

NORTH CAROLINA GENERAL ASSEMBLY  
1971 SESSION

CHAPTER 905  
SENATE BILL 277

AN ACT TO PROVIDE FOR CONTRIBUTIONS BY MEMBERS OF THE GENERAL ASSEMBLY TO THE LEGISLATIVE RETIREMENT FUND.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 120-4.1 is hereby amended by adding a new subsection (l) to read as follows:

"(l) There shall be deducted from the salary of each member and elected officer of the General Assembly on each and every payroll of the General Assembly for each and every payroll period the same per centum thereof as is provided for with respect to State employee payroll deductions under the provisions of G.S. 135-8, of the Teachers' and State Employees' Retirement System Act. There is hereby established in the office of the State Treasurer a fund to be known as the 'Legislative Retirement Contributions Fund,' and the amounts deducted as provided above shall be paid into this Fund. The management and investment of monies in the Fund shall be the same as provided in subsection (e) of this section. The contributions made by members and elected officers of the General Assembly pursuant to this section shall be subject to all the provisions of Chapter 135 of the General Statutes relating to refund or return of contributions to employee members of that system. Upon retirement of a member of the General Assembly or elected officer, all funds credited to the retiring member's account in the Fund, including both contributions and interest, shall be transferred to the Legislative Retirement Fund, to be expended in defraying, to the extent possible, the expense in paying the retirement allowance authorized in this section.

No service credit shall be allowed under this section for any period of service with respect to which a member or elected officer has made contributions as provided herein and received a refund thereof."

**Sec. 1.1.** G.S. 1204.1(g), as the same appears in the 1969 Cumulative Supplement to the General Statutes, is hereby rewritten to read as follows:

"Any former member or elected officer of the General Assembly who has at least four full terms of creditable service and who has attained the age of 65 shall be entitled to receive from the Fund a monthly retirement allowance of twenty-five dollars (\$25.00) per each full term of service. Credit shall be given for each full term of service as an active member or elected officer for which said member or elected officer makes the contribution required by G.S. 120-4.1(l); provided, that a member or elected officer may make a contribution as calculated by G.S. 120-4.1(l) on the salary received in terms prior to the 1971 term so as to receive credit for terms served prior to the 1971 term. Credit shall be given to any member or elected officer serving in the 1969 session who has attained the age of 70 years, has a total of three terms of creditable service, has made the contribution required by G.S. 120-4.1(l) for the number of terms sought to be credited, and the member or elected officer qualifying shall be entitled to the retirement benefits provided for in this section.

Notwithstanding any other provisions of this section or subsection, any person who has served as a member or as an elected officer of the General Assembly for a total of four or more regular sessions and does not qualify under the provisions set out above in this subsection, may file an application with the Director of the Legislative Retirement Fund, together with a

certification as to his legislative service including a certification as to his total salary for such legislative service together with a remittance of a sum equal to five percent (5%) of such total salary. Any such person shall be entitled to the retirement benefits provided herein, computed in the manner provided herein, and subject to the age and service limits provided herein in the same manner as any other person entitled to retirement benefits under this section. Benefits payable under this provision shall commence on the first day of the month following receipt of a qualifying application.

Notwithstanding anything herein to the contrary, no person shall be entitled to receive a retirement allowance hereunder unless his service as a member or elected officer of the General Assembly or as an employee of the State in another capacity shall have been terminated and he shall have retired from the service of the State. No survivor benefits shall be payable under this section."

**Sec. 1.2.** G.S. 120-4.1 is further amended by rewriting the second sentence of subsection (f) to read as follows: "A 'full-term' shall consist of any regular biennial session of the General Assembly during the period from the time of convening until the time of adjournment."

**Sec. 2.** This act shall become effective on and after January 13, 1971.

In the General Assembly read three times and ratified, this the 19th day of July, 1971.