

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 172

Short Title: Firemen/Rescue Pension Increase.

(Public)

Sponsors: Representatives R. Hunter, Anderson, Warren, Albertson, Bowen, Stewart, Buchanan, Mercer, J. Crawford, B. Ethridge, Mills, Hasty, Locks, Gibson, Hurley, Redwine, H. Hunter, Hardaway, Chapin, Nye; Perdue, Fletcher, Flaherty, and Bowman.

Referred to: Pensions and Retirement.

February 7, 1989

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE PENSION BENEFITS OF THE NORTH CAROLINA
2 FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.
3

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 118-42 reads as rewritten:

6 "**§ 118-42. Monthly pensions upon retirement.**

7 Any member who has served 20 years as an 'eligible fireman' or 'eligible rescue
8 squad worker' in the State of North Carolina, as provided in G.S. 118-38 and G.S. 118-
9 39, and who has attained the age of 55 years is entitled to be paid a monthly pension
10 from this fund. The monthly pension shall be in the amount of ~~one hundred dollars~~
11 ~~(\$100.00)~~ one hundred twenty-five dollars (\$125.00) per month. Any retired fireman
12 receiving a pension of fifty dollars (\$50.00) per month shall, ~~effective July 1, 1981,~~
13 ~~effective July 1, 1989,~~ receive a pension of ~~one hundred dollars (\$100.00)~~ one hundred
14 twenty-five dollars (\$125.00) per month.

15 Members shall pay five dollars (\$5.00) per month as required by G.S. 118-40 and
16 G.S. 118-41 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 person shall be entitled to a pension
18 hereunder until his official duties as a fireman or rescue squad worker for which he is
19 paid compensation shall have been terminated and he shall have retired as such
20 according to standards or rules fixed by the board of trustees.

21 Any member who is totally and permanently disabled while in the discharge of his
22 official duties as a result of bodily injuries sustained or as a result of extreme exercise or

1 extreme activity experienced in the course and scope of his official duties and who
2 leaves the fire or rescue squad service because of this disability shall be entitled to be
3 paid from the fund a monthly benefit in an amount of ~~one hundred dollars (\$100.00)~~ one
4 hundred twenty-five dollars (\$125.00) per month beginning the first month after his
5 fifty-fifth birthday. All applications for disability are subject to the approval of the
6 board who may appoint physicians to examine and evaluate the disabled member prior
7 to approval of his application, and annually thereafter. Any disabled member shall not
8 be required to make the monthly payment of five dollars (\$5.00) as required by G.S.
9 118-40 and G.S. 118-41.

10 Any member who is totally and permanently disabled for any cause, other than line
11 of duty, who leaves the fire or rescue squad service because of this disability and who
12 has at least 10 years of service with the pension fund, may be permitted to continue
13 making a monthly contribution of five dollars (\$5.00) to the fund until he has paid into
14 the fund the sum of one thousand two hundred dollars (\$1,200). The member shall upon
15 attaining the age of fifty-five years be entitled to receive a pension as provided by this
16 section. All applications for disability are subject to the approval of the board who may
17 appoint physicians to examine and evaluate the disabled member prior to approval of
18 his application annually thereafter.

19 Any member who, because his residence is annexed by a city under Part 2 or Part 3
20 of Article 4 of Chapter 160A of the General Statutes, or whose department is closed
21 because of an annexation by a city under Part 2 or Part 3 of Article 4 of Chapter 160A
22 of the General Statutes, and because of such annexation is unable to perform as a
23 fireman of any status, and if the member has at least 10 years of service with the
24 pension fund, may be permitted to continue making a monthly contribution of five
25 dollars (\$5.00) to the fund until he has paid into the fund the sum of one thousand two
26 hundred dollars (\$1,200). The member upon attaining the age of 55 years and
27 completion of such contributions shall be entitled to receive a pension as provided by
28 this section. Any application to make monthly contributions under this section shall be
29 subject to a finding of eligibility by the Board of Trustees upon application of the
30 member.

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

34 Sec. 2. There is appropriated from the General Fund to the Office of State
35 Treasurer the sum of three million two hundred thousand dollars (\$3,200,000) for the
36 1989-90 fiscal year to fund this act.

37 Sec. 3. This act shall become effective July 1, 1989, and shall apply to
38 pensions due and payable on and after that date.