



## NCRGEA Government Relations Update

### NCRGEA Government Relations Update #21-28 August 24, 2021

Legislators are conferencing this week, meeting behind closed doors to hammer out a compromised budget between the House and the Senate.

- **Right now**, House legislators have a 2 percent bonus for state retirees in its budget.
- **Right now**, House Bill 469—authorizing a 2 percent bonus for local government retirees, remains stuck in the House Pensions Committee.
- **Right now**, it's time to make your voice heard.

Visit [House & Senate Conferees for S 105 – Appropriations Act 2021-2023](#) to find contact information for the budget conferees, including email and phone. Tell the budget conferees and your legislators that you and all retired public servants need an inflation abating cost of living adjustment.

As always, thank you for the many contributions you gave to make our communities and state safe, prosperous, and healthy. We are proud to serve you and our whole retiree family.

### Supreme Court to Hear Lake Case October 4, 2021

After several procedural motions from both sides and orders from the Supreme Court, that Court eventually issued an order last week that the case would be heard by the Court at oral argument. On Friday, the Court set the case to be heard at oral argument on Monday October 4 at 3:00 PM in the Supreme Court at 2 East Morgan Street in Raleigh.

The Court will consider the retirees' argument that the Court of Appeals was incorrect in reversing the Superior Court's ruling in favor of the retirees. The arguments can be viewed on October 4<sup>th</sup> at 3:00 pm at <http://govu.us/supreme-court-of-nc-oral-arguments>

Here is the history of the Lake, et al. v State Health Plan, et al. to put the latest developments in context. In 2011, the General Assembly amended the State Health Plan to require retirees to contribute a premium to receive benefits under the 80/20 plan. Believing that the State had promised 80/20 benefits in a contractual fashion, over 30 retirees sued the State Health Plan and others in 2012 in Superior Court in Gaston County. The Superior Court Judge certified the case as a class action and ruled in 2017 that the retirees were entitled to win the case. The Judge's order provided that damages would be determined after receiving expert testimony.

The State appealed the trial court's order to the Court of Appeals. In an opinion issued in 2019, a three-judge panel of the Court of Appeals unanimously ruled that the trial court had erred and ordered the case back to Superior Court to be dismissed. Plaintiff retirees petitioned the Supreme Court to grant discretionary review of the Court of Appeals decision.

Stay Tuned!!

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