

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 692

Short Title: Firemen/Rescue Disab. Benef.

(Public)

Sponsors: Representatives Woodard; Hensley, Jordan, McLawhorn, Smith, and Warner.

Referred to: Pensions and Retirement.

April 11, 1991

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE MONTHLY DISABILITY BENEFITS FOR MEMBERS OF
2 THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS'
3 PENSION FUND WHO ARE DISABLED FOR REASONS OTHER THAN THE
4 DISCHARGE OF THEIR OFFICIAL DUTIES.
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6 The General Assembly of North Carolina enacts:

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

8 **"§ 58-86-55. Monthly pensions upon retirement.**

9 Any member who has served 20 years as an 'eligible fireman' or 'eligible rescue
10 squad worker' in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-
11 36-30, and who has attained the age of 55 years is entitled to be paid a monthly pension
12 from this fund. The monthly pension shall be in the amount of one hundred dollars
13 (\$100.00) per month. Any retired fireman receiving a pension of fifty dollars (\$50.00)
14 per month shall, effective July 1, 1981, receive a pension of one hundred dollars
15 (\$100.00) per month.

16 Members shall pay five dollars (\$5.00) 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 person shall be entitled to a
19 pension hereunder until his official duties as a fireman or rescue squad worker for which
20 he is paid compensation shall have been terminated and he shall have retired as such
21 according to standards or rules fixed by the board of trustees.

22 Any member who is totally and permanently disabled while in the discharge of his
23 official duties as a result of bodily injuries sustained or as a result of extreme exercise or
24 extreme activity experienced in the course and scope of his official duties and who

1 leaves the fire or rescue squad service because of this disability shall be entitled to be
2 paid from the fund a monthly benefit in an amount of one hundred dollars (\$100.00) per
3 month beginning the first month after his 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 his application, and
6 annually thereafter. Any disabled member shall not be required to make the monthly
7 payment of five dollars (\$5.00) as required by G.S. 58-86-35 and G.S. 58-86-40.

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

17 Any member who is totally and permanently disabled for any cause, other than line
18 of duty, who leaves the fire or rescue squad service because of this disability and who
19 has at least 20 years of service with the pension fund, shall be entitled to be paid from
20 the fund a monthly benefit in an amount of one hundred dollars (\$100.00) per month
21 beginning the thirteenth month after the disability is established, regardless of age. All
22 applications for disability are subject to the approval of the board, who may appoint
23 physicians to examine and evaluate the disabled member prior to approval of his
24 application, and annually thereafter.

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

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

40 Sec. 2. This act is effective upon ratification, and applies to all members
41 disabled on or after that date.