

GENERAL ASSEMBLY OF NORTH CAROLINA  
1983 SESSION

CHAPTER 551  
HOUSE BILL 366

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

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 New Bern, as established in accordance with G.S. 118-9, hereinafter called the Board of Trustees, shall create and maintain a separate fund to be called the New Bern Firemen's Supplemental Retirement Fund, hereinafter called the Supplemental Retirement Fund, and shall maintain books of account for the Fund separate from the books of account of the Firemen's Local Relief Fund of the City of New Bern, 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 New Bern shall:

(a) Prior to August 1, 1983, transfer to the Supplemental Retirement Fund all funds, including earnings on investments, of the Local Relief Fund in excess of one hundred forty thousand dollars (\$140,000);

(b) In each subsequent calendar year, and within 30 days after receipt from the City Treasurer of the annual funds paid to the Local Relief Fund by authority of G.S. 118-5, transfer to the Supplemental Retirement Fund these funds;

(c) At any time the amount of funds in the Local Relief Fund shall, by reason of disbursements authorized by G.S. 118-7, be less than one hundred forty thousand dollars (\$140,000), transfer from the Supplemental Retirement Fund to the Local Relief Fund an amount sufficient to maintain in the Local Fund the sum of one hundred forty thousand dollars (\$140,000);

(d) As soon as practical after July 1 of each year, but in no event later than September 1, divide the income earned in the preceding fiscal year upon investments of funds belonging to the Local Firemen's Relief Fund and annual funds transferred into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 3 of this act.

Sec. 3. Supplemental Retirement Benefits.

(a) Each volunteer fireman or fully paid fireman of the City of New Bern who has previously retired with 20 or more years of active service as a city fireman and has

reached the age of 55 years shall be entitled to and shall receive in each fiscal year following the fiscal year in which he retires the supplemental retirement benefits prescribed by the Board of Trustees, provided in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of one thousand two hundred dollars (\$1,200).

- (1) The fiscal year runs from July 1 through June 30 of the following year.
- (2) Any former fireman of the City, either full time and fully paid or volunteer, who for any reason has become totally and permanently disabled and has served as a fireman in and for the City of New Bern for a period of one or more years shall be entitled to receive an equal share as any other retired fireman.

Sec. 4. Investment of funds. The Board of Trustees is 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 either G.S. 159-30 or G.S. 159-21, and is hereby directed to invest all of the funds of the Supplemental Retirement Fund in one or more of such investments; provided, that investment in certificates of deposit or time deposits in any bank or trust company, or in shares of any building and loan or savings and loan association, shall not exceed the amounts insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, as the case may be, unless such deposits or investments in shares are secured in the manner provided by G.S. 159-30 or G.S. 159-31.

Sec. 5. Acceptance of gifts. The Board of Trustees is authorized to accept any gift, grant, bequest, or donation of money for the use of the Supplemental Retirement Fund.

Sec. 6. 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 the premiums of the bond of the Treasurer.

Sec. 7. 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. 8. All laws and clauses of laws in conflict with this act are repealed.

Sec. 9. None of the provisions of this act shall create a liability for the New Bern Firemen's Supplemental Retirement Fund unless sufficient current assets are available in the Fund to pay fully for the liability.

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1983.