

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 165
HOUSE BILL 314

AN ACT TO AMEND THE LAW RELATING TO MOUNT AIRY'S
FIREFIGHTERS' SUPPLEMENTARY FUND.

The General Assembly of North Carolina enacts:

Section 1. Chapter 302 of the 1967 Session Laws, as amended by Chapter 12 of the 1969 Session Laws and Chapter 121 of the 1973 Session Laws, reads as rewritten:

"Section 1. There is ~~hereby~~ established a Supplementary Pension Fund for the Fire Department of the ~~Town-City~~ of Mount Airy, North Carolina, ~~said~~ which fund is to be known as the 'Mount Airy Firemen's-Firefighters' Supplementary Pension Fund'-Fund', herein after referred to as 'Supplementary Pension Fund'-the Supplementary Pension Fund. and said fund This fund is to be administered by a five-member board of trustees Board of Trustees composed of the City Treasurer-Finance Director of the ~~Town-City~~ of Mount Airy, the Chief of the Fire Department of Mount ~~Airy-Airy~~, and three (3) members of ~~said~~ the board to be elected annually-in annual elections for staggered two-year terms from the membership of the City of Mount Airy Fire Department by a majority vote of its members.

Sec. 2. ~~That all~~ All funds in the Firemen's Relief Fund of the ~~Town-City~~ of Mount ~~Airy-Airy~~, referred to as the Firemen's Relief Fund, in excess of five thousand dollars (\$5,000) shall be transferred to the 'Supplementary Pension Fund'-Supplementary Pension Fund so as to retain in the Firemen's Relief Fund an amount of money not greater than five thousand dollars (\$5,000); provided, however, the Firemen's Relief Fund shall have restored ~~such~~ the sums from recurring annual receipts ~~as~~ that are necessary to maintain a fund of not less than five thousand dollars (\$5,000); provided further, that, of the funds and subsequent recurring increments ~~thereto~~ transferred from the Firemen's Relief Fund ~~of the Town of Mount Airy~~ to the 'Supplementary Pension Fund'-Supplementary Pension Fund, any or all of the ~~same~~, same shall be retrievable may be retrieved by and to the Firemen's Relief Fund ~~of the Town of Mount Airy~~ in order to defray and meet ~~such~~ the legitimate claims ~~which~~ that accrue under the provisions and coverage of the Firemen's Relief ~~Fund of the Town of Mount Airy-Fund~~.

Sec. 3. Any person who is a member of the City of Mount Airy Fire Department, ~~salaried or volunteer, career or part-time~~, as shown by the records of the ~~Town-City~~ of Mount Airy at the time of the ratification of this Act, or any person who shall become such a member, ~~salaried or volunteer, career or part-time~~, shall be eligible for benefits from the 'Supplementary Pension Fund' of the Fire Department of the ~~Town of Mount~~

~~Airy- Supplementary Pension Fund. 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- North Carolina's Workers' Compensation Laws.~~

Sec. 4. Any member who has served 20 years as a ~~fireman~~ firefighter in the City of Mount Airy Fire Department and has attained the age of 55 years, shall be entitled to receive retirement benefits from the ~~'Supplementary Pension Fund';~~ Supplementary Pension Fund; ~~said this~~ monthly pension shall be computed on the basis of \$1.25 a defined amount per month for each year of service in the department. The Board of Trustees shall define the amount used as the basis for the monthly pension, and may adjust the amount when the board determines it appropriate, necessary, or imperative to keep or maintain the Supplementary Pension Fund on a good, solid financial basis, while providing a level of benefits consistent with funding. Any adjustments made are effective for firefighters not currently receiving a benefit as well as retired firefighters currently receiving a benefit.

~~The Board of Trustees may, in its discretion, adjust the monthly payment of the retired fireman receiving a benefit from the 'Supplementary Pension Fund', when the board determines it necessary or imperative to keep or maintain the 'Supplementary Pension Fund' on a good solid financial basis.~~

Sec. 5. The ~~City Treasurer~~ Finance Director of the ~~Town~~ City of Mount Airy, as a member of the ~~board of trustees~~ Board of Trustees of the ~~'Supplementary Pension Fund'~~ Supplementary Pension Fund, shall be treasurer and custodian of the ~~said fund~~ and shall pay the beneficiaries ~~thereof on the first day of~~ on a regular basis each ~~and every~~ month any moneys in ~~his~~ possession that ~~such~~ the beneficiaries may be entitled to under the provisions of this Act.

Sec. 6. The ~~City Treasurer~~ Finance Director of the ~~Town~~ City of Mount Airy, as custodian of the ~~'Supplementary Pension Fund';~~ Supplementary Pension Fund, shall be required to give a bond with an indemnity company authorized to do business in the State of ~~North Carolina~~ as surety in a sum equal to one and one quarter times the maximum amount estimated by the ~~board of trustees~~ Board of Trustees as likely to be in ~~his~~ possession as ~~such~~ the custodian at any time within the fiscal year for which the bond is given. The condition of ~~said the~~ bond shall be that ~~said the~~ custodian ~~shall~~ shall, pursuant to this section, faithfully receive, keep, disburse, and account for, ~~as herein provided,~~ for all funds and property coming into ~~his~~ the director's hands as ~~such~~ custodian, and the premiums on ~~said this~~ bond shall be paid out of the ~~'Supplementary Pension Fund';~~ Supplementary Pension Fund.

Sec. 7. The ~~said~~ custodian of ~~said~~ ~~'Supplementary Pension Fund'~~ is authorized and ~~directed to~~ the Supplementary Pension Fund shall invest all moneys coming into ~~his~~ possession belonging to ~~said Supplementary Pension Fund,~~ the Supplementary Pension Fund, except so much as the ~~board of trustees~~ Board of Trustees from time to time ~~determine~~ determines is reasonably necessary for the prompt payment of claims and expenses, in ~~such those~~ securities as ~~the board of trustees~~ that the board shall elect; ~~Provided,~~ elect; ~~provided,~~ however, that ~~such these~~ securities shall be limited to, and upon, the same conditions as those enumerated by the General Statutes of ~~North~~

~~Carolina, as amended,~~ as to the investment of trust funds, ~~and/or~~ and the funds of guardians.

Sec. 8. ~~The board of trustees~~ Board of Trustees ~~as herein provided for~~ may, in its discretion, take and receive any gift, grant, bequest, or devise or any real or personal property or other things of value for, and as, the property of said ~~'Supplementary Pension Fund'~~ and hold and disburse and the Supplementary Pension Fund and hold, disburse, and invest the same for the use of ~~said~~ the fund in accordance with the purpose of this Act and the conditions attached to any such gift, grant, ~~bequest~~ bequest, or devise.

Sec. 9. The provisions of ~~Chapter 118~~ Article 84 of Chapter 58 of the General Statutes of ~~North Carolina~~ creating a Firemen's Relief Fund are repealed as to the ~~Town~~ City of Mount Airy insofar and only insofar as ~~said~~ these provisions are inconsistent with and contradictory to the provisions of this Act.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are ~~hereby~~ repealed.

Sec. 11. This Act shall be in full force and effect from and after its ratification.

Sec. 12. None of the provisions of this Act shall create a liability for the Mount Airy Firefighters' Supplementary Pension Fund or for the State unless sufficient current assets are available in the Fund to pay fully for the liability. Under no circumstances shall the State incur any liability as a result of this Act."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 5th day of June, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives