

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 647
HOUSE BILL 500

AN ACT AMENDING CHAPTER 188 OF THE 1977 SESSION LAWS RELATING
TO THE POLICEMEN'S PENSION FUND OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina enacts:

Section 1. Subsection (b) of Section 9, Chapter 188, Session Laws of 1977, as amended by subsection (d) of Section 1, Chapter 429, Session Laws of 1979, is rewritten to read:

"(b) If and in the event any member of the Asheville Police Department qualifying under this act shall become disabled while acting in the line of duty, as defined in this act, and is unable to work as a policeman, he shall receive monthly a sum equal to seventy percent (70%) of his basic monthly salary rate as then paid by the City of Asheville, said seventy percent (70%) of said basic monthly salary rate to be in monthly installments by the Board of Trustees of the Asheville Policemen's Pension and Disability Fund; provided, however, that if under the North Carolina Worker's Compensation Act he shall receive any payments due to such disability, then the amount of such compensation payments shall be deducted from the amount of his said monthly installment, and there shall be paid from the Policemen's Pension and Disability Fund only such amount as may be required to make up his said monthly installment; provided, further, that if under the North Carolina Worker's Compensation Act such member elects to take a lump sum settlement of the amount due to him as a result of his disability, then such member shall receive from the Policemen's Pension and Disability Fund each month a sum equal to the difference between the amount of the member's monthly installment under the Policemen's Pension and Disability Fund and the amount that would have been received under the Worker's Compensation Act had the lump sum settlement not been made; provided, further, that if such member of the Asheville Police Department shall be killed in the line of duty, or shall die as a result of a disability in the line of duty, as defined in this act, the surviving spouse shall receive, so long as said surviving spouse remains unmarried, the same monthly installment as the member would have received under this section; provided, further, that if, under the North Carolina Worker's Compensation Act such surviving spouse elects to take a lump sum settlement of the amount due on account of the death of the member, then such surviving spouse, so long as said surviving spouse remains unmarried, shall receive from the Policemen's Pension and Disability Fund each month a sum equal to the difference between the amount of the deceased member's monthly installment due under the Policemen's Pension and Disability Act and the amount of the monthly installment

that would have been received under the Worker's Compensation Act had the surviving spouse not elected to take a lump sum settlement."

Sec. 2. The City of Asheville may, in its discretion, grant from time to time an increased benefit payment, which increase may consist of a percentage of the cost of living increase, or of any other computation the City deems suitable.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of July, 1985.