

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 663

Short Title: Rocky Mount Supp. Firemen's Fund.

(Local)

Sponsors: Representative Mavretic.

Referred to: Pensions and Retirement.

April 10, 1991

A BILL TO BE ENTITLED

AN ACT TO REWRITE THE LAW RELATING TO SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN IN THE CITY OF ROCKY MOUNT TO PROVIDE A SUPPLEMENTAL RETIREMENT FUND FOR THE FIREMEN.

The General Assembly of North Carolina enacts:

Section 1. Chapter 434 of the 1969 Session Laws, as amended by Chapter 498 of the 1983 Session Laws, is rewritten to read:

"Section 1. **Supplemental Retirement Fund created.** The Board of Trustees of the Local Firemen's Relief Fund of the City of Rocky Mount established in accordance with G.S. 58-84-30, shall create and maintain a separate fund, the Rocky Mount Supplemental Retirement Fund, and shall maintain books of account for the Fund, separate from the books of account of the Local Firemen's Relief Fund. The Board of Trustees shall pay into the Supplemental Retirement Fund the funds prescribed by this act.

Sec. 2. **Transfers of Funds and Disbursements.** Notwithstanding the provisions of G.S. 58-84-35, the Board of Trustees shall:

- (1) Prior to July 1, 1991, transfer to the Supplemental Retirement Fund all funds, including earnings on investments, of the Local Firemen's Relief Fund in excess of twenty-five thousand dollars (\$25,000);
- (2) At any time when the amount of funds in the Local Firemen's Relief Fund shall, by reason of disbursements authorized by G.S. 58-84-35, be less than twenty-five thousand dollars (\$25,000), transfer from the Supplemental Retirement Fund to the Local Firemen's Relief Fund an

1 amount sufficient to maintain in Local Firemen's Relief Fund the sum  
2 of twenty-five thousand dollars (\$25,000);

- 3 (3) As soon as practicable after July 1 of each year, but in no event later  
4 than December 31, distribute the sum of the annual funds paid to the  
5 Local Firemen's Relief Fund by authority of G.S. 58-84-25 the income  
6 earned in the preceding fiscal year upon investments of funds  
7 belonging to the Local Firemen's Relief Fund and the income earned in  
8 the preceding fiscal year upon investments of funds belonging to the  
9 Supplemental Retirement Fund as supplemental retirement benefits in  
10 accordance with Section 3 of this act. Any funds not paid out as  
11 benefits shall become part of the Supplemental Firemen's Fund.

12 **Sec. 3. Supplemental Retirement Benefits.** (a) Any retired full-time  
13 fireman of the City who retires subsequent to July 1, 1991, who is 55 years of age or  
14 older and who has 30 or more years of creditable service in the Local Governmental  
15 Employees' Retirement System as a City fireman, any retired full-time fireman of the  
16 City who retired subsequent to July 1, 1969, but before July 1, 1991, who has 30 or  
17 more years of service as a City fireman, and any retired full-time fireman of the City  
18 who retired prior to July 1, 1969, regardless of length of service, is entitled to and shall  
19 receive an annual supplemental benefit equal to one share for each full year of services  
20 as a City fireman. No retired full-time fireman is entitled to or shall receive in any year  
21 an annual benefit in excess of one thousand dollars (\$1,000).

22 (b) Any retired volunteer fireman of the City who retires subsequent to July 1,  
23 1991, who is 55 years of age or older and who has 30 or more years of creditable  
24 service in the Local Governmental Employees' Retirement System as a City fireman,  
25 any retired full-time fireman of the City who retired subsequent to July 1, 1969, but  
26 before July 1, 1991, who has 30 or more years of service as a City fireman, and any  
27 retired full-time fireman of the City who retired prior to July 1, 1969, regardless of  
28 length of service, is entitled to and shall receive an annual supplemental benefit equal to  
29 seven-tenths (7/10ths) of one share for each full year of service as a volunteer fireman  
30 of the City. No retired volunteer fireman shall be entitled to or receive in any year an  
31 annual benefit in excess of seven hundred dollars (\$700.00).

32 (c) Any former full-time fireman of the City who is not otherwise entitled to  
33 supplemental retirement benefits under subsection (a) of this section is nevertheless  
34 entitled to these benefits in any fiscal year in which the Board of Trustees makes the  
35 following written findings of fact:

- 36 (1) That he initially retired from his position as a fireman because of his  
37 inability, by reason of sickness or injury, to perform the normal duties  
38 of an active fireman;
- 39 (2) That, within 30 days prior to or following his initial retirement as a  
40 fireman, at least two physicians licensed to practice medicine in North  
41 Carolina certified that he was at that time unable, by reason of sickness  
42 or injury, to perform the normal duties of an active fireman;
- 43 (3) That, at the time of his initial retirement as a fireman, there was not  
44 available to him in the fire department or any other department of the

1 City a position of employment the normal duties of which he was  
2 capable of performing;

3 (4) That, since the preceding July 1, at least two physicians licensed to  
4 practice medicine in North Carolina have certified that he remains  
5 unable, by reason of sickness or injury, to perform the normal duties of  
6 an active fireman; and

7 (5) That, there is not available to him in the fire department or in any other  
8 department of the City, a position of employment the normal duties of  
9 which he is capable of performing.

10 The Board of Trustees, after initially making the findings of fact specified in  
11 subdivisions (1), (2), and (3) of this subsection need not specify these findings in  
12 subsequent fiscal years.

13 Sec. 4. **Intention.** It is the intention of Section 3 of this act to authorize the  
14 disbursement as supplemental retirement benefits only from the income deriving in any  
15 fiscal year from funds received pursuant to subdivision (3) of Section 2 of this act.

16 Sec. 5. **Investment of Funds.** The Board of Trustees shall invest any funds,  
17 either of the Local Firemen's Relief Fund or of the Supplemental Retirement Fund, in  
18 one or more of the investments named in or authorized by G.S. 159-30, and in  
19 accordance with its provisions.

20 Sec. 6. **Bond of Treasurer.** The Board of Trustees shall bond the Treasurer  
21 of the Local Firemen's Relief Fund with a good and sufficient bond, in an amount at  
22 least equal to the amount of funds in his control, payable to the Board of Trustees, and  
23 conditioned upon the faithful performance of his duties. This bond shall be in lieu of  
24 the bond required by G.S. 58-84-30. The Board of Trustees shall pay from the Local  
25 Firemen's Relief Fund the premiums of the bond of the Treasurer.

26 Sec. 7. None of the provisions of this act shall create a liability for the Rocky  
27 Mount Firemen's Supplemental Benefit Fund or for the State of North Carolina unless  
28 sufficient current assets are available in the Fund to pay fully for the liability.

29 Sec. 8. If any provisions of this act are declared invalid by a court of  
30 competent jurisdiction, the invalidity shall not affect other provisions that can be given  
31 effect without the invalid provision, and to this end the provisions of this act are  
32 declared to be severable.

33 Sec. 9. All laws and clauses of laws in conflict with this act are repealed."

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