

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

SESSION LAW 2016-35
SENATE BILL 787

AN ACT AUTHORIZING THE TOWN OF WALNUT COVE IN STOKES COUNTY TO COMPEL THE TERMINATION OF AN IRREVOCABLE TRUST ESTABLISHED BY THE TOWN FOR THE PURPOSE OF PAYING LAW ENFORCEMENT SPECIAL SEPARATION ALLOWANCE BENEFITS AND AUTHORIZING THE GOVERNING BODY OF STOKES COUNTY TO ADOPT ORDINANCES REGULATING, RESTRICTING, OR PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOL ON NAVIGABLE RIVERS IN THE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 159-30.2 reads as rewritten:

"§ 159-30.2. Trust for law enforcement special separation allowance benefits.

(a) Trust. – A unit of local government employing local law enforcement officers may establish and fund an irrevocable trust for the purpose of paying law enforcement special separation allowance benefits for which the unit of local government is liable. The irrevocable trust must be established by resolution or ordinance of the unit's governing board. The resolution or ordinance must state the purposes for which the trust is created and the method of determining and selecting the Fund's trustees. The resolution or ordinance establishing the trust may be amended from time to time, but an amendment may not authorize the use of monies in the trust for a purpose not stated in the resolution or ordinance establishing the trust.

(b) Restrictions. – Monies in an irrevocable trust established under subsection (a) of this section may be appropriated only for the purposes for which the trust was established. Monies in the trust are not subject to the claims of creditors of the entity that established the trust. A unit of local government that establishes a trust may not deposit money in the trust if the total amount held in trust would exceed the unit's actuarial liability, determined in accordance with the standards of the Governmental Accounting Standards Board, for the purpose for which the trust was established.

(c) Termination. – A unit of local government may compel the termination of an irrevocable trust established under this section if the unit (i) disbands its law enforcement agency or department and (ii) presents to the Fund's trustee a resolution or ordinance adopted by the unit's governing body stating the same and providing that the unit does not employ any person in a public safety position that would qualify that person for a special separation allowance under G.S. 143-166.42. Upon receipt of the resolution or ordinance, the Fund's trustee shall distribute the trust property, including principal and undistributed income, to the finance officer of the unit of local government. Trust property distributed to the finance officer may be appropriated for any purpose authorized by law. Nothing in this section shall be construed to relieve a unit of local government from paying special separation allowance benefits for which the unit is liable under G.S. 143-166.42."

SECTION 1.(b) This section applies to the following municipalities: Town of Walnut Cove.

SECTION 2. The governing body of Stokes County may, by ordinance, regulate, restrict, or prohibit the possession or consumption of any alcoholic beverage on the waters of any navigable river in Stokes County or within 50 feet of the banks of any navigable river in Stokes County unless the possession or consumption is in a venue licensed and approved by the State. The ordinance shall not apply to either of the following: (i) the actions of a landowner, the landowner's lessee, or the landowner's or lessee's guests on the landowner's property if that property is adjacent to a navigable river or (ii) the waters in Stokes County that have been impounded to form Belews Lake, which is owned by Duke Energy Corporation. The provisions



of any ordinance adopted pursuant to this section shall be enforceable by law enforcement officers of the Wildlife Resources Commission, sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction. Violation of an ordinance adopted pursuant to this section is a Class 3 misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) plus court costs.

SECTION 3. Section 1 of this act is effective when it becomes law. Section 2 of this act becomes effective August 1, 2016, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 27th day of June, 2016.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives