

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1261
SENATE BILL 1478

AN ACT TO PROVIDE A SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN
IN THE CITY OF LENOIR AND TO MODIFY THE APPLICATION OF G.S.
118-5, 118-6 AND 118-7 TO THE CITY OF LENOIR.

The General Assembly of North Carolina enacts:

Section 1. Supplemental retirement fund created. The Board of Trustees of the Local Firemen's Relief Fund of the City of Lenoir, as established in accordance with G.S. 118-6, hereinafter called the Board of Trustees, shall create and maintain a separate fund to be called the Lenoir Paid Firemen's Supplemental Retirement Fund, hereinafter called the Supplemental Retirement Fund, and shall maintain books of account for such Fund separate from the books of account of the Firemen's Local Relief Fund of the City of Lenoir hereinafter called the Local Relief Fund. The Board of Trustees shall pay into the Supplemental Retirement Fund the funds prescribed by this Act.

Sec. 2. Transfer of Funds and Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Lenoir shall:

(a) prior to July 1, 1974, transfer to the Supplemental Retirement Fund all funds, including earnings on investments, of the Local Relief Fund in excess of seventy-five thousand dollars (\$75,000);

(b) at any time when the amount of funds in the Local Relief Fund shall by reason of disbursements authorized by G.S. 118-7, be less than seventy-five thousand dollars (\$75,000) transfer from the Supplemental Retirement Fund to the Local Relief Fund an amount sufficient to maintain in the Local Relief Fund the sum of seventy-five thousand dollars (\$75,000);

(c) as soon as practicable after July 1 of each year divide the sum of the annual funds paid to the Local Relief Fund by authority of G.S. 118-5, the income earned in the preceding fiscal year upon investments of funds belonging to the Local Relief Fund and the income earned in the preceding fiscal year upon investments of funds belonging to the Supplemental Retirement Fund into equal amounts and disburse the same as Supplemental Retirement Benefits in accordance with Section 3 of this act. Provided, however, in the event the total amount of these funds in any fiscal year exceeds the total of the benefit limits of seven hundred twenty dollars (\$720.00) per annum per eligible person, as set forth in Section 3 of this act, such excess amount shall become a part of the Supplemental Retirement Fund.

Sec. 3. Supplemental Retirement Benefits. (a) Each fully-paid active City fireman who retires after July 1, 1974, with 20 years or more service and has attained

the age of 60 shall be entitled to and shall receive in each fiscal year following the fiscal year in which he retires an annual supplemental retirement benefit, provided, in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of seven hundred twenty dollars (\$720.00).

(b) Any fireman of the City who is not otherwise entitled to supplemental retirement benefits under subsection (a) of this section shall nevertheless be entitled to such benefits in any fiscal year in which the Board of Trustees makes the following written findings of fact:

(1) That he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and

(2) That, within 30 days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active firemen; and

(3) That, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing.

Sec. 4. Intention. It is the intention of Section 3 of this act to authorize the disbursement as supplemental retirement benefits only of the income derived in any fiscal year from funds received from Section 2, part (c). It is the intention of Section 2 of this act to require that the funds paid into the Supplemental Retirement Fund pursuant to subsections (a) and (c) thereof shall be held in trust, and that no funds paid into the Supplemental Retirement Fund pursuant to subsections (a) and (c) thereof or as a gift, grant, bequest, or donation to such Fund shall ever be disbursed except as and when required by (b).

Sec. 5. Investment of Funds. The Board of Trustees is hereby authorized to invest any funds, either of the Local Relief Fund or of the Supplemental Retirement Fund, in any investment named in or authorized by G.S. 159-28.1, only in accordance with the provisions thereof, and is hereby directed to invest all of the funds of the Supplemental Retirement Fund in one or more of such investments.

Sec. 6. Acceptance of gifts. The Board of Trustees is hereby authorized to accept any gift, grant, bequest, or donation of money for the use of the Supplemental Retirement Fund.

Sec. 7. Bond of treasurer. The Board of Trustees shall bond the Treasurer of the Local Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G.S. 118-6. The Board of Trustees shall pay from the Local Relief Fund the premiums of the bond of the Treasurer.

Sec. 8. If any provision of this act shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.

Sec. 9. This act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 10th day of April, 1974.