

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

HOUSE BILL 190
RATIFIED BILL

AN ACT TO REDUCE THE NUMBER OF YEARS THAT A DESTITUTE FIREFIGHTER SERVING HONORABLY WITH A CERTIFIED FIRE DEPARTMENT MUST SERVE IN ORDER TO RECEIVE FINANCIAL ASSISTANCE FROM A LOCAL FIREFIGHTERS' RELIEF FUND AND TO SIMPLIFY VARIOUS LOCAL BOARD REPORTING REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-84-35(a) reads as rewritten:

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

(a) 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:

...

(2a) To provide assistance, upon approval by the Executive Director of the North Carolina State Firefighters' Association, to a destitute member firefighter who has served or is serving honorably ~~for at least five years with a certified fire department~~. The determination of destitute shall be based on the inability of the firefighters, through no fault of their own, to provide basic provisions to themselves or their families. Such basic provisions include, but are not limited to, assistance with housing, vehicle or commuting expenses, food, clothing, utilities, medical care, and funeral expenses.

...."

SECTION 2.(a) G.S. 58-84-40 reads as rewritten:

"§ 58-84-40. Trustees to keep account and file certified reports.

...

(b) In turn, the North Carolina State Firefighters' Association shall certify to the Department of Insurance by January 1 of each year on a form prescribed by the Department, the following:

- (1) The local units that have complied with the requirements of subsection (a) of this section.
- (2) A listing of the members of each of the local units.
- (3) The fund balances for each of the local units' relief funds.
- (4) Any departments that have exceeded the maximum balance provided under G.S. 58-84-33(a).
- (5) Details on the disbursements from local relief funds, including how much was disbursed for each allowable purpose and how many members received disbursements for those purposes, on both a unit-by-unit basis and total basis.
- (6) Information on any improper disbursements.
- (7) A listing of current members of the local board of trustees appointed pursuant to G.S. 58-84-30, including the chairman and treasurer of the board.



...."

SECTION 2.(b) G.S. 58-84-41 reads as rewritten:

"§ 58-84-41. Commissioner of Insurance to maintain database of reports; fire department identification numbers.

(a) Working with the North Carolina State Firefighters' Association, the Commissioner of Insurance shall develop and maintain a database of the information reported under ~~G.S. 58-84-40(b)~~ G.S. 58-84-40(b) and the certifications filed under G.S. 58-84-46.

(b) The Commissioner of Insurance shall issue to each fire department within the State a unique fire department identification number (FDID) that shall be used by the Commissioner and the North Carolina State Firefighters' Association to coordinate database records and reports."

SECTION 3. G.S. 58-84-46 reads as rewritten:

"§ 58-84-46. Certification to Commissioner.

On or before October 31 of each year ~~year~~, the ~~clerk or finance officer of each city or county that has a local board of trustees under G.S. 58-84-30, or a fire chief if authorized by such a city or county to file the certificate, of each city or county that has a local board of trustees under G.S. 58-84-30~~ shall file a certificate of eligibility with the ~~Commissioner~~ North Carolina State Firefighters' Association on a form prescribed by the Association. ~~The certificate shall contain information prescribed by administrative rule adopted by the Commissioner.~~ If the certificate is not filed with the ~~Commissioner~~ Association on or before January 31 in the ensuing year:

- (1) ~~The city or county that failed to file the certificate~~ The Local Firefighters' Relief Fund for that fire department shall forfeit the payment next due to be paid to its ~~the Fund's board of trustees.~~ trustees, if the fire chief fails to file the certificate required by this section.
- (2) The Association shall inform the Commissioner of the local Firefighters' Relief Funds that have not filed the certificate required by this section, and the Commissioner shall pay over that amount otherwise due to those local Funds to the treasurer of the North Carolina State Firefighters' Association.
- (3) That amount shall constitute a part of the Statewide Firefighters' Relief Fund."

SECTION 4. This act becomes effective July 1, 2017, and applies to distributions to local firefighters' relief funds on or after that date.

In the General Assembly read three times and ratified this the 29th day of June, 2017.

s/ Daniel J. Forest
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2017