

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 930
HOUSE BILL 2168

AN ACT TO REGULATE THE USE TO WHICH THE EXCESS PROCEEDS OF
THE WINDSOR FIREMEN'S LOCAL RELIEF FUND MAY BE PUT.

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- (3) Repealed by Session Laws 1985, c. 666, s. 61.
- (4) To provide for the payment of any fireman's assessment in the Firemen's Fraternal Insurance Fund of the State of North Carolina if the board of trustees finds as a fact that said fireman is unable to pay the said assessment by reason of disability.
- (5) To provide for benefits of supplemental retirement, workers compensation, and other insurance and pension protection for firemen otherwise qualifying for benefits from the Firemen's Relief Fund as set forth in Article 85 of this Chapter.
- (6) To provide for educational benefits to firemen and their dependents who otherwise qualify for benefits from the Firemen's Relief Fund as set forth in Article 85 of this Chapter.
- (7) To provide safety equipment and other motorized equipment for the use and protection of the firemen.

Notwithstanding any other provisions of law, no expenditures shall be made pursuant to subsections (5) and (6) of this section unless the State Firemen's Association has certified that such expenditures will not render the Fund actuarially unsound for the

purposes of providing the benefits set forth in subsections (1), (2), and (4) of this section. If, for any reason, funds made available for subsections (5) and (6) of this section shall be insufficient to pay in full any benefits, the benefits pursuant to subsections (5) and (6) shall be reduced pro rata for as long as the amount of insufficient funds exists. No claim shall accrue with respect to any amount by which a benefit under subsections (5) and (6) shall have been reduced."

Sec. 2. This act applies to the Windsor Fire Department Firemen's Relief Fund only and authorizes a one-time expenditure not to exceed thirty thousand dollars (\$30,000) but at no time shall the amount of that Fund be reduced to less than fifty thousand dollars (\$50,000), or the amount necessary to make the Fund actuarially sound, whichever is more, because of expenditures made pursuant to G.S. 58-84-35(7) added by Section 1 of this act.

Sec. 3. None of the provisions of this act shall create a liability for the Windsor Firemen's Relief Fund nor the State of North Carolina unless sufficient current assets are available in the Fund to pay fully for the liability.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of July, 1990.