

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 456
Second Edition Engrossed 4/21/99

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

1 A BILL TO BE ENTITLED
2 AN ACT TO ADJUST THE ELIGIBILITY REQUIREMENTS FOR MEMBERS OF
3 THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

4 The General Assembly of North Carolina enacts:

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

6 **"§ 58-86-25. 'Eligible firemen' defined; determination and certification of volunteers**
7 **meeting qualifications.**

8 'Eligible firemen' shall mean all firemen of the State of North Carolina or any political
9 subdivision thereof, including those performing such functions in the protection of life
10 and property through fire fighting within a county or city governmental unit and so
11 certified to the Commissioner of Insurance by the governing body thereof, and who
12 belong to a bona fide fire department which, as determined by the Commissioner, is
13 classified as not less than ~~class "9" or class "A" and "AA" departments~~ a Class 9S department
14 in accordance with rating methods, schedules, classifications, underwriting rules, bylaws
15 or regulations effective or applied with respect to the establishment of rates or premiums
16 used or charged pursuant to Articles 36 or 40 of this Chapter or by such other reasonable
17 methods as the Commissioner may determine, ~~and which operates fire apparatus and~~
18 ~~equipment of the value of five thousand dollars (\$5,000) or more, and said~~ and the fire

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

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

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

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

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

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

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

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

43 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. G.S. 143-166.2(d) reads as rewritten:

26 "(d) The term 'law-enforcement officer,' 'officer,' or 'fireman' shall mean all law-
27 enforcement officers employed full time by the State of North Carolina or any county or
28 municipality thereof and all full-time custodial employees of the North Carolina
29 Department of Correction and all full-time institutional and detention employees of the
30 Division of Youth Services of the Department of Health and Human Services. The term
31 'firemen'-'fireman' shall mean both 'eligible fireman'; or 'fireman'-'eligible firemen' as defined
32 in G.S. 58-86-25 and all full-time, permanent part-time and temporary employees of the
33 North Carolina Division of Forest Resources, Department of Environment and Natural
34 Resources, during the time they are actively engaged in fire-fighting activities; and shall
35 mean all full-time employees of the North Carolina Department of Insurance during the
36 time they are actively engaged in fire-fighting activities, during the time they are training
37 fire fighters or rescue squad workers, and during the time they are engaged in activities as
38 members of the State Emergency Response Team, when the Team has been activated.
39 However, 'eligible firemen' as defined in G.S. 58-86-25 shall be eligible for benefits
40 under this Article regardless of whether or not they attended at least 36 hours of drills and
41 meetings as required by G.S. 58-86-25 if (i) killed in the line of duty in the first year of
42 service to the fire department; or (ii) killed in the line of duty within two years of the last
43 year in which they attended 36 hours of drills and meetings. The term 'rescue squad

1 worker' shall mean a person who is dedicated to the purpose of alleviating human
2 suffering and assisting anyone who is in difficulty or who is injured or becomes suddenly
3 ill by providing the proper and efficient care or emergency medical services. In addition,
4 this person must belong to an organized rescue squad which is eligible for membership in
5 the North Carolina Association of Rescue Squads, Inc., and the person must have
6 attended a minimum of 36 hours of training and meetings in the last calendar ~~year-year,~~
7 except that rescue squad workers shall be eligible for benefits under this Article
8 regardless of whether or not they attended at least 36 hours of drills and meetings if (i)
9 killed in the line of duty in the first year of service to the rescue squad; or (ii) killed in the
10 line of duty within two years of the last year in which they attended 36 hours of drills and
11 meetings. Each rescue squad belonging to the North Carolina Association of Rescue
12 Squads, Inc., must file a roster of those members meeting the above requirements with
13 the State Treasurer on or about January 1 of each year, and this roster must be certified to
14 by the secretary of said association. In addition, the term 'rescue squad worker' shall
15 mean a member of an ambulance service certified by the Department of Health and
16 Human Services pursuant to Article 7 of Chapter 131E of the General Statutes. The
17 Department of Health and Human Services shall furnish a list of ambulance service
18 members to the State Treasurer on or about January 1 of each year. The term 'Civil Air
19 Patrol members' shall mean those senior members of the North Carolina Wing-Civil Air
20 Patrol 18 years of age or older and currently certified pursuant to G.S. 143B-491(a). The
21 term 'fireman' shall also mean county fire marshals when engaged in the performance of
22 their county duties. The term 'rescue squad worker' shall also mean county emergency
23 services coordinators when engaged in the performance of their county duties."

24 Section 8. This act becomes effective July 1, 1999.