

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1337
Committee Substitute Favorable 6/29/98

Short Title: Fire and Rescue Squad Pensions.

(Public)

Sponsors:

Referred to:

May 20, 1998

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

'Eligible firemen' shall mean all firemen of the State of North Carolina or any political subdivision thereof, including those performing such functions in the protection of life and property through fire fighting within a county or city governmental unit and so certified to the Commissioner of Insurance by the governing body thereof, and who belong to a bona fide fire department which, as determined by the Commissioner, is classified as not less than class '9' or class 'A' and 'AA' departments in accordance with rating methods, schedules, classifications, underwriting rules, bylaws or regulations effective or applied with respect to the establishment of rates or premiums used or charged pursuant to Articles 36 or 40 of this Chapter or by such other reasonable methods as the Commissioner may determine, and which operates fire apparatus and equipment of the value of five thousand dollars (\$5,000) or more, and said fire department holds drills and meetings not less than four hours monthly and said firemen attend at least 36 hours of all drills and meetings in each calendar year. 'Eligible firemen' shall also mean the fire marshal of each county, provided the board of

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

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

14 **"§ 58-86-55. Monthly pensions upon retirement.**

15 Any member who has served 20 years as an 'eligible fireman' or 'eligible rescue
16 squad worker' in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-
17 86-30, and who has attained the age of 55 years is entitled to be paid a monthly pension
18 from this fund. The monthly pension shall be in the amount of ~~one hundred forty-one~~
19 ~~dollars (\$141.00)~~ one hundred forty-six dollars (\$146.00) per month. Any retired fireman
20 receiving a pension shall, effective ~~July 1, 1997,~~ July 1, 1998, receive a pension of ~~one~~
21 ~~hundred forty-one dollars (\$141.00)~~ one hundred forty-six dollars (\$146.00) per month.

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

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

40 A member who is totally and permanently disabled for any cause, other than line of
41 duty, who leaves the fire or rescue squad service because of this disability and who has
42 at least 10 years of service with the pension fund, may be permitted to continue making
43 a monthly contribution of ten dollars (\$10.00) to the fund until the member has made
44 contributions for a total of 240 months. The member shall upon attaining the age of 55

1 years be entitled to receive a pension as provided by this section. All applications for
2 disability are subject to the approval of the board who may appoint physicians to
3 examine and evaluate the disabled member prior to approval of the application and
4 annually thereafter.

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

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

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