



Bulletin #07-14

Thursday, April 26, 2007

FOOD FOR THOUGHT

According to research by the Institute for Emerging Issues, approximately 2.4 million housing units will be built in North Carolina over the next 25 years to accommodate the state's expected population increase.

LAW ENFORCEMENT DISCIPLINE BILL PASSES HOUSE JUDICIARY COMMITTEE

H980, Law Enforcement Officer Discipline, narrowly passed the House Judiciary I committee April 26. The bill is opposed by the N.C. Sheriffs' Association, the N.C. League of Municipalities and the NCACC because it requires any state agency or department, municipality or political subdivision of the state that employs law enforcement officers other than sheriffs' deputies to establish procedures to afford due process of law before taking any disciplinary action against a law enforcement officer. Known informally as the "peace officers' bill of rights," the legislation is opposed by the local government organizations because it usurps accountability to the public for employee performance and represents a serious intrusion into local government autonomy with regard to personnel processes and rights. NCACC Policy Advocate Anthony Allen, speaking against the bill, told the committee the Association opposes the bill because of the intrusion into local authority to develop and administer policies and ordinances that protect local government employees.

The bill requires that employing agencies have minimum procedures that include the right to a hearing before a fair and impartial board or hearing officer, the right to be represented at the officer's expense, the right to examine any witnesses testifying against the officer, the right to call witnesses and present evidence, and the right to have all meetings recorded. Although sheriffs are exempt from the bill, the N.C. Sheriffs' Association opposes the bill because if it is made applicable to municipal law enforcement agencies, county law enforcement agencies will be forced to follow close behind quickly.

"It is important that sheriffs' deputies be responsive to the sheriff of the county," said Eddie Caldwell, executive director of the N.C. Sheriffs' Association. "If this gets enacted for police, they'll come after sheriffs next session, and then after all county and city personnel. Under the law, sheriffs, as elected officials, are personally civilly responsible and liable for the acts, commissions and omissions of their deputies. The performance and conduct of sheriffs' deputies is, therefore, of particular concern to their appointing sheriffs. The authority of sheriffs to appoint, train, supervise and control their deputies has long been established and supported by law."

This bill is one of several attempting to give union-type rights to law enforcement personnel. Please check the NCACC bill tracking system for additional information on these other bills.

PROPOSAL TO CHANGE HOW STATE, LOCAL RETIREMENT FUNDS ARE MANAGED

The State Employees Association of North Carolina (SEANC) is pursuing legislation that would change who has the responsibility to invest funds in the state and local retirement systems. Currently, that responsibility rests with the Office of the State Treasurer. **H1806** would remove the responsibility from the treasurer and give it to the existing retirement system Board of Trustees. The NCACC and several other groups representing members of the various retirement systems impacted are opposing this effort.

North Carolina does have the second best pension fund in the nation, as reported by *The Wall Street Journal* and Standard & Poor's for two years in a row. In 2000, state pension funds had, on average, all of the resources needed

to fund future payments. By 2005, that average nationwide dropped to 81.8 percent, while North Carolina's remained at 106 percent. Investment earnings are responsible for a great part of that strong standing, accounting for about 78 percent of the fund for the year that ended Dec. 31, 2005. And those investment earnings have been strong. Over the past five years, North Carolina's performance has been right in line with that of other pension funds.

The executive directors or presidents of the NCACC, League of Municipalities, N.C. Association of Educators, N.C. Retired School Personnel, N.C. Retired Governmental Employees' Association and the N.C. School Boards Association, as well as a past president of SEANC, have all signed a letter opposing any radical change to how the retirement system is managed.

RESOLUTION HONORS FORMER ROWAN COUNTY COMMISSIONER

A joint resolution honoring former Rowan County Commissioner Frank Tadlock was passed in the House on April 19, which would have been Tadlock's 71st birthday. Tadlock died Jan. 2, 2007. The bill was sponsored by Rep. Lorene Coates (Rowan) and Rep. Fred Steen (Rowan).

BILLS OF INTEREST

As crossover deadline nears, action in both chambers is heating up. Several bills that would accomplish county legislative goals have seen activity in one chamber or the other in the past week. The Association has created a section on its Web site to track bills of interest to county officials. Visit www.ncacc.org/legislation/about.html for updates on key legislation, including the bills listed below.

Bill: [HB257](#)
Sponsors: Hill (D20)
Title: STREAMLINED SALES TAX CHANGES
Status: 04/25/2007 – Passed in the House
Comments: Makes a series of technical changes to the state sales tax to conform with the Streamlined Sales Tax agreement. Passed third reading in the House 109-3 on April 24 and is now in the Senate.

Bill: [HB676](#)
Sponsors: Owens (D1); Weiss (D35); Stam (R37); Carney (D102)
Title: INCREASE REGISTER OF DEEDS' PENSION
Status: 04/25/2007 – Reported by House committee
Position: Support
Category: Legislative Goal
Comments: Because of a surplus of funds in the Register of Deeds retirement fund, this bill allows counties to reduce the contribution to the fund from 4.5 percent to 0.9 percent of "the monthly receipts collected pursuant to Article 1 of Chapter 161 of the General Statutes." It also changes the date that an eligible, retired Register of Deeds can begin collecting retirement by making them eligible to receive the benefit upon retirement instead of waiting until the January of the following year and it increases the maximum monthly payment from \$1,200 to \$1,500 for eligible retirees.

Bill: [SB487](#)
Sponsors: Hoyle (D43)
Title: EXTEND FISCAL MODERNIZATION REPORT DEADLINE
Status: 04/24/2007 – Passed in the Senate
Position: Support
Category: Legislative Goal
Comments: This bill would extend the life of the commission by one year to May 1, 2008, and would also authorize the commission to make interim reports. Identical to [H1566](#). It passed third reading in the Senate 46-0 on April 24.

– NCACC Legislative Team