

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 259

AMENDMENT NO. A11
(to be filled in by
Principal Clerk)

H259-ANJp-1 [v.7]

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Amends Title [NO]
Second Edition

Date _____, 2023

Representative Gill

1 moves to amend the bill on page 385, lines 19-20, by inserting the following between the lines:

2
3 **"NORTH CAROLINA FIREFIGHTERS' AND RESCUE SQUAD WORKERS' PENSION**
4 **FUND PAYMENT INCREASE**

5 **SECTION 39.27A.(a)** G.S. 58-86-35 reads as rewritten:

6 **"§ 58-86-35. Firefighters' application for membership in fund; monthly payments by**
7 **members; payments credited to separate accounts of members; termination of**
8 **membership.**

9 Those firefighters who are eligible pursuant to G.S. 58-86-25 may apply to the board for
10 membership. Each firefighter upon becoming a member of the fund shall pay the director of the
11 fund the sum of ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) per month; each payment shall be
12 made no later than March 31 subsequent to the end of the calendar year in which the month
13 occurred. The Pension Fund shall not award fully credited service based on payments received
14 later than March 31 subsequent to the end of the calendar year in which the month occurred
15 unless the payment is applied as provided in G.S. 58-86-45(a1). The monthly payments shall be
16 credited to the separate account of the member and shall be kept by the custodian so it is available
17 for payment on withdrawal from membership or retirement.

18 A member may elect to terminate membership in the fund at any time and request the refund
19 of payments previously made to the fund. However, a member's delinquency in making the
20 monthly payments required by this section does not result in the termination of membership
21 without such an election by the member."

22 **SECTION 39.27A.(b)** G.S. 58-86-40 reads as rewritten:

23 **"§ 58-86-40. Rescue squad worker's application for membership in funds; monthly**
24 **payments by members; payments credited to separate accounts of members;**
25 **termination of membership.**

26 Those rescue squad workers eligible pursuant to G.S. 58-86-30 may apply to the board for
27 membership. Each eligible rescue squad worker upon becoming a member shall pay the director
28 of the fund the sum of ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) per month; each payment shall
29 be made no later than March 31 subsequent to the end of the calendar year in which the month
30 occurred. The Pension Fund shall not award fully credited service based on payments received
31 later than March 31 subsequent to the end of the calendar year in which the month occurred
32 unless the payment is applied as provided in G.S. 58-86-45(a1). The monthly payments shall be



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1 credited to the separate account of the member and shall be kept by the custodian so it is available
2 for payment on withdrawal from membership or retirement.

3 A member may elect to terminate membership in the fund at any time and request the refund
4 of payments previously made to the fund. However, a member's delinquency in making the
5 monthly payments required by this section does not result in the termination of membership
6 without such an election by the member."

7 **SECTION 39.27A.(c)** G.S. 58-86-45 reads as rewritten:

8 "**§ 58-86-45. Additional retroactive membership.**

9 ...

10 (b) An eligible firefighter or rescue squad worker who is not yet 35 years old may apply
11 to the board of trustees for membership in the fund at any time. Upon becoming a member, the
12 worker may make a lump sum payment of ~~ten dollars (\$10.00)~~fifteen dollars (\$15.00) per month
13 retroactively to the time the worker first became eligible to become a member, plus interest at an
14 annual rate to be set by the board upon advice from actuary for each year of retroactive payments.
15 Upon making this lump sum payment, the worker shall be given credit for all prior service in the
16 same manner as if the worker had applied for membership upon first becoming eligible.

17 (c) A member of the Pension Fund who is not yet 35 years old may receive credit for the
18 prior service upon making a lump sum payment of ~~ten dollars (\$10.00)~~fifteen dollars for each
19 month since the worker first became eligible, plus interest at an annual rate to be set by the board
20 for each year of retroactive payments. Upon making this lump sum payment, the date of
21 membership shall be the same as if the worker had applied for membership upon first becoming
22 eligible. This provision for the payment of a lump sum for service "not otherwise creditable"
23 shall apply, inter alia, to all purchases of service credits for months as to which timely payments
24 were not previously made pursuant to G.S. 58-86-35 or G.S. 58-86-40, whichever is applicable,
25 for any firefighter or rescue squad worker who is not yet 35 years of age or older and who is a
26 current or former member of a fire department or rescue squad chartered by the State of North
27 Carolina."

28 **SECTION 39.27A.(d)** G.S. 58-86-55 reads as rewritten:

29 "**§ 58-86-55. Monthly pensions upon attaining the age of 55 years.**

30 (a) Any member who has served 20 years as an "eligible firefighter" or "eligible rescue
31 squad worker" in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-86-30,
32 and who has attained the age of 55 years is entitled to be paid a monthly pension from this fund.
33 The monthly pension shall be in the amount of ~~one hundred seventy dollars (\$170.00)~~one
34 hundred seventy-nine dollars (\$179.00) per month. Any retired firefighter receiving a pension
35 ~~shall, effective July 1, 2008, as of January 1, 2024, shall receive a pension of one hundred seventy~~
36 ~~dollars (\$170.00)~~one hundred seventy-nine dollars (\$179.00) per month.

37 (b) Members shall pay ~~ten dollars (\$10.00)~~fifteen dollars (\$15.00) per month as required
38 by G.S. 58-86-35 and G.S. 58-86-40 for a period of no longer than 20 years. No "eligible rescue
39 squad member" shall receive a pension prior to July 1, 1983.

40 (c) A member who is totally and permanently disabled while in the discharge of the
41 member's official duties as a result of bodily injuries sustained or as a result of extreme exercise
42 or extreme activity experienced in the course and scope of those official duties and who leaves
43 the fire or rescue squad service because of this disability shall be entitled to be paid from the fund

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1 a monthly benefit in an amount of ~~one hundred seventy dollars (\$170.00)~~ one hundred
2 seventy-nine dollars (\$179.00) per month beginning the first month after the member's fifty-fifth
3 birthday. All applications for disability are subject to the approval of the board who may appoint
4 physicians to examine and evaluate the disabled member prior to approval of the application, and
5 annually thereafter. Any disabled member shall not be required to make the monthly payment of
6 ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) as required by G.S. 58-86-35 and G.S. 58-86-40.

7 (d) A member who is totally and permanently disabled for any cause, other than line of
8 duty, who leaves the fire or rescue squad service because of this disability and who has at least
9 10 years of service with the pension fund, may be permitted to continue making a monthly
10 contribution of ~~ten dollars (\$10.00)~~ fifteen dollars (\$15.00) to the fund until the member has made
11 contributions for a total of 240 months. The member shall upon attaining the age of 55 years be
12 entitled to receive a pension as provided by this section. All applications for disability are subject
13 to the approval of the board who may appoint physicians to examine and evaluate the disabled
14 member prior to approval of the application and annually thereafter.

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

17 (1) If the member had been receiving a monthly pension fund benefit prior to
18 being killed in the line of duty, there shall be paid to the member's principal
19 beneficiary, if only one principal beneficiary is eligible and has not accepted
20 a return of contributions, an amount of ~~one hundred seventy dollars (\$170.00)~~
21 one hundred seventy-nine dollars (\$179.00) per month beginning the month
22 following the member's month of death, payable until the beneficiary's death.
23 If the member became a member prior to July 1, 2018, and had not designated
24 a principal beneficiary prior to being killed in the line of duty, there shall be
25 paid to the member's living spouse upon the spouse's application to the Board,
26 an amount of ~~one hundred seventy dollars (\$170.00)~~ one hundred seventy-nine
27 dollars (\$179.00) per month beginning the month following the member's
28 month of death, payable until the spouse's death.

29 (2) If the member had been receiving a monthly pension fund benefit prior to
30 being killed in the line of duty and the beneficiary is not payable as described
31 in subdivision (1) of this subsection, a lump sum payment equal to the
32 difference between the amount paid into the member's separate account by or
33 on behalf of the member and the amount received by the member as a
34 pensioner will be paid to the eligible beneficiaries, or if there are no eligible
35 beneficiaries, shall be paid to the member's estate.

36 (3) If the member had not yet begun receiving a monthly benefit prior to being
37 killed in the line of duty, there shall be paid to the member's principal
38 beneficiary, if only one principal beneficiary is eligible and has not accepted
39 a return of contributions, an amount of ~~one hundred seventy dollars (\$170.00)~~
40 one hundred seventy-nine dollars (\$179.00) per month beginning the month
41 following the month the member would have attained age 55, or if the member
42 had already attained age 55, beginning the month following the member's
43 month of death, payable until the beneficiary's death. If the member became a

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1 member prior to July 1, 2018, and had not designated a principal beneficiary
2 prior to being killed in the line of duty, there shall be paid to the member's
3 living spouse upon the spouse's application to the Board, an amount of ~~one~~
4 ~~hundred seventy dollars (\$170.00)~~ one hundred seventy-nine dollars
5 (\$179.00) per month beginning the month following the month the member
6 would have attained age 55, or if the member had attained age 55, beginning
7 the month following the member's month of death, payable until the spouse's
8 death.

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

15 A beneficiary under this subsection shall not be required to make the monthly payment of ~~ten~~
16 ~~dollars (\$10.00)~~ fifteen dollars (\$15.00) as required by G.S. 58-86-35 and G.S. 58-86-40 after the
17 member has been killed in the line of duty.

18 ...

19 (e) A member who, because the member's residence is annexed by a city under Part 2 or
20 Part 3 of Article 4A 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 4A of Chapter 160A of the
22 General Statutes, or whose volunteer department is taken over by a city or county, and because
23 of such annexation or takeover is unable to perform as a firefighter or rescue squad worker of
24 any status, and if the member has at least 10 years of service with the pension fund, may be
25 permitted to continue making a monthly contribution of ~~ten dollars (\$10.00)~~ fifteen dollars
26 (\$15.00) to the fund until the member has made contributions for a total of 240 months. The
27 member upon attaining the age of 55 years and completion of such contributions shall be entitled
28 to receive a pension as provided by this section. Any application to make monthly contributions
29 under this section shall be subject to a finding of eligibility by the Board of Trustees upon
30 application of the member.

31"

32 **SECTION 39.27A.(e)** This section is effective on January 1, 2024. The changes in
33 benefit amounts apply to benefits due on or after that date. The changes to member contributions
34 apply to member contributions for months occurring on or after that date."

SIGNED _____

**The official copy of this document, with signatures
and vote information, is available in the
House Principal Clerk's Office**

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