

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2004-50
HOUSE BILL 1668**

AN ACT TO AMEND THE ACT ESTABLISHING THE SUPPLEMENTAL
RETIREMENT FUND FOR FIREMEN IN THE CITY OF WILSON.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of Chapter 138 of the 1969 Session Laws reads as rewritten:

"**Sec. 3. Supplemental Retirement Benefits.** (a) Each retired fireman of the City who has previously retired with twenty (20) years service or more as a City fireman shall be entitled to and shall receive the following supplemental retirement benefits:

- (1) one share for each full year of service as a full-time and fully-paid fireman of the City;
- (2) one share for each full year of service as a part-time, partly-paid fireman of the City;
- (3) one share for each full year of service as a volunteer fireman of the City.

(b) Any former fireman of the City, either full-time and fully-paid, part-time, partly-paid, or volunteer, 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 after a minimum of five years of service 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, at the time of his initial retirement as a fireman, there was not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he was capable of performing; and
- (4) that, ~~since the preceding January 1, within the past five years, at least two physicians licensed to practice medicine in North Carolina have~~ one physician has certified that he remains unable, by reason of sickness or injury, to perform the normal duties of an active ~~fireman; and fireman.~~
- (5) ~~that there is not available to him in the fire department or in any other department of the City a position of employment the normal duties of which he is capable of performing; provided, that the Board of Trustees, after initially making the findings of fact specified in (1), (2), and (3) of this subsection, need not specify such findings in subsequent calendar years."~~

SECTION 2. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 1st day of July,
2004.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives