

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1269
HOUSE BILL 1399

1 AN ACT TO FIX THE COMPENSATION AND PROVIDE FOR CERTAIN LEGISLATIVE
2 EXPENSES OF MEMBERS OF THE GENERAL ASSEMBLY.

3
4 The General Assembly of North Carolina do enact:
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6 **Section 1.** For the purpose of furthering the general welfare of the State, and in
7 recognition of the public service rendered to the State and its citizens by the members of the
8 General Assembly, there is hereby established a retirement fund to be designated as the
9 "Legislative Retirement Fund", hereinafter referred to as the "Fund". The Fund shall be
10 administered as set forth in this Act. This Fund is established to provide retirement allowances
11 for eligible members of the General Assembly of the State who qualify for such allowances as
12 hereinafter provided.

13 The Fund shall be administered by the Board of Trustees of the Teachers' and State
14 Employees' Retirement System, hereinafter referred to as the Board.

15 **Sec. 2.** There is hereby created an office to be known as Director of the Legislative
16 Retirement Fund. The Director of the Teachers' and State Employees' Retirement System of
17 North Carolina shall serve ex officio as Director of the Fund at such additional salary as may be
18 determined by the Board from time to time in its sole discretion.

19 **Sec. 3.** The Board shall have the power and duty to request the allocations
20 necessary to carry out the provisions of this Act, which shall be provided from funds
21 appropriated to the General Assembly, to employ necessary clerical and other assistance as it
22 may require, to determine the acceptability of all applications for retirement allowances, to
23 provide for the payment of allowances hereunder, to make all necessary rules and regulations
24 not inconsistent with law for the government of said Fund, to expend funds in accordance with
25 the provisions of this Act, and generally to exercise all other powers necessary for the
26 administration of the Fund established by this Act.

27 **Sec. 4.** The State Treasurer shall be the custodian of the Retirement Fund for
28 Members of the General Assembly of North Carolina. One-fourth of the annual allocation to
29 the Fund shall be transferred quarterly to a special fund to be established in the State
30 Treasurer's Office to be known as the Legislative Retirement Fund. The Board of Trustees shall
31 have authority to manage and invest all monies in the Fund not immediately needed for
32 retirement allowances in the same manner as provided for the Teachers' and State Employees'
33 Retirement Fund. The interest on such investments shall be credited to this Fund. The State
34 Treasurer shall serve as investment officer under authority granted by the Board of Trustees.

35 **Sec. 5.** "Member" shall mean any person who is elected at a general election or
36 appointed as a member of the General Assembly and who serves in said General Assembly as a
37 member thereof, as a result of said election or appointment. A "Full term" shall consist of any
38 regular biennial session of the General Assembly. For the purposes of this Act, credit shall be
39 given only for a full term, and no credit shall be given for any period of service in which the
40 member (i) fails to complete serving the full term or (ii) serves such term or any portion of such
41 term as a result of election thereto in other than a general election: Provided, however, a
42 member who is otherwise eligible and assumes his duties as a member of the General

1 Assembly within one week after the convening of a regular session shall not be barred from
2 credit for a full term.

3 **Sec. 6.** Any former member of the General Assembly who has at least four full
4 terms of creditable service and who has attained the age of 65 shall be entitled to receive from
5 the Fund a monthly retirement allowance of twenty-five dollars (\$25.00) per each full term of
6 service. Credit shall be given for each full term of service as an active member commencing
7 with the 1969 term; and credit shall also be given for each full term of service rendered before
8 the 1969 term, as to any member who serves a full term during the 1969 term or any full term
9 subsequent to 1969. Credit shall be given to any member or elected officer serving in the 1969
10 Session who has attained the age of 70 years and has a total of three terms of creditable service,
11 and the member qualifying shall be entitled to the retirement benefits provided for in this Act.
12 Notwithstanding anything herein to the contrary, no person shall be entitled to receive a
13 retirement allowance hereunder unless his service as a member of the General Assembly or as
14 an employee of the State in another capacity shall have been terminated and he shall have
15 retired from the service of the State. No survivor benefits shall be payable under this Act.

16 **Sec. 7.** Service retirement benefits shall be payable under this Act effective the first
17 day of the month following retirement. Application therefor by an eligible member for such
18 service retirement benefits shall be filed as rules and regulations of the Board may provide.

19 **Sec. 8.** If a member who has served not less than three full terms becomes
20 physically disabled during a fourth or later term, and such disability application is approved by
21 the Medical Board of the Teachers' and State Employees' Retirement System, such person shall
22 be entitled to receive disability benefits at the same rate as service retirement benefits,
23 irrespective of age. Application for disability benefits shall be filed as rules and regulations of
24 the Board may provide.

25 **Sec. 9.** If a member has commenced to receive service retirement or disability
26 benefits and thereafter serves as a member of the General Assembly, or becomes a teacher or
27 State employee within the definition thereof of the Teachers' and State Employees' Retirement
28 System Act, payment of benefits shall be suspended during the period when such member is
29 being paid a salary as a member of the General Assembly or teacher or State employee.

30 **Sec. 10.** There is hereby allocated as of July 1, 1969, and annually thereafter, as an
31 item of joint expense from funds appropriated for the support of the General Assembly, to the
32 Legislative Retirement Fund, such sums as are determined by the Board to be necessary in
33 order (i) to cover the cost of the allowances provided in this Act, and (ii) to cover any
34 administrative expenses which the Board of Trustees may incur in the operation of the Fund.

35 **Sec. 11.** All laws and clauses of laws in conflict with this Act are hereby repealed.

36 **Sec. 12.** This Act shall be in full force and effect on and after the first day of the
37 convening of the 1971 Session of the General Assembly.

38 In the General Assembly read three times and ratified, this the 2nd day of July,
39 1969.