

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 117

Short Title: Law Off./Fireman Death Benefit.

(Public)

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Sponsors: Senators Hoyle, Lee; Warren, Plyler, and Forrester.

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Referred to: Rules and Operation of the Senate.

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February 15, 1994

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE DEATH BENEFIT FOR CERTAIN STATE AND  
LOCAL LAW ENFORCEMENT OFFICERS AND FIREMEN KILLED IN THE  
LINE OF DUTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-166.2(d) reads as rewritten:

"(d) The term 'law-enforcement officer,' 'officer,' or 'fireman' shall mean all law-enforcement officers employed full time by the State of North Carolina or any county or municipality thereof and all full-time custodial employees of the North Carolina Department of Correction and all full-time institutional and detention employees of the Division of Youth Services of the Department of Human Resources. The term 'regular law enforcement officer' includes law enforcement officers other than:

(1) All full-time custodial employees of the North Carolina Department of Correction; and

(2) All full-time institutional and detention employees of the Division of Youth Services of the Department of Human Resources.

The term 'firemen' shall mean both 'eligible fireman'; or 'fireman' as defined in G.S. 58-86-25 and all full-time, permanent part-time and temporary employees of the North Carolina Division of Forest Resources, Department of Environment, Health, and Natural Resources, during the time they are actively engaged in fire-fighting activities; and shall mean all full-time employees of the North Carolina Department of Insurance during the time they are actively engaged in fire-fighting activities, during the time they are training fire fighters or rescue squad workers, and during the time they are engaged 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  
5 rescue squad which is eligible for membership in the North Carolina Association of  
6 Rescue Squads, Inc., and the person must have attended a minimum of 36 hours of  
7 training and meetings in the last calendar year. Each rescue squad belonging to the  
8 North Carolina Association of Rescue Squads, Inc., must file a roster of those members  
9 meeting the above requirements with the State Treasurer on or about January 1 of each  
10 year, and this roster must be certified to by the secretary of said association. In  
11 addition, the term "rescue squad worker" shall mean a member of an ambulance service  
12 certified by the Department of Human Resources pursuant to Article 7 of Chapter 131E  
13 of the General Statutes. The Department of Human Resources shall furnish a list of  
14 ambulance service members to the State Treasurer on or about January 1 of each year.  
15 The term 'Civil Air Patrol members' shall mean those senior members of the North  
16 Carolina Wing-Civil Air Patrol 18 years of age or older and currently certified pursuant  
17 to G.S. 143B-491(a). The term 'fireman' shall also mean county fire marshals when  
18 engaged in the performance of their county duties. The term 'rescue squad worker' shall  
19 also mean county emergency services coordinators when engaged in the performance of  
20 their county duties. The term 'regular fireman' shall mean a fireman as defined by G.S.  
21 58-86-25."

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

23 **"§ 143-166.3. Payments; determination.**

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

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

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

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

6 (2) Thereafter, five thousand dollars (\$5,000) shall be paid annually to the  
7 person or persons entitled thereto until the sum of the initial payment  
8 and each annual payment reaches twenty-five thousand dollars  
9 (\$25,000).

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

14 (4) At the time of the death of a regular law enforcement officer or a  
15 regular fireman, one hundred thousand dollars (\$100,000) shall be paid  
16 to the person or persons entitled thereto, in addition to any other  
17 payment under subdivisions (1) through (3) of this subsection.

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) in  
22 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  
26 thousand dollars (\$10,000) and each subsequent annual payment of five thousand  
27 dollars (\$5,000) does not total twenty-five thousand dollars (\$25,000), then the  
28 difference between the total of the payments made and twenty-five thousand dollars  
29 (\$25,000) shall immediately be payable to the estate of the deceased officer, fireman,  
30 rescue squad worker, or senior Civil Air Patrol member. This subsection does not apply  
31 to the payment made under subdivision (b)(4) of this section."

32 Sec. 3. There is appropriated from the General Fund to the Contingency and  
33 Emergency Fund the sum of nine hundred thousand dollars (\$900,000) for the 1994-95  
34 fiscal year to implement this act. The funds shall be expended only to pay benefits  
35 required under Article 12A of Chapter 143 of the General Statutes.

36 Sec. 4. This act becomes effective July 1, 1994, and applies to persons killed  
37 in the line of duty on or after July 1, 1994.