

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 809
HOUSE BILL 1393

AN ACT TO REWRITE THE GASTONIA POLICEMEN'S SUPPLEMENTARY PENSION FUND ACT.

The General Assembly of North Carolina enacts:

Section 1. Sections 2 through 6 of Chapter 979, Session Laws of 1965, are rewritten to read:

"Sec. 2. All funds and property owned by, invested by, or held in behalf of, the Gastonia Policeman's Supplementary Pension Fund shall continue to be the property of the Gastonia Policeman's Supplementary Pension Fund, said fund to be administered by a Board of Trustees composed of the following: The Chief of the Police Department of the City of Gastonia, the Commander of Operations of the Police Department of the City of Gastonia, and the Finance Officer of the City of Gastonia. The Board of Trustees is to be assisted by a Secretary, who will be the Secretary of the Chief of the Police Department of the City of Gastonia.

"Sec. 3. Any person who is a full-time paid member of the Gastonia Police Department, as shown by the records of the City of Gastonia, at the time of the ratification of this act, or any person who shall become such a full-time paid member, or any person who, as of July 1, 1955, was a full-time paid member of the Gastonia Police Department, or any person who, prior to the ratification of this act, was eligible for benefits from the Gastonia Policeman's Supplementary Pension Fund immediately prior to the ratification of this act, or any member of the Board of Trustees, or the Secretary of the Gastonia Policeman's Supplementary Pension Fund shall be eligible for benefits from the said fund provided such person has been retired as an employee of the City of Gastonia under the provisions of the Law Enforcement Officers' Benefit and Retirement Fund or the North Carolina Local Governmental Employees' Retirement System; and provided further that no member of the Board of Trustees or of the Police Department or the Secretary shall be eligible for benefits from the Gastonia Policeman's Supplementary Pension Fund unless he has been a member of the Board of Trustees or the Secretary or a member of the Gastonia Police Department for a period of 15 years, or if a member of the Board of Trustees, the Secretary, or a member of the Police Department, has served for 10 years or more and becomes disabled, he may be retired within a period of not less than 30 days or more than 90 days following a medical examination of such member by a physician or physicians appointed by the City Council of Gastonia; upon certification of such physician or physicians that the member is mentally or physically permanently incapacitated for the further performance of duty,

such member may be retired and may receive benefits of the retirement fund herein provided for according to the rules and regulations of this act and the Board of Trustees.

"Sec. 4. Any member of the Board of Trustees of the Gastonia Policeman's Supplementary Pension Fund, the Secretary, or any full-time paid member of said Police Department who retires or is retired under the provisions of this act shall receive monthly for the remainder of his life from the Gastonia Policeman's Supplementary Pension Fund, so long as funds are available, an amount equal to two percent (2%) for each five years of service, or major portion thereof, not to exceed fourteen percent (14%) of his average monthly salary for the three highest salaried years while employed by the City of Gastonia or the Gastonia Police Department.

"Sec. 5. Any member of the Board of Trustees of the Gastonia Policeman's Supplementary Pension Fund and/or the Secretary of the Chief of Police of the City of Gastonia shall be Treasurer and Custodian of the said fund and shall pay the beneficiary thereof on the first day of each and every month any monies in his possession that such beneficiaries may be entitled to under the provisions of this act.

"Sec. 6. Any member of the Board of Trustees of the Gastonia Policeman's Supplementary Pension Fund and/or the Secretary of the Chief of Police of the City of Gastonia, as Custodian of the Gastonia Policeman's Supplementary Pension Fund shall be required by the City Council of Gastonia to give bond for the faithful performance of his duties and the premiums on said bond shall be paid out of the Gastonia Policeman's Supplementary Pension Fund."

Sec. 2. Section 13 of Chapter 979, Session Laws of 1965, is repealed.

Sec. 3. Section 14 of Chapter 979, Session Laws of 1965, is amended by deleting the words "Workmen's Compensation" both times they appear and inserting in lieu thereof in both places the words "Workers' Compensation".

Sec. 4. None of the provisions of this act shall create an additional liability for the Gastonia Policemen's Supplementary Pension Fund unless sufficient current assets are available to the fund to fully pay for the additional liability.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1983.