

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 786

Short Title: Firefighter Classifications.

(Public)

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Sponsors: Representatives Cummings, Russell; Adams, Barbee, Beall, Black, Blue, Boyd-McIntyre, Braswell, J. Brown, Buchanan, Cansler, Clary, Cocklereece, Culp, Cunningham, Davis, Decker, Earle, Fitch, Gardner, Hensley, H. Hunter, Hurley, Justus, Kiser, Lee, Linney, Locke, Luebke, McAllister, McComas, McCrary, McMahan, K. Miller, Miner, Oldham, Pate, Preston, Pulley, Redwine, Reynolds, Richardson, Robinson, Rogers, Russell, Sexton, Sharpe, Shaw, Sherrill, Shubert, Snowden, Sutton, Wainwright, Warner, Weatherly, G. Wilson, Womble, Wright, and Yongue.

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Referred to: Pensions and Retirement.

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April 10, 1995

1 A BILL TO BE ENTITLED  
2 AN ACT TO DEFINE A PROFESSIONAL FIREFIGHTER'S EMPLOYEE  
3 RETIREMENT CLASSIFICATION AND BENEFIT ACCRUAL RATE FOR  
4 MEMBERS AND BENEFICIARIES OF THE LOCAL GOVERNMENTAL  
5 EMPLOYEES' RETIREMENT SYSTEM.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 128-21 is amended by adding a new subdivision to read:

8 "(17a) 'Professional firefighter' means an individual (i) who is a full-  
9 time, paid employee of a fire department certified by the  
10 North Carolina Department of Insurance, and (ii) who is  
11 actively serving in a position with assigned primary duties  
12 and responsibilities for the prevention, detection, and  
13 suppression of fire."

14 Sec. 2. G.S. 128-27 is amended by adding a new subsection to read:

1        "(b15) Service Retirement Allowance of Professional Firefighters Retiring on or  
 2 After July 1, 1995. – Upon retirement from service, in accordance with subsection (a) of  
 3 this section, on or after July 1, 1995, a member who is a professional firefighter or an  
 4 eligible former professional firefighter shall receive a service retirement allowance  
 5 computed in the following manner:

6            (1)        If the member's service retirement date occurs as a professional  
 7 firefighter, and after the completion of 25 years of creditable  
 8 professional fire-fighter service, the allowance shall be equal to two  
 9 and one-half percent (2.5%) of his average final compensation,  
 10 multiplied by the number of years of his creditable service.

11            (2)        In lieu of the benefits provided in subdivision (1) of this subsection,  
 12 any member who separates from service prior to the attainment of  
 13 the age of 60 years, for any reason other than death or retirement for  
 14 disability as provided in this Article, after completing 15 or more  
 15 years of creditable service, and who leaves his total accumulated  
 16 contributions in said System, may elect to retire on an early  
 17 retirement allowance upon attaining the age of 50 years or at any  
 18 time thereafter; provided, that such member may so retire only upon  
 19 written application to the Board of Trustees setting forth at what  
 20 time, not less than one day nor more than 90 days subsequent to the  
 21 execution and filing thereof, he desires to be retired. Such early  
 22 retirement allowance so elected shall be equal to the deferred  
 23 retirement allowance otherwise payable at the attainment of the age  
 24 of 60 years reduced by the percentage thereof indicated below.

<u>Age at Retirement</u>	<u>Percentage Reduction</u>
<u>59</u>	<u>4</u>
<u>58</u>	<u>8</u>
<u>57</u>	<u>12</u>
<u>56</u>	<u>16</u>
<u>55</u>	<u>20</u>
<u>54</u>	<u>24</u>
<u>53</u>	<u>28</u>
<u>52</u>	<u>32</u>
<u>51</u>	<u>36</u>
<u>50</u>	<u>40</u>

37            (3)        If the member's service retirement date occurs as a professional  
 38 firefighter and upon the completion of 25 years of creditable service but  
 39 not all of which occurred as a professional firefighter, the member shall  
 40 be eligible to retire as a professional firefighter under this section, but  
 41 his retirement allowance shall be computed in subdivision (1) of this  
 42 subsection only for the years of creditable service as a professional  
 43 firefighter.

1           (4) If a member's service retirement date occurs upon the completion of 25  
2 years of creditable service but does not occur as a professional  
3 firefighter, the member shall not be eligible to retire as a professional  
4 firefighter under this subsection.

5           The member's retirement allowance pertaining to the service as a  
6 professional firefighter nevertheless shall be equal to two and one-half  
7 percent (2.5%) of the member's average final compensation multiplied  
8 by the number of his years of creditable service.

9           (5) In lieu of the benefits provided in subdivisions (1) through (4) of this  
10 subsection, any member who is a professional firefighter at the time of  
11 separation from service prior to the attainment of the age of 50 years,  
12 for any reason other than death or disability as provided in this Article,  
13 after completing 15 or more years of creditable service in this capacity  
14 prior to separation from service, and who leaves his total accumulated  
15 contributions in this System, may elect to retire on a deferred early  
16 retirement allowance upon attaining the age of 50 years or at any time  
17 thereafter; provided, that the member may commence retirement only  
18 upon written application to the Board of Trustees setting forth at what  
19 time, as of the first day of a calendar month, not less than one day nor  
20 more than 90 days subsequent to the execution and filing thereof, he  
21 desires to commence retirement. The deferred early retirement  
22 allowance shall be computed in accordance with the service retirement  
23 provisions of this Article pertaining to professional firefighters.

24           (6) In lieu of the benefits provided in subdivisions (1) through (4) of this  
25 subsection, any member who is a professional firefighter at the time of  
26 separation from service prior to the attainment of the age of 55 years,  
27 for any reason other than death or disability as provided in this Article,  
28 after completing five or more years of creditable service in this capacity  
29 prior to separation from service, and who leaves his total accumulated  
30 contributions in this System, may elect to retire on a deferred early  
31 retirement allowance upon attaining the age of 55 years or at any time  
32 thereafter; provided, that the member may commence retirement only  
33 upon written application to the Board of Trustees setting forth at what  
34 time, as of the first day of a calendar month not less than one day nor  
35 more than 90 days subsequent to the execution and filing thereof, he  
36 desires to commence retirement. The deferred early retirement  
37 allowance shall be computed in accordance with the service retirement  
38 provisions of this Article pertaining to professional firefighters."

39           Sec. 3. This act is effective upon ratification.