

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1617

Short Title: Repeal Disability Retirement Exclusion.

(Public)

Sponsors: Representative Cox.

Referred to: Pensions and Retirement.

June 12, 2002

A BILL TO BE ENTITLED
AN ACT TO REPEAL LANGUAGE EXCLUDING CERTAIN RETIRED LAW
ENFORCEMENT OFFICERS FROM THE REEXAMINATION REQUIREMENT
FOR DISABILITY RETIREMENT BENEFITS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 128-27(e)(1) reads as rewritten:

"(1) The Board of Trustees shall determine whether a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference, as hereinafter indexed, between his disability retirement allowance and the gross compensation earned as an employee during the 12 consecutive months in the final 48 months of service prior to retirement producing the highest gross compensation excluding any compensation received on account of termination. If the disability beneficiary is earning or is able to earn more than the difference, the portion of his disability retirement allowance not provided by his contributions shall be reduced to an amount which, together with the portion of the disability retirement allowance provided by his contributions and the amount earnable by him shall equal the amount of his gross compensation prior to retirement. This difference shall be increased on January 1 each year by the ratio of the Consumer Price Index to the Index one year earlier, calculated to the nearest tenth of a percent (1/10 of 1%). Should the earning capacity of the disability beneficiary later change, the portion of his disability retirement allowance not provided by his contributions may be further modified. In lieu of the reductions on account of a disability beneficiary earning more than the aforesaid difference, he may elect to convert his disability retirement allowance to a service retirement allowance calculated on the basis of his average final compensation and creditable service at the time of disability retirement and his age at

1 the time of conversion to service retirement. This election is
2 irrevocable.

3 ~~The provisions of this subdivision shall not apply to beneficiaries~~
4 ~~of the Law Enforcement Officers' Retirement System transferred to~~
5 ~~this Retirement System who commenced retirement on and before July~~
6 ~~1, 1981."~~

7 **SECTION 2.** This act is effective when it becomes law.