

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 931
SENATE BILL 59

AN ACT TO AMEND CHAPTER 766 OF THE 1973 SESSION LAWS (PREVIOUSLY AMENDED BY CHAPTER 903 OF THE 1975 SESSION LAWS) TO EXTEND THE APPLICATION OF THE LAW ENFORCEMENT OFFICERS' MINIMUM SALARY ACT INCREASING MINIMUM SALARY LEVELS AND ESTABLISHING REQUIRED FUNDING PERCENTAGES BY PARTICIPATING AGENCIES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 766 of the 1973 Session Laws is hereby amended in Section 1 by deleting the second sentence and inserting in lieu thereof a new sentence to read as follows:

"The purpose of this Chapter is to provide a means for supplementing the salaries of sworn law enforcement officers employed full time by local and county governmental law enforcement agencies in order that such officers receive salaries at least equal to the minimum salary levels set out herein until June 30, 1982, the supplement to be the difference between the individual gross salaries of such law enforcement officers as of July 1, 1977, and the minimum salary levels as set out in this act."

Sec. 2. Chapter 766 of the 1973 Session Laws is hereby amended in Section 2 by the deletion of subsections (2) and (4) and by inserting new subsections (2) and (4) to read as follows:

- "(2) 'Department head' means the sheriff, chief or other top administrative official of a sheriff's department, county rural police agency or a municipal police department who is responsible for the prevention and detection of crime or the enforcement of the criminal laws of this State.
- (4) 'Law enforcement officer' means any full-time employee of a constitutional or legislatively authorized and duly established county sheriff's department, county rural police agency or municipal police department who is actively serving in a position with duty assignment and responsibility for prevention and detection of crime or the general enforcement of the criminal laws of this State, and who possesses the full and unrestricted power of arrest within the agency jurisdiction by virtue of an oath administered under the authority of the State."

Sec. 3. Chapter 766 of the 1973 Session Laws is hereby amended in Section 3, subsections (1), (2), (3) and (4) with deletions from and insertions to the enumerated subsections as follows:

- a. Subsection (1) by deleting "seven thousand five hundred dollars (\$7,500)" and inserting in lieu thereof "eight thousand eight hundred dollars (\$8,800)".
- b. Subsection (2) by deleting "nine thousand five hundred dollars (\$9,500)" and inserting "eleven thousand dollars (\$11,000)".
- c. Subsection (3) by deleting "twelve thousand dollars (\$12,000)" and inserting "fourteen thousand dollars (\$14,000)".
- d. Subsection (4) by deleting "fourteen thousand dollars (\$14,000)" and inserting "sixteen thousand dollars (\$16,000)".

Sec. 4. Chapter 766 of the 1973 Session Laws is hereby amended in Section 4, subsections (1), (2), (3) and (4) with deletions from and insertions to the enumerated subsections as follows:

- a. Subsection (1) by deleting "six thousand dollars (\$6,000)" and inserting "seven thousand six hundred dollars (\$7,600)".
- b. Subsection (2) by deleting "seven thousand five hundred dollars (\$7,500)" and inserting "eight thousand eight hundred dollars (\$8,800)".
- c. Subsection (3) by deleting "nine thousand five hundred dollars (\$9,500)" and inserting "eleven thousand dollars (\$11,000)".
- d. Subsection (4) by deleting "twelve thousand dollars (\$12,000)" and inserting "fourteen thousand dollars (\$14,000)".

Sec. 5. Chapter 766 of the 1973 Session Laws is hereby amended in Section 5, subsections (1), (2), and (3) with deletions from and insertions to the enumerated subsections as follows:

- a. Subsection (1) by deleting "six thousand dollars (\$6,000)" and inserting "seven thousand six hundred dollars (\$7,600)".
- b. Subsection (2) by deleting "seven thousand five hundred dollars (\$7,500)" and inserting "eight thousand eight hundred dollars (\$8,800)".
- c. Subsection (3) by deleting "nine thousand five hundred dollars (\$9,500)" and inserting "eleven thousand dollars (\$11,000)".

Sec. 6. Chapter 766 of the 1973 Session Laws is hereby amended in Section 6, subsections (1) and (2) with deletions from and insertions to the enumerated subsections as follows:

- a. Subsection (1) by deleting "six thousand dollars (\$6,000)" and inserting "seven thousand six hundred dollars (\$7,600)".
- b. Subsection (2) by deleting "seven thousand five hundred dollars (\$7,500)" and inserting "eight thousand eight hundred dollars (\$8,800)".

Sec. 7. Chapter 766 of the 1973 Session Laws is hereby amended in Section 7 by striking the words and numbers "six thousand five hundred dollars (\$6,500)" and inserting in lieu thereof the words and numbers "seven thousand six hundred dollars (\$7,600)".

Sec. 8. Chapter 766 of the 1973 Session Laws is hereby amended by renumbering Section 8 as Section 11 and by inserting a new Section 8 to read as follows:

"Sec. 8. Funds appropriated or otherwise made available for application to the Law Enforcement Officers' Minimum Salary Act shall be distributed in accordance with the following schedule:

- (1) No agency shall receive funds appropriated pursuant to the Law Enforcement Officers' Minimum Salary Act for fiscal year 1977-1978 unless such agency is providing seventy-five percent (75%) of the minimum salaries specified by Chapter 766 of the 1973 Session Laws as amended by this act.
- (2) No agency shall receive funds appropriated pursuant to the Law Enforcement Officers' Minimum Salary Act for fiscal year 1978-1979 unless such agency is providing eighty percent (80%) of the minimum salaries specified by Chapter 766 of the 1973 Session Laws as amended by this act.
- (3) No agency shall receive funds appropriated pursuant to the Law Enforcement Officers' Minimum Salary Act for fiscal year 1979-1980 unless such agency is providing eighty-five percent (85%) of the minimum salaries specified by Chapter 766 of the 1973 Session Laws as amended by this act.
- (4) No agency shall receive funds appropriated pursuant to the Law Enforcement Officers' Minimum Salary Act for fiscal year 1980-1981 unless

such agency is providing ninety percent (90%) of the minimum salaries specified by Chapter 766 of the 1973 Session Laws as amended by this act.

- (5) No agency shall receive funds appropriated pursuant to the Law Enforcement Officers' Minimum Salary Act for fiscal year 1981-1982 unless such agency is providing ninety-five percent (95%) of the minimum salaries specified by Chapter 766 of the 1973 Session Laws as amended by this act."

Sec. 9. Chapter 766 of the 1973 Session Laws is hereby amended by deleting Section 9 and by inserting a new Section 9 to read as follows:

"**Sec. 9.** It is the expressed intent of the General Assembly that the salary supplementing provisions of this act will continue to be applicable when a law enforcement officer, as hereinbefore defined in Section 2(4) of the act as amended, is authorized by his executive officer to be away from active duty service participating in relevant training and educational programs."

Sec. 10. Chapter 766 of the 1973 Session Laws is hereby amended by renumbering Section 10 as Section 12 and by inserting a new Section 10 to read as follows:

"**Sec. 10.** No law enforcement agency shall be eligible to participate in the Law Enforcement Officers' Minimum Salary Act, nor shall the provisions thereof be applicable to individual officers of such employing agency, unless both agency and individuals are in compliance with and conform to the rules and procedures of all applicable certification and standards programs of the North Carolina Criminal Justice Training and Standards Council as formally incorporated in the North Carolina Administrative Code or in such other official recording as may hereafter be legislatively required for validity and lawful application of the rules and procedures."

Sec. 11. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 12. This act shall become effective July 1, 1977.

In the General Assembly read three times and ratified, this the 1st day of July, 1977.