

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1424

Short Title: Shelby Supp. Firefighters' Fund.

(Local)

Sponsors: Representatives Jack Hunt; and Lutz.

Referred to: Pensions and Retirement.

June 1, 1992

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE SUPPLEMENTAL RETIREMENT BENEFITS FOR
THE FIREFIGHTERS OF THE CITY OF SHELBY.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 209 of the 1985 Session Laws, as amended
by Chapter 985 of the 1987 Session Laws, reads as rewritten:

"Sec. 2. Supplemental Retirement Benefits. (a) Each retired full-time member of
the City of Shelby Fire Department who retires with 20 years service or more as a
member of the City of Shelby Fire Department and who retired subsequent to attaining
the age of 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 member of the
City of Shelby Fire Department; provided, in no event shall any retired member of the
City of Shelby Fire Department be entitled to or receive in any year an annual benefit in
excess of ~~eighteen hundred dollars (\$1,800).~~ three thousand dollars (\$3,000).

(b) Each retired member of the City of Shelby Fire Department Volunteers
who retires with 20 years service or more as a member of the City of Shelby Fire
Department Volunteers, and who retired subsequent to attaining the age of 55 years,
shall be entitled to and shall receive an annual benefit equal to one quarter of one share
for each full year of service as a member of the City of Shelby Fire Department
Volunteers; provided, in no event shall any retired member of the City of Shelby Fire
Department Volunteers be entitled to or receive in any year an annual benefit in excess
of ~~six hundred dollars (\$600.00).~~ eight hundred dollars (\$800).

(c) Any former member of the City of Shelby Fire Department who is not
otherwise entitled to supplemental retirement benefits under this section, shall

1 nevertheless be entitled to such benefits in any calendar year in which the Board of
2 Trustees makes the following written findings of fact:

- 3 (1) That they initially retired from their position as a member of the City
4 of Shelby Fire Department because of their inability, by reason of
5 sickness or injury, to perform the normal duties of an active member of
6 the City of Shelby Fire Department; and
7 (2) That, within 30 days prior to or following their initial retirement as a
8 member of the City of Shelby Fire Department at least two physicians
9 licensed to practice medicine in North Carolina certified that they were
10 at such time unable, by reason of sickness or injury, to perform the
11 normal duties of an active member of the City of Shelby Fire
12 Department; and
13 (3) That, at the time of their initial retirement as a member of the City of
14 Shelby Fire Department, there was not available to them in the fire
15 department or in any other department of the City a position of
16 employment with normal duties that they were capable of performing;
17 and
18 (4) That, since the preceding January 1, at least two physicians licensed to
19 practice medicine in North Carolina have certified that they remain
20 unable, by reason of sickness or injury, to perform the normal duties of
21 an active member of the City of Shelby Fire Department; and
22 (5) That there is not available to them in the fire department or in any
23 other department of the City a position of employment with normal
24 duties after initially making the findings of fact specified in
25 subdivisions (1), (2), and (3) of this subsection.

26 The Board of Trustees need not specify these findings in subsequent calendar years."

27 Sec. 2. None of the provisions of this act shall create a liability for the Shelby
28 Local Firemen's Relief Fund unless sufficient current assets are available to pay fully
29 for the liability.

30 Sec. 3. This act becomes effective January 1, 1993.