

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 456

Short Title: Firemen's Pension Eligibility/AB.

(Public)

Sponsors: Senators Phillips; Hagan, Jordan, Kinnaird, Lee, Metcalf, Robinson, Warren, and Wellons.

Referred to: Pensions & Retirement and Aging.

March 22, 1999

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE ELIGIBILITY REQUIREMENTS 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~~ a Class 9S department 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~~ and the fire department holds drills and meetings not less than four hours monthly and said firemen

1 monthly. For purposes of membership in the Firemen's and Rescue Squad Workers'
2 Pension Fund, 'eligible firemen' shall attend at least 36 hours of all drills and meetings in
3 each calendar year. ~~"Eligible firemen" shall also mean those persons meeting the other~~
4 ~~qualifications of this section, not exceeding 25 volunteer firemen plus one additional volunteer~~
5 ~~fireman per 100 population in the area served by their respective departments.~~—Each
6 department shall annually determine and report the names of ~~those firemen~~ all firemen,
7 indicating those meeting the eligibility qualifications of this section to its respective
8 governing body, which upon determination of the validity and accuracy of the
9 qualification shall promptly certify the list to ~~the board~~ the Department of Insurance,
10 which shall provide a list of those meeting the eligibility requirements of this section to
11 the State Treasurer by April 1 of each year. For the purposes of the preceding sentence,
12 the governing body of a fire department operated: by a county is the county board of
13 commissioners; by a city is the city council; by a sanitary district is the sanitary district
14 board; by a corporation, whether profit or nonprofit, is the corporation's board of
15 directors; and by any other entity is that group designated by the board."

16 Section 2. G.S. 58-86-30 reads as rewritten:

17 **"§ 58-86-30. 'Eligible rescue squad worker' defined; determination and certification**
18 **of eligibility.**

19 'Eligible rescue squad worker' means a person who is a member of a rescue or
20 emergency medical services squad that is eligible for membership in the North Carolina
21 Association of Rescue and Emergency Medical Services, Inc., and ~~who who, for purposes~~
22 of membership in the Firemen's and Rescue Squad Workers' Pension Fund, has attended
23 a minimum of 36 hours of training and meetings in the last calendar year. Each rescue or
24 emergency medical services squad eligible for membership in the North Carolina
25 Association of Rescue and Emergency Medical Services, Inc., must file a roster certified
26 by the secretary of the association of those rescue or emergency medical services squad
27 workers meeting the requirements of this section with the State Treasurer by ~~January 1~~
28 April 1 of each calendar year.

29 'Eligible rescue squad worker' does not mean 'eligible fireman' as defined by G.S. 58-
30 86-25, nor may an 'eligible rescue squad worker' qualify also as an 'eligible fireman' in
31 order to receive double benefits available under this Article."

32 Section 3. G.S. 58-86-35 reads as rewritten:

33 **"§ 58-86-35. Firemen's application for membership in fund; monthly payments by**
34 **members; payments credited to separate accounts of members.**

35 Those firemen who are eligible pursuant to G.S. 58-86-25 may make application for
36 membership to the board. Each fireman upon becoming a member of the fund shall pay
37 the director of the fund the sum of ten dollars (\$10.00) per month. The monthly payments
38 shall be credited to the separate account of the member and shall be kept by the custodian
39 so it is available for payment on withdrawal from membership or retirement. Firemen
40 who fail to meet the training hour requirements specified in G.S. 58-86-25 for any year
41 shall lose that year's service credit."

42 Section 4. 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 apply to the
5 board for membership. Each eligible rescue squad worker upon becoming a member shall
6 pay the director of the fund the sum of ten dollars (\$10.00) per month. The monthly
7 payments shall be credited to the separate account of the member and shall be kept by the
8 custodian so it is available for payment on withdrawal from membership or retirement.
9 Rescue squad workers who fail to meet the training hour requirements specified in G.S.
10 58-86-30 for any year shall lose that year's service credit."

11 Section 5. G.S. 58-86-45(a) is repealed.

12 Section 6. G.S. 58-86-75 reads as rewritten:

13 **"§ 58-86-75. Determination of creditable service; information furnished by**
14 **applicants for membership.**

15 The board shall determine by appropriate rules and regulations the number of years'
16 credit for service of firemen and rescue squad workers. Firemen and rescue squad
17 workers who are now serving as such shall furnish the board with information upon
18 applying for membership as to previous service. Notwithstanding any other provisions of
19 this Article, the Board may grant qualified prior service credits to eligible firemen and
20 rescue squad workers under such terms and conditions that the Board may adopt when
21 the Board determines that an eligible fireman or rescue squad worker has been denied
22 such service credits through no fault of his own. Firemen and rescue squad workers who
23 fail to meet the training hour requirements specified in G.S. 58-86-25 and G.S. 58-86-30
24 for any year shall lose that year's service credit."

25 Section 7. This act becomes effective July 1, 1999.