

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 126

Short Title: Increase Pension Benefits.

(Public)

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Sponsors: Representatives Daughtry; Allred, Beall, Bowie, Capps, Davis, Dedmon, Easterling, Hall, Insko, Miller, Moore, Morris, Mosley, Sexton, Shubert, Smith, Thompson, and Yongue.

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Referred to: Pension and Retirement, if favorable, Appropriations.

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February 13, 1997

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE MONTHLY BENEFITS FROM THE NORTH  
2 CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

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  
7 squad worker' in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-  
8 86-30, and who has attained the age of 55 years is entitled to be paid a monthly pension  
9 from this fund. The monthly pension shall be in the amount of ~~one hundred thirty five~~  
10 ~~dollars (\$135.00)~~ one hundred forty-one dollars (\$141.00) per month. Any retired fireman  
11 receiving a pension of ~~one hundred ten dollars (\$110.00) per month~~ shall, effective July 1,  
12 ~~1995, 1997,~~ receive a pension of ~~one hundred thirty five dollars (\$135.00)~~ one hundred forty-  
13 one dollars (\$141.00) 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  
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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)~~ one hundred forty one dollars (\$141.00) per month beginning the first month  
9 after the member's fifty-fifth birthday. All applications for disability are subject to the  
10 approval of the board who may appoint physicians to examine and evaluate the disabled  
11 member prior to approval of the application, and annually thereafter. Any disabled  
12 member shall not be required to make the monthly payment of ten dollars (\$10.00) as  
13 required by G.S. 58-86-35 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 Section 2. This act becomes effective July 1, 1997.