

GENERAL ASSEMBLY OF NORTH CAROLINA
SECOND EXTRA SESSION 1996

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HOUSE BILL 23

Short Title: Fire Pensions Increased.

(Public)

Sponsors: Representatives Mercer; Tolson, Aldridge, H. Hunter, Preston, Hurley, McComas, and Nichols.

Referred to: Rules, Calendar, and Operations of the House.

July 9, 1996

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE MONTHLY PENSION PAYMENTS FOR QUALIFIED
2 FIREMEN AND ELIGIBLE RESCUE SQUAD WORKERS.

3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 58-86-55 reads as rewritten:

5 **"§ 58-86-55. Monthly pensions upon retirement.**

6 Any member who has served 20 years as an 'eligible fireman' or 'eligible rescue squad
7 worker' in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-86-30,
8 and who has attained the age of 55 years is entitled to be paid a monthly pension from
9 this fund. The monthly pension shall be in the amount of one hundred ~~thirty-five dollars~~
10 ~~(\$135.00)~~ forty dollars (\$140.00) per month. Any retired fireman receiving a pension of
11 one hundred ~~ten dollars (\$110.00)~~ thirty-five dollars (\$135.00) per month shall, effective
12 July 1, ~~1995,~~ 1996, receive a pension of one hundred ~~thirty-five dollars (\$135.00)~~ forty
13 dollars (\$140.00) per month.

14 Members shall pay ten dollars (\$10.00) per month as required by G.S. 58-86-35 and
15 G.S. 58-86-40 for a period of no longer than 20 years. No 'eligible rescue squad member'
16 shall receive a pension prior to July 1, 1983. No member shall be entitled to a pension
17 hereunder until the member's official duties as a fireman or rescue squad worker for
18

1 which the member is paid compensation shall have been terminated and the member shall
2 have retired as such according to standards or rules fixed by the board of trustees.

3 A member who is totally and permanently disabled while in the discharge of the
4 member's official duties as a result of bodily injuries sustained or as a result of extreme
5 exercise or extreme activity experienced in the course and scope of those official duties
6 and who leaves the fire or rescue squad service because of this disability shall be entitled
7 to be paid from the fund a monthly benefit in an amount of one hundred ~~thirty-five dollars~~
8 ~~(\$135.00)~~ forty dollars (\$140.00) per month beginning the first month after the member's
9 fifty-fifth birthday. All applications for disability are subject to the approval of the board
10 who may appoint physicians to examine and evaluate the disabled member prior to
11 approval of the application, and annually thereafter. Any disabled member shall not be
12 required to make the monthly payment of ten dollars (\$10.00) as required by G.S. 58-86-
13 35 and G.S. 58-86-40.

14 A member who is totally and permanently disabled for any cause, other than line of
15 duty, who leaves the fire or rescue squad service because of this disability and who has at
16 least 10 years of service with the pension fund, may be permitted to continue making a
17 monthly contribution of ten dollars (\$10.00) to the fund until the member has made
18 contributions for a total of 240 months. The member shall upon attaining the age of 55
19 years be entitled to receive a pension as provided by this section. All applications for
20 disability are subject to the approval of the board who may appoint physicians to examine
21 and evaluate the disabled member prior to approval of the application and annually
22 thereafter.

23 A member who, because his residence is annexed by a city under Part 2 or Part 3 of
24 Article 4 of Chapter 160A of the General Statutes, or whose department is closed because
25 of an annexation by a city under Part 2 or Part 3 of Article 4 of Chapter 160A of the
26 General Statutes, and because of such annexation is unable to perform as a fireman of any
27 status, and if the member has at least 10 years of service with the pension fund, may be
28 permitted to continue making a monthly contribution of ten dollars (\$10.00) to the fund
29 until the member has made contributions for a total of 240 months. The member upon
30 attaining the age of 55 years and completion of such contributions shall be entitled to
31 receive a pension as provided by this section. Any application to make monthly
32 contributions under this section shall be subject to a finding of eligibility by the Board of
33 Trustees upon application of the member.

34 The pensions provided shall be in addition to all other pensions or benefits under any
35 other statutes of the State of North Carolina or the United States, notwithstanding any
36 exclusionary provisions of other pensions or retirement systems provided by law."

37 Sec. 2. This act becomes effective July 1, 1996.