

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1337

Short Title: Fire and Rescue Squad Pensions.

(Public)

Sponsors: Representatives Daughtry; Berry, Cansler, Capps, Creech, Culp, Culpepper, Davis, Dedmon, Goodwin, Hall, Hardy, Justus, McCombs, Mitchell, Mosley, Rayfield, Sexton, Shubert, Smith, Tolson, Warwick, Watson, Weatherly, and Yongue.

Referred to: Pensions and Retirement.

May 20, 1998

A BILL TO BE ENTITLED

1
2 AN ACT TO INCLUDE COUNTY FIRE MARSHALS IN THE FIREMEN'S AND
3 RESCUE SQUAD WORKERS' PENSION FUND AND TO INCREASE THE
4 MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE
5 SQUAD WORKERS' PENSION FUND.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 58-86-25 reads as rewritten:

8 **"§ 58-86-25. 'Eligible firemen' defined; determination and certification of volunteers**
9 **meeting qualifications.**

10 'Eligible firemen' shall mean all firemen of the State of North Carolina or any
11 political subdivision thereof, including those performing such functions in the protection
12 of life and property through fire fighting within a county or city governmental unit and so
13 certified to the Commissioner of Insurance by the governing body thereof, and who
14 belong to a bona fide fire department which, as determined by the Commissioner, is
15 classified as not less than class '9' or class 'A' and 'AA' departments in accordance with
16 rating methods, schedules, classifications, underwriting rules, bylaws or regulations
17 effective or applied with respect to the establishment of rates or premiums used or
18 charged pursuant to Articles 36 or 40 of this Chapter or by such other reasonable methods

1 as the Commissioner may determine, and which operates fire apparatus and equipment of
2 the value of five thousand dollars (\$5,000) or more, and said fire department holds drills
3 and meetings not less than four hours monthly and said firemen attend at least 36 hours of
4 all drills and meetings in each calendar year. 'Eligible firemen' shall also mean the fire
5 marshal of each county, provided the board of county commissioners of that county
6 certifies the fire marshal's attendance at no less than 36 hours of all drills and meetings in
7 each calendar year. 'Eligible firemen' shall also mean those persons meeting the other
8 qualifications of this section, not exceeding 25 volunteer firemen plus one additional
9 volunteer fireman per 100 population in the area served by their respective departments.
10 Each department shall annually determine and report the names of those firemen meeting
11 the eligibility qualifications to its respective governing body, which upon determination
12 of the validity and accuracy of the qualification shall promptly certify the list to the
13 board. For the purposes of the preceding sentence, the governing body of a fire
14 department operated: by a county is the county board of commissioners; by a city is the
15 city council; by a sanitary district is the sanitary district board; by a corporation, whether
16 profit or nonprofit, is the corporation's board of directors; and by any other entity is that
17 group designated by the board."

18 Section 2. G.S. 58-86-55 reads as rewritten:

19 **"§ 58-86-55. Monthly pensions upon retirement.**

20 Any member who has served 20 years as an 'eligible fireman' or 'eligible rescue
21 squad worker' in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-
22 86-30, and who has attained the age of 55 years is entitled to be paid a monthly pension
23 from this fund. The monthly pension shall be in the amount of ~~one hundred forty-one~~
24 ~~dollars (\$141.00)~~ one hundred forty-six dollars (\$146.00) per month. Any retired fireman
25 receiving a pension shall, effective July 1, 1997, receive a pension of ~~one hundred forty-~~
26 ~~one dollars (\$141.00)~~ one hundred forty-six dollars (\$146.00) per month.

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

33 A member who is totally and permanently disabled while in the discharge of the
34 member's official duties as a result of bodily injuries sustained or as a result of extreme
35 exercise or extreme activity experienced in the course and scope of those official duties
36 and who leaves the fire or rescue squad service because of this disability shall be entitled
37 to be paid from the fund a monthly benefit in an amount of ~~one hundred forty-one dollars~~
38 ~~(\$141.00)~~ one hundred forty-six dollars (\$146.00) per month beginning the first month
39 after the member's fifty-fifth birthday. All applications for disability are subject to the
40 approval of the board who may appoint physicians to examine and evaluate the disabled
41 member prior to approval of the application, and annually thereafter. Any disabled
42 member shall not be required to make the monthly payment of ten dollars (\$10.00) as
43 required by G.S. 58-86-35 and G.S. 58-86-40.

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

10 A member who, because his residence is annexed by a city under Part 2 or Part 3 of
11 Article 4 of Chapter 160A of the General Statutes, or whose department is closed because
12 of an annexation by a city under Part 2 or Part 3 of Article 4 of Chapter 160A of the
13 General Statutes, and because of such annexation is unable to perform as a fireman of any
14 status, and if the member has at least 10 years of service with the pension fund, may be
15 permitted to continue making a monthly contribution of ten dollars (\$10.00) to the fund
16 until the member has made contributions for a total of 240 months. The member upon
17 attaining the age of 55 years and completion of such contributions shall be entitled to
18 receive a pension as provided by this section. Any application to make monthly
19 contributions under this section shall be subject to a finding of eligibility by the Board of
20 Trustees upon application of the member.

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

24 Section 3. This act becomes effective July 1, 1998.