

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 107

Short Title: Firemen/Rescue Squad Benefits.

(Public)

Sponsors: Representatives Culpepper; Beall, J. Brown, Buchanan, Gardner, Hunt, R. Hunter, Hurley, Justus, Nichols, Oldham, Russell, Shubert, and Sutton.

Referred to: Pensions and Retirement.

February 6, 1995

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE MONTHLY BENEFITS FROM THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

The General Assembly of North Carolina enacts:

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

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

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

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

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

Those rescue squad workers eligible pursuant to G.S. 58-86-30 may make application to the board for membership. All persons who subsequently become rescue squad

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

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

12 Sec. 3. G.S. 58-86-55 reads as rewritten:

13 "**§ 58-86-55. Monthly pensions upon retirement.**

14 Any member who has served 20 years as an 'eligible fireman' or 'eligible rescue squad
15 worker' in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-86-30,
16 and who has attained the age of 55 years is entitled to be paid a monthly pension from
17 this fund. The monthly pension shall be in the amount of one hundred ~~ten-fifty~~ dollars
18 (\$110.00) (\$150.00) per month. Any retired fireman receiving a pension of one hundred
19 ten dollars (\$110.00) per month shall, effective July 1, ~~1994,~~ 1995, receive a pension of
20 one hundred ~~ten-fifty~~ dollars (\$110.00) (\$150.00) per month.

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

27 Any member who is totally and permanently disabled while in the discharge of his
28 official duties as a result of bodily injuries sustained or as a result of extreme exercise or
29 extreme activity experienced in the course and scope of his official duties and who leaves
30 the fire or rescue squad service because of this disability shall be entitled to be paid from
31 the fund a monthly benefit in an amount of one hundred ~~ten-fifty~~ dollars (\$110.00)
32 (\$150.00) per month beginning the first month after his fifty-fifth birthday. All
33 applications for disability are subject to the approval of the board who may appoint
34 physicians to examine and evaluate the disabled member prior to approval of his
35 application, and annually thereafter. Any disabled member shall not be required to make
36 the monthly payment of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) as required by G.S. 58-86-
37 35 and G.S. 58-86-40.

38 Any member who is totally and permanently disabled for any cause, other than line of
39 duty, who leaves the fire or rescue squad service because of this disability and who has at
40 least 10 years of service with the pension fund, may be permitted to continue making a
41 monthly contribution of ~~five dollars (\$5.00)~~ ten dollars (\$10.00) to the fund until he has
42 paid into the fund the sum of ~~one thousand two hundred dollars (\$1,200)~~ two thousand four
43 hundred dollars (\$2,400). Any member who began making contributions prior to July 1,

1 1995, in the amount of five dollars (\$5.00) per month, and thereafter leaves the fire or
2 rescue squad service because of disability, may be permitted to continue making monthly
3 contributions of ten dollars (\$10.00) per month after July 1, 1995, until the member has
4 made contributions for a total of 240 months. The member shall upon attaining the age
5 of fifty-five years be entitled to receive a pension as provided by this section. All
6 applications for disability are subject to the approval of the board who may appoint
7 physicians to examine and evaluate the disabled member prior to approval of his
8 application annually thereafter.

9 ~~Any~~ Effective July 1, 1995, any member who, because his residence is annexed by a
10 city under Part 2 or Part 3 of Article 4 of Chapter 160A of the General Statutes, or whose
11 department is closed because of an annexation by a city under Part 2 or Part 3 of Article 4
12 of Chapter 160A of the General Statutes, and because of such annexation is unable to
13 perform as a fireman of any status, and if the member has at least 10 years of service with
14 the pension fund, may be permitted to continue making a monthly contribution of five
15 dollars (\$5.00) ~~ten dollars (\$10.00)~~ to the fund until he has paid into the fund the sum of
16 ~~one thousand two hundred dollars (\$1,200).~~ two thousand four hundred dollars (\$2,400).
17 Any member who began making contributions prior to July 1, 1995, in the amount of five
18 dollars (\$5.00) per month, and thereafter leaves the fire or rescue squad service because
19 of annexation, may be permitted to continue making monthly contributions of ten dollars
20 (\$10.00) per month after July 1, 1995, until the member has made contributions for a total
21 of 240 months. The member upon attaining the age of 55 years and completion of such
22 contributions shall be entitled to receive a pension as provided by this section. Any
23 application to make monthly contributions under this section shall be subject to a finding
24 of eligibility by the Board of Trustees upon application of the member.

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

28 Sec. 4. This act becomes effective July 1, 1995.