

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 105  
Committee Substitute Favorable 2/27/95

Short Title: Increase Fire/Rescue Squad Benefits.

(Public)

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Sponsors:

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Referred to:

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February 6, 1995

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE MONTHLY BENEFITS FROM THE NORTH  
2 CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND  
3 AND THE MONTHLY MEMBER CONTRIBUTION AND TO DECLARE THE  
4 INTENT OF THE LEGISLATURE TO PROVIDE COST-OF-LIVING  
5 INCREASES, AS FUNDS ARE AVAILABLE, AND TO UPDATE THE  
6 REFERENCE TO THE NORTH CAROLINA ASSOCIATION OF RESCUE AND  
7 EMERGENCY MEDICAL SERVICES, INC.  
8

9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 58-86-35 reads as rewritten:

11 **"§ 58-86-35. Firemen's application for membership in fund; monthly payments by**  
12 **members; payments credited to separate accounts of members.**

13 Those firemen who are eligible pursuant to G.S. 58-86-25 may make application for  
14 membership to the board. Each fireman upon becoming a member of the fund shall pay  
15 the director of the fund the sum of ~~five-ten~~ dollars (\$5.00)-(\$10.00) per month. The  
16 monthly payments shall be credited to the separate account of the member and shall be  
17 kept by the custodian so it is available for payment on withdrawal from membership or  
18 retirement."

19 Sec. 2. G.S. 58-86-40 reads as rewritten:

1 **"§ 58-86-40. Rescue squad worker's application for membership in funds; monthly**  
2 **payments by members; payments credited to separate accounts of**  
3 **members.**

4 Those rescue squad workers eligible pursuant to G.S. 58-86-30 may make application  
5 to the board for membership. All persons who subsequently become rescue squad  
6 workers may make application for membership. Each eligible rescue squad worker upon  
7 becoming a member shall pay the director of the fund the sum of ~~five-ten~~ dollars (\$5.00)  
8 (\$10.00) per month. A rescue squad worker who, on the date of the establishment of the  
9 fund, has service as a rescue squad worker certified by the Department of State Treasurer,  
10 may make a lump sum payment of five dollars (\$5.00) per month for each month of  
11 service as an eligible rescue squad worker as defined by G.S. 58-86-30, on or before  
12 December 31, 1983, for as many as 240 months together with interest at an annual rate of  
13 six percent (6%).

14 The monthly payments shall be credited to the separate account of the member and  
15 shall be kept by the custodian so it is available for payment on withdrawal from  
16 membership or retirement."

17 Sec. 3. G.S. 58-86-45 is amended by adding a new subsection to read:

18 "(c) Effective July 1, 1995, any fireman or rescue squad worker who has not  
19 reached his thirty-fifth birthday who is eligible and who has not previously elected to  
20 become a member may make application through the board of trustees for membership in  
21 the fund at any time. The person shall make a lump-sum payment of ten dollars (\$10.00)  
22 per month retroactively to the time he first became eligible to become a member, plus  
23 interest at an annual rate to be set by the board of trustees, for each year of his retroactive  
24 payments. Upon making this lump-sum payment, the person shall be given credit for all  
25 prior service in the same manner as if he had made application for membership at the  
26 time he first became eligible. Any member who has not reached his thirty-fifth birthday  
27 who made application for membership subsequent to the time he was first eligible and did  
28 not receive credit for prior service may receive credit for such prior service upon lump-  
29 sum payment of ten dollars (\$10.00) per month retroactively to the time he first became  
30 eligible, plus interest at an annual rate to be set by the board of trustees, for each year of  
31 his retroactive payments. Upon making this lump-sum payment, the date of membership  
32 shall be the same as if he had made application for membership at the time he was first  
33 eligible."

34 Sec. 4. G.S. 58-86-55 reads as rewritten:

35 **"§ 58-86-55. Monthly pensions upon retirement.**

36 Any member who has served 20 years as an 'eligible fireman' or 'eligible rescue squad  
37 worker' in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-86-30,  
38 and who has attained the age of 55 years is entitled to be paid a monthly pension from  
39 this fund. The monthly pension shall be in the amount of one hundred ~~ten-thirty-five~~  
40 dollars ~~(\$110.00)-(\$135.00)~~ per month. Any retired fireman receiving a pension of one  
41 hundred ten dollars (\$110.00) per month shall, effective July 1, ~~1994, 1995,~~ receive a  
42 pension of one hundred ~~ten-thirty-five~~ dollars ~~(\$110.00)-(\$135.00)~~ per month.

1 Members shall pay ~~five-ten~~ dollars (~~\$5.00~~)-(~~\$10.00~~) per month as required by G.S. 58-  
2 86-35 and G.S. 58-86-40 for a period of no longer than 20 years. No 'eligible rescue  
3 squad member' shall receive a pension prior to July 1, 1983. No person shall be entitled  
4 to a pension hereunder until his official duties as a fireman or rescue squad worker for  
5 which he is paid compensation shall have been terminated and he shall have retired as  
6 such according to standards or rules fixed by the board of trustees.

7 Any member who is totally and permanently disabled while in the discharge of his  
8 official duties as a result of bodily injuries sustained or as a result of extreme exercise or  
9 extreme activity experienced in the course and scope of his official duties and who leaves  
10 the fire or rescue squad service because of this disability shall be entitled to be paid from  
11 the fund a monthly benefit in an amount of one hundred ~~ten-thirty-five~~ dollars (~~\$110.00~~)  
12 (~~\$135.00~~) per month beginning the first month after his fifty-fifth birthday. All  
13 applications for disability are subject to the approval of the board who may appoint  
14 physicians to examine and evaluate the disabled member prior to approval of his  
15 application, and annually thereafter. Any disabled member shall not be required to make  
16 the monthly payment of ~~five-ten~~ dollars (~~\$5.00~~)-(~~\$10.00~~) as required by G.S. 58-86-35 and  
17 G.S. 58-86-40.

18 Effective July 1, 1995, Any-any member who is totally and permanently disabled for  
19 any cause, other than line of duty, who leaves the fire or rescue squad service because of  
20 this disability and who has at least 10 years of service with the pension fund, may be  
21 permitted to continue making a monthly contribution of ~~five-ten~~ dollars (~~\$5.00~~)-(~~\$10.00~~)  
22 to the fund until he has paid into the fund the sum of ~~one-two~~ thousand ~~two-four~~ hundred  
23 dollars (~~\$1,200~~)-(~~\$2,400~~). Any member who began making contributions prior to July 1,  
24 1995, in the amount of five dollars (\$5.00) per month, and thereafter leaves the fire or  
25 rescue squad service because of disability, may be permitted to continue making monthly  
26 contributions of ten dollars (\$10.00) per month after July 1, 1995, until the member has  
27 made contributions for a total of 240 months. The member shall upon attaining the age of  
28 55 years be entitled to receive a pension as provided by this section. All applications for  
29 disability are subject to the approval of the board who may appoint physicians to examine  
30 and evaluate the disabled member prior to approval of his application annually thereafter.

31 Effective July 1, 1995, Any-any member who, because his residence is annexed by a  
32 city under Part 2 or Part 3 of Article 4 of Chapter 160A of the General Statutes, or whose  
33 department is closed because of an annexation by a city under Part 2 or Part 3 of Article 4  
34 of Chapter 160A of the General Statutes, and because of such annexation is unable to  
35 perform as a fireman of any status, and if the member has at least 10 years of service with  
36 the pension fund, may be permitted to continue making a monthly contribution of ~~five-ten~~  
37 dollars (~~\$5.00~~)-(~~\$10.00~~) to the fund until he has paid into the fund the sum of ~~one-two~~  
38 thousand ~~two-four~~ hundred dollars (~~\$1,200~~)-(~~\$2,400~~). Any member who began making  
39 contributions prior to July 1, 1995, in the amount of five dollars (\$5.00) per month, and  
40 thereafter, is unable to perform as a fireman of any status because of annexation, may be  
41 permitted to continue making a monthly contribution of ten dollars (\$10.00) per month  
42 after July 1, 1995, until the member has made contributions for a total of 240 months.  
43 The member upon attaining the age of 55 years and completion of such contributions

1 shall be entitled to receive a pension as provided by this section. Any application to make  
2 monthly contributions under this section shall be subject to a finding of eligibility by the  
3 Board of Trustees upon application of the member.

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

7 Sec. 5. The General Assembly finds that the firemen and rescue squad workers  
8 (both paid and volunteer) of North Carolina provide a valuable service to the State, which  
9 results in saving hundreds of lives and millions of dollars in property value each year.

10 Sec. 6. The General Assembly further finds that North Carolina is fortunate to  
11 have so many dedicated individuals who are willing to serve voluntarily, and that there is  
12 no way the State could afford to pay these volunteers for their service.

13 Sec. 7. The North Carolina Firemen's and Rescue Squad Workers' Pension  
14 Fund was created as a means of saying thank you to these individuals for their many  
15 faithful years of service to the people of the State.

16 Sec. 8. It is the intent of the General Assembly to provide cost-of-living  
17 increases to members and retirees of the Firemen's and Rescue Squad Workers' Pension  
18 Fund at a rate equal to any cost-of-living increases provided to beneficiaries of the  
19 Teachers' and State Employees' Retirement System, to the extent funds are available.

20 Sec. 8.1. G.S. 58-86-30 reads as rewritten:

21 **"§ 58-86-30. 'Eligible rescue squad worker' defined; determination and certification**  
22 **of eligibility.**

23 'Eligible rescue squad worker' means any member of a rescue or emergency medical  
24 services squad who is eligible for membership in the North Carolina Association of  
25 Rescue Squads, and Emergency Medical Services, Inc., and who has attended a minimum  
26 of 36 hours of training and meetings in the last calendar year. Each rescue or emergency  
27 medical services squad worker eligible for membership in the North Carolina Association  
28 of Rescue Squads, and Emergency Medical Services, Inc., must file a ~~roster~~-roster,  
29 certified by the secretary of the ~~association~~-association, of those rescue squad workers  
30 meeting the ~~association~~-association's requirements with the State Treasurer by January 1  
31 of each calendar year.

32 'Eligible rescue squad worker' does not mean 'eligible fireman' as defined by G.S. 58-  
33 86-25, nor may an 'eligible rescue squad worker' qualify also as an 'eligible fireman' in  
34 order to receive double benefits available under this Article."

35 Sec. 9. This act becomes effective July 1, 1995.