

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**SENATE BILL 140**  
**Second Edition Engrossed 6/1/05**

Short Title: Amend Firemen's Relief Fund Requirement. (Public)

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Sponsors: Senators Smith; Kerr, Albertson, Apodaca, Bingham, Blake, Brock, Brown, Dalton, East, Forrester, Garwood, Goodall, Horton, Hoyle, Hunt, Jacumin, Jenkins, Pittenger, Presnell, Snow, Stevens, Thomas, and Tillman.

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Referred to: Pensions & Retirement and Aging.

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February 16, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE REQUIREMENT THAT FIREMEN HAVE FIVE YEARS OF SERVICE IN ORDER TO BE ELIGIBLE FOR ASSISTANCE UNDER THE LOCAL FIREMEN'S RELIEF FUND.

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.
- (2a) 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~~ two 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- (3) Repealed by Session Laws 1985, c. 666, s. 61.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.

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

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

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

17          **SECTION 2.** This act becomes effective July 1, 2005.