

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1994
Second Edition Engrossed 6/7/89
Third Edition Engrossed 8/2/89

Short Title: Local Govt. Ret. Conversion/Funds.

(Public)

Sponsors: Representative R. Hunter.

Referred to: Appropriations.

May 11, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW CERTAIN CONVERSIONS FROM SERVICE TO
DISABILITY RETIREMENT IN THE LOCAL GOVERNMENTAL
EMPLOYEES' RETIREMENT SYSTEM AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 128-27(c) reads as rewritten:

"(c) Disability Retirement Benefits. – Upon the application of a member or of his employer, any member who has had five or more years of creditable service may be retired by the Board of Trustees, on the first day of any calendar month, not less than one day nor more than 90 days next following the date of filing such application, on a disability retirement allowance: Provided, that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity was incurred at the time of active employment and has been continuous thereafter, that such incapacity is likely to be permanent, and that such member should be retired; Provided further the medical board shall determine if the member is able to engage in gainful employment and, if so, the member may still be retired and the disability retirement allowance as a result thereof shall be reduced as in subsection (e) below. Provided further, that the Medical Board shall not certify any member as disabled who:

- (1) Applies for disability retirement based upon a mental or physical incapacity which existed when the member first established membership in the system; or

1 (2) Is in receipt of any payments on account of the same disability which
2 existed when the member first established membership in the system.

3 The Board of Trustees shall require each employee upon enrolling in the retirement
4 system to provide information on the membership application concerning any mental or
5 physical incapacities existing at the time the member enrolls.

6 Notwithstanding the requirement of five or more years of creditable service to the
7 contrary, a member who is a law enforcement officer and who has had one year or more
8 of creditable service and becomes incapacitated for duty as the natural and proximate
9 result of an accident occurring while in the actual performance of duty, and meets all
10 other requirements for disability retirement benefits, may be retired by the Board of
11 Trustees on a disability retirement allowance.

12 Notwithstanding the foregoing to the contrary, any beneficiary who commenced
13 retirement with an early or service retirement benefit has the right, within three years of
14 his retirement, to convert to an allowance with disability retirement benefits without
15 modification of any election of optional allowance previously made; provided, the
16 beneficiary would have met all applicable requirements for disability retirement benefits
17 while still in service as a member. The allowance on account of disability retirement
18 benefits to the beneficiary shall be retroactive to the effective date of early or service
19 retirement."

20 Sec. 2. This act is effective October 1, 1989.