

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 544

Short Title: Law/Firemen/Death Benefit Increase.

(Public)

Sponsors: Representatives DeVane, Tart; Abernethy, Albertson, Anderson, Beard, Bowman, Dawkins, Flaherty, Fletcher, Gibson, Hardaway, Hasty, S. Hunt, H. Hunter, Hurley, Jones, Justus, Locks, Loflin, Mercer, R. Thompson, and Warren.

Referred to: Public Employees.

March 13, 1989

A BILL TO BE ENTITLED

1
2 AN ACT TO INCREASE THE BENEFITS OF THE LAW ENFORCEMENT
3 OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR
4 PATROL MEMBERS' DEATH BENEFITS, AND TO EXPAND THE ACT TO
5 INCLUDE DEPUTY AND ASSISTANT COUNTY FIRE MARSHALS, COUNTY
6 AND REGIONAL EMERGENCY SERVICES COORDINATORS, AND
7 COUNTY EMERGENCY MANAGEMENT COORDINATORS.

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 143-166(d) reads as rewritten:

10 "(d) ~~The term "law enforcement officer," "officer," or "fireman" shall mean all law-~~
11 ~~enforcement officers employed full time by the State of North Carolina or any county or~~
12 ~~municipality thereof and all full-time custodial employees of the North Carolina~~
13 ~~Department of Correction and all full-time institutional and detention employees of the~~
14 ~~Division of Youth Services of the Department of Human Resources. The term~~
15 ~~"firemen" shall mean both "eligible fireman"; or "fireman" as defined in G.S. 118-23 and~~
16 ~~all full-time, permanent part-time and temporary employees of the North Carolina~~
17 ~~Division of Forest Resources, Department of Natural Resources and Community~~
18 ~~Development, during the time they are actively engaged in fire-fighting activities; and~~
19 ~~shall mean all full-time employees of the North Carolina Department of Insurance~~
20 ~~during the time they are actively engaged in fire-fighting activities, during the time they~~
21 ~~are training fire-fighters or rescue-squad workers, and during the time they are engaged~~
22 ~~in activities as members of the State Emergency Response Team, when the Team has~~

1 ~~been activated. The term "rescue squad worker" shall mean a person who is dedicated to~~
2 ~~the purpose of alleviating human suffering and assisting anyone who is in difficulty or~~
3 ~~who is injured or becomes suddenly ill by providing the proper and efficient care or~~
4 ~~emergency medical services. In addition, this person must belong to an organized rescue~~
5 ~~squad which is eligible for membership in the North Carolina Association of Rescue~~
6 ~~Squads, Inc., and the person must have attended a minimum of 36 hours of training and~~
7 ~~meetings in the last calendar year. Each rescue squad belonging to the North Carolina~~
8 ~~Association of Rescue Squads, Inc., must file a roster of those members meeting the~~
9 ~~above requirements with the State Auditor on or about January 1 of each year, and this~~
10 ~~roster must be certified to by the secretary of said association. In addition, the term~~
11 ~~"rescue squad worker" shall mean a member of an ambulance service certified by the~~
12 ~~Department of Human Resources pursuant to Article 26 of Chapter 130 of the General~~
13 ~~Statutes. The Department of Human Resources shall furnish a list of ambulance service~~
14 ~~members to the State Auditor on or about January 1 of each year. The term "Civil Air~~
15 ~~Patrol members" shall mean those senior members of the North Carolina Wing Civil Air~~
16 ~~Patrol 18 years of age or older and currently certified pursuant to G.S. 143B-491(a). The~~
17 ~~term "fireman" shall also mean county fire marshals when engaged in the performance~~
18 ~~of their county duties. The term "rescue squad worker" shall also mean county~~
19 ~~emergency services coordinators when engaged in the performance of their county~~
20 ~~duties.~~

21 (d1) The term 'law enforcement officer' means any law enforcement officer
22 employed full time by the State or any county or municipality, any full-time custodial
23 employee of the Department of Correction, and any full-time institutional and detention
24 employee of the Division of Youth Services, Department of Human Resources.

25 (d2) The term 'fireman' means both 'eligible fireman' or 'fireman' as defined in
26 G.S. 118-23 and any full-time, permanent part-time, and temporary employee of the
27 Forest Resources Division, Department of Natural Resources and Community
28 Development, during the time the employee is actively engaged in fire-fighting
29 activities. The term 'fireman' also means any full-time employee of the Department of
30 Insurance, during the time the employee is actively engaged in fire-fighting activities,
31 during the time the employee is training fire fighters or rescue squad workers, or during
32 the time the employee is engaged in activities as a member of the State Emergency
33 Response Team, when the team has been activated. The term 'fireman' also means any
34 county fire marshal, deputy fire marshal, and assistant fire marshal, when engaged in the
35 performance of county duties.

36 (d3) The term 'rescue squad worker' means a person:

37 (1) Who is dedicated to the purpose of alleviating human suffering and
38 assisting anyone who is in difficulty or who is injured or becomes
39 suddenly ill, by providing the proper and efficient care or by providing
40 emergency medical services;

41 (2) Who belongs to an organized rescue squad that is eligible for
42 membership in the North Carolina Association of Rescue Squads, Inc.;
43 and

1 (3) Who has attended a minimum of 36 hours of training and meetings in
2 the last calendar year.

3 Each rescue squad belonging to the North Carolina Association of Rescue Squads, Inc.,
4 shall file a roster of those members meeting the requirements set forth in subdivisions
5 (1) through (3) of this subsection with the State Auditor on or about January 1 of each
6 year. This roster shall be certified by the secretary of the association. The term 'rescue
7 squad worker' also means a member of an ambulance service certified by the
8 Department of Human Resources pursuant to Article 7 of Chapter 131E of the General
9 Statutes. The Department of Human Resources shall furnish a list of such ambulance
10 service workers to the State Auditor on or about January 1 of each year. The term
11 'rescue squad worker' also means any regional or county emergency medical service
12 coordinator, when the coordinator is engaged in coordinating emergency medical
13 services pursuant to Article 56 of Chapter 143 of the General Statutes. For the purposes
14 of this Article, regional or county emergency medical services coordinators are those
15 individuals who perform the duties described in this subsection, regardless of the title
16 of their position. The term 'rescue squad worker' also means any county emergency
17 management coordinator, when the coordinator is engaged in carrying out the duties
18 prescribed by Chapter 166A of the General Statutes. For the purposes of this Article,
19 county emergency management coordinators are those individuals who perform the
20 duties described in this subsection, regardless of the title of their position.

21 (d4) The term 'Civil Air Patrol member' means any senior member of the North
22 Carolina Wing-Civil Air Patrol who is at least 18 years of age and who is currently
23 certified pursuant to G.S. 143B-491(a)."

24 Sec. 2. G.S. 143-166.3 reads as rewritten:

25 **"§ 143-166.3. Payments; determination.**

26 (a) When any law-enforcement officer, fireman, rescue squad worker or senior
27 Civil Air Patrol member shall be killed in the line of duty, the Industrial Commission
28 shall award a death benefit to be paid in the amounts set forth in subsection (b) to the
29 following:

- 30 (1) The spouse of such officer, fireman, rescue squad worker or senior
31 Civil Air Patrol member if there be a surviving spouse; or
32 (2) If there be no spouse qualifying under the provisions of this Article,
33 then payments shall be made to any surviving dependent child of such
34 officer, fireman, rescue squad worker or senior Civil Air Patrol
35 member and if there be more than one surviving dependent child, then
36 said payment shall be made to and equally divided among all surviving
37 dependent children; or
38 (3) If there be no spouse and no dependent child or children qualifying
39 under the provisions of this Article, then payments shall be made to the
40 surviving dependent parent of such officer, fireman, rescue squad
41 worker or senior Civil Air Patrol member and if there be more than
42 one surviving dependent parent then said payments shall be made to
43 and equally divided between the surviving dependent parents of said

1 officer, fireman, rescue squad worker or senior Civil Air Patrol
2 member.

3 (b) Payment shall be made to the person or persons qualifying therefor under
4 subsection (a) in the following amounts:

5 (1) At the time of the death of an officer, fireman, rescue squad worker or
6 senior Civil Air Patrol member, ~~ten thousand dollars (\$10,000)~~ twenty
7 thousand dollars (\$20,000) shall be paid to the person or persons
8 entitled thereto.

9 (2) Thereafter, ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000)
10 shall be paid annually to the person or persons entitled thereto until the
11 sum of the initial payment and each annual payment reaches ~~twenty-~~
12 ~~five thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000).

13 (3) In the event there is no person qualifying under subsection (a) of this
14 section, ~~twenty five thousand dollars (\$25,000)~~ fifty thousand dollars
15 (\$50,000) shall be paid to the estate of the deceased officer, fireman,
16 rescue squad worker or senior Civil Air Patrol member at the time of
17 death.

18 (c) In the event that any person or persons eligible for payments under subsection
19 (a) of this section shall become ineligible, and other eligible person or persons qualify
20 for said death benefit payments under subsection (a), then they shall receive the
21 remainder of any payments up to the limit of ~~twenty five thousand dollars (\$25,000)~~ fifty
22 thousand dollars (\$50,000) in the manner set forth in subsection (b) of this section.

23 (d) In the event any person or persons eligible for payments under subsection (a)
24 of this section shall become ineligible and no other person or persons qualify for
25 payments under that subsection and where the sum of the initial payment of ~~ten thousand~~
26 ~~dollars (\$10,000)~~ twenty thousand dollars (\$20,000) and each subsequent annual payment
27 of ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) does not total ~~twenty five~~
28 ~~thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000), then the difference between
29 the total of the payments made and ~~twenty five thousand dollars (\$25,000)~~ fifty thousand
30 dollars (\$50,000) shall immediately be payable to the estate of the deceased officer,
31 fireman, rescue squad worker, or senior Civil Air Patrol member."

32 Sec. 3. G.S. 143-166.7 reads as rewritten:

33 **"§ 143-166.7. Applicability of Article.**

34 The provisions of this Article shall apply and be in full force and effect with respect
35 to any law-enforcement officer, fireman, rescue squad worker or senior Civil Air Patrol
36 member killed in the line of duty on or after May 13, 1975. The provisions of this
37 Article shall apply with respect to full-time, permanent part-time and temporary
38 employees of North Carolina Division of Forest Resources, Department of Natural
39 Resources and Community Development, killed in line of duty on or after July 1, 1975.
40 The provisions of this Article shall apply to ~~county fire marshals and emergency services~~
41 ~~coordinators~~ county fire marshals, their deputies and assistants, regional and county
42 emergency medical service coordinators, and county emergency management
43 coordinators, killed in the line of duty on and after July 1, 1988."

1 Sec. 4. There is appropriated from the General Fund to the Department of
2 State Auditor the sum of two hundred thousand dollars (\$200,000) for the 1989-90
3 fiscal year and the sum of two hundred thousand dollars (\$200,000) for the 1990-91
4 fiscal year to implement this act.

5 Sec. 5. Sections 1 and 3 of this act are effective upon ratification. Section 2
6 shall become effective July 1, 1989, and applies to law enforcement officers, firemen,
7 rescue squad workers, and senior Civil Air Patrol members, killed in the line of duty on
8 or after that date.