

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 2729**

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

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Sponsors: Representatives Bell, J. Harrell (Primary Sponsors); Allen, Bryant, Coleman, Glazier, Hughes, Justice, McLawhorn, Pierce, Tarleton, Wainwright, R. Warren, and Wray.

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Referred to: Pensions and Retirement, if favorable, Finance.

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May 28, 2008

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE  
2 FIREMEN'S AND RESCUE SQUAD WORKER'S PENSION FUND AND TO  
3 APPROPRIATE FUNDS TO REPAY THE FIREMEN'S AND RESCUE SQUAD  
4 WORKERS' PENSION FUND IN FULL.

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  
10 G.S. 58-86-30, and who has attained the age of 55 years is entitled to be paid a monthly  
11 pension from this fund. The monthly pension shall be in the amount of ~~one hundred~~  
12 ~~sixty-seven dollars (\$167.00)~~ one hundred seventy-two dollars (\$172.00) per month.  
13 Any retired fireman receiving a pension shall, effective ~~July 1, 2007,~~ July 1, 2008,  
14 receive a pension of ~~one hundred sixty-seven dollars (\$167.00)~~ one hundred  
15 seventy-two dollars (\$172.00) per month.

16 Members shall pay ten dollars (\$10.00) per month as required by G.S. 58-86-35 and  
17 G.S. 58-86-40 for a period of no longer than 20 years. No "eligible rescue squad  
18 member" shall receive a pension prior to July 1, 1983. No member shall be entitled to a  
19 pension hereunder until the member's official duties as a fireman or rescue squad  
20 worker for which the member is paid compensation shall have been terminated and the  
21 member shall have retired as such according to standards or rules fixed by the board of  
22 trustees.

23 A member who is totally and permanently disabled while in the discharge of the  
24 member's official duties as a result of bodily injuries sustained or as a result of extreme  
25 exercise or extreme activity experienced in the course and scope of those official duties  
26 and who leaves the fire or rescue squad service because of this disability shall be  
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1 entitled to be paid from the fund a monthly benefit in an amount of ~~one hundred~~  
2 ~~sixty seven dollars (\$167.00)~~ one hundred seventy-two dollars (\$172.00) per month  
3 beginning the first month after the member's fifty-fifth birthday. All applications for  
4 disability are subject to the approval of the board who may appoint physicians to  
5 examine and evaluate the disabled member prior to approval of the application, and  
6 annually thereafter. Any disabled member shall not be required to make the monthly  
7 payment of ten dollars (\$10.00) as required by G.S. 58-86-35 and G.S. 58-86-40.

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

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

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

32 **SECTION 2.** There is appropriated from the General Fund to the  
33 Department of State Treasurer the sum of six hundred twenty thousand four hundred  
34 ninety-one dollars (\$620,491) for the 2008-2009 fiscal year to repay the Firemen's and  
35 Rescue Squad Workers' Pension Fund in full for funds not transferred to the Fund in  
36 2001 with interest since 2001 at the valuation rate.

37 **SECTION 3.** This act becomes effective July 1, 2008.