

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 941
HOUSE BILL 1727

AN ACT TO PROVIDE A SUPPLEMENTAL RETIREMENT FUND FOR FIREMEN
IN THE TOWN OF SMITHFIELD AND TO MODIFY THE APPLICATION OF
G. S. 118-5, G. S. 118-6, AND G. S. 118-7 TO THE TOWN OF SMITHFIELD.

The General Assembly of North Carolina enacts:

Section 1. Supplemental Retirement Fund Created. The Board of Trustees of the Local Firemen's Relief Fund of the Town of Smithfield, as established in accordance with G.S. 118-6, hereinafter called the Board of Trustees, shall create and maintain a separate fund to be called the Smithfield 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 Town of Smithfield, hereinafter called the Local 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. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the Town of Smithfield shall:

(a) prior to January 31, 1975 and in each January thereafter, transfer to the Supplemental Retirement Fund all earnings on investments of the Local Relief Fund.

(b) as soon as practicable after January 1 of each year, but in no event later than July 1, divide funds belonging to the Supplemental Retirement Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 3 of this act.

Sec. 3. Supplemental Retirement Benefits. (a) Each retired fireman of the Town of Smithfield who has previously retired with twenty (20) years service or more as a Town of Smithfield fireman, and who retired subsequent to attaining the age of fifty-five (55) years, shall be entitled to and shall receive an annual supplemental retirement benefit equal to one share for each full year of service as a fireman of the Town of Smithfield; provided, in no event shall any retired fireman be entitled to or receive in any year an annual benefit in excess of six hundred dollars (\$600.00).

(b) Any former firemen of the Town of Smithfield who are not otherwise entitled to supplemental retirement benefits under subsection (a) of this Section, shall nevertheless be entitled to such benefits in any calendar year in which the Board of Trustees makes the following written findings of fact:

- (1) that he initially retired from his position as fireman because of his inability, by reason of sickness or injury, to perform the normal duties of an active fireman; and
- (2) that, within thirty (30) days prior to or following his initial retirement as a fireman, at least two physicians licensed to practice medicine in North Carolina certified that he was at such time unable, by reason of sickness or injury, to perform the normal duties of an active fireman; and
- (3) that, since the preceding January 1, a physician licensed to practice medicine in North Carolina has certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman; provided, that the Board of Trustees, after initially making the findings of fact specified in (1) and (2) of this subsection, need not specify such findings in subsequent calendar years.

Sec. 4. Intention. It is the intention of Sections 1, 2, and 3 of this act to authorize the disbursement as supplemental retirement benefits only of the funds belonging to the Supplemental Retirement Fund.

Sec. 5. Investment of Funds. The Board of Trustees is hereby authorized and directed to invest all of the funds of the Local Firemen's Relief Fund in one or more of the investments named in or authorized by G.S. 159-28.1.

Sec. 6. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Firemen's Relief Fund with a good and sufficient bond, in an amount at least equal to the amount of funds in his control, payable to the Board of Trustees, and conditioned upon the faithful performance of his duties; such bond shall be in lieu of the bond required by G.S. 118-6. The Board of Trustees shall pay from the Local Firemen's Relief Fund the premiums on the bond of the Treasurer.

Sec. 7. City Authorized to Make Payment. The Board of Commissioners of the Town of Smithfield is hereby authorized and may at its discretion make appropriations and disburse funds to the Supplemental Retirement Fund.

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

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

Sec. 10. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of March, 1974.