

**§18451. Qualification for benefits for members not covered under chapter 427**

Qualification for service retirement benefits for a member not covered under chapter 427 is governed by subsection 1, 2 or 3, unless the requirements of section 18453 are satisfied, in which case one or more of the subsections of section 18453 governs. [PL 2013, c. 391, §9 (AMD).]

**1. Member in service.** A member who is in service when reaching 60 years of age, or is in service after reaching 60 years of age, qualifies for a service retirement benefit if the member:

A. Retires upon or after reaching 60 years of age and has been in service for a minimum of one year immediately before retirement; [PL 1999, c. 756, §16 (AMD).]

B. [PL 1999, c. 756, §17 (RP).]

C. [PL 1987, c. 256, §36 (RP).]

D. Except as provided in paragraph E, has at least 10 years of creditable service, which, for the purpose of determining completion of the 10-year requirement, may include creditable service as a member of the Legislative Retirement Program; or [PL 2007, c. 491, §239 (AMD).]

E. Has at least 5 years of creditable service, which, for the purposes of determining completion of the 5-year requirement, may include creditable service as a member of the Legislative Retirement Program, and:

(1) Was in service on October 1, 1999;

(2) Had left prior to October 1, 1999 with or without withdrawing contributions and on or after October 1, 1999 returned to service; or

(3) Was first in service on or after October 1, 1999. [PL 2007, c. 491, §240 (AMD).]

[PL 2007, c. 491, §§239, 240 (AMD).]

**2. Member not in service.** A member who is not in service when reaching 60 years of age qualifies for a service retirement benefit if the member:

A. Retires upon or after reaching 60 years of age and, except as provided in paragraph D, has at least 10 years of creditable service, which, for the purpose of determining completion of the 10-year requirement, may include creditable service as a member of the Legislative Retirement Program; or [PL 2007, c. 491, §241 (AMD).]

B. [PL 1999, c. 756, §20 (RP).]

C. [PL 1987, c. 256, §37 (RP).]

D. Has at least 5 years of creditable service, which, for the purposes of determining completion of the 5-year requirement, may include creditable service as a member of the Legislative Retirement Program, and:

(1) Was in service on October 1, 1999;

(2) Had left service prior to October 1, 1999 with or without withdrawing contributions and on or after October 1, 1999 returned to service; or

(3) Was first in service on or after October 1, 1999. [PL 2007, c. 491, §242 (AMD).]

[PL 2007, c. 491, §§241, 242 (AMD).]

**3. Member with creditable service of 25 years or more.** A member, whether or not in service at retirement, who has completed 25 or more years of creditable service qualifies for a service retirement benefit if the member retires at any time after completing 25 years of service, which may include, for the purpose of meeting eligibility requirements, creditable service as a member of the Legislative Retirement Program under Title 3, section 701, subsection 8.

- A. [PL 1987, c. 256, §38 (RP).]
- B. [PL 1987, c. 256, §38 (RP).]  
[PL 2007, c. 491, §243 (AMD).]

**3-A. Five-year minimum creditable service requirement for eligibility to receive service retirement benefit at applicable age; applicability.** The minimum requirement of 5 years of creditable service for eligibility to receive service retirement benefits under subsection 1, paragraph E or subsection 2, paragraph D applies only to:

- A. A member who is in service on October 1, 1999; [PL 1999, c. 756, §23 (NEW).]
- B. Upon return to service, a member who had left service prior to October 1, 1999 with or without withdrawing that member's contributions and on or after October 1, 1999 returned to service; or [PL 1999, c. 756, §23 (NEW).]
- C. A member who was first in service on or after October 1, 1999. [PL 1999, c. 756, §23 (NEW).]

For those members to whom the 5-year minimum creditable service requirement does not apply, the 10-year minimum creditable service requirement for eligibility to receive service retirement benefits remains in effect on and after October 1, 1999.

[PL 1999, c. 756, §23 (NEW).]

**SECTION HISTORY**

PL 1985, c. 801, §§5,7 (NEW). PL 1987, c. 256, §§35-38 (AMD). PL 1987, c. 402, §A74 (AMD). PL 1989, c. 78, §§5,6 (AMD). PL 1999, c. 756, §§16-23 (AMD). PL 2007, c. 491, §§239-243 (AMD). PL 2013, c. 391, §9 (AMD).

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