

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2010-7
HOUSE BILL 1934**

**AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREFIGHTERS'
RETIREMENT SYSTEM TO MAKE THE MINIMUM DEATH BENEFIT AVAILABLE
WITH RESPECT TO ALL RETIREES OF THE SYSTEM.**

The General Assembly of North Carolina enacts:

SECTION 1. Section 21 of Chapter 926 of the 1947 Session Laws, as amended by Chapter 506 of the 1987 Session Laws, as amended by Chapter 1033 of the 1987 Session Laws, as amended by Chapter 248 of the 1989 Session Laws, as amended by Chapter 830 of the 1991 Session Laws, as amended by S.L. 1999-100, as amended by S.L. 2001-22, reads as rewritten:

"Sec. 21. Death Benefits.

(a) In the event of the death of any Member of the System prior to his effective date of retirement pursuant to the provisions of Sections 15, 16, 18, 19, or 20 of this act, his Designated Beneficiary(s) on file with the Retirement System, or his personal representative in the absence of any Designated Beneficiary, shall be entitled to reimbursement of the Total Contributions by him or on his behalf and contributions by the City of Charlotte to the System on his behalf; plus, interest compounded annually at the rate of four percent (4%) per year on the contribution balance at the beginning of each Plan Year in which the Participant contributed or in which contributions were made on his behalf. The Board of Trustees has the right to set a different interest rate from time to time. Interest shall not apply to death benefits occurring before July 1, 1986. Such Beneficiary(s) or personal representative must complete and file the form 'Application for Survivor Death Benefits' with the Administrator to receive reimbursement. As an option, a Beneficiary may elect to receive an annuity equal to and in lieu of a lump sum distribution by so designating on the above form. Effective July 1, 1989, as an option, a surviving spouse of a deceased Member who was eligible for a service or early retirement benefit on the date preceding death may elect to receive an Actuarial Equivalent computed as of the date preceding death in the same manner as if the deceased member had retired and elected a reduced monthly amount payable throughout his life, and nominated the surviving spouse as his beneficiary in accordance with the provisions of Option 4, Sixty-Six and Two-Thirds Percent (66 2/3%) Joint and Survivor benefit, as set forth in subsection (f) of Section 17. The Actuarial Equivalent for all benefits payable pursuant to this section shall be computed in accordance with the Unisex Mortality Table for 1984 set forward one year in age, with interest at six percent (6%).

(b) In the event of the death of a Retiree of this System ~~before he has received monthly receiving basic benefit payments~~ payments, or the last to die of the Retiree and Beneficiary receiving an optional form of benefit payment in accordance with Section 17, and before the Retiree (or Retiree and Beneficiary, in the case of an optional form of benefit) has received monthly benefit payments equal to the present value on the effective date of retirement of the Total Contributions ~~by him or on his behalf and contributions~~ to the System by the Retiree and by the City of Charlotte to the System on his behalf; plus, behalf of the Retiree, plus interest compounded annually at the rate applicable to subsection (a) of this section on the contribution balance at the beginning of each Plan Year in which the ~~Participant~~ Retiree contributed or in which contributions were made on ~~his behalf of the Retiree, and provided a monthly benefit is not payable in accordance with Section 17,~~ the Designated Beneficiary(s) Beneficiary(s), if any, or estate of the retiree Retiree (or estate of the Beneficiary, in the case of an optional form of benefit) shall be entitled to an amount equal to the difference between such contributions, plus interest, and the sum of the monthly benefit payments received by the ~~retiree~~ Retiree (or Retiree and Beneficiary, in the case of an optional form of benefit). However, interest shall not apply to death benefits occurring before July 1, 1986. Such Beneficiary(s) or personal representative



must complete and file the form 'Application for Survivor Death Benefits' with the Administrator to receive reimbursement."

SECTION 2. This act applies only to the City of Charlotte.

SECTION 3. This act becomes effective July 1, 2010.

In the General Assembly read three times and ratified this the 21st day of June, 2010.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives