

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 31\*

Short Title: Increase Fire and Rescue Squad Pension. (Public)

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Sponsors: Senators Hoyle; Malone, Rand, Snow, Swindell, Thomas, and Weinstein.

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Referred to: Pensions & Retirement and Aging.

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February 2, 2005

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE  
2 FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.  
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 58-86-55 reads as rewritten:

6 "**§ 58-86-55. 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. 58-86-25 and  
9 G.S. 58-86-30, and who has attained the age of 55 years is entitled to be paid a monthly  
10 pension from this fund. The monthly pension shall be in the amount of ~~one hundred~~  
11 ~~sixty one dollars (\$161.00)~~ one hundred sixty-three dollars (\$163.00) per month. Any  
12 retired fireman receiving a pension shall, effective ~~July 1, 2004,~~ July 1, 2005, receive a  
13 pension of ~~one hundred sixty one dollars (\$161.00)~~ one hundred sixty-three dollars  
14 (\$163.00) per month.

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  
17 member" shall receive a pension prior to July 1, 1983. No member shall be entitled to a  
18 pension hereunder until the member's official duties as a fireman or rescue squad  
19 worker for which the member is paid compensation shall have been terminated and the  
20 member shall have retired as such according to standards or rules fixed by the board of  
21 trustees.

22 A member who is totally and permanently disabled while in the discharge of the  
23 member's official duties as a result of bodily injuries sustained or as a result of extreme  
24 exercise or extreme activity experienced in the course and scope of those official duties  
25 and who leaves the fire or rescue squad service because of this disability shall be  
26 entitled to be paid from the fund a monthly benefit in an amount of ~~one hundred~~  
27 ~~sixty one dollars (\$161.00)~~ one hundred sixty-three dollars (\$163.00) per month  
28 beginning the first month after the member's fifty-fifth birthday. All applications for  
29 disability are subject to the approval of the board who may appoint physicians to

1 examine and evaluate the disabled member prior to approval of the application, and  
2 annually thereafter. Any disabled member shall not be required to make the monthly  
3 payment of ten dollars (\$10.00) as required by G.S. 58-86-35 and G.S. 58-86-40.

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

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

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

28 **SECTION 2.** This act becomes effective July 1, 2005.