

NORTH CAROLINA GENERAL ASSEMBLY  
1965 SESSION

CHAPTER 384  
HOUSE BILL 519

AN ACT TO REPEAL CHAPTER 902 OF THE SESSION LAWS OF 1953, KNOWN AS THE FAYETTEVILLE SUPPLEMENTARY RETIREMENT SYSTEM, TO PROVIDE FOR THE RETURN OF EMPLOYEE CONTRIBUTIONS AND THE TRANSFER OF FUNDS TO THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM; AND TO AUTHORIZE A RETIREMENT SYSTEM, BY ORDINANCE, FOR EMPLOYEES OF THE PUBLIC WORKS COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. Chapter 902 of the Session Laws of 1953 is hereby repealed as of July 1, 1965.

Sec. 2. The Board of Trustees of the Fayetteville Supplementary Retirement System on or before June 30, 1965 shall certify the proportion, if any, of the funds of the Fayetteville Supplementary Retirement System that represents the accumulated contributions of the members, and the relative shares of the members as of that date. Such shares shall be returned to each employee respectively entitled thereto unless the member in writing shall have affirmatively directed the board of trustees to transfer such contributions to the annuity savings account of such member in the North Carolina Governmental Employees' Retirement System.

Sec. 3. Any cash and securities of the Fayetteville Supplementary Retirement System remaining in the Fayetteville Supplementary Retirement System after employee contributions are returned to the members as provided in Section 2 above shall be returned to the Fayetteville Public Works Commission and the City of Fayetteville in the proportion that each has contributed to the supplementary retirement system. The funds returned to the City of Fayetteville shall be paid to the North Carolina Governmental Employees' Retirement System in accordance with the provisions of G. S. 128-25. Former employees of the City of Fayetteville receiving a supplementary pension from the Fayetteville Supplementary Retirement System as of June 30, 1965 shall continue to be paid at their existing rates by the North Carolina Governmental Employees' Retirement System.

Sec. 4. If any person, having made contributions under Chapter 902, Session Laws of 1953, dies before retiring and prior to its repeal, his accumulative contributions shall be paid out as he shall have directed in writing. In the absence of such written directions, his accumulative contributions shall be paid to his widow and if none, to his

next of kin. This paragraph shall apply also to any person dying subsequent to repeal without having received his contributions.

Sec. 5. The City Council of the City of Fayetteville is authorized to establish by ordinance an actuarially sound retirement system for the payment of retirement benefits to the employees of the Public Works Commission. The city council is authorized to appoint a board of trustees and to delegate to the board of trustees such powers and duties as may be deemed necessary to administer the retirement fund; however, if a board of trustees is appointed, they shall employ an actuary and designate a trustee for the investment, care or administration of the funds of the retirement system.

Sec. 6. Any retirement system established by the city council for the employees of the Fayetteville Public Works Commission shall be jointly financed by employee contributions and appropriations from funds of the Public Works Commission and shall be maintained on a solvent actuarial reserve basis for all benefits beginning at the date of the establishment of the fund, excepting the present value of benefits based on prior service. The contributions of the Fayetteville Public Works Commission shall be sufficient to fund the liability for such prior service in not more than thirty years from the date of the establishment of such fund.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. 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 30th day of April, 1965.