

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1556

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 292 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. 58-84-35, be less than ~~seventy-five thousand dollars (\$75,000)~~ twenty-five

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

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

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

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

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

40           D. It is the intention of subsection C hereof to authorize the disbursement as  
41           supplemental retirement benefits only of the income derived in any fiscal year from  
42           funds received from subsection B, part (3). It is the intention of subsection B of this  
43           section to require that the funds paid into the supplemental retirement fund pursuant to  
44           parts (1) and (3) thereof shall be held in trust, and that no funds paid into the

1 supplemental retirement fund pursuant to parts (1) and (3) thereof or as a gift, grant,  
2 bequest, or donation to such fund shall ever be disbursed except as and when required  
3 by part (2).

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

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

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

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

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

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