

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2325
Committee Substitute Favorable 7/11/90

Short Title: Firemen's Relief Fund Liability.

(Public)

Sponsors:

Referred to:

June 6, 1990

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE STATE OF NORTH CAROLINA INCURS NO
LIABILITY BECAUSE OF ACTIONS OF BOARDS OF TRUSTEES OF
FIREMEN'S RELIEF FUNDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-84-35 reads as rewritten:

"§ 58-84-35. Disbursement of funds by trustees.

The board of trustees shall have entire control of the funds derived from the provisions of this Article, and shall disburse the funds only for the following purposes:

- (1) To safeguard any fireman in active service from financial loss, occasioned by sickness contracted or injury received while in the performance of his duties as a fireman.
- (2) To provide a reasonable support for those actually dependent upon the services of any fireman who may lose his life in the fire service of his town, city, or State, either by accident or from disease contracted or injury received by reason of such service. The amount is to be determined according to the earning capacity of the deceased.
- (2.1) To provide assistance, upon approval by the Secretary of the State Firemen's Association, to a destitute member fireman who has served honorably for at least five years.
- (3) Repealed by Session Laws 1985, c. 666, s. 61.

1 (4) To provide for the payment of any fireman's assessment in the
2 Firemen's Fraternal Insurance Fund of the State of North Carolina
3 if the board of trustees finds as a fact that said fireman is unable
4 to pay the said assessment by reason of disability.

5 (5) To provide for benefits of supplemental retirement, workers
6 compensation, and other insurance and pension protection for
7 firemen otherwise qualifying for benefits from the Firemen's
8 Relief Fund as set forth in Article 85 of this Chapter.

9 (6) To provide for educational benefits to firemen and their
10 dependents who otherwise qualify for benefits from the Firemen's
11 Relief Fund as set forth in Article 85 of this Chapter.

12 Notwithstanding any other provisions of law, no expenditures shall be made
13 pursuant to subsections (5) and (6) of this section unless the State Firemen's Association
14 has certified that such expenditures will not render the Fund actuarially unsound for the
15 purposes of providing the benefits set forth in subsections (1), (2), and (4) of this
16 section. If, for any reason, funds made available for subsections (5) and (6) of this
17 section shall be insufficient to pay in full any benefits, the benefits pursuant to
18 subsections (5) and (6) shall be reduced pro rata for as long as the amount of insufficient
19 funds exists. No claim shall accrue with respect to any amount by which a benefit under
20 subsections (5) and (6) shall have been reduced.

21 The State of North Carolina is not liable under this Article or any local modification
22 thereof because of any action of a board of trustees."

23 Sec. 2. This act is effective upon ratification.