

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 646

Short Title: Vol. Fire/Rescue/EMS Comp. Fund/AB.

(Public)

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Sponsors: Senators Kerr, Conder, Webster, Davis, East, Forrester, Little, Warren, Hoyle, Martin of Pitt, Albertson, Dannelly, Speed, and Rand.

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Referred to: Pensions and Retirement/Insurance/State Personnel

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April 11, 1995

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A WORKERS' COMPENSATION FUND FOR  
VOLUNTEER FIRE, RESCUE, AND EMS WORKERS.

The General Assembly of North Carolina enacts:

Section 1. Article 87 of Chapter 58 of the General Statutes is amended by adding a new section to read:

**"§ 58-87-10. Volunteer Fire and Rescue/EMS Workers' Compensation Fund.**

(a) There is created in the Office of the State Treasurer the Volunteer Fire and Rescue/EMS Workers' Compensation Fund to provide compensation benefits to members of volunteer fire departments and members of volunteer rescue/EMS units. Only members of departments and units that are not parts of units of local governments and that are exempt from State income tax under G.S. 105-130.11 are eligible for benefits from the Fund under subsection (d) of this section.

(b) In addition to the funds derived from G.S. 20-183.7(c), every eligible department and unit under subsection (a) of this section shall pay into the Fund an amount set from time to time by the Board to ensure that the Fund will be able to meet its payment obligations under this section. The amount shall be set as a per capita fixed dollar amount for every department and unit. The payment shall be made to the State Treasurer on or before July 1 of each year.

(c) There is created the Board of Trustees of the Volunteer Fire and Rescue/EMS Workers' Compensation Fund. The Board shall consist of nine members:

- (1) The Commissioner of Insurance, or the Commissioner's designee, ex officio, who shall act as chair.
- (2) The State Treasurer, or the Treasurer's designee, ex officio.
- (3) Two members of the N.C. Association of Rescue and Emergency Medical Services, Inc., appointed by the Commissioner.
- (4) Two members of the N.C. State Firemen's Association, appointed by the Commissioner.
- (5) Three members appointed by the Commissioner, one from the general public, one from a list of three nominees from the Carolinas Association of Professional Insurance Agents, Inc., and one from a list of three nominees submitted by the Independent Insurance Agents of North Carolina, Inc.

The Board members shall serve two-year terms, beginning October 1, 1995. Board members may be reappointed by the appointing authorities. Vacancies shall be filled by the reappointing authorities. No Board member shall receive any salary, compensation, or expenses other than that provided in G.S. 138-6 for each day's attendance at duly and regularly called and held meetings of the Board.

(d) The Board shall administer the Fund consistent with Chapter 97 of the General Statutes. The reasonable and necessary expenses incurred by the Board in administering the Fund shall be paid out of the Fund by the State Treasurer. The State Treasurer shall invest the Fund's assets according to law, and the earnings shall remain in the Fund. The Fund is not subject to taxation by the State or any local government.

(e) Chapter 97 of the General Statutes shall govern the disbursement of benefits from the Fund and benefits shall be paid for compensable injuries or deaths that occur on and after July 1, 1996.

(f) The Board may contract with a person to act as a third-party administrator of the Fund, but the contracting procedure shall not be subject to Article 3C of Chapter 143 of the General Statutes. The Board may adopt rules to implement and administer this section consistent with the provisions of Chapter 97 of the General Statutes.

(g) On or before February 1 of each year after the first calendar year of operation of the Fund, the Board shall report the operations and financial status of the Fund to the Joint Legislative Commission on Governmental Operations, along with any recommendations for legislation to improve the operations of the Fund."

Sec. 2. G.S. 20-183.7(a) reads as rewritten:

"(a) Fee Amount. – The following fees apply to an inspection of a vehicle and the issuance of an inspection sticker:

<u>Type</u>	<u>Inspection</u>	<u>Sticker</u>		
Safety Only			\$8.25	<del>\$1.00</del> \$2.00
Emissions and Safety			17.00	<del>2.40</del> –3.40.

1 The fee for performing an inspection of a vehicle applies when an inspection is  
 2 performed, regardless of whether the vehicle passes the inspection. The fee for an  
 3 inspection sticker applies when an inspection sticker is put on a vehicle.

4 A vehicle that is inspected at an inspection station and fails the inspection is entitled  
 5 to be reinspected at the same station at any time within 30 days of the failed inspection  
 6 without paying another inspection fee."

7 Sec. 3. G.S. 20-183.7(c) reads as rewritten:

8 "(c) Fee Distribution. – Fees collected for inspection stickers are payable to the  
 9 Division of Motor Vehicles. The amount of each fee listed in the table below shall be  
 10 credited to the Highway Fund, the Emissions Program Account established in subsection  
 11 (d) of this section, the Volunteer Rescue/EMS Fund established in G.S. 58-87-5, the  
 12 Volunteer Fire and Rescue/EMS Workers' Compensation Fund established in G.S. 58-87-  
 13 10, the Rescue Squad Workers' Relief Fund established in G.S. 58-88-5, and the Division  
 14 of Environmental Management of the Department of Environment, Health, and Natural  
 15 Resources:

<u>Recipient</u>	<u>Safety Only Sticker</u>	<u>Emissions and Safety Sticker</u>
Highway Fund	.75	.00
Emissions Program Account	.00	1.80
Volunteer Rescue/EMS Fund	.15	.15
<u>Volunteer Fire/Rescue Workers' Compensation Fund</u>	<u>1.00</u>	<u>1.00</u>
Rescue Squad Workers' Relief Fund	.10	.10
Division of Environmental Management	.00	.35."

27 Sec. 4. G.S. 58-87-10(c), as enacted in Section 1 of this act, reads as rewritten:

28 "(c) There is created the Board of Trustees of the Volunteer Fire and Rescue/EMS  
 29 Workers' Compensation Fund. The Board shall consist of nine members:

- (1) The Commissioner of Insurance, or the Commissioner's designee, ex officio, who shall act as chair.
- (2) The State Treasurer, or the Treasurer's designee, ex officio.
- (3) Two members of the N.C. Association of Rescue and Emergency Medical Services, Inc., appointed by the ~~Commissioner~~ General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate pursuant to G.S. 120-121.
- (4) Two members of the N.C. State Firemen's Association, appointed by the ~~Commissioner~~ General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate pursuant to G.S. 120-121.

1           (5) Three members appointed by the Commissioner, one from the general  
2           public, one from a list of three nominees from the Carolinas Association  
3           of Professional Insurance Agents, Inc., and one from a list of three  
4           nominees submitted by the Independent Insurance Agents of North  
5           Carolina, Inc.

6 The Board members shall serve two-year terms, beginning October 1, 1995. Board  
7 members may be reappointed by the appointing authorities. Vacancies shall be filled by  
8 the reappointing authorities. No Board member shall receive any salary, compensation,  
9 or expenses other than that provided in G. S. 138.6 for each day's attendance at duly and  
10 regularly called and held meetings of the Board. The Board shall administer the Fund."

11           Sec. 5. If any section or provision of this act is declared unconstitutional or  
12 invalid by the courts, it does not affect the validity of the act as a whole or any part other  
13 than the part so declared to be unconstitutional or invalid.

14           Sec. 6. Sections 1 through 3 of this act become effective October 1, 1995.  
15 Section 4 of this act becomes effective October 1, 1997. The remainder of this act is  
16 effective upon ratification.