



## NORTH CAROLINA POLICE BENEVOLENT ASSOCIATION, INC.

A Division of Southern States Police Benevolent Association, Inc.

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SSPBA has sponsored, supported or authored more legislation in North Carolina than all the other North Carolina law enforcement groups combined.

Following is a history of SSPBA's legislative activities in North Carolina General Assembly.

### NCPBA STATE LEGISLATIVE HISTORY

PBA Legislative efforts; sponsored and supported PBA bills before the North Carolina General Assembly.

#### **1989**

- HB1149 Communicable Disease (Aids/Hepatitis) Testing to Protect Law Enforcement Officers.  
Representative David Balmer, Means Committee – Requires suspect who exposes officer to be tested by judicial order within 24 hours. **Passed/Ratified (CH. 0499)**
- HB1228 Law Enforcement Retirement Benefits for Probation/Parole Officers.  
Representative Thomas Hardaway
- Attempt to Repeal Asheville Civil Service  
Law – PBA led opposition on this issue. **Defeated/Failed**

#### **1990**

- HB2380 Law Enforcement Officer 25 Year Retirement.  
SB1541 Representative Dan Blue (Wake County), Senator Ted Kaplan
- HB2366 Retiree COLA Increase/Retirement Formula Increase.  
SB1598 Representative Marie Colton, Senator Helen Marvin – **Passed/Ratified (CH. 1077)**
- HB2267 Supplement Local Retirement, Expand 401(k) Participation.  
Representative Marie Colton – **Passed/Ratified (CH. 0948)**

HB2404 Parole Restructure for Offenders Who Commit 1<sup>st</sup> & 2<sup>nd</sup> Degree Murder.  
Representative Mickey Michaux  
PBA worked with Attorney General Lacy Thornburg to expand restrictions of early release of murderers and provided notification requirements of parole hearings to District Attorney, victims, their families and arresting law enforcement agencies.

HB2375 1990 Omnibus Drug Act  
Representative Larry Justice – **Passed/Ratified (CH. 1039)**

### **1991**

HB305 Amend Armed Robbery Statue Closing Loophole in Statue.  
Representative David Balmer – **Passed House**

HB1123 Law Enforcement Protection Act or Kill Law Officer Capital Crime. No Parole/Death Penalty  
Representative Larry Justice – **Passed House**

HB1100 Law Officer Discipline/Professional Standards Act.  
Representative Bob Hensley and Peggy Stamey.

HB474 OSHA Penalties Extended to Local and State Agencies/Government.  
Representative Harry Payne – **Passed House**

HB947 Law Officer 25 Year Retirement/Unreduced Benefits.  
SB404 Representative Bob Hensley, Senator Beverly Purdue

HB98 28 Year Retirement State Officers.  
Representative Leo Mercer

HB899 Law Officer Death Benefit Expanded to Part-Time/Auxiliary Officers.  
Representative Daniel Devane

### **1992**

HB366 Local Government Employees Retirement System/Creditable Sick Leave (LGERS).  
Representative Gordon Greenwood – **Passed/Ratified (CH. 0753)**

HB380 Local Government Retirees Benefits into Parity.  
Representative Marie Colton

HB367 TSERS/LGERS Retirement Late Fee Penalty to Employees.  
Representative Gordon Greenwood – **Passed/Ratified (CH. 0585)**

- HB574 Law Enforcement Study – Blank Bill (contained language to eliminate separation allowance (**PBA OPPOSED**)).  
Both bills successfully opposed and blocked without action.
- HB442 Parole Notification 30 Days in Advance of Parole Consideration for Prisoners Convicted of 1<sup>st</sup> and 2<sup>nd</sup> Degree Murder, 1<sup>st</sup> Degree Rape or 1<sup>st</sup> Degree Sexual Offense.  
(Carryover from original effort with Attorney General and victim’s groups on HB2404 from 1990 Session) – **Passed/Ratified (CH. 0288)**
- HB381 OSHA Changes (Civil Penalties Increase to Comply with Federal Changes).  
Representative Charles Beall – **Passed/Ratified (CH. 0329)**
- HB837 Political Pressure/Discipline or Termination of State Employees Illegal.  
Representative Walter Jones – **Passed/Ratified (CH. 0505)**
- HB1013 Local Workers Political Activity.  
SB767 Protest employees off duty conduct.  
Representative Toby Fitch, Senator William Martin –**Passed/Ratified (CH. 0619)**
- SB955 Senate Joint Resolute LRC Study Law Enforcement. Issues include statewide carry of firearms.  
Senator Beverly Perdue

### **1993**

- HB500 Law Officer Discipline Act.  
Representative Bob Hensley – House Committee Defeat by one vote.
- HB501 Law Officer’s 25 Year Retirement.  
Representative Bob Hensley
- HB503 Off Duty Officer/Statewide Concealed Weapon Carry.  
Representative Bob Hensley – Passed House 2<sup>nd</sup> Reading 54-52, 3<sup>rd</sup> Reading Failed
- HB1068 PBA/Criminal Justice Commission Member.  
Representative Billy Richardson – **Passed House Committee.**
- HB1100 Kill Law Officer/Capital Crime, No Parole/Death Penalty  
Representative John Nichols
- HB138 OSHA Fines on Public Agencies/Employees (carry over from HB474 which passed House in 1992).  
Representative Toby Fitch – **Passed/Ratified (CH. 1020)**

SB925 Felony to Attempt to Elude Police.  
Senator Frank Balance – **Passed Senate**

Bills Successfully **OPPOSED** by PBA resulting from the Government Performance Audit:  
Committee (GPAC).

HB338 Abolish DMV Enforcement  
SB291 **Defeated/Failed.**

HB373 Recommend Cap on Law Enforcement Benefits.  
**Defeated/Failed**

HB374 Phase Out ALE Division.  
SB416 **Defeated/Failed.**

SB291 Eliminate 401(k) and Separation Allowance Provision of Law Enforcement  
Retirement.  
**Defeated/Failed**

SB294 Repeal of Highway Patrol Merit Pay.  
**Defeated/Failed**

SB305 Repeal of Longevity Pay Benefit.  
**Defeated/Failed**

### **1994**

HB110 Kill Law Officer/Capital Crime Incorporated into BS 2  
Representative John Nichols – 1<sup>st</sup> Degree Murder, no parole  
SB 2 HCS **Passed/Ratified (CH. 5021)**

SB906 Worker's Compensation Reform Eliminates Officer Loss of Claim From  
Reoccurring – Senator F. Odom – Work Related Injury and Eliminates Officer  
having to apply through employer enabling application directly to Industrial  
Commission.  
**Passed/Ratified (CH. 0679)**

SB940 Charitable Solicitation Rewrite – Senator Sandy Sands. Tightened law on  
disclosure that supports PBA's process over other solicitation group procedure.  
**Passed/Ratified (CH. 0759)**

HB748 Motor Vehicle Window Glazing/Threat to Officer Safety.  
Representative Sam Ellis – **Passed/Ratified (CH. SL. 0683)**

## **1995**

- HB760 Law Officer Discipline Act  
Representatives Bob Hensley and Carolyn Russell
- HB147 Officer Duty Weapon Carry for Law Enforcement Officers  
Representative Bob Hensley (reintroduced from prior sessions – incorporated into HB 90). **Passed/Ratified (CH. SL. 398)**
- SB53 Sex Offender Registration  
Senator Fountain Odom  
PBA supported per request including former Senator Linda Gunter  
**Passed/Ratified (CH. SL. 0545)**
- HB434 Felony to Attempt to Elude Arrest  
Representative Joe Kiser  
Mirrors SB925 which passed Senate in 1992. **Passed House 101-7/Passed Senate J-I Committee/Passed Senate Floor second reading/3<sup>rd</sup> reading Failed.**
- HB765 Felony to Assault Law Officer – Change to Class F Felony.  
Representative Jean Preston
- SB4 Require Alternative Punishment  
Request of PBA by Bill Sponsor Senator Charlie Albertson – Removes, closes loophole of defendant's right to choose punishment rather than judge over probation.  
**Passed/Ratified (CH. SL. 0429)** Amended NCC Constitution under Section 1 Article XI

## **1996**

- HB811 New Capital Crime/Repeal Life Review  
Representative Larry Justus – Repeal provisions of automatic parole review after serving 25 years of a life sentence without parole. 1996 continued
- HB970 Drug Test Provisions  
Representative Robin Hayes  
**Passed/Ratified (CH. SL. 0383)**
- SB411 Add PBA to NC Criminal Justice Education and Training Standards Commission  
Senator Tony Rand
- SB1214 Felony Assault on a Law Enforcement Officer  
HB1204 Senator Frank Balance – Would make assault on a LEO a Class H Felony.  
SB 1214 Passed Senate Judiciary Committee  
HB1204 Representative Michael Decker, **Passed House**

## **1997**

- HB616 Standardize Law Enforcement Discipline  
SB540 Representative Wilma Sherrill and Senator Brad Miller
- HB958 Amend Concealed Weapons Law  
Representative Foyle Hightower, Resolved confusion of alleged Attorney General's opinion that off duty officers could be charged with trespassing for carrying concealed weapon onto property posted for no weapons.  
**Passed/Ratified (CH. SL. 238)**
- HB584 Felony Eluding Arrest  
Representatives Mary Jarrell and Ronnie Sutton  
**Passed House**, Passed Senate J Committee (as amended)
- HB955 Add PBA as NCCJETSC Member  
SB353 Representatives Mia Morris and Phil Baddour  
Senator Tony Rand
- HB433 Exempt Sworn and Retired Law Enforcement Officers from Requirements of  
SB325 Concealed Handgun Permit  
Representative Wib Gulley, Senator Fountain Odom **Passed/Ratified (CH. SL. 0274)**
- SB673 An Act to Amend Law Enforcement Retirement System to Include Jailers  
Senator Fountain Odom **Passed/Ratified (CH. SL. 144)**
- SB15 Aggravating Factor/Injure Office  
HB137 Senator Balance, Albertson, Dalton, Gulley, Miller – Representative Brawley, Smith – Adds proximate cause of injury to a law enforcement correctional or detention officer as a factor of an assault offense. SB 15 **Passed Senate Judiciary Committee** HB 137 **Passed House**
- HB1035 20 Year LEO Retirement  
Representatives Hardy, Buchanan

## **1998**

- SB1463 1998 Retirement Benefit Act – Increases retirement formula.  
Senator Tommy Jenkins
- SB1464 Increase Retiree Death Benefit  
Senator Tommy Jenkins – **Passed Senate** Pensions & Retirement Committee

- SB353 Add PBA Member to NCJTSC  
Senator Tony Rand  
Continuation of previous bills Senators Beverly Purdue and Rand made bill special provision in the Senate Budget. Stopped by House Leadership due to PBA's efforts on behalf of member Algie Toomer. (Toomer went on to win PBA sponsored case at NC State Court of Appeals.) Ironically, the NCJTSC Commission has since amended its rules to not accept commission members from associations that represent members in disciplinary court actions.
- SB78 State Employee work Place Harassment – Senator Balance/Representative Kiser – Requires rewarding of reasonable attorney's fees and witness fees against state agencies in cases won by employee. **Passed/Ratified (CH. SL. 135)**

### **1999 – 2000**

- HB968 Amend Contested Case Procedures in Administrative Hearings  
Representative Martin Nesbitt  
Gives some binding authority to administrative law judges and strengthens procedural due process for state LE and Correctional Officers trial DeNovo.  
**Passed/Ratified (CH. SL. 190)**
- SB242 Increase Retirement COLAs  
HB229 Senator Jim Phillips, Representative Mickey Michaux
- SB369 Asheville Anti-Discrimination Act  
HB447 Senator Steve Metcalf – **Passed/Ratified (CH. SL. 206)**
- SB532 Asheville Civil Service Board (Amended)  
Senator Charles Carter – **Passed/Ratified (CH. SL. 303)**
- SB538 Standardize Law Enforcement Discipline  
HB817 Senator Brad Miller – Defeated J II Committee by one vote.
- SB561 Law Officers' 25 Year Retirement  
HB816

### **2001 – 2002**

- HB4 Law Officer's 25 Year Retirement  
Representative Bob Hensley and Dan Blue
- HB5 Law Enforcement Officer's Discipline Act  
Representative Bob Hensley
- HB825 Correctional Officers 28 Year Retirement  
Representative Leslie Cox  
Favorable Report – House Committee

- HB80            Increase Local Retirement Benefits  
Representative Russell Tucker
- HB81            Increase Death Benefit/Local Officers  
Representative Russell Tucker
- SB260           Review State Government Employment  
HB409           Senator Luther Jordan  
To provide across the board analysis in hiring, pay, promotion, and retention of state employees.
- SB1238          Withdrawal Retirement Service  
Senator Charlie Albertson  
Allows officers who withdrew contributions from the retirement system to purchase back service time toward retirement. Increased the Death Benefit for local law enforcement and other employees. **Passed/Ratified (CH. SL. 153)**
- 2003**
- SB54            Law Enforcement Officer Discipline Act  
Senator Eric Reeves
- SB53            25 Year Retirement for Law Enforcement Officer  
HB151           Representative Tim Moore, Mickey Michaux, Senator Eric Reeves – **Passed House Committee**
- HB1030          Handgun Permit Waiver for Retired Law Enforcement Officers  
Representative Rick Glazier (carryover from prior PBA legislation)  
**Passed/Ratified (CH. SL. 379)**
- HB1031          LEO Creditable Services Worker's Compensation (Loophole)  
Representatives Rick Glazier and Rick Eddins – Provides that employers shall contribute to officer retirement fund while officer is on Worker's Compensation due to injury. **Passed House Committee**
- SB424           Tuition Waiver for Children of Disabled Public Safety Workers  
Senator Fletcher Hartsell Jr.  
**Passed/Ratified (CH. SL. 230)**
- HB1170          Enhance Local Retirement Benefit  
Representative Larry Bell, increase (LGERS) retirement multiplier 1.82 – 1.85%)  
**Passed/Ratified (CH. SL. 319)**

HB1181 Workplace Safety/Multiple Violation  
Representative Goodwin – Requires re-inspection of work place with report violation. **Passed/Ratified (CH. SL. 174)**

HB306 Enhance State Retirement Benefits  
Representation Larry Bell

SB938 Increase Line of Duty Death Benefit  
Senator John Kerr

#### **2004**

HB1711 Law Enforcement Officer Creditable Services/Workers' Compensation  
(Loophole).  
Representative Rick Glazier and Rick Eddins (resubmitted from past session  
HB1031)

HB1707 Purchase Military Service/Local Retirement  
Representative Rick Glazier and Rick Eddins

SB1359 Durham City/County 25 Year Law Enforcement Retirement  
Senator Jeanne Lucas

HB1513 Increase Local Government Death Benefit  
Representative Larry Bell (from prior PBA legislative effort)  
**Passed/Ratified (CH. SL. 136)**

HB1624 Increase Retirees Contributory Death Benefit  
Representative Larry Bell – **Passed/Ratified (CH. SL. 147)**

SB1067 Death Benefit/Probation and Parole Officers  
Senator John Kerr  
To include Probation/Parole Officers in LEO Death Benefit Act

HB1554 Assault on Law Officer/Emerging Personnel Increase to a Felony  
SB1150 Representative Dewey Hill, Senator R. C. Soles

#### **2005 – 2006**

HB142 25 Year Retirement for Law Enforcement Officers – Representative Tim Moore  
SB149 and Mickey Michaux. (The Mark Tucker Act) In consolidation with all other law  
enforcement groups including Chiefs and Sheriffs.

HB1504 Law Officer Discipline Act  
Representative Grier Martin, Defeated in House Judiciary IV Committee

- HB447 LEO Creditable Service/Workers' Compensation (Loophole)  
Representatives Rick Glazier and Rick Eddins. Requires agency to continue law enforcement officer retirement benefits when LEO seriously injured in the line of duty. Carryover from previous two sessions. **Passed/Ratified (CH. SL. 2006-29)**
- HB1401 Concealed Carry By Law Enforcement Officers  
Representative Folwell (Brings NC into compliance with Federal Law Enforcement Officers Safety Act of 2004. Final chapter in PBA's quest for complete statewide gun carry for LEO's. **Passed/Ratified (CH. SL. 337)**
- HB1279 Speeding to Elude Arrest a Felong  
Representative Hill – An improvement on a long supported PBA legislative effort to tougher penalties on the suspect who eludes law enforcement by use of a motor vehicle. If someone dies as a result of eluding police, suspect is guilty of Class H Felony, if aggravating factors involved, a Class E Felony. **Passed/Ratified (CH. SL. 341)**
- HB402 Military Buy Back  
Representatives Rick Glazier and Rick Eddins. Restores original cost figures for officers to purchase years of military service time toward their law enforcement retirement. Favorable House Committee Report, eligible in short session 2006.
- HB1459 Public Safety Employer-Employee Cooperation Act  
Representative Martha Alexander. Meet and confer bill supported jointly with NC Association of Professional Fire Fighters.
- SB148 Death Benefit for Part-Time Law Enforcement Officers  
Senator Doug Berger (Carryover from 1991 PBA legislative efforts – HB 899) Provides the LEO line of duty death benefit to part time and/or auxiliary law enforcement officers. **Passed/Ratified (CH. SL. 376)**

### **2006 (Short Session)**

- HB402 Military Buy Back  
Representatives Rick Glazier and Rick Eddins from long session. **Passed House Pensions and Retirement Committees.**
- HB2651 Roth 401K Accounts/Law Enforcement Officers  
Representative Larry Bell. Permits officers to elect Roth conversion to their 401K and eliminate taxes after withdrawal of funds. **Passed/Ratified (CH. SL. 2006-141)**

SB1985 Deputy Sheriff's Employment Protection  
Senators Don East and Doug Berger  
Provides procedural due process for deputy sheriffs in North Carolina.

**2007**

HB980 Law Enforcement Officer Discipline Act  
Representatives Grier Martin and Skip Stam  
Provides basic minimum procedural due process rights for municipality law enforcement officers under administrative investigations. **Passed House Judiciary I Committee.**

SB1396 Deputy Sheriff Employment Protection  
Provides for "just cause" termination of deputy sheriffs and affording deputies administrative hearings and judicial review before an administrative law judge pursuant to Article 4 of Chapter 150B of the North Carolina General Statutes.

SB1444/ Law Officer's 25 Year Retirement  
HB1114 Senator John Snow, Representatives Rick Glazier and Tim Moore  
An act to allow law enforcement officers who are members of the state retirement system to retire with full benefits after 25 years of service.

SB784 Durham/LEO Purchase of Retirement Service  
Senators Bob Atwater and Jeanne Lucas  
Requested by local Triangle Chapter  
Would allow Durham city and county officers/deputies to purchase up to four years of retirement credits upon obtaining an intermediate or advanced law enforcement certificate from the North Carolina Criminal Justice Education and Training Standards Commission.

SB1271 Firefighters/EMS/Law Enforcement Payroll Deduction  
Senator John Snow  
Provides for statewide municipal and county payroll deductions of membership dues for first responder organizations which have at least 2000 statewide members. **Passed Senate**

HB1583 Restore Contract Rights to State/Local Employees  
Representatives Dan Blue and Rick Glazier  
Repeals NCGS 95-98 which prohibits collective bargaining contracts with public employees and removes prohibition of dues payroll deductions of state employee organizations who support collective bargaining. **Passed House Judiciary II Committee**

- HB1025      Local Government Retirement Purchase of Service  
Representative Linda Coleman  
Authorizes public employers to amortize the payment of retirement cost of probationary employees. Provided all officers with retirement benefits from first day of employment **Passed/Ratified** (CH. SL. 2007-304)
- HB328      Flexible Payment/Law Enforcement Separation Allowance  
Representative Jim Crawford  
Provides that law enforcement officers can begin receiving their separation allowance benefit starting at “actual” time of retirement where as prior law required officer to wait until the last day of the month in which officer retired. **Passed/Ratified** (CH. SL. 2007-69)
- HB1231      Law Officers/Waive Handgun Permit  
Representative Prior Gibson  
Allows retired law enforcement officers to carry concealed handguns without obtaining a concealed carry permit. **Passed/Ratified** (CH. SL. 2007- 427)
- HB1414      Creditable Service/Uniform Service Employees  
Representative Grier Martin  
Revises the law for creditable service for state employees and officers who serve in the armed forces. Also clarifies rate of compensation or salary for employees upon re-employment after leaving military service. **Passed/Ratified** (CH. SL. 2007-233)
- HB1415      Short Term Disability/Military Service  
Representative Grier Martin  
Requires that officers and other public employees will not be denied short-term disability benefits due to being called to active military service **Passed/Ratified** (CH. SL. 2007-325)
- HB1623      Worker’s Compensation/Medical Diagnostic Testing  
Representatives Melanie Goodwin and Bill Faison  
Provides for the employee’s doctor (not the employer) to select the health care provider and diagnostics service center to administer and analyze diagnostic tests authorized by employee’s doctor. **Passed House**
- HB1624      Frequency of Parole Reviews (Reduced)  
Representatives Rick Glazier and Melanie Goodwin  
Comports with federal law and provides that parole hearings for convicted murders are changed from every year to once every five (5) years (1<sup>st</sup> Degree) and every three (3) years (2<sup>nd</sup> Degree). Supported in honor of Officer Ray Gilmore. Since 1992 PBA opposed every year before the Parole Commission to oppose the release of Officer Gilmore’s killer. **Passed House**

SB34/HB74 Kill Police Animal/Felony  
Senator A.B. Swindell Representative Angela Bryant  
This bill makes it a class H Felony to willfully kill a law enforcement agency animal while said animal is engaged in official duties. **Passed/Ratified**  
(CH. SL. 2007-80)

SB580 State Treasurer/Local Investments (For Law Enforcement Officers)  
Senator Dan Clodfelter  
Provides an optional retirement benefit Conversion of 401K funds for all law enforcement officers. Establishes local government law enforcement special separation allowance benefit fund under the management of the State Treasurer where actual dollars are regularly invested and funded rather than local governments managing separation allowance only after officer retires. Further provides retiring officers with a conversion option of either keeping their 401K supplements under existing law or elect to transfer 401K funds to the Retirement System Division where upon retiring officer will receive a higher monthly retirement benefit. Accepting this option increases final retirement compensation for:  
State Officers from 80.1% to 96.6%  
Local Officers from 81.0% to 97.5%

Unlike 401K funds, benefit would never run out over retiree's lifetime and benefit would be subject to COLA increases. **Passed/Ratified** (CH. SL. 2007-384)

## **2008**

SB1271 Firefighters/EMS Law Enforcement Payroll Deduction  
Senator John Snow  
SB1271, which provides statewide payroll deduction of association membership dues for local government firefighters and police, passed the Senate in the previous long session (see 2007). The Teamsters, whose only substantial law enforcement local already has payroll deduction forced inclusion onto the bill. With the inclusion of the Teamsters the Senate vote of 40 – 8 changed to 29 – 18, strictly down party lines.  
Seen no longer as a firefighter/law enforcement/first respondent bill, SB1271 was defeated in the House Local Government II Committee.  
Despite promises from the Teamsters that they would save the bill and “make it right” no Teamster representative was even present in the House Committee when the final vote was taken. No one from the Teamsters came to PBA or even the Firefighters, who are part of their own state organization, before jumping onto the bill. This is the first time we have seen any labor organization pull such a stunt and this is the first session in which the Teamsters purported to lobby for law enforcement officers at the General Assembly. **SB1271 Defeated**

- HB2117      Twenty-Eight Year State Law Enforcement Retirement  
Representative Ronnie Sutton  
This bill had 21 co-sponsors, almost all PBA endorsed. This bill is an act to allow state law enforcement officers to retire with unreduced benefits after completing 28 years of service. This was one of two new bills introduced to show continued support for reducing the 30 year threshold for full law enforcement retirement benefits. The bill was referred to the House Pensions and Retirement Committee but was not heard.
- HB2350      Study LEO 25 Year Retirement  
Representative Marian McLawhorn  
Originally slated to be another 25 year retirement bill for all North Carolina law enforcement officers HB2350 became a legislative “study” bill in which a legislative study commission comprised of 10 members would study and present a report on the 25 year age 50 concept first presented by Senator John Snow. HB2350 received a favorable report from the House Pensions and Retirement Committee on May 21, 2008 and was re-referred to the Appropriations Committee which never heard the bill. **Passed House Pensions and Retirement Committee**
- HB2703      Scholarships/Children of Fallen Heroes  
SB2009      Representative Charles Thomas  
Senator Richard Stevens  
This is an act to create a college scholarship fund for children of law enforcement officers, firefighters and rescue squad workers who are killed in the line of duty.
- HB2772      Enhance TSERS Benefits/Retirement COLAs  
SB2132      Representative Larry Bell  
Senators Charlie Dannelly and Janet Cowell  
This bill provides for a cost of living increase for retirees in State and Teachers, State Employees, Local Government and Judicial Retirement Systems by (4.1%) for state retirees and (2.1%) for local government retirees. The bill also increases the retirement formula for state law enforcement officers from (1.82%) to (1.84%) to match the current formula of (1.84%) for local law enforcement officers.

## 2009

SB411  
HB766

### Amend Survivor's Alternate Benefit

Senator Pete Brunstetter

Representatives Larry Womble and Earline Parmon

SB411 amends the provisions by which the spouse or primary survivor of a fallen officer can receive benefits. The current law only provided that a survivor could receive a lump sum reimbursement of retirement contributions made by an officer killed in the line of duty. This bill provides that the survivor of an officer killed in the line of duty after completion of 15 years of service, may choose a lump sum payment or a monthly lifetime pension fund. This bill was introduced at the request of PBA in honor of PBA members and Winston-Salem Police Sergeant Howard Plouff who was killed in the line of duty after 17 years of honorable service.

SB411 and its companion bill HB766, both received unanimous bipartisan support as each bill sailed through the House and Senate. Governor Bev Perdue held a public bill signing in the Old Capitol House Chambers on June 16, 2009. In attendance with PBA and other political and law enforcement officials was Mrs. Joyce Plouff. **Passed/Ratified (CH. SL. 2009-109)**

HB697  
SB557

### Remove Restrictions/LEO Disability Benefits

Representatives Margaret Dickson, Marian McLawhorn and Laura Wiley

Senator Tony Foriest

This bill is a follow up to a prior PBA legislative effort in the (2007) session which removes the requirement that a law enforcement officer has to serve one year of creditable service to qualify for disability retirement benefits. Removal of the one year stipulation provides that an officer from their first day of employment who is permanently injured in the line of duty would receive disability benefits. This minor loophole change unanimously passed the House Homeland Security Committee but got bogged down in the House Pensions and Retirement Committee when the committee chairman took the unusual position of refusing to allow the bill to be heard. Despite having 35 co-sponsors, bipartisan support and unanimous support from the committee, Chairman Russell Tucker refused to allow the bill to be heard because in his opinion it was unfair to other civilian public employees. Neither the North Carolina League of Municipalities or the County Commission Association voiced opposition to the bill prior to Mr. Tucker's objections. Representative Tucker is a former county manager. **Passed House Homeland Security Committee**

HB816  
SB986

### Clarify Local Separation Allowance

Representatives Tricia Cothan, Nelson Dollar, Marian McLawhorn, and Jennifer Weiss

Senator Floyd McKissick, Jr.

As with SB411 and HB766, both these bills sailed through the House and Senate without a single negative vote. PBA was not only joined in support of this legislation by other law enforcement groups but also by the NC League of Municipalities. This was only the second time the League publicly supported PBA legislation.

This bill clarifies the law regarding the provision of the separation allowance by local governments.

The existing law was unclear and allowed local governments to deny retired officers their separation allowance if the officer sought post retirement employment opportunities with state government or certain other employers. This represents a 25% reduction in retirement benefits to a retired officer who sought to teach at a Community College or even work in a part-time law enforcement field. Some local employers placed no restrictions on retired officers even in some cases hiring back retired officers in part-time capacities. Others restricted any employment at all. Two court challenges led to further frustrations as the courts even spoke to the lack of clarity in the law. HB816 clarifies the law, eliminates disparate treatment among employers, and removes language that previously allowed any local government employers from denying the separation allowance to retired officers who chose to work after retirement. **Passed/Ratified (CH. SL. 2009-396)**

SB624

### 25 Year Law Enforcement Retirement

Senator Julia Boseman

This act provides for unreduced retirement benefits for law enforcement officers after completing 25 years of service. The bill also amends the separation allowance benefit by removing the age of 62 when the benefit ends to the actual age of when an officer becomes eligible for unreduced Social Security benefits. It also makes the benefit portable rather than requiring sole responsibility on the agency where the officer retired and places administrative authority of the benefit with the Department of State Treasurer rather than with each individual employing agency. While this was the best and most comprehensive 25 year retirement bill yet presented and despite unanimous support from other law enforcement organizations including the Chiefs and Sheriffs the recession of 2009 made serious consideration for SB624 impossible. SB624 was heard before the Senate Pensions and Retirement Committee but was not voted on.

SB430

Wilmington Civil Service Rewrite  
Senator Julia Boseman

Initially completely opposed to this bill, PBA contacted Senator Boseman who presented a committee substitute amendment that removed the language that would have eliminated due process rights for Wilmington Police Officers. For many years Wilmington officers were one of only four other North Carolina municipalities that had established due process procedures through civil service commissions which had the final say on officer discipline or termination. All other municipalities provide final and binding authority with the town or city manager who is the one who approved the discipline or termination of an officer in the first place. All North Carolina police officers understand this problem. The original bill rewrote the Wilmington Civil Service law to grant the city manager with final authority and power in disciplinary matters involving firefighters and police officers.

PBA was tipped off to this debacle by local officers who advised that the effort to rewrite the law was led by the Wilmington town manager and attorney and supported by Wilmington police leaders of a Teamster local. **(Local Teamster leaders verified that they supported the changes because they said their lawyers told them that the changes were good for officers.)**

Following a May 4, 2009 PBA letter to Senator Boseman explaining that the proposed changes supported by certain city officials and the Teamsters would render civil service protection for police officers and firefighters useless, Senator Boseman correctly amended the bill making only necessary cosmetic changes to the act.

The bill passed the Senate as corrected but did not pass in the House after the Wilmington city manager and attorneys stopped their support for the bill. This is the second in as many puzzling efforts by Teamsters to lobby for legislation to support officers that actually harms law enforcement officers. (See SB1271 – 2008 Session) **Passed Senate**

SB920

Probation Reform  
Senate Tony Rand

This is an act providing probation officers with expanded authority over certain offenders and provides warrant less searches by probation officers and law enforcement officers of offender's person and vehicle when criminal activity is suspected.

This bill was also designed to enhance the communication level between probation/parole officers and law enforcement agencies.

PBA was asked by the Governor to assist other agency and political leaders in writing the bill language and lobbying the bill. **Passed/Ratified (CH. SL. 2009-372)**

HB1266 Law Enforcement Protection Act  
Representative Earl Jones

This act provides law enforcement officers with the right to representation by an employee organization representative during any interrogation or questioning of an officer which could lead to disciplinary action.

While the provisions of this bill could prove helpful in certain administrative investigations, it was reported falsely by a teamster lobbyist to legislators that this was the bill PBA wanted passed. It was also falsely reported by the teamster lobbyist to legislators that they, the teamsters, were working with PBA on this bill in place of PBA's Law Officers Discipline Act.

On Tuesday, April 14, 2009, PBA representatives met with Representative Jones and Teamster lobbyist Rob Black who advised he wrote the bill language and admitted that he had never sought out or met with the PBA on the bill. After explaining PBA's real position, and how poorly written HB1266 was, Representative Jones requested future meetings and assistance from PBA before introducing such legislation again. This represents the third strike in as many attempts by teamsters in purporting to lobby pro-law enforcement legislation. (See SB1271, 2008 and SB 430, 2009)

While Mr. Black acknowledged understanding of our concerns and admitted that he had no law enforcement experience or properly sought out input from law enforcement officers, he indicated that his tactics would remain unchanged.

HB1266 was not heard.