

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 878
SENATE BILL 438

AN ACT TO AMEND CHAPTER 697, SESSION LAWS 1951, AS AMENDED BY CHAPTER 993, SESSION LAWS 1953, RELATING TO PROVIDING A SUPPLEMENT TO THE RETIREMENT ALLOWANCES OF CERTAIN EMPLOYEES OF THE CITY OF DURHAM AND COUNTY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. Section 1½ of Chapter 697, Session Laws 1951, as amended by Chapter 993, Session Laws of 1953, is hereby amended by rewriting Section 1½ thereof to read as follows:

"Sec. 1½. The governing authority of the City of Durham, or the Board of County Commissioners of Durham County, either or both, is hereby authorized, in the discretion of either or both governing bodies, to pay, in the form of a lump sum supplemental pension, any employee of the City of Durham or the County of Durham who has had deductions made from his or her compensation and paid into the funds of the Local Governmental Employees' Retirement System in the form of accumulated contributions after reaching age sixty-five. The supplemental pension herein provided shall be a lump sum equal to the 'normal contribution' provided after age 65 as said term is defined in Section 128-30 of Volume 3B of the General Statutes which would have accumulated by way of employer contributions for and on behalf of such employee for the same period of time for which deductions were made from such employee's salary and paid into the funds of the Local Governmental Employees' Retirement System by way of accumulated contributions of such employee and at the same percentage rate as would have been applicable for such employee and as provided by G. S. 128-30 of Volume 3B of the General Statutes. Provided, however, that the Board of County Commissioners of Durham County or the governing authority of the City of Durham shall, in the discretion of either or both, determine whether or not an eligible employee may avail himself or herself of this Section and that the acceptance of a supplemental benefit or retirement allowance under this Section of said Chapter or the acceptance of a supplemental pension as provided by this Section shall constitute a full settlement of all pension or retirement allowances payable to such employee on behalf of the City of Durham or the Board of County Commissioners of Durham County except such retirement rights as such employee may have in the Local Governmental Employees' Retirement System by reason of his or her own accumulated contributions. The governing authority of the City of Durham and/or the Board of County Commissioners of Durham County is hereby fully authorized and empowered to make the

appropriations herein provided from funds derived from ad valorem taxes or from any available funds from other sources, and to disburse the same according to the provisions of this Act, and said payments shall be considered as delayed or supplemental payments of wages or salary in consideration of public services rendered by such employee."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 16th day of June, 1961.