, 1994, the service retirement allowance equal to  
9 the actuarial equivalent of the allowance payable at the  
10 age of 60 years as computed in G.S. 135-5(b19)(2)b.  
11 d. Notwithstanding the foregoing provisions, any member whose  
12 creditable service commenced prior to July 1, 1963, shall not  
13 receive less than the benefit provided by G.S. 135-5(b)."

14 **SECTION 2.** G.S. 135-5 is amended by adding a new subsection to read:

15 "(b20) Service Retirement Allowance of Members Retiring on or After July 1, 2005.  
16 – Upon retirement from service in accordance with subsection (a) or (a1) above, on or  
17 after July 1, 2005, a member shall receive the following service retirement allowance:

18 (1) A member who is a law enforcement officer or an eligible former law  
19 enforcement officer shall receive a service retirement allowance  
20 computed as follows:

- 21 a. If the member's service retirement date occurs on or after his  
22 55th birthday, and completion of five years of creditable service  
23 as a law enforcement officer, or after the completion of 25 years  
24 of creditable service, the allowance shall be equal to one and  
25 eighty-two hundredths percent (1.82%) of his average final  
26 compensation, multiplied by the number of years of his  
27 creditable service.  
28 b. If the member's service retirement date occurs on or after his  
29 50th birthday and before his 55th birthday with 15 or more  
30 years of creditable service as a law enforcement officer and  
31 prior to the completion of 25 years of creditable service, his  
32 retirement allowance shall be equal to the greater of:  
33 1. The service retirement allowance payable under  
34 G.S. 135-5(b20)(1)a. reduced by one-third of one percent  
35 (1/3 of 1%) thereof for each month by which his  
36 retirement date precedes the first day of the month  
37 coincident with or next following the month the member  
38 would have attained his 55th birthday; or  
39 2. The service retirement allowance as computed under  
40 G.S. 135-5(b20)(1)a. reduced by five percent (5%) times  
41 the difference between 25 years and his creditable  
42 service at retirement.

1           (2) A member who is not a law enforcement officer or an eligible former  
2 law enforcement officer shall receive a service retirement allowance  
3 computed as follows:

4           a. If the member's service retirement date occurs on or after his  
5 65th birthday upon the completion of five years of membership  
6 service or after the completion of 30 years of creditable service  
7 or on or after his 60th birthday upon the completion of 25 years  
8 of creditable service, the allowance shall be equal to one and  
9 eighty-two hundredths percent (1.82%) of his average final  
10 compensation, multiplied by the number of years of creditable  
11 service.

12           b. If the member's service retirement date occurs after his 60th  
13 birthday and before his 65th birthday and prior to his  
14 completion of 25 years or more of creditable service, his  
15 retirement allowance shall be computed as in  
16 G.S. 135-5(b20)(2)a. but shall be reduced by one-quarter of one  
17 percent (1/4 of 1%) thereof for each month by which his  
18 retirement date precedes the first day of the month coincident  
19 with or next following his 65th birthday.

20           c. If the member's early service retirement date occurs on or after  
21 his 50th birthday and before his 60th birthday and after  
22 completion of 20 years of creditable service but prior to the  
23 completion of 30 years of creditable service, his early service  
24 retirement allowance shall be equal to the greater of:

25           1. The service retirement allowance as computed under  
26 G.S. 135-5(b20)(2)a. but reduced by the sum of  
27 five-twelfths of one percent (5/12 of 1%) thereof for  
28 each month by which his retirement date precedes the  
29 first day of the month coincident with or next following  
30 the month the member would have attained his 60th  
31 birthday, plus one-quarter of one percent (1/4 of 1%)  
32 thereof for each month by which his 60th birthday  
33 precedes the first day of the month coincident with or  
34 next following his 65th birthday; or

35           2. The service retirement allowance as computed under  
36 G.S. 135-5(b20)(2)a. reduced by five percent (5%) times  
37 the difference between 30 years and his creditable  
38 service at retirement; or

39           3. If the member's creditable service commenced prior to  
40 July 1, 1994, the service retirement allowance equal to  
41 the actuarial equivalent of the allowance payable at the  
42 age of 60 years as computed in G.S. 135-5(b20)(2)b.

1                   d.     Notwithstanding the foregoing provisions, any member whose  
2                   creditable service commenced prior to July 1, 1963, shall not  
3                   receive less than the benefit provided by G.S. 135-5(b)."

4                   **SECTION 3.** G.S. 135-5(m) reads as rewritten:

5                   "(m) Survivor's Alternate Benefit. – Upon the death of a member in service, the  
6                   principal beneficiary designated to receive a return of accumulated contributions shall  
7                   have the right to elect to receive in lieu thereof the reduced retirement allowance  
8                   provided by Option 2 of subsection (g) above computed by assuming that the member  
9                   had retired on the first day of the month following the date of his death, provided that  
10                  the following conditions apply:

- 11                  (1) a.     The member had attained such age and/or creditable service to  
12                  be eligible to commence retirement with an early or service  
13                  retirement allowance,  
14                  b.     The member had obtained 20 years of creditable service in  
15                  which case the retirement allowance shall be computed in  
16                  accordance with ~~G.S. 135-5(b19)(1)b. or G.S. 135-5(b19)(2)c.,~~  
17                  G.S. 135-5(b20)(1)b. or G.S. 135-5(b20)(2)c., notwithstanding  
18                  the requirement of obtaining age 50, or  
19                  c.     The member had not commenced to receive a retirement  
20                  allowance as provided under this Chapter.  
21                  (2)     The member had designated as the principal beneficiary to receive a  
22                  return of his accumulated contributions one and only one person who  
23                  was living at the time of his death.  
24                  (3)     The member had not instructed the Board of Trustees in writing that he  
25                  did not wish the provisions of this subsection to apply.

26                  For the purpose of this benefit, a member is considered to be in service at the date of  
27                  his death if his death occurs within 180 days from the last day of his actual service. The  
28                  last day of actual service shall be determined as provided in subsection (l) of this  
29                  section. Upon the death of a member in service, the surviving spouse may make all  
30                  purchases for creditable service as provided for under this Chapter for which the  
31                  member had made application in writing prior to the date of death, provided that the  
32                  date of death occurred prior to or within 60 days after notification of the cost to make  
33                  the purchase. The term "in service" as used in this subsection includes a member in  
34                  receipt of a benefit under the Disability Income Plan as provided in Article 6 of this  
35                  Chapter."

36                  **SECTION 4.** G.S. 128-21 is amended by adding two new subdivisions to  
37                  read:

38                  "(17a) "Career firefighter" means a person (i) who is a full-time paid  
39                  employee of an employer that participates in the Local Governmental  
40                  Employees' Retirement System and maintains a fire department  
41                  certified by the North Carolina Department of Insurance, and (ii) who  
42                  is actively serving in a position with assigned primary duties and  
43                  responsibilities for the prevention, detection, and suppression of fire.

1           (17b) "Career emergency medical services worker" means a person (i) who  
2           is a full-time paid employee of an employer that participates in the  
3           Local Governmental Employees' Retirement System and maintains an  
4           emergency medical services team certified by the North Carolina  
5           Department of Insurance, and (ii) who is actively serving in a position  
6           with assigned primary duties and responsibilities for the alleviation of  
7           human suffering and assistance to persons who are in difficulty, who  
8           are injured, or who become suddenly ill, by providing emergency  
9           medical services."

10           **SECTION 5.** G.S. 128-27(b21) reads as rewritten:

11           "(b21) Service Retirement Allowance of Member Retiring on or After July 1, ~~2003-~~  
12           2004, but Before July 1, 2005. – Upon retirement from service in accordance with  
13           subsection (a) or (a1) above, on or after July 1, 2003, but before July 1, 2005, a member  
14           shall receive the following service retirement allowance:

15           (1) A member who is a law enforcement officer or an eligible former law  
16           enforcement officer shall receive a service retirement allowance  
17           computed as follows:

18           a. If the member's service retirement date occurs on or after his  
19           55th birthday and completion of five years of creditable service  
20           as a law enforcement officer, or after the completion of 30 years  
21           of creditable service, the allowance shall be equal to one and  
22           eighty-five hundredths percent (1.85%) of his average final  
23           compensation, multiplied by the number of years of his  
24           creditable service.

25           b. If the member's service retirement date occurs on or after his  
26           50th birthday and before his 55th birthday with 15 or more  
27           years of creditable service as a law enforcement officer and  
28           prior to the completion of 30 years of creditable service, his  
29           retirement allowance shall be equal to the greater of:

30           1. The service retirement allowance payable under  
31           G.S. 128-27(b21)(1)a. reduced by one-third of one  
32           percent (1/3 of 1%) thereof for each month by which his  
33           retirement date precedes the first day of the month  
34           coincident with or next following the month the member  
35           would have attained his 55th birthday;

36           2. The service retirement allowance as computed under  
37           G.S. 128-27(b21)(1)a. reduced by five percent (5%)  
38           times the difference between 30 years and his creditable  
39           service at retirement.

40           (2) A member who is not a law enforcement officer or an eligible former  
41           law enforcement officer shall receive a service retirement allowance  
42           computed as follows:

43           a. If the member's service retirement date occurs on or after his  
44           65th birthday upon the completion of five years of creditable

1 service or after the completion of 30 years of creditable service  
2 or on or after his 60th birthday upon the completion of 25 years  
3 of creditable service, the allowance shall be equal to one and  
4 eighty-five hundredths percent (1.85%) of average final  
5 compensation, multiplied by the number of years of creditable  
6 service.

7 b. If the member's service retirement date occurs after his 60th  
8 birthday and before his 65th birthday and prior to his  
9 completion of 25 years or more of creditable service, his  
10 retirement allowance shall be computed as in  
11 G.S. 128-27(b21)(2) a. but shall be reduced by one-quarter of  
12 one percent (1/4 of 1%) thereof for each month by which his  
13 retirement date precedes the first day of the month coincident  
14 with or next following his 65th birthday.

15 c. If the member's early service retirement date occurs on or after  
16 his 50th birthday and before his 60th birthday and after  
17 completion of 20 years of creditable service but prior to the  
18 completion of 30 years of creditable service, his early service  
19 retirement allowance shall be equal to the greater of:

20 1. The service retirement allowance as computed under  
21 G.S. 128-27(b21)(2)a. but reduced by the sum of  
22 five-twelfths of one percent (5/12 of 1%) thereof for  
23 each month by which his retirement date precedes the  
24 first day of the month coincident with or next following  
25 the month the member would have attained his 60th  
26 birthday, plus one-quarter of one percent (1/4 of 1%)  
27 thereof for each month by which his 60th birthday  
28 precedes the first day of the month coincident with or  
29 next following his 65th birthday; or

30 2. The service retirement allowance as computed under  
31 G.S. 128-27(b21)(2)a. reduced by five percent (5%)  
32 times the difference between 30 years and his creditable  
33 service at retirement; or

34 3. If the member's creditable service commenced prior to  
35 July 1, 1995, the service retirement allowance equal to  
36 the actuarial equivalent of the allowance payable at the  
37 age of 60 years as computed in G.S. 128-27(b21)(2)b.

38 d. Notwithstanding the foregoing provisions, any member whose  
39 creditable service commenced prior to July 1, 1965, shall not  
40 receive less than the benefit provided by G.S. 128-27(b)."

41 **SECTION 6.** G.S. 128-27 is amended by adding a new subsection to read:

42 "(b22) Service Retirement Allowance of Member Retiring on or After July 1, 2005.  
43 – Upon retirement from service in accordance with subsection (a) or (a1) above, on or  
44 after July 1, 2005, a member shall receive the following service retirement allowance:

- 1           (1) A member who is a law enforcement officer or an eligible former law  
2 enforcement officer shall receive a service retirement allowance  
3 computed as follows:
- 4           a. If the member's service retirement date occurs on or after his  
5 55th birthday and completion of five years of creditable service  
6 as a law enforcement officer, or after the completion of 25 years  
7 of creditable service, the allowance shall be equal to one and  
8 eighty-five hundredths percent (1.85%) of his average final  
9 compensation, multiplied by the number of years of his  
10 creditable service.
- 11           b. If the member's service retirement date occurs on or after his  
12 50th birthday and before his 55th birthday with 15 or more  
13 years of creditable service as a law enforcement officer and  
14 prior to the completion of 25 years of creditable service, his  
15 retirement allowance shall be equal to the greater of:
- 16               1. The service retirement allowance payable under  
17 G.S. 128-27(b22)(1)a. reduced by one-third of one  
18 percent (1/3 of 1%) thereof for each month by which his  
19 retirement date precedes the first day of the month  
20 coincident with or next following the month the member  
21 would have attained his 55th birthday;
- 22               2. The service retirement allowance as computed under  
23 G.S. 128-27(b22)(1)a. reduced by five percent (5%)  
24 times the difference between 25 years and his creditable  
25 service at retirement.
- 26           (2) A member who is a career firefighter, an eligible former career  
27 firefighter, an emergency medical services worker, or an eligible  
28 former career emergency medical services worker shall receive a  
29 service retirement allowance computed as follows:
- 30           a. If the member's service retirement date occurs on or after his  
31 65th birthday upon the completion of five years of creditable  
32 service or after the completion of 25 years of creditable service,  
33 the allowance shall be equal to one and eighty-five hundredths  
34 percent (1.85%) of average final compensation, multiplied by  
35 the number of years of creditable service.
- 36           b. If the member's service retirement date occurs after his 60th  
37 birthday and before his 65th birthday and prior to his  
38 completion of 25 years or more of creditable service, his  
39 retirement allowance shall be computed as in  
40 G.S. 128-27(b22)(2)a. but shall be reduced by one-quarter of  
41 one percent (1/4 of 1%) thereof for each month by which his  
42 retirement date precedes the first day of the month coincident  
43 with or next following his 65th birthday.



- 1           c.     If the member's early service retirement date occurs on or after  
2           his 50th birthday and before his 60th birthday and after  
3           completion of 20 years of creditable service but prior to the  
4           completion of 25 years of creditable service, his early service  
5           retirement allowance shall be equal to the greater of:
- 6                 1.     The service retirement allowance as computed under  
7                 G.S. 128-27(b22)(2)a. but reduced by the sum of  
8                 five-twelfths of one percent (5/12 of 1%) thereof for  
9                 each month by which his retirement date precedes the  
10                first day of the month coincident with or next following  
11                the month the member would have attained his 60th  
12                birthday, plus one-quarter of one percent (1/4 of 1%)  
13                thereof for each month by which his 60th birthday  
14                precedes the first day of the month coincident with or  
15                next following his 65th birthday; or
- 16                2.     The service retirement allowance as computed under  
17                G.S. 128-27(b22)(2)a. reduced by five percent (5%)  
18                times the difference between 25 years and his creditable  
19                service at retirement; or
- 20                3.     If the member's creditable service commenced prior to  
21                July 1, 1995, the service retirement allowance equal to  
22                the actuarial equivalent of the allowance payable at the  
23                age of 60 years as computed in G.S. 128-27(b22)(2)b.
- 24            d.     Notwithstanding the foregoing provisions, any member  
25            whose creditable service commenced prior to July 1,  
26            1965, shall not receive less than the benefit provided by  
27            G.S. 128-27(b).
- 28     (3)    A member who is not a law enforcement officer, an eligible former  
29     law enforcement officer, a career firefighter, an eligible former career  
30     firefighter, a career emergency medical services worker, or an eligible  
31     former career emergency medical services worker shall receive a  
32     service retirement allowance computed as follows:
- 33            a.     If the member's service retirement date occurs on or after his  
34            65th birthday upon the completion of five years of creditable  
35            service or after the completion of 30 years of creditable service  
36            or on or after his 60th birthday upon the completion of 25 years  
37            of creditable service, the allowance shall be equal to one and  
38            eighty-five hundredths percent (1.85%) of average final  
39            compensation, multiplied by the number of years of creditable  
40            service.
- 41            b.     If the member's service retirement date occurs after his 60th  
42            birthday and before his 65th birthday and prior to his  
43            completion of 25 years or more of creditable service, his  
44            retirement allowance shall be computed as in

1           G.S. 128-27(b22)(2)a. but shall be reduced by one-quarter of  
 2           one percent (1/4 of 1%) thereof for each month by which his  
 3           retirement date precedes the first day of the month coincident  
 4           with or next following his 65th birthday.

5           c.   If the member's early service retirement date occurs on or after  
 6           his 50th birthday and before his 60th birthday and after  
 7           completion of 20 years of creditable service but prior to the  
 8           completion of 30 years of creditable service, his early service  
 9           retirement allowance shall be equal to the greater of:

10           1.   The service retirement allowance as computed under  
 11           G.S. 128-27(b22)(2)a. but reduced by the sum of  
 12           five-twelfths of one percent (5/12 of 1%) thereof for  
 13           each month by which his retirement date precedes the  
 14           first day of the month coincident with or next following  
 15           the month the member would have attained his 60th  
 16           birthday, plus one-quarter of one percent (1/4 of 1%)  
 17           thereof for each month by which his 60th birthday  
 18           precedes the first day of the month coincident with or  
 19           next following his 65th birthday; or

20           2.   The service retirement allowance as computed under  
 21           G.S. 128-27(b22)(2)a. reduced by five percent (5%)  
 22           times the difference between 30 years and his creditable  
 23           service at retirement; or

24           3.   If the member's creditable service commenced prior to  
 25           July 1, 1995, the service retirement allowance equal to  
 26           the actuarial equivalent of the allowance payable at the  
 27           age of 60 years as computed in G.S. 128-27(b22)(2)b.

28           d.   Notwithstanding the foregoing provisions, any member whose  
 29           creditable service commenced prior to July 1, 1965, shall not  
 30           receive less than the benefit provided by G.S. 128-27(b)."

31           **SECTION 7.** G.S. 128-27(m) reads as rewritten:

32           "(m) Survivor's Alternate Benefit. – Upon the death of a member in service, the  
 33           principal beneficiary designated to receive a return of accumulated contributions shall  
 34           have the right to elect to receive in lieu thereof the reduced retirement allowance  
 35           provided by Option two of subsection (g) above computed by assuming that the member  
 36           had retired on the first day of the month following the date of his death, provided that all  
 37           three of the following conditions apply:

38           (1) a.   The member had attained such age and/or creditable service to  
 39           be eligible to commence retirement with an early or service  
 40           retirement allowance, or

41           b.   The member had obtained 20 years of creditable service in  
 42           which case the retirement allowance shall be computed in  
 43           accordance with G.S. 128-27(b21)(1)b. ~~or~~  
 44           G.S. 128-27(b21)(2)e., G.S. 128-27(b22)(1)b. ~~or~~

1                   G.S. 128-27(b22)(2)c., notwithstanding the requirement of  
2                   obtaining age 50, or

3                   c.     The member had not commenced to receive a retirement  
4                   allowance as provided under this Chapter.

5                   (2)    The member had designated as the principal beneficiary to receive a  
6                   return of his accumulated contributions one and only one person who  
7                   is living at the time of his death.

8                   (3)    The member had not instructed the Board of Trustees in writing that he  
9                   did not wish the provisions of this subsection apply.

10                  For the purpose of this benefit, a member is considered to be in service at the date of  
11                  his death if his death occurs within 180 days from the last day of his actual service. The  
12                  last day of actual service shall be determined as provided in subsection (l) of this  
13                  section. Upon the death of a member in service, the surviving spouse may make all  
14                  purchases for creditable service as provided for under this Chapter for which the  
15                  member had made application in writing prior to the date of death, provided that the  
16                  date of death occurred prior to or within 60 days after notification of the cost to make  
17                  the purchase."

18                  **SECTION 8.** G.S. 143-166.41(a) reads as rewritten:

19                  "(a)   Notwithstanding any other provision of law, every sworn law-enforcement  
20                  officer as defined by G.S. 135-1(11b) or G.S. 143-166.30(a)(4) employed by a State  
21                  department, agency, or institution who qualifies under this section shall receive,  
22                  beginning on the last day of the month in which he retires on a basic service retirement  
23                  under the provisions of G.S. 135-5(a) or G.S. 143-166(y), an annual separation  
24                  allowance equal to eighty-five hundredths percent (0.85%) of the annual equivalent of  
25                  the base rate of compensation most recently applicable to him for each year of  
26                  creditable service. The allowance shall be paid in 12 equal installments on the last day  
27                  of each month. To qualify for the allowance the officer shall:

28                  (1)    Have (i) completed ~~30~~ 25 or more years of creditable service or, (ii)  
29                  have attained 55 years of age and completed five or more years of  
30                  creditable service; and

31                  (2)    Not have attained 62 years of age; and

32                  (3)    Have completed at least five years of continuous service as a law  
33                  enforcement officer as herein defined immediately preceding a service  
34                  retirement. Any break in the continuous service required by this  
35                  subsection because of disability retirement or disability salary  
36                  continuation benefits shall not adversely affect an officer's  
37                  qualification to receive the allowance, provided the officer returns to  
38                  service within 45 days after the disability benefits cease and is  
39                  otherwise qualified to receive the allowance."

40                  **SECTION 9.** This act becomes effective July 1, 2005.