CHAPTER 128

ARTICLE 3 - RETIREMENT SYSTEM FOR COUNTIES, CITIES AND TOWNS

N.C.G.S. § 128-38.40.

Fully contributory death benefit for retired members.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	No amendment history on record	21 September 2026, 05:40 UTC	3570f57867d529188a378043 - 690c4321f96766b6e08dbf8a - cb1ce324b327449a

§ 128-38.40(a) Participation and Premiums. - All retired members may elect to participate in the Death Benefit Plan and therefore become eligible to receive death benefits under the Death Benefit Plan in accordance with this section. Elections shall be made prior to death and no later than 60 calendar days from the effective date of the member's retirement. Elections shall be received by the Board of Trustees prior to the death of the retired member. Retired members electing to receive a fully contributory death benefit under the Death Benefit Plan shall continuously pay monthly premiums on a fully contributory basis, as determined by the Board of Trustees, to the North Carolina Teachers' and State Employees' Benefit Trust established under G.S. 135-7(g). Premium payments shall be made through retirement allowance deductions or other methods adopted by the Board of Trustees.

§ 128-38.40(b) Benefits Upon Death. - If a retired member who has elected to receive a fully contributory death benefit under this section dies, then, upon receipt of proof of the death that is satisfactory to the Board of Trustees, a lump sum death benefit amount shall be paid.

§ 128-38.40(c) Death Benefit Amount. - The lump sum death benefit payable under this section shall be one of the following amounts:

(1) If the death occurred on or after the first day of the twenty-fifth month of coverage under this section, then the amount payable is ten thousand dollars ($10,000).

(2) If the death occurred before the first day of the twenty-fifth month of coverage under this section, then the amount payable is the sum of the retired member's premium payments made in accordance with this section plus interest in an amount to be determined by the Board of Trustees. (2025-11, ss. 4(a1), (o), (p), 6(b).)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
1 AUTHORITY

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. 135-7(g)	(a)	*"State Employees' Benefit Trust established under"*

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 128-38.40 (2026).

PINPOINT

N.C. Gen. Stat. § 128-38.40(a) (2026).

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.

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