

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 940  
SENATE BILL 510

AN ACT TO PREVENT DISABILITY RETIREMENT FOR A DISABLING CONDITION WHICH EXISTED PRIOR TO MEMBERSHIP IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE UNIFORM JUDICIAL RETIREMENT SYSTEM AND THE LAW ENFORCEMENT OFFICERS' BENEFIT AND RETIREMENT FUND.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 128-27(c) and G.S. 135-5(c) are amended by adding the following language at the end of the first paragraph:

"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.

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

**Sec. 2.** G.S. 135-59 is amended by adding the following language at the end to read as follows:

"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.

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

**Sec. 3.** G.S. 143-166(y) is amended by adding the following language at the end of the fourth paragraph to read as follows:

"Provided, 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.

The Board of Commissioners shall require each employee upon enrolling in the retirement fund to provide information on the membership application concerning any mental or physical incapacities existing at the time the member enrolls."

**Sec. 4.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 10th day of July, 1981.