

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1934

Short Title: Amend Charlotte Firefighters' Retirement. (Local)

Sponsors: Representatives M. Alexander; K. Alexander, Carney, Cotham, Earle, Gulley, Hughes, Killian, Mackey, Samuelson, and Tillis.

Referred to: Local Government I, if favorable, Pensions and Retirement.

May 25, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW ESTABLISHING THE CHARLOTTE FIREFIGHTERS'
3 RETIREMENT SYSTEM TO MAKE THE MINIMUM DEATH BENEFIT AVAILABLE
4 WITH RESPECT TO ALL RETIREES OF THE SYSTEM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 21 of Chapter 926 of the 1947 Session Laws, as rewritten by
7 Section 1 of Chapter 830 of the 1991 Session Laws, as amended by S.L. 1999-100 and S.L.
8 2001-22, reads as rewritten:

9 "Sec. 21. Death Benefits.

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

32 (b) In the event of the death of a Retiree of this System ~~before he has received monthly~~
33 receiving basic benefit payments, payments, or the last to die of the Retiree and Beneficiary
34 receiving an optional form of benefit payment in accordance with Section 17, and before the
35 Retiree (or Retiree and Beneficiary, in the case of an optional form of benefit) has received
36 monthly benefit payments equal to the present value on the effective date of retirement of the



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1 Total Contributions ~~by him or on his behalf and contributions~~ to the System by the Retiree and
2 by the City of Charlotte ~~to the System on his behalf; plus,~~ behalf of the Retiree, plus interest
3 compounded annually at the rate applicable to subsection (a) of this section on the contribution
4 balance at the beginning of each Plan Year in which the ~~Participant~~ Retiree contributed or in
5 which contributions were made on ~~his~~ behalf of the Retiree, and ~~provided a monthly benefit is~~
6 ~~not payable in accordance with Section 17;~~ the Designated Beneficiary(s) Beneficiary(s), if any,
7 or estate of the ~~retiree~~ Retiree (or estate of the Beneficiary, in the case of an optional form of
8 benefit) shall be entitled to an amount equal to the difference between such contributions, plus
9 interest, and the sum of the monthly benefit payments received by the ~~retiree~~ Retiree (or Retiree
10 and Beneficiary, in the case of an optional form of benefit). However, interest shall not apply to
11 death benefits occurring before July 1, 1986. Such Beneficiary(s) or personal representative
12 must complete and file the form 'Application for Survivor Death Benefits' with the
13 Administrator to receive reimbursement."

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

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