

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1553\*

Short Title: Firemen/Rescue Squad Benefits.

(Public)

Sponsors: Senators Warren; and Carpenter.

Referred to: Pensions and Retirement.

May 25, 1994

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MONTHLY BENEFITS FROM THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND AND TO PROVIDE MEMBERS OF THAT PENSION FUND WITH THE SAME COST OF LIVING INCREASE AS THAT PROVIDED TO MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The General Assembly of North Carolina enacts:

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

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

(a) Any member who has served 20 years as an 'eligible fireman' or 'eligible rescue squad worker' in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-86-30, and who has attained the age of 55 years is entitled to be paid a monthly pension from this fund. The monthly pension shall be in the amount of one hundred fifty dollars ~~(\$100.00)-(\$150.00)~~ per month. Any retired fireman receiving a pension of fifty-one hundred dollars ~~(\$50.00)-(\$100.00)~~ per month shall, effective July 1, ~~1981,~~ 1994, receive a pension of one hundred fifty dollars ~~(\$100.00)-(\$150.00)~~ per month.

Members shall pay five dollars (\$5.00) per month as required by G.S. 58-86-35 and G.S. 58-86-40 for a period of no longer than 20 years. No 'eligible rescue squad member' shall receive a pension prior to July 1, 1983. No person shall be entitled to a pension hereunder until his official duties as a fireman or rescue squad worker for which he is paid compensation shall have been terminated and he shall have retired as such according to standards or rules fixed by the board of trustees.

Any member who is totally and permanently disabled while in the discharge of his 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 fifty dollars (~~\$100.00~~)  
4 (\$150.00) per month beginning the first month after his fifty-fifth birthday. All  
5 applications for disability are subject to the approval of the board who may appoint  
6 physicians to examine and evaluate the disabled member prior to approval of his  
7 application, and annually thereafter. Any disabled member shall not be required to  
8 make the monthly payment of five dollars (\$5.00) as required by G.S. 58-86-35 and  
9 G.S. 58-86-40.

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  
15 upon attaining the age of fifty-five years be entitled to receive a pension as provided by  
16 this section. All applications for disability are subject to the approval of the board who  
17 may appoint physicians to examine and evaluate the disabled member prior to approval  
18 of 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 (b) Whenever a percentage cost-of-living increase is provided to beneficiaries of  
35 the Teachers' and State Employees' Retirement System pursuant to G.S. 135-5, the  
36 monthly benefit provided for in this section is increased by the same percentage as that  
37 used to provide that cost-of-living increase. This subsection:

- 38 (1) Applies only to cost-of-living increases which become effective on or  
39 after July 1, 1995;
- 40 (2) Applies cumulatively and on a compounded basis if subsequent cost-  
41 of-living increases are granted; and
- 42 (3) Does not apply to percentage increases which are designed to  
43 compensate for formula changes or for changes in tax laws.

1     If neither the act granting the percentage increase, nor any committee report on that  
2 act under G.S. 143-15, distinguishes whether the increase is a cost-of-living increase,  
3 the determination shall be made by the board."

4             Sec. 2. This act becomes effective July 1, 1994.