

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

HOUSE BILL 179
RATIFIED BILL

AN ACT TO INCREASE THE MONTHLY BENEFIT TO MEMBERS OF THE
WILKESBORO FIREMEN'S SUPPLEMENTAL PENSION FUND.

The General Assembly of North Carolina enacts:

Section 1. Chapter 131 of the 1985 Session Laws reads as rewritten:

"Section 1. There is established a Supplemental Pension Fund for the Fire Department of the Town of Wilkesboro to be known as the "Wilkesboro Firemen's Supplemental Pension Fund", hereinafter referred to as "Supplemental Pension Fund", and to be administered by a board composed of the members of the trustees of the Firemen's Relief Fund of the Town of Wilkesboro, established in accordance with G.S. 118-6.

Sec. 2. Notwithstanding the provisions of G.S. 118-7, all funds in the Firemen's Relief Fund of the Town of Wilkesboro in excess of five thousand dollars (\$5,000) shall be transferred to the "Supplementary Pension Fund" prior to January 1, 1985, and prior to January 1 of each calendar year thereafter, so as to retain in the Firemen's Relief Fund an amount of money not greater than five thousand dollars (\$5,000); provided, however, the Firemen's Relief Fund shall have restored the sums from recurring annual receipts as are necessary to maintain a fund of not less than five thousand dollars (\$5,000); provided further, of the funds and subsequent recurring increments transferred from the Firemen's Relief Fund of the Town of Wilkesboro to the "Supplemental Pension Fund", any or all of the same shall be retrievable by and to the Firemen's Relief Fund of the Town of Wilkesboro in order to defray and meet the legitimate claims accruing under the provisions and coverage of the Firemen's Relief Fund of the Town of Wilkesboro.

Sec. 3. Any person who is a member of the Wilkesboro Fire Department, or a retired member of the Wilkesboro Fire Department, as shown by the records of the Town of Wilkesboro at the time of ratification of this act, or any person who becomes a member, or any fireman of the Town of Wilkesboro who has become totally and permanently disabled and who has served as a fireman of the Town of Wilkesboro for five or more years, is eligible for benefits from the "Supplemental Pension Fund"; provided that the person has been retired as a member of the Wilkesboro Fire Department under the provisions of the North Carolina Firemen's and Rescue Squad Workers' Pension Fund as set out in Article 3, Chapter 118 of the General Statutes of North Carolina and as participated in by the Town of Wilkesboro, or as a voluntary member of the Fire Department of the Town of Wilkesboro, or has left service because of the total and permanent disability described in this section. This act does not modify or alter in any way the Worker's Compensation Laws of this State.

Sec. 4. Any member who has served 20 years as a fireman in the Wilkesboro Fire Department and has attained the age of 55 or who has served for five or more years and has become totally and permanently disabled is entitled to receive a monthly pension from the "Supplemental Pension Fund". This monthly pension shall be in the amount of ~~seventy five dollars (\$75.00)~~ one hundred dollars (\$100.00) per month. If, for any reason, the Fund shall be insufficient to pay in full any pension benefits, or other charges, then all benefits shall be reduced pro rata for as long as the deficiency in amount exists. No claim shall accrue with respect to any amount by which a benefit payment shall have been reduced.

Sec. 5. The Treasurer of the Board of Trustees of the Wilkesboro Firemen's Relief Fund shall, from time to time, pay to the city clerk sufficient funds from the "Supplemental Pension Fund" to pay the beneficiaries on the first day of each and every month any monies the beneficiaries are entitled to under the provisions of this act.

Sec. 6. The Treasurer of the Firemen's Relief Fund of the Town of Wilkesboro, as custodian of the "Supplementary Pension Fund", shall be required to give a bond with an indemnity company authorized to do business in the State of North Carolina as surety in a sum equal to the maximum amount estimated by the board of trustees as likely to be in his possession as custodian at any time within the fiscal year for which the bond is given. This bond is in lieu of the bond required by G.S. 118-6. The condition of the bond shall be that the custodian shall faithfully receive, keep, disburse, and account for, as provided in this act, all funds and property coming into his hands as custodian, and the premiums on the bond shall be paid by the Town of Wilkesboro.

Sec. 7. The custodian of the "Supplemental Pension Fund" shall invest all monies coming into his possession belonging to the "Supplemental Pension Fund", except so much as the board of trustees from time to time determine is reasonably necessary for the prompt payment of claims and expenses, in securities as the board of trustees shall select. These securities shall be limited to those named in or authorized by either G.S. 159-30 or G.S. 159-31. Investments in certificates of deposit or time deposits in any bank or trust company or savings and loan associations shall not exceed the amount insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, unless these deposits or investments in shares are secured in the manner provided by G.S. 159-30 or G.S. 159-31.

Sec. 8. The board of trustees may accept any gift, grant, bequest, or devise or any real or personal property or other instrument of value for the use of "Supplementary Pension Fund".

Sec. 9. All laws and clauses of laws in conflict with the provisions of this act are repealed.

Sec. 10. None of the provisions of this act shall create a liability for the Wilkesboro Firemen's Supplemental Pension Fund unless sufficient current assets are available in the Fund to pay fully for the liability.

Sec. 11. This act is effective upon ratification."

Section 2. This act becomes effective July 1, 1999.

In the General Assembly read three times and ratified this the 18th day of May, 1999.

Dennis A. Wicker
President of the Senate

James B. Black
Speaker of the House of Representatives