

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 948

Short Title: Increase Death Benefits for Public Servants. (Public)

Sponsors: Senators Hoyle; Allran, Foxx, Stevens, and Swindell.

Referred to: Pensions & Retirement and Aging.

April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE DEATH BENEFITS UNDER THE
2 LAW-ENFORCEMENT OFFICERS', FIREMENS', RESCUE SQUAD
3 WORKERS', AND CIVIL AIR 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
- 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
22 surviving dependent parent of such officer, fireman, rescue squad
23 worker or senior Civil Air Patrol member and if there be more than
24 one surviving dependent parent then said payments shall be made to
25 and equally divided between the surviving dependent parents of said
26 officer, fireman, rescue squad worker or senior Civil Air Patrol
27 member.

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

1 (1) At the time of the death of an officer, fireman, rescue squad worker or
2 senior Civil Air Patrol member, ~~ten thousand dollars (\$10,000)~~ forty
3 thousand dollars (\$40,000) shall be paid to the person or persons
4 entitled thereto.

5 (2) Thereafter, ~~five thousand dollars (\$5,000)~~ twenty thousand dollars
6 (\$20,000) shall be paid annually to the person or persons entitled
7 thereto until the sum of the initial payment and each annual payment
8 reaches ~~twenty five thousand dollars (\$25,000)~~ one hundred thousand
9 dollars (\$100,000).

10 (3) In the event there is no person qualifying under subsection (a) of this
11 section, ~~twenty five thousand dollars (\$25,000)~~ one hundred thousand
12 dollars (\$100,000) shall be paid to the estate of the deceased officer,
13 fireman, rescue squad worker or senior Civil Air Patrol member at the
14 time of death.

15 (c) In the event that any person or persons eligible for payments under subsection
16 (a) of this section shall become ineligible, and other eligible person or persons qualify
17 for said death benefit payments under subsection (a), then they shall receive the
18 remainder of any payments up to the limit of ~~twenty five thousand dollars (\$25,000)~~ one
19 hundred thousand dollars (\$100,000) in the manner set forth in subsection (b) of this
20 section.

21 (d) In the event any person or persons eligible for payments under subsection (a)
22 of this section shall become ineligible and no other person or persons qualify for
23 payments under that subsection and where the sum of the initial payment of ten
24 thousand dollars (\$10,000) and each subsequent annual payment of five thousand
25 dollars (\$5,000) does not total ~~twenty five thousand dollars (\$25,000)~~ one hundred
26 thousand dollars (\$100,000), then the difference between the total of the payments made
27 and ~~twenty five thousand dollars (\$25,000)~~ one hundred thousand dollars (\$100,000)
28 shall immediately be payable to the estate of the deceased officer, fireman, rescue squad
29 worker, or senior Civil Air Patrol member."

30 **SECTION 2.** This act is effective when it becomes law and applies to deaths
31 that occur on or after that date.