

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 355  
Second Edition Engrossed 5/2/89

Short Title: Firemen/Rescue Pension Increase.

(Public)

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Sponsors: Senators Daughtry; Carpenter, Cochrane, Hardin, Johnson of Wake, Martin of Pitt, Shaw, Sherron, Smith, and Speed.

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Referred to: Pensions & Retirement.

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March 7, 1989

A BILL TO BE ENTITLED

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

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 188-42 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, shall~~  
13 receive a pension of ~~one hundred dollars (\$100.00)~~ one hundred twenty-five dollars  
14 (\$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 Department of  
35 State Auditor the sum of three million seven hundred thousand dollars (\$3,700,000) for  
36 the 1989-90 fiscal year and the sum of three million seven hundred thousand dollars  
37 (\$3,700,000) for the 1990-91 fiscal year to implement this act.

38 Sec. 3. This act shall become effective October 1, 1989, and applies to  
39 pensions due and payable on and after that date.