

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 791
HOUSE BILL 1424

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 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 they initially retired from their position as a member of the City of Shelby Fire Department because of their inability, by reason of sickness or injury, to perform the normal duties of an active member of the City of Shelby Fire Department; and
- (2) That, within 30 days prior to or following their initial retirement as a member of the City of Shelby Fire Department at least two physicians licensed to practice medicine in North Carolina certified that they were at such time unable, by reason of sickness or injury, to perform the normal duties of an active member of the City of Shelby Fire Department; and

- (3) That, at the time of their initial retirement as a member of the City of Shelby Fire Department, there was not available to them in the fire department or in any other department of the City a position of employment with normal duties that they were capable of performing; and
- (4) That, since the preceding January 1, at least two physicians licensed to practice medicine in North Carolina have certified that they remain unable, by reason of sickness or injury, to perform the normal duties of an active member of the City of Shelby Fire Department; and
- (5) That there is not available to them in the fire department or in any other department of the City a position of employment with normal duties after initially making the findings of fact specified in subdivisions (1), (2), and (3) of this subsection.

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

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

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

In the General Assembly read three times and ratified this the 29th day of June, 1992.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives