

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 939
HOUSE BILL 1656

AN ACT TO AMEND CHAPTER 684 OF THE 1949 SESSION LAWS AS
AMENDED RELATING TO THE FIREMEN'S PENSION FUND OF THE CITY
OF WILMINGTON.

The General Assembly of North Carolina enacts:

Section 1. Section 6 of Chapter 684 of the 1949 Session Laws is hereby amended to read as follows:

"(6) Should any member of the Fire Department die before retirement, and who prior to his death was in either of the following classifications:

(a) while in the actual performance of duty, and by reason of the performance of such duty, and without fault or misconduct on his part, shall become permanently disabled, physically or mentally, so as to be unfitted to perform the duties of the Fire Department, a pension, which shall be one-half of the salary such member was receiving from the Department at the time of such disability or its cause, and shall be granted for the life of such disabled member, upon his death, a pension shall be paid to his beneficiaries as hereinafter provided; or

(b) was killed or dies from injuries or the results thereof while in the performance of duty or from disease contracted in the performance of duty, the board shall pay a pension based on one-half of the amount he would have been paid had he been retired at the time of his death, to said member's widow or children or beneficiaries as hereinafter provided for in this act; or

(c) was in the ten to twenty year service classification; or

(d) was in the twenty year or twenty-five year service classification; or

(e) any member who shall retire, or be retired, or become eligible to retire and be entitled to a pension, as provided for; then, and in either event, the following contingencies are hereby provided for said member's widow and dependent children, and other beneficiaries and they shall be paid out of said pension fund as follows:

(1) should he predecease his wife, then upon his death she shall be paid monthly, until her remarriage or death, fifty percent (50%) of the amount paid him, or which would have been paid him had he been retired, in whatever classification he was in or was entitled to be in, as above set out, at the time of his death;

(2) and in addition, ten dollars (\$10.00) monthly for each dependent child of said member, up to and for three children at any one time only, until each child shall become eighteen years of age, and said amount shall be paid to the mother or to the duly appointed and acting guardian of such minor child or children for the use and benefit of said child or children;

(3) should any member as above classified, (a) die, having never married, or (b) should he survive his wife, and subsequently die, leaving surviving him no child or children under eighteen years of age, or (c) upon the death or remarriage of his surviving widow and the attainment of eighteen years of age of all his children, then, or in either event, should his mother then be living, she shall be paid until her death or remarriage fifty percent (50%) of the amount of his pension to which he would have been entitled as herein provided; ONLY, however, if the Board of Trustees shall find at the time of his death he was the chief means of support to his mother; (4) should he die leaving none of the above named beneficiaries, or should none of them qualify in accordance with the above requirements, then, and in either event, a sum not to exceed three hundred dollars (\$300.00) shall be paid out of said pension fund for his burial expenses."

Sec. 2. This act shall be in full force and effect from and after January 1, 1974.

In the General Assembly read three times and ratified, this the 6th day of March, 1974.