

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 1264

Short Title: Paid Firemen Pension Benefits.

(Public)

---

Sponsors: Representatives Warner; Baddour, Bowman, Grady, Hensley, Holmes, Kinney, Kuczmarski, McAllister, B. Miller, Nichols, J. Preston, Richardson, Smith, Spears, and Wright.

---

Referred to: Pensions and Retirement.

---

May 5, 1993

A BILL TO BE ENTITLED

1  
2 AN ACT TO PERMIT PAID FIREMEN TO RECEIVE PENSION BENEFITS FROM  
3 THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS'  
4 PENSION FUND WHETHER OR NOT THEY STAY ON A LOCAL PAYROLL.

5 The General Assembly of North Carolina enacts:

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

7 **"§ 58-86-55. Monthly pensions upon retirement.**

8 Any member who has served 20 years as an 'eligible fireman' or 'eligible rescue  
9 squad worker' in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-  
10 36-30, and who has attained the age of 55 years is entitled to be paid a monthly pension  
11 from this fund. The monthly pension shall be in the amount of one hundred dollars  
12 (\$100.00) per month. Any retired fireman receiving a pension of fifty dollars (\$50.00)  
13 per month shall, effective July 1, 1981, receive a pension of one hundred dollars  
14 (\$100.00) per month.

15 Members shall pay five dollars (\$5.00) 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  
17 member' shall receive a pension prior to July 1, 1983. ~~No person shall be entitled to a  
18 pension 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 according to  
20 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) per  
4 month beginning the first month after his fifty-fifth birthday. All applications for  
5 disability are subject to the approval of the board who may appoint physicians to  
6 examine and evaluate the disabled member prior to approval of his application, and  
7 annually thereafter. Any disabled member shall not be required to make the monthly  
8 payment of five dollars (\$5.00) as required by G.S. 58-86-35 and G.S. 58-86-40.

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

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

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

33 Sec. 2. This act becomes effective July 1, 1993.