

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 314*
Committee Substitute Favorable 3/23/95
Committee Substitute #2 Favorable 4/13/95

Short Title: Mount Airy Supp. Fund.

(Local)

Sponsors:

Referred to:

February 27, 1995

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW RELATING TO MOUNT AIRY'S FIREFIGHTERS' SUPPLEMENTARY FUND.

The General Assembly of North Carolina enacts:

Section 1. Chapter 302 of the 1967 Session Laws, as amended by Chapter 12 of the 1969 Session Laws and Chapter 121 of the 1973 Session Laws, reads as rewritten:

"Section 1. There is hereby established a Supplementary Pension Fund for the Fire Department of the ~~Town~~ City of Mount Airy, North Carolina, ~~said~~ which fund is to be known as the 'Mount Airy Firemen's Firefighters' Supplementary Pension Fund' ~~Fund~~, ~~herein after~~ referred to as 'Supplementary Pension Fund' ~~the Supplementary Pension Fund~~ ~~and said fund~~ This fund is to be administered by a five-member board of trustees ~~Board of Trustees~~ composed of the City Treasurer ~~Finance Director~~ of the ~~Town~~ City of Mount Airy, the Chief of the Fire Department of Mount Airy ~~Airy~~, and three (3) members of ~~said~~ the board to be elected annually in annual elections for staggered two-year terms from the membership of the City of Mount Airy Fire Department by a majority vote of its members.

Sec. 2. ~~That all~~ All funds in the Firemen's Relief Fund of the ~~Town~~ City of Mount Airy ~~Airy~~, referred to as the Firemen's Relief Fund, in excess of five thousand

1 dollars (\$5,000) shall be transferred to the '~~Supplementary Pension Fund~~' Supplementary
2 Pension Fund so as to retain in the Firemen's Relief Fund an amount of money not greater
3 than five thousand dollars (\$5,000); provided, however, the Firemen's Relief Fund shall
4 have restored ~~such~~ the sums from recurring annual receipts ~~as~~ that are necessary to
5 maintain a fund of not less than five thousand dollars (\$5,000); provided further, that, of
6 the funds and subsequent recurring increments ~~thereto~~—transferred from the Firemen's
7 Relief Fund of the Town of Mount Airy to the '~~Supplementary Pension Fund~~', Supplementary
8 Pension Fund, any or all of the ~~same~~, same shall be ~~retrievable~~ may be retrieved by and to
9 the Firemen's Relief Fund of the Town of Mount Airy in order to defray and meet ~~such~~ the
10 legitimate claims ~~which~~ that accrue under the provisions and coverage of the Firemen's
11 Relief Fund of the Town of Mount Airy. Fund.

12 Sec. 3. Any person who is a member of the City of Mount Airy Fire
13 Department, ~~salaries or volunteer, career or part-time~~, as shown by the records of the Town
14 City of Mount Airy at the time of the ratification of this Act, or any person who shall
15 become such a member, ~~salaries or volunteer, career or part-time~~, shall be eligible for
16 benefits from the '~~Supplementary Pension Fund~~' of the Fire Department of the Town of Mount
17 Airy. Supplementary Pension Fund. It is further provided that this Act does not modify or
18 alter in any way the ~~Workmen's Compensation Laws of the State of North Carolina~~. North
19 Carolina's Workers' Compensation Laws.

20 Sec. 4. Any member who has served 20 years as a ~~fireman~~ firefighter in the
21 City of Mount Airy Fire Department and has attained the age of 55 years, shall be entitled
22 to receive retirement benefits from the '~~Supplementary Pension Fund~~'; Supplementary
23 Pension Fund; ~~said~~ this monthly pension shall be computed on the basis of ~~\$1.25~~ a defined
24 amount per month for each year of service in the department. The Board of Trustees
25 shall define the amount used as the basis for the monthly pension, and may adjust the
26 amount when the board determines it appropriate, necessary, or imperative to keep or
27 maintain the Supplementary Pension Fund on a good, solid financial basis, while
28 providing a level of benefits consistent with funding. Any adjustments made are
29 effective for firefighters not currently receiving a benefit as well as retired firefighters
30 currently receiving a benefit.

31 ~~The Board of Trustees may, in its discretion, adjust the monthly payment of the~~
32 ~~retired fireman receiving a benefit from the 'Supplementary Pension Fund', when the~~
33 ~~board determines it necessary or imperative to keep or maintain the 'Supplementary~~
34 ~~Pension Fund' on a good solid financial basis.~~

35 Sec. 5. The ~~City Treasurer~~ Finance Director of the ~~Town~~ City of Mount Airy, as
36 a member of the ~~board of trustees~~ Board of Trustees of the '~~Supplementary Pension Fund~~'
37 Supplementary Pension Fund, shall be treasurer and custodian of the ~~said~~ fund and shall
38 pay the beneficiaries ~~thereof on the first day of~~ on a regular basis each ~~and every~~ month any
39 moneys in ~~his~~ possession that ~~such~~ the beneficiaries may be entitled to under the
40 provisions of this Act.

41 Sec. 6. The ~~City Treasurer~~ Finance Director of the ~~Town~~ City of Mount Airy, as
42 custodian of the '~~Supplementary Pension Fund~~', Supplementary Pension Fund, shall be
43 required to give a bond with an indemnity company authorized to do business in the State

1 of ~~North Carolina~~ as surety in a sum equal to one and one quarter times the maximum
2 amount estimated by the ~~board of trustees~~ Board of Trustees as likely to be in his
3 possession as ~~such~~ the custodian at any time within the fiscal year for which the bond is
4 given. The condition of ~~said~~ the bond shall be that ~~said~~ the custodian ~~shall~~ shall, pursuant
5 to this section, faithfully receive, keep, disburse, and account for, as herein provided, for all
6 funds and property coming into ~~his~~ the director's hands as ~~such~~ custodian, and the
7 premiums on ~~said~~ this bond shall be paid out of the 'Supplementary Pension Fund'.
8 Supplementary Pension Fund.

9 Sec. 7. The ~~said~~ custodian of ~~said~~ 'Supplementary Pension Fund' is authorized and
10 ~~directed to~~ the Supplementary Pension Fund shall invest all moneys coming into his
11 possession belonging to ~~said~~ Supplementary Pension Fund, ~~the~~ Supplementary Pension
12 Fund, except so much as the ~~board of trustees~~ Board of Trustees from time to time
13 ~~determine~~ determines is reasonably necessary for the prompt payment of claims and
14 expenses, in ~~such~~ those securities as ~~the board of trustees~~ that the board shall elect:
15 ~~Provided, elect; provided, however, that such~~ these securities shall be limited to, and upon,
16 the same conditions as those enumerated by the General Statutes of ~~North Carolina~~, as
17 ~~amended~~, as to the investment of trust funds, ~~and/or~~ and the funds of guardians.

18 Sec. 8. The ~~board of trustees~~ Board of Trustees as herein provided for may, in its
19 discretion, take and receive any gift, grant, bequest, or devise or any real or personal
20 property or other things of value for, and as, the property of ~~said~~ 'Supplementary Pension
21 Fund' and ~~hold and disburse and~~ the Supplementary Pension Fund and hold, disburse, and
22 invest the same for the use of ~~said~~ the fund in accordance with the purpose of this Act and
23 the conditions attached to any such gift, grant, ~~bequest~~ bequest, or devise.

24 Sec. 9. The provisions of ~~Chapter 118~~ Article 84 of Chapter 58 of the General
25 Statutes of ~~North Carolina~~ creating a Firemen's Relief Fund are repealed as to the ~~Town~~
26 City of Mount Airy insofar and only insofar as ~~said~~ these provisions are inconsistent with
27 and contradictory to the provisions of this Act.

28 Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act
29 are ~~hereby~~ repealed.

30 Sec. 11. This Act shall be in full force and effect from and after its ratification.

31 Sec. 12. None of the provisions of this Act shall create a liability for the
32 Mount Airy Firefighters' Supplementary Pension Fund or for the State unless sufficient
33 current assets are available in the Fund to pay fully for the liability. Under no
34 circumstances shall the State incur any liability as a result of this Act."

35 Sec. 2. This act is effective upon ratification.