

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1556  
Second Edition Engrossed 6/15/92

Short Title: Lenoir Supp. Firefighter Fund.

(Local)

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Sponsors: Representatives Robinson; and Flaherty.

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Referred to: Pensions and Retirement.

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June 3, 1992

A BILL TO BE ENTITLED

AN ACT TO REWRITE THE LAW REVISING AND CONSOLIDATING THE  
CHARTER OF THE CITY OF LENOIR AS IT RELATES TO THE CITY OF  
LENOIR'S FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

The General Assembly of North Carolina enacts:

Section 1. Section 5.2 of the Charter of the City of Lenoir, as revised and consolidated in Section 1 of Chapter 118 of the 1977 Session Laws, as amended by Chapter 291 of the 1981 Session Laws reads as rewritten:

"Sec. 5.2. **Firemen's supplemental retirement fund.** A. The board of trustees of the local firemen's relief fund of the City of Lenoir, as established in accordance with ~~G.S. 118-6, G.S. 58-84-30,~~ hereinafter called the board of trustees, shall create and maintain a separate fund to be called the Lenoir Firemen's Supplemental Retirement Fund, hereinafter called the supplemental retirement fund, and shall maintain books of account for such fund separate from the books of account of the firemen's local relief fund of the City of Lenoir hereinafter called the local relief fund. The board of trustees shall pay into the supplemental retirement fund the funds prescribed by this section.

B. ~~Notwithstanding the provisions of G.S. 118-7, Notwithstanding the provisions of G.S. 58-84-35,~~ the board of trustees of the local firemen's relief fund of the city shall: (1) ~~prior~~ Prior to July 1, 1974, transfer to the supplemental retirement fund all funds, including earnings on investments, of the local relief fund in excess of ~~seventy-five thousand dollars (\$75,000); twenty-five thousand dollars (\$25,000);~~

(2) ~~at~~ At any time when the amount of funds in the local relief fund shall shall, by reason of disbursements authorized by ~~G.S. 118-7, G.S. 58-84-~~

1                    ~~35, be less than seventy-five thousand dollars (\$75,000) twenty-five~~  
2                    ~~thousand dollars (\$25,000),~~ transfer from the supplemental retirement  
3                    fund to the local relief fund an amount sufficient to maintain in the  
4                    local relief fund the sum of ~~seventy-five thousand dollars (\$75,000);~~  
5                    twenty-five thousand dollars (\$25,000);

- 6                    (3) ~~as~~ As soon as practicable after July 1 of each year, divide the sum of  
7                    the annual funds paid to the local relief fund by authority of ~~G.S. 118-5,~~  
8                    G.S. 58-84-30, the income earned in the preceding fiscal year upon  
9                    investments of funds belonging to the local relief fund and the income  
10                    earned in the preceding fiscal year upon investments of funds  
11                    belonging to the supplemental retirement fund into equal amounts and  
12                    disburse the same as supplemental retirement benefits in accordance  
13                    with subsection C hereof. Provided, however, in the event the total  
14                    amount of these funds in any fiscal year exceeds the total of the benefit  
15                    limits of ~~seven hundred twenty dollars (\$720.00) one thousand two~~  
16                    hundred dollars (\$1,200) per annum per eligible person, as set forth in  
17                    subsection C of this section such excess amount shall become a part of  
18                    the supplemental retirement fund.

19                    C. Each fully-paid or volunteer active city fireman who retired after July 1, 1974,  
20                    with 20 years or more service and has attained the age of 60 shall be entitled to and shall  
21                    receive in each fiscal year following the fiscal year in which he retires an annual  
22                    supplemental retirement benefit, provided, in no event shall any retired fireman be  
23                    entitled to or receive in any year an annual benefit in excess of ~~seven hundred twenty~~  
24                    dollars (\$720.00) one thousand two hundred dollars (\$1,200).

25                    Any fireman of the city who is not otherwise entitled to supplemental retirement  
26                    benefits under the first paragraph of this subsection shall nevertheless be entitled to such  
27                    benefits in any fiscal year in which the board of trustees makes the following written  
28                    findings of fact:

- 29                    (1) ~~that~~ That he initially retired from his position as fireman because of his  
30                    inability, by reason of sickness or injury, to perform the normal duties  
31                    of an active fireman; and  
32                    (2) ~~that,~~ That, within 30 days prior to or following his initial retirement as  
33                    a fireman, at least two physicians licensed to practice medicine in  
34                    North Carolina certified that he was at such time unable, by reason of  
35                    sickness or injury, to perform the normal duties of an active fireman;  
36                    and  
37                    (3) ~~that,~~ That, at the time of his initial retirement as a fireman, there was  
38                    not available to him in the fire department or in any other department  
39                    of the city a position of employment the normal duties of which he was  
40                    capable of performing.

41                    D. It is the intention of subsection C hereof to authorize the disbursement as  
42                    supplemental retirement benefits only of the income derived in any fiscal year from  
43                    funds received from subsection B, part (3). It is the intention of subsection B of this  
44                    section to require that the funds paid into the supplemental retirement fund pursuant to

1 parts (1) and (3) thereof shall be held in trust, and that no funds paid into the  
2 supplemental retirement fund pursuant to parts (1) and (3) thereof or as a gift, grant,  
3 bequest, or donation to such fund shall ever be disbursed except as and when required  
4 by part (2).

5 E. The board of trustees is hereby authorized to invest any funds, either of the local  
6 relief fund or of the supplemental retirement fund, in any investment named in or  
7 authorized by G.S. 159-28.1, only in accordance with the provisions thereof, and is  
8 hereby directed to invest all of the funds of the supplemental retirement fund in one or  
9 more of such investments.

10 F. The board of trustees is hereby authorized to accept any gift, grant, bequest, or  
11 donation of money for the use of the supplemental retirement funds.

12 G. The board of trustees shall bond the treasurer of the local relief fund with a good  
13 and sufficient bond, in an amount at least equal to the amount of funds in his control,  
14 payable to the board of trustees, and conditioned upon the faithful performance of his  
15 duties; such bond shall be in lieu of the bond required by ~~G.S. 118-6.~~ G.S. 58-84-30. The  
16 board of trustees shall pay from the local relief fund the premiums of the bond of the  
17 treasurer."

18 Sec. 2. Nothing in this act creates an additional liability for the City of  
19 Lenoir's Firemen's Supplemental Retirement Fund unless there are sufficient assets in  
20 the Fund to pay for the liability.

21 Sec. 3. This act applies to the City of Lenoir only.

22 Sec. 4. This act is effective upon ratification.