

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 325

Short Title: Death Benefits for Firemen's Heart Attacks. (Public)

Sponsors: Senators Hoyle; Allran, Apodaca, Berger, Carpenter, Clodfelter, Dalton, Dannelly, Dorsett, Forrester, Foxx, Garwood, Hargett, Jenkins, Kerr, Moore, Pittenger, Queen, Rand, Rucho, Shubert, Sloan, Soles, Stevens, Thomas, and Weinstein.

Referred to: Pensions & Retirement and Aging.

March 6, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE THAT THE DEATH OF A FIREMAN BY HEART ATTACK
3 WHILE ON DUTY OR WITHIN TWENTY-FOUR HOURS AFTER
4 PARTICIPATING IN A TRAINING EXERCISE OR RESPONDING TO AN
5 EMERGENCY SITUATION IS A QUALIFYING EVENT FOR PURPOSES OF
6 DEATH BENEFITS UNDER THE LAW-ENFORCEMENT OFFICERS',
7 FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL
8 MEMBERS' DEATH BENEFITS ACT.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 143-166.2(c) reads as rewritten:

11 "(c) The term 'killed in the line of duty' shall apply to any law-enforcement officer,
12 fireman, rescue squad worker who is killed or dies as a result of bodily injuries
13 sustained or of extreme exercise or extreme activity experienced in the course and scope
14 of his official duties while in the discharge of his official duty or duties. When applied
15 to a senior member of the Civil Air Patrol as defined in this Article, 'killed in the line of
16 duty' shall mean any such senior member of the North Carolina Wing-Civil Air Patrol
17 who is killed or dies as a result of bodily injuries sustained or of extreme exercise or
18 extreme activity experienced in the course and scope of his official duties while
19 engaged in a State requested and approved mission pursuant to Article 11 of Chapter
20 143B of the General Statutes. For purposes of this Article, when a fireman dies as the
21 direct and proximate result of a myocardial infarction suffered while on duty or within
22 24 hours after participating in a training exercise or responding to an emergency
23 situation, the fireman is presumed to have been killed in the line of duty."

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

25 "(d) The term 'law-enforcement officer,' 'officer,' or 'fireman' shall mean all
26 law-enforcement officers employed full time by the State of North Carolina or any

1 county or municipality thereof and all full-time custodial employees of the North
2 Carolina Department of Correction and all full-time institutional and detention
3 employees of the Department of Juvenile Justice and Delinquency Prevention. The term
4 'firemen' shall mean both 'eligible fireman'; or 'fireman' as defined in ~~G.S. 58-86-25~~ and
5 G.S. 58-86-25; all full-time, permanent part-time and temporary employees of the North
6 Carolina Division of Forest Resources, Department of Environment and Natural
7 Resources, during the time they are actively engaged in fire-fighting activities; ~~and shall~~
8 ~~mean~~ all full-time employees of the North Carolina Department of Insurance during the
9 time they are actively engaged in fire-fighting activities, during the time they are
10 training fire fighters or rescue squad workers, and during the time they are engaged in
11 activities as members of the State Emergency Response Team, when the Team has been
12 ~~activated~~ activated; and all otherwise eligible persons acting in the capacity of a fire
13 instructor. The term 'rescue squad worker' shall mean a person who is dedicated to the
14 purpose of alleviating human suffering and assisting anyone who is in difficulty or who
15 is injured or becomes suddenly ill by providing the proper and efficient care or
16 emergency medical services. In addition, this person must belong to an organized rescue
17 squad which is eligible for membership in the North Carolina Association of Rescue
18 Squads, Inc., and the person must have attended a minimum of 36 hours of training and
19 meetings in the last calendar year. Each rescue squad belonging to the North Carolina
20 Association of Rescue Squads, Inc., must file a roster of those members meeting the
21 above requirements with the State Treasurer on or about January 1 of each year, and this
22 roster must be certified to by the secretary of said association. In addition, the term
23 'rescue squad worker' shall mean a member of an ambulance service certified by the
24 Department of Health and Human Services pursuant to Article 7 of Chapter 131E of the
25 General Statutes. The Department of Health and Human Services shall furnish a list of
26 ambulance service members to the State Treasurer on or about January 1 of each year.
27 The term 'Civil Air Patrol members' shall mean those senior members of the North
28 Carolina Wing-Civil Air Patrol 18 years of age or older and currently certified pursuant
29 to G.S. 143B-491(a). The term 'fireman' shall also mean county fire marshals when
30 engaged in the performance of their county duties. The term 'rescue squad worker' shall
31 also mean county emergency services coordinators when engaged in the performance of
32 their county duties."

33 **SECTION 3.** This act is effective when it becomes law and applies to death
34 benefits awarded on or after that date under Article 12A of Chapter 143 of the General
35 Statutes.