

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 1215
SENATE BILL 1008

AN ACT TO PROVIDE THE REDUCTION IN DISABILITY RETIREMENT BENEFITS TO REEMPLOYED MEMBERS OF THE LAW ENFORCEMENT OFFICERS BENEFIT AND RETIREMENT FUND OR MEMBERS WHOSE EARNING CAPACITY HAS IMPROVED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-166(y) as it appears in the 1979 Supplement to Volume 3C of the General Statutes is amended by adding a new paragraph between the fourth and fifth paragraphs to read as follows:

"On or after July 1, 1980, should the Board of Commissioners determine that such disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between the basic disability retirement allowance and the average final compensation, then the portion of his basic disability retirement allowance not provided by the member's contributions shall be reduced to an amount which together with the portion of the basic disability retirement allowance provided by the member's contributions and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the portion of his basic disability retirement allowance not provided by the member's contributions may be further modified: Provided that the new allowance shall not exceed the allowance originally granted nor an amount which, when added to the amount earnable by the member together with the portion of the basic disability retirement allowance provided by the member's own contributions, equals his average final compensation."

Sec. 2. This act shall become effective on July 1, 1980, for employees retiring on or after July 1, 1980. For employees retiring prior to July 1, 1980, this act shall become effective on July 1, 1981.

In the General Assembly read three times and ratified, this the 24th day of June, 1980.