

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 384*

AMENDMENT NO. A6
(to be filled in by
Principal Clerk)

S384-ASH-22 [v.1]

Page 1 of 3

Amends Title [YES]
Fourth Edition

Date _____, 2017

Representative McNeill

1 moves to amend the bill on page 1, line 17, by rewriting the line to read:

2
3 "SUMMONS; AND TO AMEND THE SHERIFFS' SUPPLEMENTAL PENSION FUND.";

4
5 And to amend the bill on page 6, lines 47-49 by rewriting the lines to read:

6
7 **"PART VI. SHERIFFS' SUPPLEMENTAL PENSION FUND CHANGES**

8 **SECTION 6.(a)** G.S. 143-166.82 reads as rewritten:

9 **"§ 143-166.82. Assets.**

10 (a) On and after July 1, 1985, each Clerk of Superior Court shall remit to the
11 Department of Justice the monthly receipts collected pursuant to G.S. 7A-304 (a)(3a) to be
12 deposited to the credit of the Sheriffs' Supplemental Pension Fund, hereinafter referred to as the
13 Fund, to be used in making monthly pension payments to eligible retired sheriffs under the
14 provisions of this Article and to pay the cost of administering the provisions of this Article.

15 (a1) The Department of Justice shall, at the beginning of each calendar year, calculate the
16 amount of funds, in addition to those funds from subsection (a) of this section and from G.S.
17 143-166.83(f), needed for that year to pay the pension benefits under this Article and shall bill
18 each county for that amount on a pro-rata basis based on the most recent population estimates
19 by the Office of State Budget and Management for each county. The amount so billed shall be
20 paid by each county no later than March 1st of that year to the Department of Justice and shall
21 be deposited into the Fund. For funding this contribution to the Fund, counties may use the
22 portion of the civil process service fee per G.S. 7A-311(a)(1) that is not required by statute to
23 be used to ensure the timely service of process within the county, may use other funds, or both.

24 (b) The State Treasurer shall be the custodian of the Sheriffs' Supplemental Pension
25 Fund and shall invest its assets in accordance with the provisions of G.S. 147-69.2 and G.S.
26 147-69.3."

27 **SECTION 6.(b)** G.S. 143-166.83 reads as rewritten:

28 **"§ 143-166.83. Disbursements.**

29 (a) Repealed by Session Laws 1991 (Reg. Sess., 1992), c. 900, s. 54, effective January
30 1, 1993.

31 (b) Immediately following January 1, 1993, and the first of January of each succeeding
32 calendar year thereafter, the Department of Justice shall divide an amount equal to ninety



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S384-ASH-22 [v.1]

Page 2 of 3

1 percent (90%) of the assets of the Fund at the end of the preceding calendar year and shall add
2 to that amount any assets remaining pursuant to subsection (f) of this section and the amounts
3 pursuant to G.S. 143-166.82(a1) and disburse the same as monthly payments in accordance
4 with the provisions of this Article.

5 (c) Ten percent (10%) of the Fund's assets as of January 1, 1993, and at the beginning
6 of each calendar year thereafter, may be used by the Department of Justice in administering the
7 provisions of this Article. This ten percent (10%) is to be derived from the Fund's assets prior to
8 the addition of assets remaining pursuant to subsection (f) of this section.

9 (d) All the Fund's disbursements shall be conducted in the same manner as
10 disbursements are conducted for other special funds of the State.

11 (e) If, for any reason, the Fund shall be insufficient to pay ~~any~~ pension benefits owed
12 under this Article or other charges, then all benefits or payments shall be reduced pro rata for as
13 long as the deficiency in amount exists. No claim shall accrue with respect to any amount by
14 which a pension payment shall have been reduced.

15 (f) Any assets remaining after reserving an amount equal to the disbursements required
16 under subsections (b) and (c) of this section shall be accrued and included in disbursements for
17 pensioners in succeeding years."

18 **SECTION 6.(c)** G.S. 143-166.85 reads as rewritten:

19 **"§ 143-166.85. Benefits.**

20 (a) An eligible retired sheriff shall be entitled to and receive an annual pension benefit,
21 payable in equal monthly installments, equal to ~~one share for each full year of eligible service~~
22 ~~as sheriff multiplied by his total number of years of eligible service. The amount of each share~~
23 ~~shall be determined by dividing the total number of years of eligible service for all eligible~~
24 ~~retired sheriffs on December 31 of each calendar year into the amount to be disbursed as~~
25 ~~monthly pension payments in accordance with the provisions of G.S. 143-166.83(b). In no~~
26 ~~event however shall a monthly pension under this Article exceed an amount, which an amount~~
27 ~~that, when added to a retired allowance at retirement from the Local Governmental Employees'~~
28 ~~Retirement System or to the amount he would have been eligible to receive if service had not~~
29 ~~been forfeited by the withdrawal of accumulated contributions, is greater than equal to~~
30 ~~seventy-five percent (75%) of a sheriff's equivalent annual salary immediately preceding~~
31 ~~retirement computed on the latest monthly base rate, to a maximum amount that does not~~
32 ~~exceed: (i) of one thousand five hundred dollars (\$1,500)-(\$1,500); or (ii) the sheriff's~~
33 equivalent annual salary immediately preceding retirement computed on the latest monthly
34 base rate when the benefit described in this subsection is added to the amount of the benefit the
35 sheriff receives under G.S. 143-166.42 and the amount of the sheriff's retired allowance at
36 retirement from the Local Governmental Employees' Retirement System or the amount the
37 sheriff would have been eligible to receive if service had not been forfeited by the withdrawal
38 of accumulated contributions.

39 (b) All monthly pensions payable under this Article shall be paid on the last business
40 day of each month.

41 (c) At the death of the pensioner, benefits for the current calendar year will continue
42 and be paid in monthly installments to the decedent's spouse or estate, in accordance with the

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S384-ASH-22 [v.1]

Page 3 of 3

1 provisions of Chapter 28A of the General Statutes. Benefits will cease upon the last payment
2 being made in December of the current year.

3 (d) Monthly pensions payable under this Article will cease upon the full-time
4 reemployment of a pensioner with an employer participating in the Local Governmental
5 Employees' Retirement System for as long as the pensioner is so reemployed.

6 (e) Repealed by Session Laws 1989, c. 792, s. 2.9.

7 (f) Nothing contained in this Article shall preclude or in any way affect the benefits that
8 a pensioner may be entitled to from any state, federal or private pension, retirement or other
9 deferred compensation plan."

10 **SECTION 6.(d)** This section becomes effective January 1, 2018.

11
12 **PART VII. EFFECTIVE DATE**

13 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
14 law."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**