

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 348
HOUSE BILL 571

AN ACT TO MAKE CERTAIN CHANGES IN THE SALARY CONTINUATION PLAN
FOR STATE LAW ENFORCEMENT OFFICERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-166.13(13) is amended by deleting the phrase "as either 'inspectors' and uniformed weigh station personnel" and by substituting the following: "as either 'inspectors' or uniformed weigh station personnel".

Sec. 2. G.S. 143-166.18 is amended by deleting the phrase ", or other head of the department to which the agency is assigned by statute, or the commanding officer of the State Highway Patrol in the case of the Highway Patrol" and by substituting the following: "or other head of the department to which the agency is assigned by statute".

Sec. 3. G.S. 143-166.19 is rewritten to read:

"§ 143-166.19. Determination of cause and extent of incapacity; hearing before Industrial Commission; appeal; effect of refusal to perform duties. — Upon the filing of the report, the secretary or other head of the department or, in the case of the General Assembly, the Legislative Services Officer, shall determine the cause of the incapacity and to what extent the claimant may be assigned to other than his normal duties. The finding of the secretary or other head of the department shall determine the right of the claimant to benefits under this Article. Notice of the finding shall be filed with the North Carolina Industrial Commission. Unless the claimant, within 30 days after he receives notice, files with the North Carolina Industrial Commission, upon the form it shall require, a request for a hearing, the finding of the secretary or other department head shall be final. Upon the filing of a request, the North Carolina Industrial Commission shall proceed to hear the matter in accordance with its regularly established procedure for hearing claims filed under the Worker's Compensation Act, and shall report its findings to the secretary or other head of the department. From the decision of the North Carolina Industrial Commission, an appeal shall lie as in other matters heard and determined by the Commission. Any person who refuses to perform any duties to which he may be properly assigned as a result of the finding of the secretary, other head of the department or of the North Carolina Industrial Commission shall be entitled to no benefits pursuant to this Article as long as the refusal continues."

Sec. 4. Chapter 143 of the General Statutes is amended by adding a new section to Article 12B to read:

"§ 143-166.20. Subrogation. — The same rights and remedies set forth in G.S. 97-10.2 shall apply in all third party liability cases occurring under this Article, including cases involving the right of the affected State agency to recover the salary paid to an injured officer during his period of disability."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of May, 1981.