



CHAPTER 120
ARTICLE 1A - LEGISLATIVE RETIREMENT SYSTEM

N.C.G.S. § 120-4.28.

Survivor's alternate benefit.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2025-19, s. 7.2 — seventh act in the lineage	RETRIEVED 21 September 2026, 04:20 UTC	SOURCE FINGERPRINT 6ac5d27c33fa88f39cb7b13c - da94266b0736496644d18e44 - 1e5856d144d4659d
--	--	---	--

§ 120-4.28(a) If a member dies in service before retirement but after age 60 and after completing five years of creditable service or after completing 12 years of creditable service, then the principal beneficiary designated by that member to receive a return of accumulated contributions under G.S. 120-4.25 is entitled to Option 2 prescribed by G.S. 120-4.26.

§ 120-4.28(b) If a retirement allowance becomes payable under this section to the principal beneficiary and that principal beneficiary dies before the total of the retirement allowances paid is equal to or greater than the amount of the member's accumulated contributions, then the excess of those accumulated contributions over the total of the retirement allowance paid to the principal beneficiary shall be paid in a lump sum to the person or persons the member has designated as the contingent beneficiary for return of accumulated contributions under G.S. 120-4.25.

§ 120-4.28(c) If a retirement allowance becomes payable under this section and the principal beneficiary is not living at the time the payment falls due, then the retirement allowance shall be paid to the contingent beneficiary designated to receive a return of accumulated contributions under G.S. 120-4.25. If that contingent beneficiary dies before the total of the retirement allowances paid is equal to or greater than the amount of the member's accumulated contributions, then the excess of those accumulated contributions over the total of the retirement allowances paid to the contingent beneficiary shall be paid in a lump sum to the contingent beneficiary's legal representative.

§ 120-4.28(d)

If no beneficiaries are living at the time the payment required under this section first falls due, then the allowance shall be paid in a lump sum to the principal beneficiary's legal representative.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
7 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

198320042025

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1983	c. 761, s. 238	ENACTED
02	1983	1983 (Reg. Sess., 1984), c. 1034, s. 199	AMENDED
03	1985	c. 400, s. 3	AMENDED
04	1987	c. 738, ss. 31(d), 37(c)	AMENDED
05	2012	S.L. 2012-130, s. 5	AMENDED
06	2023	S.L. 2023-105, s. 7.3	AMENDED
07	2025	S.L. 2025-19, s. 7.2	AMENDED

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 120-4.25	(a)	"a return of accumulated contributions under"
G.S. 120-4.26	(a)	"entitled to Option 2 prescribed by"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 120-4.28 (2025).

PINPOINT

N.C. Gen. Stat. § 120-4.28(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1983, c. 761, s. 238; 1983 (Reg. Sess., 1984), c. 1034, s. 199; 1985, c. 400, s. 3; 1987, c. 738, ss. 31(d), 37(c); 2012-130, s. 5; 2023-105, s. 7.3; 2025-19, s. 7.2.)

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

