

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1658

Short Title: Firemen's Relief/Appeal From Forfeit.

(Public)

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Sponsors: Representatives Cansler, Nesbitt, Sherrill, Walend; Davis and Insko.

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Referred to: Rules, Calendar, and Operations of the House.

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May 23, 2000

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE A MECHANISM FOR CITY AND TOWN FIRE  
2 DEPARTMENTS TO RECEIVE FIREMEN'S RELIEF FUND MONEYS WHEN  
3 THEIR PAYMENTS HAVE BEEN FORFEITED THROUGH NO FAULT OF  
4 THEIR OWN.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 58-84-45 reads as rewritten:

8 "**§ 58-84-45. Municipal clerk to certify list of fire companies; effect of failure-**  
9 **failure; appeals.**

10 The clerk of any city, town, village, or other municipal corporation ~~having that has~~ an  
11 organized fire department shall, on or before ~~the thirty-first day of October~~ 31 in each year,  
12 make and file with the Commissioner of Insurance ~~his the clerk's~~ certificate, stating the  
13 existence of ~~such the~~ department, the number of steam, hand, or other engines, hook and  
14 ladder trucks, and hose cars in actual use, the number of organized companies, and the  
15 system or systems of water supply in use for ~~such departments, the department,~~ together  
16 with such other ~~facts as information that the Commissioner of Insurance may require, on a~~  
17 ~~blank to be furnished by him.~~ requires. This information shall be on a form furnished by  
18 the Commissioner. If the clerk fails to file the certificate required by this section is not  
19 filed with the Commissioner of Insurance on or before October 31 in any year, the ~~city,~~  
20 ~~town or village so failing to file such certificate~~ city or town shall forfeit the payment next

1 due to be paid to ~~said its~~ board of trustees, and the trustees. The Commissioner of Insurance  
2 shall pay over ~~said the~~ forfeited amount to the treasurer of the North Carolina State  
3 Firemen's Association and ~~same~~ shall constitute a part of Association, who shall credit that  
4 amount to the firemen's relief fund: ~~Provided, that the Commissioner of Insurance is~~  
5 ~~authorized and empowered to pay over to the local board of trustees of the firemen's relief fund~~  
6 ~~for the benefit of the fire department of any city, town, village or other municipal corporation~~  
7 ~~having an organized fire department, which has otherwise complied with the provisions of~~  
8 ~~Articles 84 through 88 of this Chapter, the proper allocation or share of the funds derived under~~  
9 ~~the provisions of Articles 84 through 88 of this Chapter for the year 1953, and which funds up to~~  
10 ~~this time have been withheld because the clerk of such city, town, village or other municipal~~  
11 ~~corporation having an organized fire department failed to file the certificate required by this~~  
12 ~~section or failed to file same on or before October 31, 1953; the certificates filed subsequent to~~  
13 ~~October 31, 1953, shall be deemed to have been filed in substantial compliance with this section,~~  
14 ~~and as to those organized fire departments which have not yet filed any certificate for 1953, the~~  
15 ~~Commissioner of Insurance may pay to such department its proper share of the funds derived~~  
16 ~~under Articles 84 through 88 of this Chapter, upon the filing of such certificate for said year; all~~  
17 ~~other requirements of Articles 84 through 88 of this Chapter must have been complied with and~~  
18 ~~this proviso applies only to the funds of the year 1953. fund.~~

19 (b) If the Commissioner fails to furnish the certificate form to the clerk, if the  
20 certificate form is sent to the wrong party, or if the clerk does not receive the certificate  
21 form for any reason that is not the fault of the clerk, city, or town, the city or town may  
22 appeal to the Commissioner if any of these occurrences cause a forfeiture of the next  
23 payment to the city or town. Notwithstanding any other provision of law, if the  
24 Commissioner determines that the city or town is entitled to payment, the Commissioner  
25 may (i) order the Association to make the payment from the relief fund; or (ii) make the  
26 payment to the city or town from the proceeds in G.S. 58-84-25."

27 Section 2. This act is effective when it becomes law and applies retroactively  
28 to August 15, 1998.