

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 980  
HOUSE BILL 1150

AN ACT TO LIMIT THE PROJECTION OF SERVICE CREDIT FOR DISABILITY BENEFITS 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(d3) is amended by rewriting the caption and the language preceding the first colon to read:

"(d3) Allowance on Disability Retirement of Persons Retiring on or after July 1, 1971, but prior to July 1, 1982. Upon retirement for disability, in accordance with subsection (c) of this section on or after July 1, 1971, but prior to July 1, 1982, a member shall receive a service retirement allowance if he has attained the age of 65 years; otherwise he shall receive a disability retirement allowance which shall be computed as follows:".

**Sec. 2.** G.S. 128-27 is amended by the addition of a new subsection immediately after (d3) to read:

"(d4) Allowance on Disability Retirement of Persons Retiring on or after July 1, 1982. Upon retirement for disability, in accordance with subsection (c) of this section on or after July 1, 1982, a member shall receive a service retirement allowance if he has qualified for an unreduced service retirement allowance; otherwise the allowance shall be equal to a service retirement allowance calculated on the member's average final compensation prior to his disability retirement and the creditable service he would have had had he continued in service until the earliest date on which he would have qualified for an unreduced service retirement allowance."

**Sec. 3.** G.S. 135-5(d3) is amended by rewriting the first four lines to read:

"(d3) Allowance on Disability Retirement of Persons Retiring on or after July 1, 1971, but prior to July 1, 1982. Upon retirement for disability, in accordance with subsection (c) of this section on or after July 1, 1971, but prior to July 1, 1982, a member shall receive a service retirement allowance if he has attained the age of 65 years; otherwise he shall receive a disability retirement allowance which shall be computed as follows:".

**Sec. 4.** G.S. 135-5 is further amended by the addition of a new subsection immediately after (d3) to read:

"(d4) Allowance on Disability Retirement of Persons Retiring on or after July 1, 1982. Upon retirement for disability, in accordance with subsection (c) of this section on or after July 1, 1982, a member shall receive a service retirement allowance if he has qualified for an unreduced service retirement allowance; otherwise the allowance shall be equal to a service retirement allowance calculated on the member's average final compensation prior to his disability retirement and the creditable service he would have had had he continued in service until the earliest date on which he would have qualified for an unreduced service retirement allowance."

**Sec. 5.** G.S. 135-60 is amended by rewriting subsection (a) to read:

"(a) Upon retirement for disability in accordance with G.S. 135-59, a member shall receive a disability retirement allowance computed and payable as provided for service retirement in G.S. 135-58(a) except that the member's creditable service shall be taken as the creditable service he would have had had he continued in service to the earliest date he could have retired on an unreduced service retirement allowance as a judge in the same division of the General Court of Justice in which he was serving on his disability retirement date."

**Sec. 6.** G.S. 143-66(y) is amended by deleting at the end of the fifth paragraph the words "his 55th birthday" and substituting therefor the words "the earliest date on which he would have qualified for an unreduced service retirement allowance."

**Sec. 7.** This act shall become effective July 1, 1982.

In the General Assembly read three times and ratified, this the 9th day of October, 1981.