

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

2

HOUSE BILL 600  
Second Edition Engrossed 4/24/91

Short Title: Cary Firefighters' Benefits.

(Local)

---

Sponsors: Representatives Jordan; Hensley and Stamey.

---

Referred to: Local and Regional Government I.

---

April 4, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING THE LOCAL SUPPLEMENTAL  
RETIREMENT BENEFIT FUND FOR FIREFIGHTERS IN THE TOWN OF  
CARY, IN WAKE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 159 of the 1985 Session Laws, as amended by Chapter  
924 of the 1989 Session Laws, Regular Session 1990, reads as rewritten:

**"CHAPTER 159**

AN ACT TO PROVIDE A LOCAL SUPPLEMENTAL RETIREMENT BENEFIT  
FUND FOR FIRE FIGHTERS IN THE TOWN OF CARY AND TO MODIFY THE  
APPLICATION OF G.S. 118-5 AND G.S. 118-7.

The General Assembly of North Carolina enacts:

Section 1. Local Supplemental Retirement Benefit Fund Established. There  
is established a Local Supplemental Retirement Benefit Fund for the Fire Department of  
the Town of Cary to be known as the 'Cary Local Firemen's Supplemental Retirement  
Benefit Fund', hereinafter referred to as 'Local Supplemental Retirement Benefit Fund',  
and to be administered by a board composed of the members of the trustees of the Local  
Firemen's Relief Fund of the Town of Cary, established in accordance with G.S. 118-6.

Sec. 2. Disbursements. Notwithstanding the provisions of G.S. 118-7, the  
Board of Trustees of the Local Firemen's Relief Fund of the Town of Cary shall as soon  
as practicable after July 1 of each year, but in no event later than October 1, transfer to  
the 'Local Supplemental Retirement Benefit Fund' all income resulting from  
investments of funds belonging to the Cary Local Firemen's Relief Fund, divide the

1 income earned in the preceding ~~calendar~~-fiscal year upon investments of funds belonging  
2 to the Local Firemen's Relief Fund into equal shares, and disburse the same as a Local  
3 Supplemental Retirement Benefit in accordance with Section 3 of this act. If income  
4 from investments is more than what is needed to pay the Local Supplemental  
5 Retirement Benefit, the excess funds shall be put back into the Local Firemen's Relief  
6 Fund.

7 Sec. 3. Determination of Benefits. The Board of Trustees shall:

- 8 (1) Determine the total years of service by adding together all the  
9 completed years of service of all ~~retired-eligible~~ fire fighters;  
10 (2) Divide the earned income of the preceding ~~calendar~~-fiscal year by the  
11 total years of service as determined in (1) above. The answer  
12 constitutes an 'equal share' for the preceding year's earned income; and  
13 (3) Compute each fire fighter's Local Supplemental Retirement Benefit for  
14 that year by multiplying his or her completed years of service times an  
15 'equal share'.

16 Sec. 4. Supplemental Retirement Benefits.

17 (a) Each retired volunteer fire fighter of the Town of Cary who has retired  
18 with 20 or more years of fire service as a fire fighter and has attained the age of 55 and  
19 each full-time paid fire fighter of the Town of Cary with at least 15 years of service with  
20 the Cary Fire Department and with 30 or more years of fire service as a fire fighter who  
21 has attained the age of 55 is entitled to and shall receive an annual supplemental  
22 retirement benefit equal to one share for each full year of service as a fire fighter;  
23 provided, in no event shall any fire fighter be entitled to or receive in any year an annual  
24 benefit in excess of ~~one thousand eight hundred dollars (\$1,800)~~-one hundred fifty dollars  
25 (\$150.00) per 'equal share', as defined in subdivision (2) of Section 3 of this act.

26 (b) Any fire fighter of the Town who is not otherwise entitled to supplemental  
27 retirement benefits under subsection (a) of this section, is nevertheless entitled to  
28 benefits if the Board of Trustees makes the following written findings of facts:

- 29 (1) That he or she initially retired from his or her position as fire fighter  
30 because of his or her inability, by reason of sickness or injury, to  
31 perform the normal duties of an active fire fighter; and  
32 (2) That, within 30 days prior to or following his or her initial retirement  
33 as a fire fighter, at least two physicians licensed to practice medicine in  
34 North Carolina certified that he or she was at such time unable, by  
35 reason of sickness or injury, to perform the normal duties of an active  
36 fire fighter; and  
37 (3) That, at the time of his or her initial retirement as a fire fighter, there  
38 was not available to him or her in the fire department or any other  
39 department of the Town a position of employment the normal duties of  
40 which he or she was capable of performing.

41 Sec. 5. If, for any reason, the Fund is insufficient to pay in full any pension  
42 benefits, or other charges, then all benefits shall be reduced and paid according to  
43 Section 3 of this act, for as long as the deficiency in amount exists. No claim shall  
44 accrue with respect to any amount by which a benefit payment has been reduced.

1           Sec. 6. None of the provisions of this act shall create a liability for the Cary  
2 Local Firemen's Supplemental Retirement Benefit Fund or for the State of North  
3 Carolina unless sufficient current assets are available in the Fund to pay fully for the  
4 liability.

5           Sec. 7. If any provisions of this act shall be declared invalid by a court of  
6 competent jurisdiction, this invalidity shall not affect other provisions which can be  
7 given effect without the invalid provision, and to this end the provisions of this act are  
8 declared to be severable.

9           Sec. 8. All laws and clauses of laws in conflict with this act are repealed.

10          Sec. 9. This act is effective upon ratification."

11          Sec. 2. This act is effective upon ratification.