

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1991**

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**SENATE BILL 27**

Short Title: 1 Year Firemen Disability Paym'ts.

(Public)

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Sponsors: Senators Ballance; Carpenter, Forrester, Hartsell, Perdue, Soles, and Warren.

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Referred to: Pensions and Retirement.

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February 6, 1991

A BILL TO BE ENTITLED

AN ACT TO PERMIT INJURED FIREMEN TO RECEIVE DISABILITY  
PAYMENTS UNDER THE NORTH CAROLINA LOCAL GOVERNMENTAL  
EMPLOYEES' RETIREMENT SYSTEM AFTER ONE YEAR'S SERVICE.

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 or a fireman or rescue squad  
6 worker and who has had one year or more of creditable service and becomes  
7 incapacitated for duty as the natural and proximate result of an accident occurring while  
8 in the actual performance of duty, and meets all other requirements for disability  
9 retirement benefits, may be retired by the Board of Trustees on a disability retirement  
10 allowance."

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