

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 76  
Feb 9, 2017  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10020-MR-17A (01/12)

Short Title: Increase Fire & Rescue Pension Benefit. (Public)

Sponsors: Representatives K. Hall, Clampitt, Hardister, and Strickland (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MONTHLY BENEFITS FROM THE NORTH CAROLINA  
FIREFIGHTERS' AND RESCUE SQUAD WORKERS' PENSION FUND.

The General Assembly of North Carolina enacts:

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

**"§ 58-86-55. Monthly pensions upon attaining the age of 55 years.**

(a) Any member who has served 20 years as an "eligible firefighter" 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 ~~seventyseven~~seventy-five dollars ~~(\$170.00)~~(\$175.00) per month. ~~Any retired firefighter receiving a pension shall, effective July 1, 2008, receive a pension of one hundred seventy dollars (\$170.00) per month.~~

(b) Members shall pay ten dollars (\$10.00) 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.~~

(c) A member who is totally and permanently disabled while in the discharge of the member's official duties as a result of bodily injuries sustained or as a result of extreme exercise or extreme activity experienced in the course and scope of those official duties and who leaves the fire or rescue squad service because of this disability shall be entitled to be paid from the fund a monthly benefit in an amount of one hundred ~~seventyseven~~seventy-five dollars ~~(\$170.00)~~(\$175.00) per month beginning the first month after the member's fifty-fifth birthday. All applications for disability are subject to the approval of the board who may appoint physicians to examine and evaluate the disabled member prior to approval of the application, and annually thereafter. Any disabled member shall not be required to make the monthly payment of ten dollars (\$10.00) as required by G.S. 58-86-35 and G.S. 58-86-40.

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

...

(d2) Benefits shall be paid in the following manner when a member is killed in the line of duty and the requirements of Article 12A of Chapter 143 of the General Statutes are met:



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- 1 (1) If the member had been receiving a monthly pension fund benefit prior to being  
2 killed in the line of duty, there shall be paid to the member's spouse an amount  
3 of one hundred ~~seventy~~seventy-five dollars ~~(\$170.00)~~(\$175.00) per month  
4 beginning the month following the member's month of death, payable until the  
5 spouse's death.
- 6 (2) If the member had been receiving a monthly pension fund benefit prior to being  
7 killed in the line of duty and the spouse is not payable as described in  
8 subdivision (1) of this subsection, a lump sum payment equal to the difference  
9 between the amount paid into the member's separate account by or on behalf of  
10 the member and the amount received by the member as a pensioner will be paid  
11 to the member's estate.
- 12 (3) If the member had not yet begun receiving a monthly benefit prior to being  
13 killed in the line of duty, there shall be paid to the member's spouse an amount  
14 of one hundred ~~seventy~~seventy-five dollars ~~(\$170.00)~~(\$175.00) per month  
15 beginning the month following the month the member would have attained age  
16 55, or if the member had already attained age 55, beginning the month  
17 following the member's month of death, payable until the spouse's death.
- 18 (4) If the member had not begun receiving a monthly benefit prior to being killed  
19 in the line of duty and the spouse is not payable as described in subdivision (3)  
20 of this subsection, a lump sum payment equal to the member's contributions  
21 will be paid to the eligible beneficiaries, or if there are no eligible beneficiaries,  
22 a return of the contributions shall be paid to the member's estate.

23 A beneficiary under this subsection shall not be required to make the monthly payment of ten  
24 dollars (\$10.00) as required by G.S. 58-86-35 and G.S. 58-86-40 after the member has been killed  
25 in the line of duty.

26 ...."

27 **SECTION 2.** G.S. 58-86-55, as enacted by Section 1(b) of S.L. 2016-108, reads as  
28 rewritten:

29 "(d1) Benefits shall be paid in the following manner when a member is killed in the line of  
30 duty and the requirements of Article 12A of Chapter 143 of the General Statutes are met:

- 31 (1) If the member had been receiving a monthly pension fund benefit prior to being  
32 killed in the line of duty, there shall be paid to the member's principal  
33 beneficiary, if only one principal beneficiary is eligible, an amount of one  
34 hundred ~~seventy~~seventy-five dollars ~~(\$170.00)~~(\$175.00) per month beginning  
35 the month following the member's month of death, payable until the  
36 beneficiary's death.
- 37 (2) If the member had been receiving a monthly pension fund benefit prior to being  
38 killed in the line of duty and the beneficiary is not payable as described in  
39 subdivision (1) of this subsection, a lump sum payment equal to the difference  
40 between the amount paid into the member's separate account by or on behalf of  
41 the member and the amount received by the member as a pensioner will be paid  
42 to the eligible beneficiaries, or if there are no eligible beneficiaries, shall be  
43 paid to the member's estate.
- 44 (3) If the member had not yet begun receiving a monthly benefit prior to being  
45 killed in the line of duty, there shall be paid to the member's principal  
46 beneficiary, if only one principal beneficiary is eligible, an amount of one  
47 hundred ~~seventy~~seventy-five dollars ~~(\$170.00)~~(\$175.00) per month beginning  
48 the month following the month the member would have attained age 55, or if  
49 the member had already attained age 55, beginning the month following the  
50 member's month of death, payable until the beneficiary's death.

- 1 (4) If the member had not begun receiving a monthly benefit prior to being killed  
2 in the line of duty and the beneficiary is not payable as described in subdivision  
3 (3) of this subsection, a lump sum payment equal to the member's contributions  
4 will be paid to the eligible beneficiaries, or if there are no eligible beneficiaries,  
5 a return of the contributions shall be paid to the member's estate.

6 A beneficiary under this subsection shall not be required to make the monthly payment of ten  
7 dollars (\$10.00) as required by G.S. 58-86-35 and G.S. 58-86-40 after the member has been killed  
8 in the line of duty."

9 **SECTION 3.** Section 1(e) of S.L. 2016-108 reads as rewritten:

10 "**SECTION 1.(e)** Section 1(a) ~~and 1(d) become~~ becomes effective June 1, 2016. Section 1(d)  
11 becomes effective June 1, 2016, and apply-applies to benefits paid when a member is killed in the  
12 line of duty on or after June 1, 2016, but before July 1, 2018. Section 1(e) becomes effective June  
13 1, 2016. Section 1(b) and 1(c) become effective July 1, 2018, and apply to benefits paid when a  
14 member is killed in the line of duty on or after that date."

15 **SECTION 4.** Section 1 of this act becomes effective July 1, 2017, and applies to  
16 monthly benefits paid on or after that date. Section 2 of this act becomes effective July 1, 2018,  
17 and applies to monthly benefits paid on or after that date. The remainder of this act is effective  
18 when it becomes law.