

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1160

Short Title: Firefighters' Relief Fund Additions-AB. (Public)

Sponsors: Representatives Wray, Goforth (Primary Sponsors); Glazier, Harrison, and Wainwright.

Referred to: Insurance, if favorable, Finance.

April 8, 2009

A BILL TO BE ENTITLED

AN ACT TO ALLOW CERTAIN FIREFIGHTERS, WHO WERE PREVIOUSLY CERTIFIED BY THE INSURANCE COMMISSIONER FOR MEMBERSHIP IN THE FIREFIGHTERS' RELIEF FUND, THE OPPORTUNITY TO BE COVERED BY THE FIREFIGHTERS' RELIEF FUND BY MAKING RETROACTIVE PAYMENTS WITH INTEREST.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-86-45 reads as rewritten:

"§ 58-86-45. Additional retroactive membership.

(a) ~~Any fireman or rescue squad worker who is now eligible and is a member of a fire department or rescue squad chartered by the State of North Carolina and who has not previously elected to become a member may make application through the board of trustees for membership in the fund on or before March 31, 2001. The person shall make a lump sum payment of ten dollars (\$10.00) per month retroactively to the time he first became eligible to become a member, plus interest at an annual rate of eight percent (8%), for each year of his retroactive payments. Upon making the lump sum payment, the person shall be given credit for all prior service in the same manner as if he had made application for membership at the time he first became eligible. Any member who made application for membership subsequent to the time he was first eligible and did not receive credit for prior service may receive credit for this prior service upon lump sum payment of ten dollars (\$10.00) per month retroactively to the time he first became eligible, plus interest at an annual rate of eight percent (8%), for each year of his retroactive payments. Upon making this lump sum payment, the date of membership shall be the same as if he had made application for membership at the time he was first eligible. Any fireman or rescue squad worker who has applied for prior service under this subsection shall have until June 30, 2001, to pay for this prior service and, if this payment is not made by June 30, 2001, he shall not receive credit for this service, except as provided in subsection (a1) of this section.~~

(a1) ~~Effective July 1, 1993, any~~Any fireman or rescue squad worker who is a current or former member of a fire department or rescue squad chartered by the State of North Carolina may purchase credit for any periods of service to any chartered fire department or rescue squad not otherwise creditable by making a lump sum payment to the Annuity Savings Fund equal to the full liability of the service credits calculated on the basis of the assumptions used for purposes of the actuarial valuation of the system's liabilities, which payment shall take into account the retirement allowance arising on account of the additional service credit commencing at the earliest age at which the member could retire on a retirement allowance, as



1 determined by the board of trustees upon the advice of the consulting actuary, plus an
2 administrative fee to be set by the board of trustees.

3 (b) An eligible fireman or rescue squad worker who is not yet 35 years old and has not
4 previously elected to become a member may apply to the board of trustees for membership in
5 the fund at any time. Upon becoming a member, the worker must make a lump sum payment of
6 ten dollars (\$10.00) per month retroactively to the time the worker first became eligible to
7 become a member, plus interest at an annual rate to be set by the board for each year of
8 retroactive payments. Upon making this lump sum payment, the worker shall be given credit
9 for all prior service in the same manner as if the worker had applied for membership upon first
10 becoming eligible.

11 A member who is not yet 35 years old, who applied for membership after first becoming
12 eligible, and who did not receive credit for prior service may receive credit for the prior service
13 upon making a lump sum payment of ten dollars (\$10.00) for each month since the worker first
14 became eligible, plus interest at an annual rate to be set by the board for each year of retroactive
15 payments. Upon making this lump sum payment, the date of membership shall be the same as if
16 the worker had applied for membership upon first becoming eligible.

17 Any members who were firemen with the Asheville Regional Airport fire department in
18 Buncombe County on November 12, 1981, and were certified by the Commissioner, who apply
19 for membership on or after August 1, 2008, and who did not receive credit for prior service
20 may receive credit for the prior service upon making a lump sum payment of ten dollars
21 (\$10.00) for each month since the workers first became eligible, plus interest at an annual rate
22 to be set by the board for each year of retroactive payments. Upon making this lump sum
23 payment, the date of membership shall be the same as if the workers had applied for
24 membership on November 12, 1981. Any monies previously paid to the fund by the firemen
25 shall be credited to this lump sum."

26 **SECTION 2.** This act is effective when it becomes law.