

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 31

Short Title: 1 Year Firemen Disability Paym'ts.

(Public)

Sponsors: Representatives Warner; Barbee, Bowman, Brown, J.W. Crawford, DeVane, Fletcher, Gardner, Howard, Kimsey, Lewis, Ligon, Mercer, Wilson, and Woodard.

Referred to: Rules.

February 7, 1991

A BILL TO BE ENTITLED

1 AN ACT TO PERMIT INJURED FIREMEN TO RECEIVE DISABILITY
2 PAYMENTS UNDER THE NORTH CAROLINA LOCAL GOVERNMENTAL
3 EMPLOYEES' RETIREMENT SYSTEM AFTER ONE YEAR'S SERVICE.
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5 The General Assembly of North Carolina enacts:

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

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

- 20 (1) Applies for disability retirement based upon a mental or physical
21 incapacity which existed when the member first established
22 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 or a fireman or rescue squad
8 worker and who has had one year or more of creditable service and becomes
9 incapacitated for duty as the natural and proximate result of an accident occurring while
10 in the actual performance of duty, and meets all other requirements for disability
11 retirement benefits, may be retired by the Board of Trustees on a disability retirement
12 allowance."

13 Sec. 2. This act becomes effective July 1, 1991.