

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 445

Short Title: Firemen/Rescue/Law Death Benefit Increase.

(Public)

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Sponsors: Senators Block; and Carpenter.

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Referred to: Pensions & Retirement.

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March 15, 1989

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE BENEFITS OF THE LAW ENFORCEMENT OFFICERS', FIREMEN'S, RESCUE SQUAD WORKERS', AND CIVIL AIR PATROL MEMBERS' DEATH BENEFITS ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-166.3 reads as rewritten:

**"§ 143-166.3. Payments; determination.**

(a) When any law-enforcement officer, fireman, rescue squad worker or senior Civil Air Patrol member shall be killed in the line of duty, the Industrial Commission shall award a death benefit to be paid in the amounts set forth in subsection (b) to the following:

- (1) The spouse of such officer, fireman, rescue squad worker or senior Civil Air Patrol member if there be a surviving spouse; or
- (2) If there be no spouse qualifying under the provisions of this Article, then payments shall be made to any surviving dependent child of such officer, fireman, rescue squad worker or senior Civil Air Patrol member and if there be more than one surviving dependent child, then said payment shall be made to and equally divided among all surviving dependent children; or
- (3) If there be no spouse and no dependent child or children qualifying under the provisions of this Article, then payments shall be made to the surviving dependent parent of such officer, fireman, rescue squad worker or senior Civil Air Patrol member and if there be more than one surviving dependent parent then said payments shall be made to

1 and equally divided between the surviving dependent parents of said  
2 officer, fireman, rescue squad worker or senior Civil Air Patrol  
3 member.

4 (b) Payment shall be made to the person or persons qualifying therefor under  
5 subsection (a) in the following amounts:

6 (1) At the time of the death of an officer, fireman, rescue squad worker or  
7 senior Civil Air Patrol member, ~~ten thousand dollars (\$10,000)~~ twenty  
8 thousand dollars (\$20,000) shall be paid to the person or persons  
9 entitled thereto.

10 (2) Thereafter, ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000)  
11 shall be paid annually to the person or persons entitled thereto until the  
12 sum of the initial payment and each annual payment reaches ~~twenty-~~  
13 ~~five thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000).

14 (3) In the event there is no person qualifying under subsection (a) of this  
15 section, ~~twenty five thousand dollars (\$25,000)~~ fifty thousand dollars  
16 \$50,000 shall be paid to the estate of the deceased officer, fireman,  
17 rescue squad worker or senior Civil Air Patrol member at the time of  
18 death.

19 (c) In the event that any person or persons eligible for payments under subsection  
20 (a) of this section shall become ineligible, and other eligible person or persons qualify  
21 for said death benefit payments under subsection (a), then they shall receive the  
22 remainder of any payments up to the limit of ~~twenty five thousand dollars (\$25,000)~~ fifty  
23 thousand dollars (\$50,000) in the manner set forth in subsection (b) of this section.

24 (d) In the event any person or persons eligible for payments under subsection (a)  
25 of this section shall become ineligible and no other person or persons qualify for  
26 payments under that subsection and where the sum of the initial payment of ~~ten thousand~~  
27 ~~dollars (\$10,000)~~ twenty thousand dollars (\$20,000) and each subsequent annual payment  
28 of ~~five thousand dollars (\$5,000)~~ ten thousand dollars (10,000) does not total ~~twenty five~~  
29 ~~thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000), then the difference between  
30 the total of the payments made and ~~twenty five thousand dollars (\$25,000)~~ fifty thousand  
31 dollars (\$50,000) shall immediately be payable to the estate of the deceased officer,  
32 fireman, rescue squad worker, or senior Civil Air Patrol member."

33 Sec. 2. There is appropriated from the General Fund to the Department of  
34 State Auditor the sum of two hundred thousand dollars (\$200,000) for the 1989-90  
35 fiscal year and the sum of two hundred thousand dollars (\$200,000) for the 1990-91  
36 fiscal year to implement this act.

37 Sec. 3. This act shall become effective July 1, 1989, and applies to law  
38 enforcement officers, firemen, rescue squad workers, or senior Civil Air Patrol members  
39 killed in the line of duty on or after July 1, 1989.