

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 463
SENATE BILL 74

AN ACT TO AMEND THE REQUIREMENTS FOR RECEIPT OF SERVICE AND
DISABILITY RETIREMENT BENEFITS FROM THE DURHAM FIREMEN'S
SUPPLEMENTAL RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Chapter 576, Session Laws of 1951, as amended by Chapters 101 and 1237 of the 1955 Session Laws, Chapter 427 of the 1965 Session Laws, Chapters 66 and 614 of the 1971 Session Laws, and Chapter 701 of the 1973 Session Laws, is further amended by adding new Sections, 4.1, 4.2 and 4.3, to follow Section 4 to read:

"Sec. 4.1. Notwithstanding any other provision of this act and for purposes of this act, a fireman is hereby defined as a person serving the City of Durham as a fireman, fire specialist, or in a fire-related position. Any service not made subject to social security deductions is hereby defined as service as a fireman. Any service made subject to social security deductions is hereby declared not to be service as a fireman and shall not be counted in determining eligibility for supplemental benefits. A fireman may receive supplemental benefits if he retires on a service retirement from the North Carolina Local Governmental Employees' Retirement System and if he has at least 20 years of service with the City of Durham as a fireman as defined in this section. All accumulated sick leave credited to him by the City of Durham shall be counted towards the 20 years of service necessary in order to receive supplemental benefits.

"Sec. 4.2. Notwithstanding any other provision of this act, a fireman who does not meet the requirements of Section 4.1 is eligible to receive supplemental benefits if he retires on disability retirement from the North Carolina Local Governmental Employees' Retirement System, if he is in full-time service as a fireman at the time the disability is incurred, and if he has at least five years' creditable service with the North Carolina Local Governmental Employees' Retirement System at the time the disability is incurred. For purposes of this section, a fireman is anyone who meets the definition of fireman as set out in Section 4.1 of this act.

"Sec. 4.3. Notwithstanding any other provision of this act, any person in receipt of supplemental benefits who meets the requirements of Section 4.1 or Section 4.2 or met the requirements for eligibility to receive benefits at the time of his retirement is hereby declared to be properly in receipt of those benefits and to be entitled to continue receiving supplemental benefits."

Sec. 2. None of the provisions of this act shall create an additional liability for the Durham Firemen's Supplemental Retirement System unless sufficient current assets are available in the system to pay fully for the additional liability.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of June, 1983.