

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 918*

Short Title: Increase Death Benefits.

(Public)

Sponsors: Representatives McLawhorn; Alexander, Barefoot, Bonner, Bridgeman, Cole, Cox, Cunningham, Dedmon, Earle, Edwards, Fox, Gibson, Gillespie, Goodwin, Hackney, Haire, Hensley, Horn, Hurley, Insko, McComas, McCrary, McMahan, Melton, Michaux, Moore, Morris, Mosley, Oldham, Owens, Preston, Rayfield, Rogers, Russell, Saunders, Setzer, Smith, Sutton, Teague, Thomas, Thompson, Tolson, Tucker, Walend, Warner, Warren, Warwick, G. Wilson, Womble, Wright, and Yongue.

Referred to: Ways and Means.

April 5, 1999

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE DEATH BENEFIT FOR LAW ENFORCEMENT
2 OFFICERS, FIREMEN, RESCUE SQUAD WORKERS, AND SENIOR CIVIL AIR
3 PATROL MEMBERS KILLED IN THE LINE OF DUTY.

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 (1) The spouse of such officer, fireman, rescue squad worker or senior Civil
12 Air Patrol member if there be a surviving spouse; or

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

- 5 (3) If there be no spouse and no dependent child or children qualifying
6 under the provisions of this Article, then payments shall be made to the
7 surviving dependent parent of such officer, fireman, rescue squad
8 worker or senior Civil Air Patrol member and if there be more than one
9 surviving dependent parent then said payments shall be made to and
10 equally divided between the surviving dependent parents of said officer,
11 fireman, rescue squad worker or senior Civil Air Patrol member.

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

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

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

- 22 (3) In the event there is no person qualifying under subsection (a) of this
23 section, ~~twenty-five thousand dollars (\$25,000)~~ fifty thousand dollars
24 (\$50,000) shall be paid to the estate of the deceased officer, fireman,
25 rescue squad worker or senior Civil Air Patrol member at the time of
26 death.

27 (c) In the event that any person or persons eligible for payments under subsection
28 (a) of this section shall become ineligible, and other eligible person or persons qualify for
29 said death benefit payments under subsection (a), then they shall receive the remainder of
30 any payments up to the limit of ~~twenty-five thousand dollars (\$25,000)~~ fifty thousand dollars
31 (\$50,000) in the manner set forth in subsection (b) of this section.

32 (d) In the event any person or persons eligible for payments under subsection (a)
33 of this section shall become ineligible and no other person or persons qualify for
34 payments under that subsection and where the sum of the initial payment of ~~ten thousand~~
35 ~~dollars (\$10,000)~~ twenty thousand dollars (\$20,000) and each subsequent annual payment
36 of ~~five thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000) does not total ~~twenty-five~~
37 ~~thousand dollars (\$25,000)~~ fifty thousand dollars (\$50,000) then the difference between the
38 total of the payments made and ~~twenty-five thousand dollars (\$25,000)~~ fifty thousand dollars
39 (\$50,000), shall immediately be payable to the estate of the deceased officer, fireman,
40 rescue squad worker, or senior Civil Air Patrol member."

41 Section 2. This act becomes effective July 1, 1999.