

GENERAL ASSEMBLY OF NORTH CAROLINA
SECOND EXTRA SESSION 1996

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SENATE BILL 35

Short Title: Fire Pensions Increased.

(Public)

Sponsors: Senators Martin of Pitt; Warren and Rand.

Referred to: Appropriations.

July 11, 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.
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15 Members shall pay ten dollars (\$10.00) per month as required by G.S. 58-86-35 and
16 G.S. 58-86-40 for a period of no longer than 20 years. No 'eligible rescue squad member'
17 shall receive a pension prior to July 1, 1983. No member shall be entitled to a pension
18 hereunder until the member's official duties as a fireman or rescue squad worker for
19 which the member is paid compensation shall have been terminated and the member shall
20 have retired as such according to standards or rules fixed by the board of trustees.

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

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

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

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

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