

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1232
House Committee Substitute Favorable 7/17/02

Short Title: Fire and Rescue Amendment.

(Public)

Sponsors:

Referred to:

June 6, 2002

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW MEMBERS OF THE NORTH CAROLINA FIREMEN'S AND
2 RESCUE SQUAD WORKERS' PENSION FUND WITH AT LEAST TEN YEARS
3 OF SERVICE TO CONTINUE AS MEMBERS AFTER THE TAKEOVER OF A
4 VOLUNTEER DEPARTMENT BY A CITY OR COUNTY; AND TO EXEMPT
5 VOLUNTEER FIREFIGHTERS, EMERGENCY MEDICAL SERVICES
6 PERSONNEL AND RESCUE SQUAD WORKERS FROM OVERTIME AND
7 MINIMUM WAGE LAWS.
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 58-86-55 reads as rewritten:

11 **"§ 58-86-55. Monthly pensions upon retirement.**

12 Any member who has served 20 years as an "eligible fireman" or "eligible rescue
13 squad worker" in the State of North Carolina, as provided in G.S. 58-86-25 and G.S.
14 58-86-30, and who has attained the age of 55 years is entitled to be paid a monthly
15 pension from this fund. The monthly pension shall be in the amount of one hundred
16 fifty-one dollars (\$151.00) per month. Any retired fireman receiving a pension shall,
17 effective July 1, 2000, receive a pension of one hundred fifty-one dollars (\$151.00) per
18 month.

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

26 A member who is totally and permanently disabled while in the discharge of the
27 member's official duties as a result of bodily injuries sustained or as a result of extreme
28 exercise or extreme activity experienced in the course and scope of those official duties
29 and who leaves the fire or rescue squad service because of this disability shall be

1 entitled to be paid from the fund a monthly benefit in an amount of one hundred
2 fifty-one dollars (\$151.00) per month beginning the first month after the member's
3 fifty-fifth birthday. All applications for disability are subject to the approval of the
4 board who may appoint physicians to examine and evaluate the disabled member prior
5 to approval of the application, and annually thereafter. Any disabled member shall not
6 be required to make the monthly payment of ten dollars (\$10.00) as required by G.S.
7 58-86-35 and G.S. 58-86-40.

8 A member who is totally and permanently disabled for any cause, other than line of
9 duty, who leaves the fire or rescue squad service because of this disability and who has
10 at least 10 years of service with the pension fund, may be permitted to continue making
11 a monthly contribution of ten dollars (\$10.00) to the fund until the member has made
12 contributions for a total of 240 months. The member shall upon attaining the age of 55
13 years be entitled to receive a pension as provided by this section. All applications for
14 disability are subject to the approval of the board who may appoint physicians to
15 examine and evaluate the disabled member prior to approval of the application and
16 annually thereafter.

17 A member who, because his residence is annexed by a city under Part 2 or Part 3 of
18 Article 4 of Chapter 160A of the General Statutes, or whose department is closed
19 because of an annexation by a city under Part 2 or Part 3 of Article 4 of Chapter 160A
20 of the General Statutes, or whose volunteer department is taken over by a city or county,
21 and because of such annexation or takeover is unable to perform as a fireman or rescue
22 squad worker of any status, and if the member has at least 10 years of service with the
23 pension fund, may be permitted to continue making a monthly contribution of ten
24 dollars (\$10.00) to the fund until the member has made contributions for a total of 240
25 months. The member upon attaining the age of 55 years and completion of such
26 contributions shall be entitled to receive a pension as provided by this section. Any
27 application to make monthly contributions under this section shall be subject to a
28 finding of eligibility by the Board of Trustees upon application of the member.

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

32 **SECTION 2.** G.S. 95-25.14 is amended by adding a new subsection to read:

33 "(b1) The provisions of G.S. 95-25.3 (Minimum Wage) and G.S. 95-25.4
34 (Overtime), and the provisions of G.S. 95-25.15(b) (Record Keeping) as they relate to
35 the exemptions provided for in this subsection, do not apply to any of the following:

- 36 (1) Hours worked as a bona fide volunteer firefighter in an incorporated,
37 nonprofit volunteer or community fire department.
38 (2) Hours worked as a bona fide volunteer rescue and emergency medical
39 services personnel in an incorporated, nonprofit volunteer or
40 community fire department, or an incorporated, nonprofit rescue
41 squad.

42 Hours worked in accordance with this subsection shall not be considered hours
43 worked for purposes of G.S. 95-25.3 or G.S. 95-25.4."

1 **SECTION 3.** This act is effective when it becomes law, with Section 1
2 applying to members of the Firemen's and Rescue Squad Workers' Pension Fund with at
3 least 10 years of service on or after January 1, 2002, and Section 2 applying to hours
4 worked on or after July 31, 2002.