

NORTH CAROLINA GENERAL ASSEMBLY  
1971 SESSION

CHAPTER 408  
HOUSE BILL 745

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

The General Assembly of North Carolina do enact:

**Section 1.** Supplemental Retirement Fund Created. The Board of Trustees of the Local Firemen's Relief Fund of the Village of Kannapolis, 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 Kannapolis 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 Village of Kannapolis, 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 Village of Kannapolis shall:

(a) prior to January 1, 1972, and in January of each year thereafter, transfer to the Supplemental Retirement Fund all funds, including earnings on investments, of the Local Relief Fund in excess of five thousand dollars (\$5,000);

(b) in each subsequent calendar year, and within thirty (30) days after receipt from the North Carolina Insurance Commissioner of the annual funds paid to the Local Relief Fund by authority of G.S. 118-5, transfer such funds to the Supplemental Retirement Fund;

(c) at any time when the amount of funds in the Local Relief Fund shall, by reason of disbursements authorized by G.S. 118-7, be less than five thousand dollars (\$5,000), transfer from the Supplemental Retirement Fund to the Local Relief Fund an amount sufficient to maintain in the Local Relief Fund the sum of five thousand dollars (\$5,000);

(d) as soon as practicable after January 1 of each year, but in no event later than July 1, disburse from funds in the Supplemental Retirement Fund, including income upon investments of funds belonging to the Supplemental Retirement Fund and upon investments of funds belonging to the Local Relief Fund, supplemental retirement benefits in accordance with Section 3 of this Act.

**Sec. 3.** Supplemental Retirement Benefits. (a) Each fireman of the Village retiring on or after January 1, 1972, who retires with a minimum of thirty (30),

continuous or noncontinuous, years of service as a Village fireman shall be entitled to and shall receive in January in each calendar year following the calendar year in which he retires an annual supplemental retirement benefit equal to one dollar (\$1.00) for each full month of service as a fireman of the Village; provided, in the event, in any calendar year, funds in the Supplemental Retirement Fund are not available to pay a benefit equal to one dollar (\$1.00) for each full month of service as a fireman of the Village, the Board of Trustees shall specify a lesser amount to be paid. The first annual check shall be prorated according to the number of months elapsed between the date of the fireman's retirement and the end of the calendar year of retirement.

(b) Any fireman of the Village retiring on or after January 1, 1972, who has served a minimum of twenty (20), continuous or noncontinuous, years as a Village fireman and who is 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, at least two physicians licensed to practice medicine in North Carolina have certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active fireman, provided that this certification shall not be required after the submission thereof for ten (10) continuous years or after the fireman has attained sixty years of age.

**Sec. 4.** Investment of Funds. The Board of Trustees is hereby authorized to invest any funds, either of the Local Relief Fund or of the Supplemental Retirement Fund, in any investment named in or authorized by G.S. 159-28.1, only in accordance with the provisions thereof, and is hereby directed to invest all of the funds of the Supplemental Retirement Fund in one or more of such investments.

**Sec. 5.** Acceptance of Gifts. The Board of Trustees is hereby authorized to accept any gift, grant, bequest, or donation of any property for the use of the Supplemental Retirement Fund.

**Sec. 6.** Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local 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 Relief Fund the premiums on the bond of the Treasurer.

**Sec. 7.** 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. 8.** All laws and clauses of laws in conflict with this Act are hereby repealed.

**Sec. 9.** This Act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1971.