

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 1042
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10732-MRap-132A

Short Title: Increase In-Service Death Benefit/LRS.

(Public)

Sponsors: Representative Howard.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE DEATH BENEFIT FOR MEMBERS OF THE LEGISLATIVE
3 RETIREMENT SYSTEM WHO DIE WHILE IN SERVICE AND TO MAKE TECHNICAL
4 CHANGES TO REORGANIZE THE LEGISLATIVE RETIREMENT SYSTEM DEATH
5 BENEFIT STATUTE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** G.S. 120-4.27 reads as rewritten:

8 **"§ 120-4.27. Death benefit.**

9 ~~The designated beneficiary of a member who dies while in service after completing one year~~
10 ~~of creditable service shall receive a lump sum payment of an amount equal to the deceased~~
11 ~~member's highest annual salary, to a maximum of fifteen thousand dollars (\$15,000). For~~
12 ~~purposes of this death benefit "in service" means currently serving as a member of the North~~
13 ~~Carolina General Assembly. "In service" also means service in the Uniformed Services, as that~~
14 ~~term is defined in section 4303(16) of the Uniformed Services Employment and Reemployment~~
15 ~~Rights Act, Public Law 103-353, if that service begins during the member's term of office. If the~~
16 ~~participant does not return immediately after that service to employment with a covered employer~~
17 ~~in this System, then the participant shall be deemed "in service" until the date on which the~~
18 ~~participant was first eligible to be separated or released from his or her involuntary military~~
19 ~~service.~~

20 (a) North Carolina Teachers' and State Employees' Benefit Trust. – The North Carolina
21 Teachers' and State Employees' Benefit Trust shall be administered by the Board of Trustees
22 separate and apart from the Retirement System's Annuity Savings Fund and Pension
23 Accumulation Fund. Employer and non-employer contributions to the Benefit Trust, and
24 earnings on those contributions, are irrevocable. The assets of the Benefit Trust are dedicated to
25 providing benefits to members and beneficiaries in accordance with the Plan's benefit terms. The
26 assets of the Benefit Trust are not subject to the claims of creditors of the employees and
27 non-employees making contributions to the Benefit Trust, are not subject to the claims of any
28 creditors of the Benefit Trust's trustees and administrators, and are not subject to the claims of
29 creditors of members and beneficiaries. Benefit Trust assets may be used for reasonable expenses
30 to administer benefits provided by the Fund as approved by the Board of Trustees.

31 (b) Death Benefit Generally. – The death benefit provided by this section shall be
32 designated a group life insurance benefit payable under an employee welfare benefit plan that is
33 separate and apart from the Retirement System but under which the members of the Retirement
34 System shall participate and be eligible for group life insurance benefits. The Board of Trustees
35 is authorized to provide the death benefit in the form of group life insurance either by purchasing
36 a contract or contracts of group life insurance with any life insurance company or companies



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1 licensed and authorized to transact business in the State of North Carolina for the purpose of
2 insuring the lives of qualified members in service, or by establishing or affiliating with a separate
3 trust fund qualified under Section 501(c)(9) of the Internal Revenue Code of 1954, as amended.

4 (c) Death While in Service. – The designated beneficiary of a member who dies while in
5 service after completing one year of creditable service shall receive a lump-sum payment of fifty
6 thousand dollars (\$50,000). For purposes of this section, the phrase "in service" means currently
7 serving as a member of the North Carolina General Assembly. For purposes of this section, the
8 term "in service" also means service in the Uniformed Services, as that term is defined in section
9 4303(16) of the Uniformed Services Employment and Reemployment Rights Act, Public Law
10 103-353, if that service begins during the member's term of office. If the member does not return
11 immediately after that service in the Uniformed Services to employment with a covered employer
12 in this System, then the member shall be deemed to have been "in service" until the date on which
13 the member was first eligible to be separated or released from his or her involuntary military
14 service.

15 (d) Death of a Retired Member. – Upon receipt of ~~proof,~~ proof satisfactory to the Board
16 of ~~Trustees,~~ Trustees of the death of a retired member of the Retirement System or Retirement
17 Fund on Fund, a death benefit shall be paid as follows:

18 (1) If the death of the retired member occurs or after July 1, 1988, but before
19 January 1, 1999, there shall be paid a death benefit to the surviving spouse of
20 a deceased retired member, or to the deceased retired member's legal
21 representative if not survived by a spouse; provided the retired member has
22 elected, when first eligible, to make, and has continuously made, in advance
23 of his death required contributions as determined by the Retirement System
24 on a fully contributory basis, through retirement allowance deductions or other
25 methods adopted by the Retirement System, to a group death benefit trust fund
26 administered by the Board of Trustees separate and apart from the Retirement
27 System's Annuity Savings Fund and Pension Accumulation Fund. This death
28 benefit shall be a lump-sum payment in the amount of five thousand dollars
29 (\$5,000) upon the completion of twenty-four months of ~~contributions required~~
30 ~~under this subsection,~~ required contributions. Should death occur before the
31 completion of twenty-four months of ~~contributions required under this~~
32 ~~subsection,~~ required contributions, then the deceased retired member's
33 surviving spouse or legal representative if not survived by a spouse shall be
34 paid the sum of the retired member's contributions required by this ~~subsection~~
35 subdivision plus interest to be determined by the Board of Trustees.

36 (2) ~~Upon receipt of proof, satisfactory to the Board of Trustees, of~~ If the death of
37 a ~~the~~ retired member of the Retirement System or Retirement Fund occurs on
38 or after January 1, 1999, but before July 1, 2004, there shall be paid a death
39 benefit to the surviving spouse of a deceased retired member, or to the
40 deceased retired member's legal representative if not survived by a spouse;
41 provided the retired member has elected, when first eligible, to make, and has
42 continuously made, in advance of his death required contributions as
43 determined by the Retirement System on a fully contributory basis, through
44 retirement allowance deductions or other methods adopted by the Retirement
45 System, to a group death benefit trust fund administered by the Board of
46 Trustees separate and apart from the Retirement System's Annuity Savings
47 Fund and Pension Accumulation Fund. This death benefit shall be a lump-sum
48 payment in the amount of six thousand dollars (\$6,000) upon the completion
49 of 24 months of ~~contributions required under this subsection,~~ required
50 contributions. Should death occur before the completion of 24 months of
51 ~~contributions required under this subsection,~~ required contributions, then the

1 deceased retired member's surviving spouse or legal representative if not
2 survived by a spouse shall be paid the sum of the retired member's
3 contributions required by this ~~subsection~~subdivision plus interest to be
4 determined by the Board of Trustees.

5 (3) ~~Upon receipt of proof, satisfactory to the Board of Trustees, of~~ If the death of
6 ~~a the retired member of the Retirement System or Retirement Fund occurs~~ on
7 or after July 1, 2004, but before July 1, 2007, there shall be paid a death benefit
8 to the surviving spouse of a deceased retired member, or to the deceased
9 retired member's legal representative if not survived by a spouse; provided the
10 retired member has elected, when first eligible, to make, and has continuously
11 made, in advance of his death required contributions as determined by the
12 Retirement System on a fully contributory basis, through retirement allowance
13 deductions or other methods adopted by the Retirement System, to a group
14 death benefit trust fund administered by the Board of Trustees separate and
15 apart from the Retirement System's Annuity Savings Fund and Pension
16 Accumulation Fund. This death benefit shall be a lump-sum payment in the
17 amount of nine thousand dollars (\$9,000) upon the completion of 24 months
18 of ~~contributions required under this subsection.~~ required contributions. Should
19 death occur before the completion of 24 months of ~~contributions required~~
20 ~~under this subsection,~~ required contributions, then the deceased retired
21 member's surviving spouse or legal representative if not survived by a spouse
22 shall be paid the sum of the retired member's contributions required by this
23 ~~subsection~~subdivision plus interest to be determined by the Board of Trustees.

24 (4) ~~Upon receipt of proof, satisfactory to the Board of Trustees, of~~ If the death of
25 ~~a the retired member of the Retirement System or Retirement Fund occurs~~ on
26 or after July 1, 2007, but before January 1, 2015, there shall be paid a death benefit
27 to the surviving spouse of a deceased retired member, or to the
28 deceased retired member's legal representative if not survived by a spouse;
29 provided the retired member has elected, when first eligible, to make, and has
30 continuously made, in advance of his death required contributions as
31 determined by the Retirement System on a fully contributory basis, through
32 retirement allowance deductions or other methods adopted by the Retirement
33 System, to a group death benefit trust fund administered by the Board of
34 Trustees separate and apart from the Retirement System's Annuity Savings
35 Fund and Pension Accumulation Fund. This death benefit shall be a lump-sum
36 payment in the amount of ten thousand dollars (\$10,000) upon the completion
37 of 24 months of ~~contributions required under this subsection.~~ required
38 contributions. Should death occur before the completion of 24 months of
39 ~~contributions required under this subsection,~~ required contributions, then the
40 deceased retired member's surviving spouse or legal representative if not
41 survived by a spouse shall be paid the sum of the retired member's
42 contributions required by this ~~subsection~~subdivision plus interest to be
43 determined by the Board of Trustees.

44 (5) ~~Upon receipt of proof, satisfactory to the Board of Trustees, of~~ If the death of
45 ~~a the retired member of the Retirement System or Retirement Fund occurs~~ on
46 or after January 1, 2015, there shall be paid a death benefit to the person or
47 persons designated by the member or, if the member has not designated a
48 beneficiary, to the surviving spouse of the deceased retired member or, if not
49 survived by a designated beneficiary or spouse, to the deceased retired
50 member's legal representative; provided the retired member has elected, when
51 first eligible, to make, and has continuously made, in advance of the member's

1 death required contributions as determined by the Retirement System on a
 2 fully contributory basis, through retirement allowance deductions or other
 3 methods adopted by the Retirement System, to a ~~group death benefit trust~~
 4 ~~fund, the North Carolina Teachers' and State Employees' Benefit Trust,~~
 5 ~~administered by the Board of Trustees separate and apart from the Retirement~~
 6 ~~System's Annuity Savings Fund and Pension Accumulation Fund. Employer~~
 7 ~~and non-employer contributions to the Benefit Trust and earnings on those~~
 8 ~~contributions are irrevocable. The assets of the Benefit Trust are dedicated to~~
 9 ~~providing benefits to members and beneficiaries in accordance with the Plan's~~
 10 ~~benefit terms. The assets of the Benefit Trust are not subject to the claims of~~
 11 ~~creditors of the employees and non-employees making contributions to the~~
 12 ~~Benefit Trust, are not subject to the claims of any creditors of the Benefit~~
 13 ~~Trust's trustees and administrators, and are not subject to the claims of~~
 14 ~~creditors of members and beneficiaries. Benefit Trust assets may be used for~~
 15 ~~reasonable expenses to administer benefits provided by the Fund as approved~~
 16 ~~by the Board of Trustees. Trust.~~ The death benefit payable under this
 17 ~~subsection-subdivision~~ shall be a lump-sum payment in the amount of ten
 18 thousand dollars (\$10,000) upon the completion of 24 months of ~~contributions~~
 19 ~~required under this subsection. Should required contributions. If the death~~
 20 ~~occur-occurs~~ before the completion of 24 months of ~~contributions required~~
 21 ~~under this subsection, required contributions, then~~ the deceased retired
 22 member's designated beneficiary or beneficiaries, or surviving spouse if not
 23 survived by a designated beneficiary, or legal representative if not survived
 24 by a designated beneficiary or spouse, shall be paid the sum of the retired
 25 member's contributions required by this ~~subsection-subdivision~~ plus interest
 26 to be determined by the Board of Trustees."

27 **SECTION 1.(b)** This section is retroactively effective to January 1, 2020, and
 28 applies to eligible deaths occurring on or after that date.

29 **SECTION 2.(a)** Section 3.15(b) of S.L. 2019-209 reads as rewritten:

30 **"SECTION 3.15.(b)** Effective July 1, 2019, through December 31, 2019, the State's
 31 employer contribution rates budgeted for retirement and related benefits as a percentage of
 32 covered salaries for the 2019-2020 fiscal year for teachers and State employees, State law
 33 enforcement officers (LEOs), the University and Community Colleges Optional Retirement
 34 Programs (ORPs), the Consolidated Judicial Retirement System (CJRS), and the Legislative
 35 Retirement System (LRS) are as set forth below:

	Teachers and State Employees	State LEOs	ORPs	CJRS	LRS
39 Retirement	12.97%	12.97%	6.84%	33.60%	26.46%
40 Disability	0.10%	0.10%	0.10%	0.00%	0.00%
41 Death	0.16%	0.16%	0.00%	0.00%	0.00%
42 Retiree Health	6.47%	6.47%	6.47%	6.47%	6.47%
43 NC 401(k)	0.00%	5.00%	0.00%	0.00%	0.00%
44					
45 Total Contribution					
46 Rate	19.70%	24.70%	13.41%	40.07%	32.93%

47
 48 The rate for teachers and State employees and State law enforcement officers includes
 49 one one-hundredth percent (0.01%) for the Qualified Excess Benefit Arrangement."

50 **SECTION 2.(b)** Section 3.15 of S.L. 2019-209 is amended by adding a new
 51 subsection to read:

"**SECTION 3.15.(b1)** Effective January 1, 2020, the State's employer contribution rates budgeted for retirement and related benefits as a percentage of covered salaries for the 2019-2020 fiscal year for teachers and State employees, State law enforcement officers (LEOs), the University and Community Colleges Optional Retirement Programs (ORPs), the Consolidated Judicial Retirement System (CJRS), and the Legislative Retirement System (LRS) are as set forth below:

	<u>Teachers and State Employees</u>	<u>State LEOs</u>	<u>ORPs</u>	<u>CJRS</u>	<u>LRS</u>
<u>Retirement</u>	<u>12.97%</u>	<u>12.97%</u>	<u>6.84%</u>	<u>33.60%</u>	<u>26.12%</u>
<u>Disability</u>	<u>0.10%</u>	<u>0.10%</u>	<u>0.10%</u>	<u>0.00%</u>	<u>0.00%</u>
<u>Death</u>	<u>0.16%</u>	<u>0.16%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.93%</u>
<u>Retiree Health</u>	<u>6.47%</u>	<u>6.47%</u>	<u>6.47%</u>	<u>6.47%</u>	<u>6.47%</u>
<u>NC 401(k)</u>	<u>0.00%</u>	<u>5.00%</u>	<u>0.00%</u>	<u>0.00%</u>	<u>0.00%</u>
<u>Total Contribution Rate</u>	<u>19.70%</u>	<u>24.70%</u>	<u>13.41%</u>	<u>40.07%</u>	<u>33.52%</u>

The rate for teachers and State employees and State law enforcement officers includes one one-hundredth percent (0.01%) for the Qualified Excess Benefit Arrangement."

SECTION 2.(c) Section 3.15(c) of S.L. 2019-209 reads as rewritten:

"**SECTION 3.15.(c)** Effective July 1, 2020, the State's employer contribution rates budgeted for retirement and related benefits as a percentage of covered salaries for the 2020-2021 fiscal year for teachers and State employees, State law enforcement officers (LEOs), the University and Community Colleges Optional Retirement Programs (ORPs), the Consolidated Judicial Retirement System (CJRS), and the Legislative Retirement System (LRS) are as set forth below:

	<u>Teachers and State Employees</u>	<u>State LEOs</u>	<u>ORPs</u>	<u>CJRS</u>	<u>LRS</u>
Retirement	14.36%	14.36%	6.84%	36.00%	29.00% 28.66%
Disability	0.10%	0.10%	0.10%	0.00%	0.00%
Death	0.16%	0.16%	0.00%	0.00%	0.00% 0.93%
Retiree Health	6.82%	6.82%	6.82%	6.82%	6.82%
NC 401(k)	0.00%	5.00%	0.00%	0.00%	0.00%
Total Contribution Rate	21.44%	26.44%	13.76%	42.82%	35.82%36.41%

The rate for teachers and State employees and State law enforcement officers includes one one-hundredth percent (0.01%) for the Qualified Excess Benefit Arrangement."

SECTION 2.(d) There is appropriated from the General Fund to the General Assembly the sum of ten thousand six hundred seventy-nine dollars (\$10,679) in recurring funds for the 2019-2020 fiscal year and the sum of twenty-one thousand three hundred fifty-eight dollars (\$21,358) in recurring funds for the 2020-2021 fiscal year for the purpose of paying the salary-related contributions related to the Legislative Retirement System death benefit under Section 1 of this act.

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.