

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1563
Committee Substitute Favorable 7/25/07

Short Title: Extend Fire and Rescue Death Benefits.

(Public)

Sponsors:

Referred to:

April 18, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE LINE-OF-DUTY DEATH BENEFITS AND WORKERS'
3 COMPENSATION TO FIRE AND RESCUE INSTRUCTORS WHO ARE
4 OTHERWISE ELIGIBLE FOR THESE BENEFITS BUT WHO ARE NOT
5 CURRENTLY COVERED WHILE CONDUCTING FIRE AND RESCUE
6 TRAINING OUTSIDE THEIR OWN DEPARTMENTS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 58-87-10(a) reads as rewritten:

9 "(a) Definition. – As used in this section, the term "eligible unit" means a
10 volunteer fire department or volunteer rescue/EMS unit that is not part of a unit of local
11 government and is exempt from State income tax under
12 G.S. 105-130.11.~~G.S. 105-130.11~~, and includes members of any eligible unit who are
13 otherwise eligible for benefits but are conducting fire and rescue training to another
14 eligible unit."

15 **SECTION 2.** G.S. 143-166.2(d) reads as rewritten:

16 "(d) The term "law-enforcement officer", "officer", or "fireman" shall mean a
17 sheriff and all law-enforcement officers employed full-time, permanent part-time, or
18 temporarily by a sheriff, the State of North Carolina or any county or municipality
19 thereof, whether paid or unpaid; and all full-time custodial employees and probation and
20 parole officers of the North Carolina Department of Correction; and all full time
21 institutional and full-time, permanent part-time, and temporary detention employees of
22 the Department of Juvenile Justice and Delinquency Prevention and full-time,
23 permanent part-time, and temporary detention officers employed by any sheriff, county
24 or municipality, whether paid or unpaid. The term "firemen" shall mean both "eligible
25 fireman"; or "fireman" as defined in G.S. 58-86-25 and all full-time, permanent
26 part-time and temporary employees of the North Carolina Division of Forest Resources,
27 Department of Environment and Natural Resources, during the time they are actively
28 engaged in fire-fighting activities; and shall mean all full-time employees of the North
29 Carolina Department of Insurance during the time they are actively engaged in

1 fire-fighting activities, during the time they are training fire fighters or rescue squad
2 workers, and during the time they are engaged in activities as members of the State
3 Emergency Response Team, when the Team has been ~~activated~~, activated, and all
4 otherwise eligible persons acting in the capacity of a fire or rescue instructor. The term
5 "rescue squad worker" shall mean a person who is dedicated to the purpose of
6 alleviating human suffering and assisting anyone who is in difficulty or who is injured
7 or becomes suddenly ill by providing the proper and efficient care or emergency
8 medical services. In addition, this person must belong to an organized rescue squad
9 which is eligible for membership in the North Carolina Association of Rescue Squads,
10 Inc., and the person must have attended a minimum of 36 hours of training and
11 meetings in the last calendar year. Each rescue squad belonging to the North Carolina
12 Association of Rescue Squads, Inc., must file a roster of those members meeting the
13 above requirements with the State Treasurer on or about January 1 of each year, and this
14 roster must be certified to by the secretary of said association. In addition, the term
15 "rescue squad worker" shall mean a member of an ambulance service certified by the
16 Department of Health and Human Services pursuant to Article 7 of Chapter 131E of the
17 General Statutes. The Department of Health and Human Services shall furnish a list of
18 ambulance service members to the State Treasurer on or about January 1 of each year.
19 The term "Civil Air Patrol members" shall mean those senior members of the North
20 Carolina Wing-Civil Air Patrol 18 years of age or older and currently certified pursuant
21 to G.S. 143B-491(a). The term "fireman" shall also mean county fire marshals when
22 engaged in the performance of their county duties. The term "rescue squad worker"
23 shall also mean county emergency services coordinators when engaged in the
24 performance of their county duties."

25 **SECTION 3.** This act is effective when it becomes law and applies to
26 workers' compensation claims arising from injuries occurring on or after that date and to
27 death benefits awarded on or after that date under Article 12A of Chapter 143 of the
28 General Statutes.