

NORTH CAROLINA GENERAL ASSEMBLY  
1959 SESSION

CHAPTER 301  
HOUSE BILL 430

AN ACT TO AMEND CHAPTER 946 OF THE SESSION LAWS OF 1955, AS  
AMENDED, RELATING TO A SUPPLEMENTARY PENSION FUND FOR  
POLICEMEN IN THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 946 of the Session Laws of 1955, as rewritten by Section 1 of Chapter 112 of the Session Laws of 1957, is rewritten to read as follows:

"Sec. 2. 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 member of the board of trustees of the 'Supplementary Pension Fund' shall be eligible for benefits from the 'Supplementary Pension 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 Gastonia Police Department shall be eligible for benefits from the 'Supplementary Pension Fund' unless he has been a member of the board of trustees for a period of 12 years or a member of the Gastonia Police Department for a period of 15 years, or if a member of the board of trustees 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 nor more than 90 days following a medical examination of such member by a physician or physicians appointed by the city council of Gastonia and upon the certification of such physician or physicians that the member is mentally or physically permanently incapacitated for the further performance of duty. It is further provided that this Act does not modify or alter in any way the Workmen's Compensation Laws of the State of North Carolina."

Sec. 2. Section 3 of Chapter 946 of the Session Laws of 1955, as rewritten by Section 2 of Chapter 112 of the Session Laws of 1957, is amended by inserting after the word "Fund" and before the word "an", in line 6, the following: "so long as funds are available".

Sec. 3. Section 9 of Chapter 946, which was repealed by Section 3 of Chapter 112 of the Session Laws of 1957, is rewritten to read as follows:

"Sec. 9. The board of trustees is authorized at any time to call an election among the members of the Gastonia Police Department to decide whether or not the corpus of the

'Supplementary Pension Fund' shall be increased by adding two per cent (2%) of the gross salary of each member of the police department to such fund. Upon an affirmative vote of three-fourths of the members of the police department, the City of Gastonia shall cause to be deducted from the salary of each member of the police department on each and every payroll two per cent (2%) of the gross salary of such member and shall pay over such amounts so deducted to the trustees of the 'Supplementary Pension Fund', who shall hold, invest, sell, reinvest, or disburse such funds as provided in this Chapter; provided, that if a member of the police department withdraws from such employment prior to retirement, his contributions shall be refunded without interest; provided further, that if a member of the police department withdraws his contributions, he will lose credit for all prior service if he at a later date again becomes a member of the police department unless such member replaces the amount refunded to him when he withdrew from employment as a member of the Gastonia Police Department; provided further, that if a member dies before retirement, his contributions shall be refunded to his estate or designated beneficiaries; and provided further, that if a member retires and dies before receiving the full amount of his contributions in monthly retirement checks, the difference arising therefrom will be refunded in a lump sum to his estate or designated beneficiaries."

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of April, 1959.