

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1262

Short Title: Firemen/Rescue/Law Death Benefit.

(Public)

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Sponsors: Representatives Warner; Baddour, Bowman, DeVane, Esposito, Gardner, Gottovi, Grady, Hensley, Holmes, Howard, Kinney, Kuczmarski, McAllister, McLawhorn, B. Miller, Nichols, J. Preston, Richardson, Smith, Spears, P. Wilson, and Wright.

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Referred to: Pensions and Retirement.

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May 5, 1993

A BILL TO BE ENTITLED

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

4 The General Assembly of North Carolina enacts:

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

6 **"§ 143-166.3. Payments; determination.**

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

- 11 following:
- 12 (1) The spouse of such officer, fireman, rescue squad worker or senior  
13 Civil Air Patrol member if there be a surviving spouse; or
  - 14 (2) If there be no spouse qualifying under the provisions of this Article,  
15 then payments shall be made to any surviving dependent child of such  
16 officer, fireman, rescue squad worker or senior Civil Air Patrol  
17 member and if there be more than one surviving dependent child, then  
18 said payment shall be made to and equally divided among all surviving  
19 dependent children; or
  - 20 (3) If there be no spouse and no dependent child or children qualifying  
21 under the provisions of this Article, then payments shall be made to the

1 surviving dependent parent of such officer, fireman, rescue squad  
2 worker or senior Civil Air Patrol member and if there be more than  
3 one surviving dependent parent then said payments shall be made to  
4 and equally divided between the surviving dependent parents of said  
5 officer, fireman, rescue squad worker or senior Civil Air Patrol  
6 member.

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

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

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

17 (3) In the event there is no person qualifying under subsection (a) of this  
18 section, ~~twenty five thousand dollars (\$25,000)~~ fifty thousand dollars  
19 (\$50,000) shall be paid to the estate of the deceased officer, fireman,  
20 rescue squad worker or senior Civil Air Patrol member at the time of  
21 death.

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

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

36 Sec. 2. There is appropriated from the General Fund to the Department of  
37 State Auditor the sum of two hundred thousand dollars (\$200,000) for the 1993-94  
38 fiscal year and the sum of two hundred thousand dollars (\$200,000) for the 1994-95  
39 fiscal year to implement this act.

40 Sec. 3. This act becomes effective July 1, 1993, and applies to law  
41 enforcement officers, firemen, rescue squad workers, or senior Civil Air Patrol members  
42 killed in the line of duty on or after July 1, 1993.