

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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D

HOUSE BILL 1034\*  
PROPOSED COMMITTEE SUBSTITUTE H1034-PCS30750-SV-42

Short Title: Volunteer Fire and Rescue Finances (PED).

(Public)

Sponsors:

Referred to:

May 15, 2014

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAWS RELATED TO (1) LOCAL FIREFIGHTERS' RELIEF  
3 FUNDS, THE STATEWIDE FIREFIGHTERS' RELIEF FUND, AND THE RESCUE  
4 SQUAD WORKERS' RELIEF FUND, (2) WORKERS' COMPENSATION FOR  
5 FIREFIGHTERS AND RESCUE SQUAD WORKERS, (3) SUPPLEMENTAL  
6 PENSIONS FOR FIREFIGHTERS AND RESCUE SQUAD WORKERS, AND (4) THE  
7 VOLUNTEER FIRE DEPARTMENT FUND AND VOLUNTEER RESCUE/EMS FUND,  
8 AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION  
9 OVERSIGHT COMMITTEE.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Relief Funds. – (a) Article 84 of Chapter 58 of the General Statutes  
12 reads as rewritten:

13 "Article 84.

14 ~~"Fund Derived from Insurance Companies.~~ Local Firefighters' Relief Funds.

15 "§ 58-84-1. Repealed by Session Laws 2006-196, s. 6, effective January 1, 2008, and  
16 applicable to proceeds credited to the Department of Insurance on or after that date.

17 "§ 58-84-5. **Definitions.**

18 The following definitions apply in Articles 84 through 88 of this Chapter:

- 19 (1) City. – A fire district.  
20 (2) Clerk. – The clerk of a fire district or, if there is no clerk, the person so  
21 designated by the governing body of the fire district.  
22 (3) Fire district. – Any political subdivision of the State that meets all of the  
23 following conditions:  
24 a. It has an organized fire department under the control of its governing  
25 body.  
26 b. Its fire department has apparatus and equipment that is in serviceable  
27 condition for fire duty and is valued at one thousand dollars (\$1,000)  
28 or more.  
29 c. ~~It enforces the fire laws to the satisfaction of the~~ is rated and certified  
30 by the Commissioner.  
31 d. Its response area has been approved by the local municipal  
32 government or, if there is no local municipal government, by the  
33 local board of county commissioners.  
34 (4) Town. – A fire district.

35 "§§ 58-84-10 through 58-84-20: Repealed by Session Laws 1995 (Regular Session, 1996), c.  
36 747, s. 6.



**"§ 58-84-25. Disbursement of funds by Insurance Commissioner.**

(a) Distribution. – The Insurance Commissioner shall deduct the sum of three percent (3%) from the tax proceeds credited to the Department pursuant to G.S. 105-228.5(d)(3) and pay the same over to the treasurer of the State Firemen's Association for ~~general administrative~~ purposes. The Insurance Commissioner shall deduct the sum of ~~one percent (1%)~~ two percent (2%) from the tax proceeds and retain the same in the budget of the Department of Insurance for the purpose of administering the disbursement of funds by the board of trustees in accordance with the provisions of G.S. 58-84-35. The Insurance Commissioner shall, pursuant to G.S. 58-84-50, credit the amount forfeited by nonmember fire districts to the North Carolina State Firemen's Association. The Insurance Commissioner shall distribute the remaining tax proceeds to the treasurer of each fire district as provided in subsections (b) and (c) of this section.

(b) Allocation to Counties. – The Insurance Commissioner shall allocate to each county an amount of tax proceeds based upon the amount allocated to it in the previous year. If the amount allocable in the current year is less than the amount allocated in the previous year, then the Commissioner shall reduce the amount allocated to each county. The amount of the reduction is equal to the difference in the amount allocated in the previous year and the amount allocable in the current year multiplied by a fraction, the numerator of which is the population of the county and the denominator of which is the population of the State. If the amount allocable in the current year is greater than the amount allocated in the previous year, then the Commissioner shall increase the amount allocated to each county. The amount of the increase is equal to the excess proceeds multiplied by a fraction, the numerator of which is the population of the county and the denominator of which is the population of the State.

(c) Distribution to Fire Districts. – Once the Insurance Commissioner has allocated the tax proceeds to a county under subsection (b) of this section, the Commissioner shall distribute those allocations to the fire districts in that county. The amount distributed to each fire district is equal to the total amount allocated to the county multiplied by a fraction, the numerator of which is the tax value of the property located in the fire district and the denominator of which is the tax value of all property located in any fire district in that county. A county shall provide the Commissioner with the tax value of property located in each fire district in that county by January 1 of each year. If a county does not submit information that the Commissioner needs to make a distribution by the date the information is due, the Commissioner shall distribute the allocation based on the most recent information the Commissioner has.

(d) Administration. – These funds shall be held by the treasurer of a fire district as a separate and distinct fund. The fire district shall immediately pay the funds to the treasurer of the local board of trustees upon the treasurer's election and qualification, for the use of the board of trustees of the firemen's local relief fund in each fire district, which board shall be composed of five members, to be used by it for the purposes provided in G.S. 58-84-35.

**"§ 58-84-30. Trustees appointed; organization.**

For each county, town or city complying with and deriving benefits from the provisions of this Article, there shall be appointed a local board of trustees, known as the trustees of the Firefighters' Relief Fund, to be composed of five members, two of whom shall be elected by the members of the local fire department who are qualified as beneficiaries of such fund, two of whom shall be elected by the mayor and board of aldermen or other local governing body, and one of whom shall be named by the Commissioner of Insurance. Their selection and term of office shall be as follows:

- (1) The members of the fire department shall hold an election each January to elect their representatives to above board. In January 1950, the firefighters shall elect one member to serve for two years and one member to serve for one year, then each year in January thereafter, they shall elect only one member and his term of office shall be for two years. Members elected

1 pursuant to this section shall be either (i) residents of the fire district or (ii)  
2 active or retired members of the fire department.

3 (2) The mayor and board of aldermen or other local governing body shall  
4 appoint, in January 1950, two representatives to above board, one to hold  
5 office for two years and one to hold office for one year, and each year in  
6 January thereafter they shall appoint only one representative and his term of  
7 office shall be for two years. Members appointed pursuant to this section  
8 shall be residents of the fire district.

9 (3) The Commissioner of Insurance shall appoint one representative to serve as  
10 trustee and he shall serve at the pleasure of the Commissioner. The member  
11 appointed pursuant to this section shall be either (i) a resident of the fire  
12 district or (ii) an active or retired member of the fire department.

13 All of the above trustees shall hold office for their elected or appointed time, or until their  
14 successors are elected or appointed, and shall serve without pay for their services. They shall  
15 immediately after election and appointment organize by electing from their members a  
16 chairman and a secretary and treasurer, which two last positions may be held by the same  
17 person. The treasurer of said board of trustees shall give a good and sufficient surety bond in a  
18 sum equal to the amount of moneys in his hand, to be approved by the Commissioner of  
19 Insurance. The cost of this bond may be deducted by the Insurance Commissioner from the  
20 receipts collected pursuant to G.S. 58-84-10 before distribution is made to local relief funds. If  
21 the chief or chiefs of the local fire departments are not named on the board of trustees as above  
22 provided, then they shall serve as ex officio members without privilege of voting on matters  
23 before the board.

24 **"§ 58-84-32. Prudent management of funds.**

25 Local boards of trustees shall manage local relief funds as prudent trustees of the funds,  
26 subject to Chapter 36E of the General Statutes.

27 **"§ 58-84-35. Disbursement of funds by trustees.**

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

30 (1) To safeguard any ~~fireman~~-firefighter in active service from financial loss,  
31 occasioned by sickness contracted or injury received while in the  
32 performance of his duties as a ~~fireman~~-firefighter.

33 (2) To provide a reasonable support for those actually dependent upon the  
34 services of any ~~fireman~~-firefighter who may lose his life in the fire service of  
35 his town, city, or State, either by accident or from disease contracted or  
36 injury received by reason of such service. The amount is to be determined  
37 according to the earning capacity of the deceased.

38 (2a) To provide assistance, upon approval by the ~~Secretary~~-Executive Director of  
39 the State Firemen's Association, to a destitute member ~~fireman~~-firefighter  
40 who has served honorably for at least five years. The determination of  
41 destitute shall be based on the inability of the firefighters, through no fault of  
42 their own, to provide basic provisions to themselves or their families. Such  
43 basic provisions include, but are not limited to, assistance with housing,  
44 vehicle or commuting expenses, food, clothing, utilities, medical care, and  
45 funeral expenses.

46 (3) Repealed by Session Laws 1985, c. 666, s. 61.

47 (4) To provide for the payment of any ~~fireman's~~-firefighter's assessment in the  
48 Firemen's Fraternal Insurance Fund of the State of North Carolina if the  
49 board of trustees finds as a fact that said ~~fireman~~-firefighter is unable to pay  
50 the said assessment by reason of disability.

- 1 (5) To provide for benefits of (i) supplemental retirement, including payment of  
2 firefighters' monthly assessments for the North Carolina Firefighters' and  
3 Rescue Squad Workers' Pension Fund, (ii) workers compensation, including  
4 the payment of premiums to the Workers' Compensation Fund established  
5 under G.S. 58-87-10, and (iii) other insurance and pension protection for  
6 firefighters otherwise qualifying for benefits from the Firefighters' Relief  
7 Fund as set forth in Article 85 of this Chapter.
- 8 (6) To provide for educational benefits to ~~firemen~~firefighters and their  
9 dependents who otherwise qualify for benefits from the Firefighters' Relief  
10 Fund as set forth in Article 85 of this Chapter.
- 11 (7) To provide for annual physicals that are required for firefighter positions by  
12 the federal Occupational Safety & Health Administration and recommended  
13 by the National Fire Protection Association.

14 (b) Notwithstanding any other provisions of law, no expenditures shall be made  
15 pursuant to ~~subsections (5) and (6)~~subdivision (5), (6), or (7) of subsection (a) of this section  
16 unless the State Firemen's Association has certified that such expenditures will not render the  
17 Fund ~~actuarially~~financially ~~unsound~~ for the purposes of providing the benefits set forth in  
18 ~~subsections subdivisions (1), (2), and (4) of subsection (a) of this section.~~ If, for any reason,  
19 funds made available for ~~subsections (5) and (6) of this section~~subdivision (5), (6), or (7) shall  
20 be insufficient to pay in full any benefits, the benefits pursuant to ~~subsections subdivisions (5)~~  
21 and (6) shall be reduced pro rata for as long as the amount of insufficient funds ~~exists~~exists,  
22 after first eliminating the benefits pursuant to subdivision (7). No claim shall accrue with  
23 respect to any amount by which a benefit under ~~subsections subdivisions (5) and (6)~~ shall have  
24 been reduced.

25 (c) As used in subsection (b) of this section, the term "financially unsound" means that  
26 a local fund could not sustain a requested expenditure or could not make similar payments for  
27 five years without the local fund's balance falling below the greater of the following:

- 28 (1) Five hundred dollars (\$500.00) multiplied by the number of eligible  
29 firefighters in the local department.
- 30 (2) Twenty thousand dollars (\$20,000).

31 (d) A local board of trustees shall not be restricted to making disbursements solely from  
32 the interest earned on the local board's relief fund.

33 **"§ 58-84-40. Trustees to keep account and file certified reports.**

34 (a) Each local board of trustees shall keep a correct account of all moneys received and  
35 disbursed by them. On a form prescribed by the North Carolina State Firemen's Association,  
36 each local board shall certify by October 31 of each year the following to the Association: the  
37 balance of the local fund, proof of sufficient bonding, a full and detailed accounting of the  
38 previous year's expenditures, and a full accounting of membership qualifications. Such  
39 certification shall be made concurrently with the local unit's statement of Fire Readiness. The  
40 accounting of the previous year's expenditures shall include the amounts spent on each of the  
41 purposes listed in G.S. 58-84-35(a), including the number of firefighters that received benefits  
42 for each of the purposes.

43 (b) In turn, the State Firemen's Association shall certify to the Department of Insurance  
44 by January 1 of each year on a form prescribed by the Department, the following:

- 45 (1) The local units ~~which~~ that have complied with the requirements of  
46 subsection (a) of this section.
- 47 (2) A listing of the members of each of the local units.
- 48 (3) The fund balances for each of the local units' relief funds.
- 49 (4) Any departments that have exceeded the maximum balance provided under  
50 G.S. 58-84-33(a).

1           (5)    Details on the disbursements from local relief funds, including how much  
2                   was disbursed for each allowable purpose and how many members received  
3                   disbursements for those purposes, on both a unit-by-unit basis and total  
4                   basis.

5           (6)    Information on any improper disbursements.

6           (c)    In the event that any board of trustees in any of the towns and cities benefited by  
7 this Article shall neglect or fail to perform their duties, or shall willfully misappropriate the  
8 funds entrusted in their care by obligating or disbursing such funds for any purpose other than  
9 those set forth in G.S. 58-84-35, then the Insurance Commissioner shall withhold any and all  
10 further payments to such board of trustees, or their successors, until the matter has been fully  
11 investigated by an official of the State Firemen's Association, and adjusted to the satisfaction of  
12 the Insurance Commissioner.

13           (d)    In the event that any local relief fund provided for in this Article becomes impaired,  
14 then the Firefighters' Relief Fund may in the discretion of its board of trustees assist the local  
15 unit administering the fund in providing for relief to injured firefighters and their dependents  
16 or survivors; provided, however, that any funds so provided to such impaired units shall be  
17 repaid in full at the statutory rate of interest from future local unit receipts if the impairment  
18 resulted from violations of this Article.

19    **"§ 58-84-41. Commissioner of Insurance to maintain database of reports; fire department**  
20    **identification numbers.**

21           (a)    Working with the North Carolina State Firemen's Association, the Commissioner of  
22 Insurance shall develop and maintain a database of the information reported under  
23 G.S. 58-84-40(b).

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

27    **"§ 58-84-45. Repealed by Session Laws 2000-67, s. 26.21(a).**

28    **"§ 58-84-46. Certification to Commissioner.**

29           On or before October 31 of each year the clerk or finance officer of each city or county that  
30 has a local board of trustees under G.S. 58-84-30 shall file a certificate of eligibility with the  
31 Commissioner. The certificate shall contain information prescribed by administrative rule  
32 adopted by the Commissioner. If the certificate is not filed with the Commissioner on or before  
33 January 31 in the ensuing year:

34           (1)    The city or county that failed to file the certificate shall forfeit the payment  
35                   next due to be paid to its board of trustees.

36           (2)    The Commissioner shall pay over that amount to the treasurer of the North  
37                   Carolina State Firemen's Association.

38           (3)    That amount shall constitute a part of the Firefighters' Relief Fund.

39    **"§ 58-84-50. Fire departments to be members of State Firemen's Association.**

40           For the purpose of supervision and as a guaranty that provisions of this Article shall be  
41 honestly administered in a businesslike manner, it is provided that every department enjoying  
42 the benefits of this law shall be a member of the North Carolina State Firemen's Association  
43 and comply with its constitution and bylaws. If the fire department of any city, town or village  
44 shall fail to comply with the constitution and bylaws of said Association, said city, town or  
45 village shall forfeit its right to the next annual payment due from the funds mentioned in this  
46 Article, and the Commissioner of Insurance shall pay over said amount to the treasurer of the  
47 North Carolina State Firemen's Association and same shall constitute a part of the Firefighters'  
48 Relief Fund.

49    **"§ 58-84-52. Benefits available to individual firefighters whose departments are not**  
50    **members of the State Firemen's Association.**

1       (a) Individual firefighters whose departments are not members of the North Carolina  
2 State Firemen's Association shall be covered under the line of duty coverage offered by the  
3 Association.

4       (b) Benefits under this section shall be paid from the funds that are forfeited from local  
5 departments to the statewide Firefighters' Relief Fund.

6 **"§ 58-84-55. No discrimination on account of race.**

7       The local boards of trustees of the Firefighters' Relief Fund shall make no discrimination  
8 based upon race in the payment of benefits.

9 **"§ 58-84-60. Immunity.**

10       A person serving on a local board of trustees of the Firefighters' Relief Fund shall be  
11 immune individually from civil liability for monetary damages, except to the extent covered by  
12 insurance, for any act or failure to act arising out of this service, except where the person:

13           (1) Was not acting within the scope of that person's official duties;

14           (2) Was not acting in good faith;

15           (3) Committed gross negligence or willful or wanton misconduct that resulted in  
16 the damages or injury;

17           (4) Derived an improper personal financial benefit, either directly or indirectly,  
18 from the transaction; or

19           (5) Incurred the liability from the operation of a motor vehicle.

20 **"§ 58-84-65. Repeal of certain local laws inconsistent with this Article.**

21       The following provisions contained within any local act enacted or amended prior to  
22 January 1, 2014, are hereby repealed:

23           (1) Any redirection, at the time of receipt, of funds directed to a fire district  
24 under G.S. 58-84-25(c) to a fund other than a local relief fund.

25           (2) Any restriction that would be inconsistent with G.S. 58-84-35(d).

26           (3) Any transfer of interest earned on a local relief fund from the local relief  
27 fund to another fund.

28           (4) Any transfer of funds from a local relief fund to a supplemental retirement  
29 fund based on the local relief fund exceeding a certain amount.

30           (5) Any allowable expenditures that are not within the scope of the list provided  
31 in G.S. 58-84-35(a).

32           (6) Any variation from the certification requirement under G.S. 58-84-35(b)."

33       **SECTION 1.(b)** The database required by G.S. 58-84-41, as enacted by subsection  
34 (a) of this section, shall be operational no later than December 1, 2015, so the Department of  
35 Insurance can receive and include in its database the information from the North Carolina State  
36 Firemen's Association that is due by January 1, 2016.

37       **SECTION 1.(c)** Effective July 1, 2015, G.S. 58-84-25, as amended by subsection  
38 (a) of this section, reads as rewritten:

39 **"§ 58-84-25. Disbursement of funds by Insurance Commissioner.**

40       ...

41       (c) **Distribution to Fire Districts.** – Once the Insurance Commissioner has allocated the  
42 tax proceeds to a county under subsection (b) of this section, the Commissioner shall distribute  
43 those allocations directly to the fire districts in that county. The Commissioner shall distribute  
44 the allocations by electronic funds transfer, unless a fire district's account cannot accept  
45 electronic funds transfers, in which case the Commissioner shall distribute the district's  
46 allocation by paper check. The amount distributed to each fire district is equal to the total  
47 amount allocated to the county multiplied by a fraction, the numerator of which is the tax value  
48 of the property located in the fire district and the denominator of which is the tax value of all  
49 property located in any fire district in that county. A county shall provide the Commissioner  
50 with the tax value of property located in each fire district in that county by January 1 of each  
51 year. If a county does not submit information that the Commissioner needs to make a

1 distribution by the date the information is due, the Commissioner shall distribute the allocation  
2 based on the most recent information the Commissioner has.

3 (c1) Certain Amounts Redistributed. – Notwithstanding subsection (c) of this section, the  
4 Insurance Commissioner shall not distribute funds to a fire district whose local relief fund's  
5 balance exceeds the amount provided under G.S. 58-84-33(a). Instead, the Commissioner shall,  
6 using the methodology provided in subsections (b) and (c) of this section, distribute those funds  
7 to the fire districts whose local relief funds' balances do not exceed the amount provided under  
8 G.S. 58-84-33(a)."

9 **SECTION 1.(d)** Effective July 1, 2015, Article 84 of Chapter 58 of the General  
10 Statutes, as amended by subsection (a) of this section, is further amended by adding a new  
11 section to read as follows:

12 **"§ 58-84-33. Maximum fund balances.**

13 (a) The balance of a local fire department's firefighter's relief fund for a given year shall  
14 not exceed the product of multiplying the number of members on the department's roster as of  
15 January 1 for that year by the sum of two thousand five hundred dollars (\$2,500).

16 (b) The North Carolina State Firemen's Association shall annually calculate and notify  
17 each local department of its relief fund's maximum allowable balance.

18 (c) A local fire department whose relief fund balance, at the time of annual distribution  
19 by the Insurance Commissioner, exceeds the amount allowable under subsection (a) of this  
20 section shall not be entitled to receive a distribution for that year, and the Commissioner shall  
21 redistribute the funds that the department would have received, as provided under  
22 G.S. 58-84-25(c1)."

23 **SECTION 1.(e)** Article 85 of Chapter 58 of the General Statutes reads as rewritten:

24 "Article 85.

25 ~~"State Appropriation- Statewide Firefighters' Relief Fund.~~

26 **"§ 58-85-1. Application of fund.**

27 The money paid into the hands of the treasurer of the North Carolina State Firemen's  
28 Association shall be known and remain as the "Firefighters' Relief Fund" of North Carolina,  
29 and shall be used as a fund for the relief of firefighters and county fire marshals, who are  
30 members of this Association, who may be injured or rendered sick by disease contracted in the  
31 actual discharge of duty as firefighters or county fire marshals, and for the relief of surviving  
32 spouses, children, and if there be no surviving spouse or children, then dependent mothers of  
33 the firefighters and county fire marshals killed or dying from disease so contracted in the  
34 discharge of duty; to be paid in the manner and in the sums to the individuals of the classes  
35 herein named and described as may be provided for and determined upon in accordance with  
36 the constitution and bylaws of the Association, and any provisions and determinations made  
37 under the constitution and bylaws shall be final and conclusive as to the persons entitled to  
38 benefits and as to the amount of benefit to be received, and no action at law shall be maintained  
39 against the Association to enforce any claim or recover any benefit under this Article or under  
40 the constitution and bylaws of the Association; but if any officer or committee of the  
41 Association omit or refuse to perform any duty imposed upon the officer or them, nothing  
42 herein contained shall be construed to prevent any proceedings against that officer or  
43 committee to compel the officer or them to perform that duty. ~~No firefighter or county fire~~  
44 ~~marshal shall be entitled to receive any benefits under this section until the firefighters' relief~~  
45 ~~fund of his city or town has been exhausted.~~ Notwithstanding the above provisions, the  
46 Executive Board of the North Carolina State Firemen's Association is hereby authorized to  
47 grant educational scholarships to members and the children of members, to subsidize premium  
48 payments of members over 65 years of age to the Firemen's Fraternal Insurance Fund of the  
49 North Carolina State Firemen's Association, and to provide accidental death and  
50 dismemberment insurance for members of ~~those fire departments not eligible for benefits~~

1 pursuant to standards of certification adopted by the State Firemen's Association for the use of  
2 local relief funds. departments.

3 **"§ 58-85-5. Reserved for future codification purposes.**

4 **"§ 58-85-10. Treasurer to file report and give bond.**

5 (a) The treasurer of the North Carolina State Firemen's Association shall make a  
6 detailed report to the State Treasurer and the Commissioner of Insurance of the yearly  
7 expenditures of the appropriation under Articles 84 through 88 of this Chapter on or before the  
8 end of the fiscal year, showing the total amount of money in his hands at the time of the filing  
9 of the report, and shall give a bond to the State of North Carolina with good and sufficient  
10 sureties to the satisfaction of the Treasurer of the State of North Carolina in a sum not less than  
11 the amount of money on hand as shown by said report.

12 **"§ 58-85-15. Who shall participate in the fund.**

13 The line of duty entitling one to participate in the fund shall be so construed as to mean  
14 actual fire duty only, and any actual duty connected with the fire department or county fire  
15 marshal office when directed to perform the same by an officer in charge.

16 **"§ 58-85-20. Who may become members.**

17 Any organized fire company in North Carolina, holding itself ready for duty, may, upon  
18 compliance with the requirements of its constitution and bylaws, become a member of the  
19 North Carolina State Firemen's Association, and any ~~fireman~~ firefighter of good moral  
20 character in North Carolina, and belonging to an organized fire company, who complies with  
21 the requirements of the constitution and bylaws of the North Carolina State Firemen's  
22 Association, may become a member of the Association. Any county fire marshal office may,  
23 upon compliance with the requirements of its constitution and bylaws, become a member of the  
24 North Carolina Firemen's Association, and any employee of a county fire marshal office of  
25 good moral character whose sole duty is to act as a fire marshal, deputy fire marshal, assistant  
26 fire marshal, or firefighter of the county, who complies with the requirements of its constitution  
27 and bylaws, may become a member of the North Carolina Firemen's Association.

28 **"§ 58-85-25. Applied to members of regular fire company.**

29 G.S. 58-85-1, 58-85-10, 58-85-15, 58-85-20, and 58-85-25 shall apply to any ~~fireman~~  
30 firefighter or fire marshal who is a member of a regularly organized fire company or county fire  
31 marshal office, and is a member in good standing of the North Carolina State Firemen's  
32 Association.

33 **"§ 58-85-30. Treasurer to pay fund to Volunteer Firemen's Association.**

34 (a) The treasurer of the North Carolina State Firemen's Association shall pay to the  
35 treasurer of the North Carolina State Volunteer Firemen's Association one sixth of the funds  
36 arising from the three percent (3%) paid the treasurer of the North Carolina State Firemen's  
37 Association by the Commissioner each year to be used by the North Carolina State Volunteer  
38 Firemen's Association for the purposes set forth in G.S. 58-84-35.

39 (b) Local units of the North Carolina State Volunteer Firemen's Association shall  
40 maintain records and report to the North Carolina State Firemen's Association in accordance  
41 with G.S. 58-84-40, and shall be subject to the sanctions in G.S. 58-84-40.

42 **"§ 58-85-35. Prudent management of Firefighters' Relief Fund.**

43 The North Carolina State Firemen's Association shall manage the Firefighters' Relief Fund  
44 as a prudent trustee of the funds, subject to Chapter 36E of the General Statutes."

45 **SECTION 1.(f)** G.S. 58-88-5(c)(5) reads as rewritten:

46 "(5) Notwithstanding any other provision of law, no expenditures shall be made  
47 pursuant to subdivisions (1), (2), (3), (4), and (4a) of this subsection unless  
48 the Board has certified that the expenditures will not render the Fund  
49 actuarially-financially unsound for the purpose of providing the benefits set  
50 forth in subdivisions (1), (2), (3), (4), and (4a). If, for any reason, funds  
51 made available for subdivisions (1), (2), (3), (4), and (4a) are insufficient to



1 pay in full any benefit, the benefits pursuant to subdivisions (1), (2), (3), (4),  
2 and (4a) shall be reduced pro rata for as long as the amount of insufficient  
3 funds exists. No claims shall accrue with respect to any amount by which a  
4 benefit under subdivisions (1), (2), (3), (4), and (4a) has been reduced."

5 **SECTION 1.(g)** Article 88 of Chapter 58 of the General Statutes is amended by  
6 adding a new section to read as follows:

7 **"§ 58-88-35. Prudent management of Rescue Squad Workers' Relief Fund.**

8 The Association shall manage the Rescue Squad Workers' Relief Fund as a prudent trustee  
9 of the funds, subject to Chapter 36E of the General Statutes."

10 **SECTION 1.(h)** Beginning on April 1, 2016, and each year thereafter, the  
11 Department of Insurance shall report to the House Appropriations Subcommittee on General  
12 Government and the Senate Appropriations Committee on General Government and  
13 Information Technology the following information about each local firefighters' relief fund  
14 board, the North Carolina State Firemen's Association, and the North Carolina Association of  
15 Rescue and Emergency Medical Services, Inc.:

- 16 (1) The total amount of money disbursed from the relief funds controlled by  
17 each of the entities.
- 18 (2) The amount of money spent by each entity for each of the statutorily  
19 permissible uses.
- 20 (3) Each entity's ending fund balance.

21 The report also should describe any problems with data collection and quality and, if  
22 applicable, make recommendations on actions the General Assembly could take to resolve any  
23 data issues.

24 **SECTION 2. Workers' Compensation.** – (a) G.S. 58-87-10 reads as rewritten:

25 **"§ 58-87-10. Workers' Compensation Fund for the benefit of ~~volunteer~~ certain safety**  
26 **workers.**

27 (a) ~~Definition.~~ Definitions. – As used in this section, the ~~term~~ following terms apply:

- 28 (1) Eligible entity. – One of the following entities that support eligible units and  
29 members of eligible units:
  - 30 a. North Carolina State Firemen's Association.
  - 31 b. The North Carolina Association of Fire Chiefs, Incorporated.
  - 32 c. North Carolina Association of Rescue and Emergency Medical  
33 Services, Inc.

34 (2) ~~"eligible unit"~~ Eligible unit. – A fire department or  
35 ~~volunteer~~-rescue/EMS unit that (i) is not part of a unit of local government  
36 and (ii) is exempt from State income tax under G.S. 105-130.11.

37 (b) **Creation.** – The Workers' Compensation Fund is created in the Department of  
38 Insurance as an expendable trust fund. Accordingly, interest and other investment income  
39 earned by the Fund accrues to it, and revenue in the Fund at the end of a fiscal year remains in  
40 the Fund and does not revert.

41 (c) **Use.** – Revenue in the Workers' Compensation Fund shall be used to provide  
42 workers' compensation benefits to (i) members of eligible ~~units.~~ units and (ii) the employees  
43 and volunteers of eligible entities. Chapter 97 of the General Statutes governs the payment of  
44 benefits from the Fund. Benefits are payable for compensable injuries or deaths that occur on or  
45 after July 1, 1996.

46 (d) **Administration.** – The State Fire and Rescue Commission, established under  
47 G.S. 58-78-1, shall administer the Workers' Compensation Fund and shall perform this duty by  
48 contracting with a third-party administrator. The contracting procedure is not subject to Article  
49 3C of Chapter 143 of the General Statutes. The reasonable and necessary expenses incurred by  
50 the Commission in administering the Fund shall be paid out of the Fund by the State Treasurer.  
51 The Commission may adopt rules to implement this section.

1 (e) Revenue Source. – Revenue is credited to the Workers' Compensation Fund from a  
2 portion of the proceeds of the tax levied under G.S. 105-228.5(d)(3). In addition, every eligible  
3 unit and eligible entity that elects to participate shall pay into the Fund an amount set annually  
4 by the State Fire and Rescue Commission to ensure that the Fund will be able to meet its  
5 payment obligations under this section. The amount shall be set as ~~a per capita fixed dollar an~~  
6 amount for each member of the roster of the eligible unit—unit or for each employee or  
7 volunteer of an eligible entity, and the amount may vary based on whether an individual is a  
8 volunteer, a part-time employee, or a full-time employee. The payment shall be made to the  
9 State Fire and Rescue Commission on or before July 1 of each year. The Commission shall  
10 remit the payments it receives to the State Treasurer, who shall credit the payments to the Fund.

11 (f) The amount of the tax imposed by G.S. 105-228.5(d)(3) credited to the Workers'  
12 Compensation Fund shall be the maximum allowed under that statute."

13 **SECTION 2.(b)** Effective April 1, 2016, G.S. 58-87-10(f), as amended by Section  
14 20.2(e) of S.L. 2013-360, reads as rewritten:

15 "(f) Funding Study. – The Department of Insurance shall annually ~~conduct a periodic an~~  
16 actuarial study to that shall do all of the following:

17 (1) ~~calculate~~ Calculate the amount required to meet the needs of the Fund.Fund,  
18 projecting at least five years into the future. ~~The study shall be based on a~~  
19 revenue amount that is the greater of the amount paid by members of the  
20 Fund as determined under subsection (e) of this section for the fiscal year to  
21 which the study applies or the amount paid by members of the Fund as  
22 determined under subsection (e) of this section for fiscal year 2012-2013.

23 (2) Report on the nature of the claims paid by the Fund and any claims-related  
24 trends that impact the financial status of the Fund.

25 (3) Calculate how much revenue from the State and from member premiums  
26 would be required to meet the needs of the Fund for each of the following  
27 scenarios:

28 a. The Fund receives twenty percent (20%) of the net proceeds from the  
29 tax collected under G.S. 105-228.5(d)(3).

30 b. Member premiums do not change from the prior year.

31 c. Member premiums fully fund the Fund without any State support.

32 (4) Be published no later than February 1 of each year. Upon publishing the  
33 study, the Department shall notify the following of its publication:

34 a. The Office of State Budget and Management.

35 b. The House Appropriations Committee.

36 c. The Senate Appropriations/Base Budget Committee.

37 d. The Fiscal Research Division.

38 Additionally, beginning in 2016 and every five years thereafter, the study shall include (i) a  
39 comparison of Fund premium levels to the premium levels of employees of municipal fire and  
40 rescue departments and (ii) a calculation of the amount of revenue generated by  
41 experience-rating premium surcharges and, if necessary, recommend changes to  
42 experience-rating premium surcharges given claim trends. The Department may contract with a  
43 third party to conduct the study required under this section, and the cost of the study may be  
44 paid from the Fund. However, if the Department contracts with the same actuary that the  
45 Volunteer Safety Workers' Compensation Board contracts with to perform the study under this  
46 section, then the Department shall not pay the actuary for data collection and analysis that the  
47 actuary has already performed as part of its loss reserve analysis for the Board.

48 (g) Allocation of Taxes. – The study conducted under subsection (f) of this section shall  
49 be reviewed by the Office of State Budget and Management. On or before March 1 of each  
50 year, the Office of State Budget and Management, in consultation with the Department of  
51 Insurance, must notify the Secretary of Revenue of the amount required to meet the needs of

1 the Fund, as determined by the study, for the upcoming fiscal year. The Secretary of Revenue  
2 shall remit that amount, subject to the twenty percent (20%) limitation in G.S. 105-228.5(d)(3),  
3 to the Fund."

4 **SECTION 2.(c)** G.S. 97-2(5) reads as rewritten:

5 "(5) Average Weekly Wages. – "Average weekly wages" shall mean the earnings  
6 of the injured employee in the employment in which the employee was  
7 working at the time of the injury during the period of 52 weeks immediately  
8 preceding the date of the injury, including the subsistence allowance paid to  
9 veteran trainees by the United States government, provided the amount of  
10 said allowance shall be reported monthly by said trainee to the trainee's  
11 employer, divided by 52; but if the injured employee lost more than seven  
12 consecutive calendar days at one or more times during such period, although  
13 not in the same week, then the earnings for the remainder of such 52 weeks  
14 shall be divided by the number of weeks remaining after the time so lost has  
15 been deducted. Where the employment prior to the injury extended over a  
16 period of fewer than 52 weeks, the method of dividing the earnings during  
17 that period by the number of weeks and parts thereof during which the  
18 employee earned wages shall be followed; provided, results fair and just to  
19 both parties will be thereby obtained. Where, by reason of a shortness of  
20 time during which the employee has been in the employment of his  
21 employer or the casual nature or terms of his employment, it is impractical to  
22 compute the average weekly wages as above defined, regard shall be had to  
23 the average weekly amount which during the 52 weeks previous to the injury  
24 was being earned by a person of the same grade and character employed in  
25 the same class of employment in the same locality or community.

26 But where for exceptional reasons the foregoing would be unfair, either  
27 to the employer or employee, such other method of computing average  
28 weekly wages may be resorted to as will most nearly approximate the  
29 amount which the injured employee would be earning were it not for the  
30 injury.

31 Wherever allowances of any character made to an employee in lieu of  
32 wages are specified part of the wage contract, they shall be deemed a part of  
33 his earnings.

34 Where a minor employee, under the age of 18 years, sustains a  
35 permanent disability or dies leaving dependents surviving, the compensation  
36 payable for permanent disability or death shall be calculated, first, upon the  
37 average weekly wage paid to adult employees employed by the same  
38 employer at the time of the accident in a similar or like class of work which  
39 the injured minor employee would probably have been promoted to if not  
40 injured, or, second, upon a wage sufficient to yield the maximum weekly  
41 compensation benefit. Compensation for temporary total disability or for the  
42 death of a minor without dependents shall be computed upon the average  
43 weekly wage at the time of the accident, unless the total disability extends  
44 more than 52 weeks, and then the compensation may be increased in  
45 proportion to the employee's expected earnings.

46 In case of disabling injury or death to a volunteer ~~fireman; firefighter;~~  
47 volunteer member of an organized rescue squad; an authorized pickup  
48 firefighter, as defined in subdivision (2) of this section, when that individual  
49 is engaged in emergency fire suppression activities for the North Carolina  
50 Forest Service; a duly appointed and sworn member of an auxiliary police  
51 department organized pursuant to G.S. 160A-282; or senior members of the

1 State Civil Air Patrol functioning under Subpart C of Part 5 of Article 13 of  
2 Chapter 143B of the General Statutes, under compensable circumstances,  
3 compensation payable shall be calculated upon the average weekly wage the  
4 volunteer ~~fireman~~, firefighter, volunteer member of an organized rescue  
5 squad, authorized pickup firefighter of the North Carolina Forest Service;  
6 when that individual is engaged in emergency fire suppression activities for  
7 the North Carolina Forest Service, member of an auxiliary police  
8 department, or senior member of the State Civil Air Patrol was earning in the  
9 employment wherein he principally earned his livelihood as of the date of  
10 injury. Provided, however, that the minimum compensation payable to a  
11 volunteer ~~fireman~~, firefighter, volunteer member of an organized rescue  
12 squad, an authorized pickup firefighter of the North Carolina Forest Service  
13 of the Department of Agriculture and Consumer Services, when that  
14 individual is engaged in emergency fire suppression activities for the North  
15 Carolina Forest Service, a sworn member of an auxiliary police department  
16 organized pursuant to G.S. 160A-282, or senior members of the State Civil  
17 Air Patrol shall be sixty-six and two-thirds percent (66 2/3%) of the  
18 maximum weekly benefit established in G.S. 97-29."

19 **SECTION 2.(d)** When renewing its existing contract with its third-party  
20 administrator, which contract expires on June 30, 2014, or contracting with a different  
21 third-party administrator, the State Fire and Rescue Commission shall, through its contract,  
22 require its workers' compensation third-party administrator to do all of the following:

- 23 (1) Establish a performance management system to set loss prevention goals and  
24 track and measure the effectiveness of loss prevention interventions.
- 25 (2) Evaluate how additional data analytics software or cost models could help  
26 manage claim costs.
- 27 (3) Determine the expenditures per department allocated to loss prevention  
28 services geared toward experience-rating reductions and compare the  
29 expenditures allocated per department to the experience-rating premium  
30 surcharges paid by each department.
- 31 (4) Assess the different ways in which the Rating Modification Model could be  
32 adjusted to generate more revenue and incentivize departments to be more  
33 engaged in loss prevention services; and, if warranted, implement changes to  
34 the Experience Rating Modification Model based on the approval of the  
35 Volunteer Safety Workers' Compensation Fund Board.
- 36 (5) Track all legal claims and associated expenses open as of July 1, 2014, and  
37 filed thereafter, including information on the reasons each claim was filed  
38 and the conditions of the settlement or court ruling, and then share the  
39 information and analysis from the database with the Volunteer Safety  
40 Workers' Compensation Fund Board at every quarterly board meeting.
- 41 (6) Track suspected and confirmed fraudulent claims open as of July 1, 2014,  
42 and filed thereafter and then share the information and analysis from the  
43 database with the Volunteer Safety Workers' Compensation Fund Board at  
44 every quarterly board meeting.
- 45 (7) Track information for all claims awarded indemnity compensation affected  
46 by the minimum weekly compensation provision, as provided in  
47 G.S. 97-2(5), that are open on July 1, 2014, and filed on or after July 1,  
48 2014. The database should include the following:
  - 49 a. The date of the volunteer's injury.
  - 50 b. A detailed description of the injury.

- 1 c. The volunteer's (paid) occupation, or status as a "student" or  
2 "unemployed."  
3 d. The volunteer's weekly wages from his or her regular paid  
4 occupation.  
5 e. The amount of indemnity compensation awarded per week based on  
6 weekly wages from the regular, paid occupation.  
7 f. Whether the claim is affected by the minimum weekly compensation  
8 provision.  
9 g. The volunteer's post-injury return date to volunteer duties.
- 10 (8) Report to the Volunteer Safety Workers' Compensation Fund Board at every  
11 quarterly meeting on all claims awarded indemnity compensation affected  
12 by the minimum compensation provision. The report shall include the  
13 following:  
14 a. The total indemnity compensation awarded for each claim, as well as  
15 the compensation per week and the number of weeks of  
16 compensation.  
17 b. For each claim, the difference between the indemnity compensation  
18 awarded per week to the volunteer and the volunteer's weekly wages  
19 from his or her regular, paid occupation.  
20 c. For each claim, the difference between the total indemnity  
21 compensation awarded to the volunteer for number of weeks unable  
22 to return to volunteer duties and the volunteer's total wages from  
23 regular, paid occupation for the same time period.  
24 d. The total number of claims affected by the minimum weekly  
25 compensation provision (within a specified time period).  
26 e. The total workers' indemnity compensation amount awarded for all  
27 claims affected by the minimum weekly compensation provision  
28 (within a specified time period).  
29 f. The difference between the total indemnity compensation awarded to  
30 volunteers and the total of all volunteers' wages from their regular,  
31 paid occupations for the same time period (within a specific time  
32 period).
- 33 (9) Track information for all claims awarded indemnity compensation in which  
34 a volunteer can return to his or her paid occupation but not his or her  
35 volunteer duty that are open on July 1, 2014, and filed on or after July 1,  
36 2014. The database should include the following:  
37 a. Whether the volunteer has the ability to perform his or her paid  
38 occupation but not his or her volunteer duty.  
39 b. The volunteer's weekly wages from his or her regular, paid  
40 occupation.  
41 c. The amount of indemnity compensation awarded per week based on  
42 weekly wages from regular, paid occupation.  
43 d. The volunteer's post injury return date to volunteer duties.
- 44 (10) Report to the Volunteer Safety Workers' Compensation Fund Board at every  
45 quarterly meeting on the claims awarded indemnity compensation in which  
46 the volunteer can return to his or her paid occupation but not to his or her  
47 volunteer duty. The report shall include:  
48 a. The total number of claims where the volunteer is being awarded  
49 indemnity compensation when they can return to their regular, paid  
50 occupations (within a specified time period).

- 1           b.     The total indemnity compensation awarded for each claim, as well as  
2           the compensation per week and the number of weeks of  
3           compensation.  
4           c.     The total indemnity compensation awarded for all claims (within a  
5           specified time period).

6           (11)  Include a form in the claims-closing material for volunteers who will not be  
7           able to return to their regular, paid occupations even though they can return  
8           to their volunteer duties, and track these claims and associated wages lost  
9           and prepare a report to share with the Volunteer Safety Workers'  
10          Compensation Fund Board at every quarterly meeting.

11          (12)  Develop a model return-to-work program for use by fire and rescue  
12          departments that participate in the Fund and work with a limited number of  
13          departments to implement and test the program for a two-year time period.

14          (13)  Develop metrics by which to determine if the return-to-work program  
15          reduces workers' compensation costs.

16          By January 1, 2015, the State Fire and Rescue Commission shall report to the Fiscal  
17          Research Division, the House Appropriations Subcommittee on General Government, and the  
18          Senate Appropriations Committee on General Government and Information Technology on the  
19          status of the Commission's data collection and analysis efforts and shall include in the report a  
20          copy of the State Fire and Rescue Commission's contract with the third-party administrator.

21          The State Fire and Rescue Commission shall include the provisions of this  
22          subsection in all future contracts with its workers' compensation third-party administrators.

23          This subsection is effective when this act becomes law.

24          **SECTION 3. Supplemental Pensions.** – (a) G.S. 58-86-55 reads as rewritten:

25          "**§ 58-86-55. Monthly pensions upon retirement, attaining the age of 55 years.**

26          (a)     Any member who has served 20 years as an "eligible firefighter" or "eligible rescue  
27          squad worker" in the State of North Carolina, as provided in G.S. 58-86-25 and G.S. 58-86-30,  
28          and who has attained the age of 55 years is entitled to be paid a monthly pension from this  
29          fund. The monthly pension shall be in the amount of one hundred seventy dollars (\$170.00) per  
30          month. Any retired firefighter receiving a pension shall, effective July 1, 2008, receive a  
31          pension of one hundred seventy dollars (\$170.00) per month.

32          (b)     Members shall pay ten dollars (\$10.00) per month as required by G.S. 58-86-35 and  
33          G.S. 58-86-40 for a period of no longer than 20 years. No "eligible rescue squad member" shall  
34          receive a pension prior to July 1, 1983. ~~No member shall be entitled to a pension hereunder  
35          until the member's official duties as a fireman or rescue squad worker for which the member is  
36          paid compensation shall have been terminated and the member shall have retired as such  
37          according to standards or rules fixed by the board of trustees.~~

38          (c)     A member who is totally and permanently disabled while in the discharge of the  
39          member's official duties as a result of bodily injuries sustained or as a result of extreme exercise  
40          or extreme activity experienced in the course and scope of those official duties and who leaves  
41          the fire or rescue squad service because of this disability shall be entitled to be paid from the  
42          fund a monthly benefit in an amount of one hundred seventy dollars (\$170.00) per month  
43          beginning the first month after the member's fifty-fifth birthday. All applications for disability  
44          are subject to the approval of the board who may appoint physicians to examine and evaluate  
45          the disabled member prior to approval of the application, and annually thereafter. Any disabled  
46          member shall not be required to make the monthly payment of ten dollars (\$10.00) as required  
47          by G.S. 58-86-35 and G.S. 58-86-40.

48          (d)     A member who is totally and permanently disabled for any cause, other than line of  
49          duty, who leaves the fire or rescue squad service because of this disability and who has at least  
50          10 years of service with the pension fund, may be permitted to continue making a monthly  
51          contribution of ten dollars (\$10.00) to the fund until the member has made contributions for a

1 total of 240 months. The member shall upon attaining the age of 55 years be entitled to receive  
2 a pension as provided by this section. All applications for disability are subject to the approval  
3 of the board who may appoint physicians to examine and evaluate the disabled member prior to  
4 approval of the application and annually thereafter.

5 (e) A member who, because the member's residence is annexed by a city under Part 2 or  
6 Part 3 of Article 4A of Chapter 160A of the General Statutes, or whose department is closed  
7 because of an annexation by a city under Part 2 or Part 3 of Article 4A of Chapter 160A of the  
8 General Statutes, or whose volunteer department is taken over by a city or county, and because  
9 of such annexation or takeover is unable to perform as a firefighter or rescue squad worker of  
10 any status, and if the member has at least 10 years of service with the pension fund, may be  
11 permitted to continue making a monthly contribution of ten dollars (\$10.00) to the fund until  
12 the member has made contributions for a total of 240 months. The member upon attaining the  
13 age of 55 years and completion of such contributions shall be entitled to receive a pension as  
14 provided by this section. Any application to make monthly contributions under this section  
15 shall be subject to a finding of eligibility by the Board of Trustees upon application of the  
16 member.

17 (f) The pensions provided shall be in addition to all other pensions or benefits under  
18 any other statutes of the State of North Carolina or the United States, notwithstanding any  
19 exclusionary provisions of other pensions or retirement systems provided by law."

20 **SECTION 3.(b)** G.S. 105-228.5(d)(3) reads as rewritten:

21 "(3) Additional Rate on Property Coverage Contracts. – An additional tax at the  
22 rate of seventy-four hundredths percent (0.74%) applies to gross premiums  
23 on insurance contracts for property coverage. The tax is imposed on ten  
24 percent (10%) of the gross premiums from insurance contracts for  
25 automobile physical damage coverage and on one hundred percent (100%)  
26 of the gross premiums from all other contracts for property coverage.  
27 ~~Twenty-five percent (25%)~~ Twenty percent (20%) of the net proceeds of this  
28 additional tax must be credited to the Volunteer Fire Department Fund  
29 established in Article 87 of Chapter 58 of the General Statutes. Twenty  
30 percent (20%) of the net proceeds must be credited to the Department of  
31 Insurance for disbursement pursuant to G.S. 58-84-25. Up to twenty percent  
32 (20%), as determined in accordance with G.S. 58-87-10(f), must be credited  
33 to the Workers' Compensation Fund. The remaining net proceeds must be  
34 credited to the General Fund."

35 **SECTION 3.(c)** Using a portion of the additional funds made available to the  
36 General Fund through the amendment to G.S. 105-228.5 made by Section 3(b) of this act, the  
37 sum of one million four hundred thousand dollars (\$1,400,000) is appropriated for fiscal year  
38 2014-2015, recurring from the General Fund to the North Carolina Firefighters' and Rescue  
39 Squad Workers' Pension Fund established under G.S. 58-86-1.

40 **SECTION 3.(d)** The Department of State Treasurer shall report by March 1, 2015,  
41 and for two years thereafter, to the House Committee on State Personnel and the Senate  
42 Committee on Pensions & Retirement and Aging on the Department's progress toward the  
43 following efforts related to the North Carolina Firefighters' and Rescue Squad Workers'  
44 Pension Fund:

45 (1) Building appropriate lapse assumptions into the State's annual required  
46 contribution to the pension fund.

47 (2) Collecting timely member contributions to the pension fund.

48 **SECTION 4.** Grant Funds. – (a) Effective January 1, 2015, and applicable to the  
49 2015 grant process, G.S. 58-87-1(a1) reads as rewritten:

50 "(a1) Grant Program. – An eligible fire department may apply to the Commissioner for a  
51 grant under this section. In awarding grants under this section, the Commissioner must, to the

1 extent possible, select applicants from all parts of the State based upon need. The  
2 Commissioner must award the grants on May 15 of each year subject to the following  
3 limitations:

- 4 (1) The size of a grant may not exceed thirty thousand dollars (\$30,000).
- 5 (2) The applicant shall match the grant on a dollar-for-dollar ~~basis.~~ basis, unless  
6 the applicant receives less than fifty thousand dollars (\$50,000) per year  
7 from other sources, in which case the applicant shall match one dollar  
8 (\$1.00) for each three dollars (\$3.00) of grant funds.
- 9 (3) The grant may be used only for equipment purchases, payment of highway  
10 use taxes on those purchases, or capital expenditures necessary to provide  
11 fire protection services."

12 **SECTION 4.(b)** G.S. 58-87-1(c) reads as rewritten:

13 "(c) Report. – The Commissioner must submit a written report to the General Assembly  
14 within 60 days after the grants have been made. This report must contain the following:

- 15 (1) The amount of the grant and the name of the recipient.
- 16 (2) The Fund balance at the beginning of the grant cycle.
- 17 (3) Cash receipts through the grant cycle.
- 18 (4) Cash disbursements through the grant cycle.
- 19 (5) The Fund balance at the end of the grant cycle."

20 **SECTION 4.(c)** G.S. 58-87-5 is amended by adding a new subsection to read as  
21 follows:

22 "(d) Report. – The Commissioner must submit a written report to the General Assembly  
23 within 60 days after the grants have been made. This report must contain the following:

- 24 (1) The amount of the grant and the name of the recipient.
- 25 (2) The Fund balance at the beginning of the grant cycle.
- 26 (3) Cash receipts through the grant cycle.
- 27 (4) Cash disbursements through the grant cycle.
- 28 (5) The Fund balance at the end of the grant cycle."

29 **SECTION 4.(d)** Effective July 1, 2015, G.S. 58-87-7 reads as rewritten:

30 **"§ 58-87-7. Oversight and accountability of grant awards.**

31 (a) Examination of Purchased Equipment and Supplies. – To increase accountability  
32 and to expedite receipt of certain grant awards, notwithstanding any other provision, the Office  
33 of the State Fire Marshal and other employees of the Department of Insurance may in their  
34 discretion conduct on-site examinations of fire, rescue, and EMS equipment and supplies  
35 purchased with funds awarded from either the Volunteer Fire Department Fund or the  
36 Volunteer Rescue/EMS Fund. Fund for up to five years from the date of the grant award. The  
37 on-site examinations may include the inspection of equipment purchased from prior grants and  
38 may be conducted prior to or simultaneous with the delivery of the grant awards. The on-site  
39 examination shall document what equipment and supplies have been purchased by the  
40 volunteer fire department or volunteer rescue/EMS department and whether those items were  
41 received by the department and visually reviewed by the on-site examiner. Items that have  
42 already been distributed or put in the field shall be noted by the on-site examiner. The Office of  
43 the State Fire Marshal shall maintain records of on-site inspections and provide ~~them,~~ or a  
44 summary thereof, in reports ~~reports~~ of such inspections, upon request, to the State Auditor or  
45 the Office of State Budget and Management.

46 (b) Reimbursement to Funds. – If equipment purchased with grant funds is disposed of  
47 within five years of the date of the grant award funding its purchase, then the grant recipient  
48 shall reimburse the appropriate fund the amount of matching funds used for the purchase of the  
49 equipment, less depreciation.

50 (c) Transfer of Purchased Equipment. – If a grant recipient shall cease to exist within  
51 five years of the date of award of the grant, it shall transfer any and all equipment purchased



1 with such grant funds to whichever department shall assume responsibility for providing  
2 service to the grant recipient's area of service or to another appropriate department that may  
3 effectively use the equipment."

4 **SECTION 4.(e)** By the effective date of subsection (d) of this section, the  
5 Department of Insurance shall take the following actions to facilitate the implementation and  
6 enforcement of G.S. 58-87-7:

7 (1) Adopt rules to establish specific guidelines for the following:

8 a. G.S. 58-87-7(b), enacted by subsection (d) of this section.

9 b. G.S. 58-87-7(c), enacted by subsection (d) of this section, including  
10 guidelines for determining which department receives the equipment  
11 of a dissolved department and under what circumstances.

12 (2) Provide transfer of equipment forms to fire and rescue departments that  
13 receive grant equipment from dissolved departments.

14 Additionally, in time for the 2015 grant cycle, the Department shall add language to the  
15 Agreement of Payment form departments must fill out as part of the grant application process  
16 to ensure that departments understand what will happen to grant equipment in the event of  
17 dissolution.

18 **SECTION 4.(f)** No later than January 1, 2015, the Department of Insurance shall  
19 report to the Joint Program Evaluation Oversight Committee on the Department's efforts to  
20 update and correct its computer code that assigns points to grant applicants for funds awarded  
21 under Article 87 of Chapter 58 of the General Statutes.

22 **SECTION 5.** Effective Dates. – Except as otherwise provided, this act becomes  
23 effective July 1, 2014.