

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1026

Short Title: County Fire Marshal Benefits.

(Public)

Sponsors: Senators Speed; Sands, Parnell, Jordan, Hoyle, and Walker.

Referred to: Pensions and Retirement.

May 4, 1993

A BILL TO BE ENTITLED

AN ACT TO ALLOW COUNTY FIRE MARSHALS, DEPUTY AND ASSISTANT COUNTY FIRE MARSHALS, AND CERTAIN FIRE INSPECTORS TO PARTICIPATE IN THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND AND TO PROVIDE FOR BENEFITS TO BE PAID TO COUNTY FIRE MARSHALS AND OTHERS FROM THE FIREMEN'S RELIEF FUND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-86-25 reads as rewritten:

"§ 58-86-25. 'Eligible firemen' defined; determination and certification of volunteers meeting qualifications.

(a) 'Eligible firemen' ~~shall mean~~ means all firemen of ~~the this~~ State of North Carolina ~~or any of its political subdivision thereof, subdivisions,~~ including those ~~performing such functions in the protection of life and property through fire fighting~~ within a county or city governmental unit and so certified to the ~~Commissioner of Insurance~~ Commissioner, by the unit's governing body thereof, body; and who belong to a bona fide fire department ~~which, as determined by the Commissioner, that (i) is~~ classified as not less than class '9' or class 'A' and 'AA' ~~departments in accordance with rating methods, schedules, classifications, underwriting rules, bylaws or regulations effective or applied with respect to the establishment of rates or premiums used or charged pursuant to Articles 36 or 40 of this Chapter or by such other reasonable methods as the Commissioner may determine, and which determines;~~ (ii) operates fire apparatus and equipment of ~~the value of~~ worth five thousand dollars (\$5,000) or ~~more,~~

1 ~~and said fire department~~ more; (iii) holds drills and meetings not less than four hours
2 ~~monthly and said monthly~~; and (iv) whose firemen attend at least 36 hours of all drills
3 and meetings in each calendar year. 'Eligible firemen' ~~shall also mean~~ also means those
4 persons meeting the other qualifications of this section, not exceeding 25 volunteer
5 firemen plus one additional volunteer fireman per 100 population in the area served by
6 their respective departments. Each department shall annually determine and report the
7 names of those firemen meeting the eligibility qualifications to its respective governing
8 body, which upon determination of the validity and accuracy of the qualification shall
9 promptly certify the list to the board. For the purposes of the preceding sentence, the
10 governing body of a fire department operated: by a county is the county board of
11 commissioners; by a city is the city council; by a sanitary district is the sanitary district
12 board; by a corporation, whether profit or nonprofit, is the corporation's board of
13 directors; and by any other entity is that group designated by the board.

14 (b) 'Eligible firemen' further means county fire marshals, deputy county fire
15 marshals, assistant county fire marshals, or fire inspectors who are a part of the county
16 fire marshal's staff; who are designated by the board of county commissioners and who
17 are engaged primarily in the forming and coordination of county fire services,
18 prevention of fire through property inspections, enforcement of fire laws and
19 regulations, and public fire safety education; and who may also be charged with the
20 duty of investigation of the origin and cause of fires."

21 Sec. 2. G.S. 58-85-1 reads as rewritten:

22 **"§ 58-85-1. Application of fund.**

23 The money paid into the hands of the treasurer of the North Carolina State Firemen's
24 Association shall be known and remain as the 'Firemen's Relief Fund' of North Carolina,
25 and shall be used as a fund for the relief of ~~firemen,~~ firemen and county fire marshals,
26 members of such Association, who may be injured or rendered sick by disease
27 contracted in the actual discharge of duty as ~~firemen,~~ firemen and county fire marshals,
28 and for the relief of widows, children, and if there be no widow or children, then
29 dependent mothers of such ~~firemen~~ and county fire marshals killed or dying from
30 disease so contracted in such discharge of duty; to be paid in such manner and in such
31 sums to such individuals of the classes herein named and described as may be provided
32 for and determined upon in accordance with the constitution and bylaws of said
33 Association, and such provisions and determinations made pursuant to said constitution
34 and bylaws shall be final and conclusive as to the persons entitled to benefits and as to
35 the amount of benefit to be received, and no action at law shall be maintained against
36 said Association to enforce any claim or recover any benefit under this Article or under
37 the constitution and bylaws of said Association; but if any officer or committee of said
38 Association omit or refuse to perform any duty imposed upon him or them, nothing
39 herein contained shall be construed to prevent any proceedings against said officer or
40 committee to compel him or them to perform such duty. No fireman shall be entitled to
41 receive any benefits under this section until the firemen's relief fund of his city or town
42 shall have been exhausted. Notwithstanding the above provisions, the Executive Board
43 of the North Carolina State Firemen's Association is hereby authorized to grant
44 educational scholarships to the children of members, to subsidize premium payments of

1 members over 65 years of age to the Firemen's Fraternal Insurance Fund of the North
2 Carolina State Firemen's Association, and to provide accidental death and
3 dismemberment insurance for members of those fire departments not eligible for
4 benefits pursuant to standards of certification adopted by the State Firemen's
5 Association for the use of local relief funds."

6 Sec. 3. G.S. 58-85-15 reads as rewritten:

7 **"§ 58-85-15. Who shall participate in the fund.**

8 ~~The~~ Except as provided in G.S. 58-85-25(b), the line of duty entitling one to
9 participate in the fund shall be so construed as to mean actual fire duty only, and any
10 actual duty connected with the fire department when directed to perform the same by an
11 officer in charge."

12 Sec. 4. G.S. 58-85-20 reads as rewritten:

13 **"§ 58-85-20. Who ~~may~~ shall become members.**

14 ~~Any organized fire company in North Carolina, holding itself ready for duty, may,~~
15 ~~upon compliance with the requirements of said constitution and bylaws, become a~~
16 ~~member of the North Carolina State Firemen's Association, and any~~ Any fireman of
17 good moral character in North Carolina, and belonging to an organized fire company,
18 and any county fire marshal of good moral character, who will comply with the
19 requirements of the constitution and bylaws of the North Carolina State Firemen's
20 Association, may become a member of said Association."

21 Sec. 5. G.S. 58-85-25 reads as rewritten:

22 **"§ 58-85-25. Applied to members of regular fire company.**

23 (a) The provisions of G.S. 58-85-1, 58-85-10, 58-85-15, 58-85-20, and 58-85-25
24 shall apply to any fireman who is a member of a regularly organized fire ~~company,~~
25 company and to any county fire marshal who is a member in good standing of the North
26 Carolina State Firemen's Association.

27 (b) As used in this Article, 'county fire marshal' includes a deputy county fire
28 marshal, assistant county fire marshal, or fire inspector who is a part of the county fire
29 marshal's staff; who is designated by the board of county commissioners and who is
30 engaged primarily in the forming and coordination of county fire services, prevention of
31 fire through property inspections, enforcement of fire laws and regulations, and public
32 fire safety education; and who may also be charged with the duty of investigation of the
33 origin and cause of fires."

34 Sec. 6. Section 1 of this act becomes effective January 1, 1994. Sections 2
35 through 6 of this act become effective October 1, 1993.