

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 176
SENATE BILL 382

AN ACT TO PROVIDE SUPPLEMENTAL RETIREMENT FUNDS FOR FIREMEN
IN THE CITY OF SALISBURY AND TO MODIFY THE APPLICATION OF G.S.
118-5, G.S. 118-6, AND G.S. 118-7 TO THE CITY OF SALISBURY.

The General Assembly of North Carolina enacts:

Section 1. Disbursements. Notwithstanding the provisions of G.S. 118-7, the Board of Trustees of the Local Firemen's Relief Fund of the City of Salisbury shall as soon as practical after January 15th and July 15th, but in no event later than March 1st or September 1st, divide the income earned in the preceding calendar six months, upon investment of funds belonging to the Local Firemen's Relief Fund into equal shares and disburse the same as supplemental retirement benefits in accordance with Section 2 of this act.

Sec. 2. Supplemental Retirement Benefits. (a) Each fireman of the City who has 20 years' service or more and who has attained the age of 55 years and retires after the ratification of this act shall be entitled to and shall receive an annual supplemental retirement benefit equal to one share for each full year of service as a full-time and fully-paid fireman of the City; provided, in no event shall any retired full-time fireman be entitled to or receive in any year an annual benefit in excess of six hundred dollars (\$600.00).

(b) Any former or present fireman of the City who has five years' service and who is not otherwise entitled under the 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 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, 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 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 any subsequent calendar year unless there is valid reason to believe that he is able to return to normal duty.

Sec. 3. Intention. It is the intention of Sections 1 and 2 of this act to authorize the disbursement as supplemental retirement benefits only of the income derived in any calendar year from the investments of funds belonging to the Local Firemen's Relief Fund. Any of these funds not disbursed shall revert to the Local Firemen's Relief Fund.

Sec. 4. Investment of Idle Funds. The Board of Trustees is hereby authorized and directed to invest all funds of the Local Firemen's Relief Fund in one or more of the investments named in G.S. 159-30.

Sec. 5. Bond of Treasurer. The Board of Trustees shall bond the Treasurer of the Local Firemen's 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 Firemen's Relief Fund the premiums on the bond of the Treasurer.

Sec. 6. 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. 7. This act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1973.