

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Feb 19, 2015
S.B. 99
PRINCIPAL CLERK

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SENATE DRS45034-LL-51A (1/29)

Short Title: Definition of Firefighter. (Public)

Sponsors: Senators Meredith, Daniel, and Newton (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A DEFINITION OF FIREFIGHTER FOR PURPOSES OF THE
3 FIREFIGHTERS' AND RESCUE SQUAD WORKERS' PENSION FUND,
4 FIREFIGHTER RELIEF FUNDS, AND FIREFIGHTERS' DEATH BENEFITS AND TO
5 AMEND THE PROCESS FOR FILING CERTIFIED ROSTERS WITH THE NORTH
6 CAROLINA STATE FIREMEN'S ASSOCIATION.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 58-84-5 reads as rewritten:

9 **"§ 58-84-5. Definitions.**

10 The following definitions apply in Articles 84 through 88 of this Chapter:

- 11 (1) City. – A fire district.
12 (2) Clerk. – The clerk of a fire district or, if there is no clerk, the person so
13 designated by the governing body of the fire district.
14 (3) Fire district. – Any political subdivision of the State that meets all of the
15 following conditions:
16 a. It has an organized fire department under the control of its governing
17 body.
18 b. Its fire department has apparatus and equipment that is in serviceable
19 condition for fire duty and is valued at one thousand dollars (\$1,000)
20 or more.
21 c. It is rated and certified by the Commissioner.
22 d. Its response area has been approved by the local municipal
23 government or, if there is no local municipal government, by the
24 local board of county commissioners.

25 (3a) Firefighter or Fireman. – Any person who meets all of the following
26 requirements:

- 27 a. Is a volunteer, employee, contractor, or member of a rated and
28 certified fire department.
29 b. Performs work or training connected with fire protection, fire
30 prevention, fire control, fire education, fire inspection, fire
31 department support services, or performs the statutory duties and
32 responsibilities of the fire chief as set forth in G.S. 160A-292.
33 c. Performs work or training at the direction of the fire chief.
34 d. Is included on the certified roster submitted to the North Carolina
35 State Firemen's Association pursuant to G.S. 58-86-25.



1 (4) Town. – A fire district."

2 **SECTION 2.** G.S. 58-86-2 reads as rewritten:

3 **"§ 58-86-2. Definitions.**

4 The following words and phrases as used in this Article, unless a different meaning is
5 plainly required by the context, shall have the following meanings:

6 ...

7 (5) "Eligible firefighter" means all persons 18 years of age or older who are
8 firefighters of the State of North Carolina or any political subdivision
9 thereof, including those performing such functions in the protection of life
10 and property through firefighting within a county or city governmental unit.
11 "Eligible firefighter" shall also mean an employee of a county whose sole
12 duty is to act as fire marshal, deputy fire marshal, assistant fire marshal, or
13 firefighter of the county. "Eligible firefighter" shall also mean those persons
14 meeting ~~the other qualifications of this Article, the requirements set forth in~~
15 G.S. 58-86-5(3a), not exceeding 25 volunteer firefighters plus one additional
16 volunteer firefighter per 100 population in the area served by their respective
17 departments.

18"

19 **SECTION 3.** G.S. 58-86-25 reads as rewritten:

20 **"§ 58-86-25. Determination and certification of eligible firefighters.**

21 ~~Eligible~~ For purposes of this Article, eligible firefighters must attend 36 hours of training
22 sessions in each calendar year. Each eligible fire department shall annually determine and
23 ~~report file a certified roster of the names of those firefighters meeting the eligibility~~
24 ~~qualifications of this Article to its respective governing body, which upon determination of the~~
25 ~~validity and accuracy of the qualification shall promptly certify the list to with~~ the North
26 Carolina State Firemen's Association. The Firemen's Association shall provide a list of those
27 persons meeting the eligibility requirements of this Article to the State Treasurer by January 31
28 of each year. ~~For the purposes of the preceding sentence, the governing body of a fire~~
29 ~~department operated: by a county is the county board of commissioners; by a city is the city~~
30 ~~council; by a sanitary district is the sanitary district board; by a corporation, whether profit or~~
31 ~~nonprofit, is the corporation's board of directors; and by any other entity is that group~~
32 ~~designated by the board.~~ An "eligible firefighter" may not also qualify as an "eligible rescue
33 squad worker" in order to receive double benefits available under this Article."

34 **SECTION 4.** G.S. 143-166.2(d) reads as rewritten:

35 "(d) The term "law-enforcement officer", "officer", or "fireman" shall mean a sheriff and
36 all law-enforcement officers employed full-time, permanent part-time, or temporarily by a
37 sheriff, the State of North Carolina or any county or municipality thereof, whether paid or
38 unpaid; and all full-time custodial employees and probation and parole officers of the Division
39 of Adult Correction of the Department of Public Safety; and all full time institutional and
40 full-time, permanent part-time, and temporary detention employees of the Division of Juvenile
41 Justice of the Department of Public Safety and full-time, permanent part-time, and temporary
42 detention officers employed by any sheriff, county or municipality, whether paid or unpaid.
43 The term "firemen" shall mean both ~~"eligible firemen" as defined in Article 86 of Chapter 58 of~~
44 ~~the General Statutes, notwithstanding any age requirements set out in that Article,~~ firefighters
45 or firemen as defined in G.S. 58-84-5(5) and all full-time, permanent part-time and temporary
46 employees of the North Carolina Forest Service of the Department of Agriculture and
47 Consumer Services during the time they are actively engaged in firefighting activities; or
48 engaged in emergency response activities pursuant to G.S. 166A-19.77; and shall mean all
49 full-time employees of the North Carolina Department of Insurance during the time they are
50 actively engaged in firefighting activities, during the time they are training firefighters or
51 rescue squad workers, and during the time they are engaged in activities as members of the

1 State Emergency Response Team, when the Team has been activated; and shall mean all
2 otherwise eligible persons who, while actively engaged as firefighters or rescue squad workers,
3 are acting in the capacity of a fire or rescue instructor outside their own department or squad.
4 The term "rescue squad worker" shall mean a person who is dedicated to the purpose of
5 alleviating human suffering and assisting anyone who is in difficulty or who is injured or
6 becomes suddenly ill by providing the proper and efficient care or emergency medical services.
7 In addition, this person must belong to an organized rescue squad which is eligible for
8 membership in the North Carolina Association of Rescue and Emergency Medical Services,
9 Inc., and the person must have attended a minimum of 36 hours of training in the last calendar
10 year. Each rescue squad belonging to the North Carolina Association of Rescue and Emergency
11 Medical Services, Inc., must file a roster of those members meeting the above requirements
12 with the State Treasurer on or about January 31 of each year, and this roster must be certified to
13 by the secretary of said association. In addition, the term "rescue squad worker" shall mean a
14 member of an ambulance service certified by the Department of Health and Human Services
15 pursuant to Article 7 of Chapter 131E of the General Statutes. The Department of Health and
16 Human Services shall furnish a list of ambulance service members to the State Treasurer on or
17 about January 31 of each year. The term "Civil Air Patrol members" shall mean those senior
18 members of the North Carolina Wing-Civil Air Patrol 18 years of age or older and currently
19 certified pursuant to G.S. 143B-1031. The term "fireman" shall also mean county fire marshals
20 when engaged in the performance of their county duties. The term "rescue squad worker" shall
21 also mean county emergency services coordinators when engaged in the performance of their
22 county duties."

23 **SECTION 5.** This act becomes effective July 1, 2015.