

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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HOUSE BILL 1994

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

(Public)

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Sponsors: Representative R. Hunter.

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Referred to: Appropriations.

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

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

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

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

18 Sec. 2. There is appropriated from the General Fund to the Board of Trustees  
19 of the Local Governmental Employees' Retirement System the sum of \$5,000 for the  
20 1989-90 fiscal year and the sum of \$5,000 for the 1990-91 fiscal year to provide funds  
21 required for the research needed to implement this act.

22 Sec. 3. This act shall become effective July 1, 1989.