

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 786
HOUSE BILL 488

AN ACT TO PROVIDE FOR COVERAGE UNDER THE STATE PROPERTY FIRE
INSURANCE FUND TO BE ON A REPLACEMENT COST BASIS INSTEAD OF
AN ACTUAL CASH VALUE BASIS.

Whereas, the State Property Fire Insurance Fund ("Fund") has safeguarded the State's interests in State-owned property through responsible risk and financial management; and

Whereas, the Fund is financed and has been managed so as to minimize the demand for scarce general revenue funds; and

Whereas, recent losses and expanded coverages have increased demand on Fund monies; and

Whereas, the Fund has been requested by the Council of State to insure State-owned property on a replacement cost basis; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-191 is rewritten to read:

"§ 58-191. Payment of losses on basis of actual cost of restoration or replacement; rules; insurance and reinsurance; sprinkler leakage insurance.—(a) In the case of total or partial loss of any property of any State agency or institution, the Commissioner shall determine the amount of loss and certify that amount to the agency or institution concerned and to the Director of the Budget and Council of State. The Director of the Budget and Council of State may authorize transfers from the Fund to the agency or institution that suffered the loss in amounts that are necessary to pay for the actual cost of restoration or replacement of the property. In the event there is not a sufficient amount in the Fund to pay for the actual cost of restoration or replacement, the Director of the Budget and the Council of State may supplement the Fund by transferring amounts from the Contingency and Emergency Fund.

(b) The Commissioner, with the approval of the Council of State, is authorized to adopt rules necessary to carry out the purpose of this Article, which rules shall be binding on all State agencies and institutions. The Commissioner, with the approval of the Director of the Budget and the Council of State, is authorized to purchase from qualified insurers insurance or reinsurance necessary to protect the Fund against loss on any one building and its contents in excess of fifty thousand dollars (\$50,000), and the premiums for this coverage shall be paid from the Fund.

(c) Upon the request of any State agency or institution, sprinkler leakage insurance shall be provided on designated property of the agency or institution that is

insured by the Fund. Premiums for this coverage shall be paid by the requesting agency or institution in accordance with rates fixed by the Commissioner. Losses covered by this insurance may be paid out of the Fund in the same manner as other losses. The Commissioner, with the approval of the Director of the Budget and the Council of State, is authorized to purchase from qualified insurers insurance or reinsurance necessary to protect the Fund against loss with respect to sprinkler leakage insurance coverage."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1985.