

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 1164
SENATE BILL 961

AN ACT TO AMEND CHAPTER 188 OF THE 1977 SESSION LAWS RELATING
TO THE POLICEMEN'S AND FIREMEN'S PENSION FUNDS OF THE CITY OF
ASHEVILLE.

The General Assembly of North Carolina enacts:

Section 1. Chapter 188 of the 1977 Session Laws is hereby amended by deleting all of Section 28 and substituting in lieu thereof the following:

"Sec. 28. No provision of this act shall be construed so as to modify in any respect the benefits granted under Chapters 242 and 243 of the 1939 Session Laws, amended by Chapters 310 and 311 of the 1945 Session Laws, and Chapters 320 and 322 of the 1955 Session Laws, to employees of the Asheville Police Department and the Asheville Fire Department assigned to said departments prior to the effective date of this act or to the effective date of any such employees' retirement and disability plan covering future employees of such departments; provided, however, that employees of said departments covered by this act may within a period of time to be established by the City Council of the City of Asheville of no less than one year nor more than two years after the effective date of any new plan, elect in writing to withdraw from participation in said existing plan and to participate in and contribute to the new plan for their department, in which case they shall be entitled to no further benefits of said existing plan and shall transfer all contributions representing credit for service to the City of Asheville made by them into said new plan in such manner as would be acceptable by the North Carolina Local Governmental Employees' Retirement System under the provisions of G.S. 128-25. No provision of this act shall prevent employees affected from coming under the North Carolina Local Governmental Employees' Retirement System subsequent to a majority vote."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1978.