

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 917
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40527-MUz-47

Short Title: GSC Technical Corrections 2024.

(Public)

Sponsors: Representative Davis.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND
SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES
COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1-569.17 reads as rewritten:

"§ 1-569.17. Witnesses; subpoenas; depositions; discovery.

(a) An arbitrator may issue a subpoena for the attendance of a witness and for the production of records and other evidence at any hearing and may administer oaths. A subpoena shall be served in the manner for service of subpoenas in a civil action and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner for enforcement of subpoenas in a civil action.

(d) If an arbitrator permits discovery under subsection (c) of this section, the arbitrator may order a party to the arbitration proceeding to comply with the arbitrator's discovery-related orders, issue subpoenas for the attendance of a witness and for the production of records and other evidence at a discovery proceeding, and take action against a noncomplying party to the extent a court could if the controversy were the subject of a civil action in this State.

(g) The court may enforce a subpoena or discovery-related order for the attendance of a witness within this State and for the ~~protection~~ production of records and other evidence issued by an arbitrator in connection with an arbitration proceeding in another state upon conditions determined by the court so as to make the arbitration proceeding fair, expeditious, and cost-effective. A subpoena or discovery-related order issued by an arbitrator in another state shall be served in the manner provided by law for service of subpoenas in a civil action in this State and, upon motion to the court by a party to the arbitration proceeding or the arbitrator, enforced in the manner provided by law for enforcement of subpoenas in a civil action in this State.

(h) An arbitrator ~~shall~~ does not have the authority to hold a party in contempt of any order the arbitrator makes under this section. A court may hold parties in contempt for failure to obey an arbitrator's order, or an order made by the court, pursuant to this section, among other sanctions imposed by the arbitrator or the court."

SECTION 2. G.S. 7B-2204(d) reads as rewritten:

"(d) Should the juvenile be found guilty, or enter a plea of guilty or no contest to a criminal offense in superior court and receive an active sentence, then immediate transfer to the Division of Prisons of the Department of Adult Correction shall be ordered. Until ~~such time as~~ the juvenile



1 is transferred to the Division of Prisons of the Department of Adult Correction, the juvenile may
2 be detained in a holdover facility or detention facility approved by the ~~Section~~
3 ~~or approved by the~~ Division of Juvenile Justice of the Department of Public Safety."

4 **SECTION 3.** G.S. 14-113.7A reads as rewritten:

5 **"§ 14-113.7A. Application of Article to credit-financial transaction cards.**

6 This Article ~~shall not be construed as being applicable~~ does not apply to any credit-a financial
7 transaction card as the term is defined in G.S. 14-113.8."

8 **SECTION 4.** Article 15A of Chapter 15 of the General Statutes is repealed.

9 **SECTION 5.** G.S. 90A-53 reads as rewritten:

10 **"§ 90A-53. Qualifications and examination for registration as an environmental health**
11 **specialist or environmental health specialist intern.**

12 (a) The Board shall issue a certificate to a qualified person as a registered environmental
13 health specialist or a registered environmental health specialist intern. A certificate as a registered
14 environmental health specialist or a registered environmental health specialist intern shall be
15 issued to any person upon the Board's determination that the person meets ~~satisfies~~ all of the
16 following criteria:

- 17 (1) Has made application to the Board on a form prescribed by the Board and paid
18 a fee not to exceed one hundred dollars ~~(\$100.00); (\$100.00).~~
- 19 (2) Is of good moral and ethical character and has signed an agreement to adhere
20 to the Code of Ethics adopted by the ~~Board;~~ Board.
- 21 (3) Meets any of the following education and practice experience standards:
 - 22 a. Graduated with a bachelor's ~~degree or a or~~ postgraduate degree from a
23 program that is accredited by the National Environmental Health
24 Science and Protection Accreditation Council (EHAC).
 - 25 b. Graduated with a bachelor's ~~degree or a or~~ postgraduate degree ~~in~~
26 ~~public health and earned a minimum of 30 semester hours or 45 quarter~~
27 ~~hours in the physical, biological, natural, life, or health sciences and~~
28 ~~has one or more years of experience in the field of environmental~~
29 ~~health practice. degree, has earned 45 quarter hours physical,~~
30 ~~biological, natural, life, or health sciences and has one~~
 - 31 c. Graduated with a bachelor's ~~degree or or~~ postgraduate degree in public
32 health and has one or more years of experience in the field of
33 environmental health practice. ~~degree, has earned or 45 quarter hours~~
34 ~~physical, biological, natural, life, or health sciences and has one~~
 - 35 d. Has worked five or more continuous years as a registered
36 environmental health associate.
- 37 (4) Has satisfactorily completed a course in specialized instruction and training
38 approved by the Board in the practice of environmental health.
- 39 (5) Repealed by Session Laws 2009-443, s. 4, effective August 7, 2009.
- 40 (6) Has passed an examination administered by the Board designed to test for
41 competence in the subject matters of environmental health sanitation. The
42 examination shall be in a form prescribed by the Board and may be oral,
43 written, or both. The examination for applicants shall be held annually or more
44 frequently as the Board may by rule prescribe, at a time and place to be
45 determined by the Board. A person shall not be registered if ~~such-the~~ person
46 fails to meet the minimum grade requirements for examination specified by
47 the Board. Failure to pass an examination ~~shall~~ does not prohibit ~~such-the~~
48 person from being examined at subsequent times and places as specified by
49 the Board.

(7) Has paid a fee set by the Board not to exceed the cost of purchasing the examination and an administrative fee not to exceed one hundred fifty dollars (\$150.00).

(b) The Board may issue a certificate to a person serving as a registered environmental health specialist intern without the person meeting the full requirements for experience of a registered environmental health specialist for a period not to exceed two years from the date of initial registration as a registered environmental health specialist ~~intern, provided, intern so long as the person meets the educational requirements in G.S. 90A-53 of this section~~ and is in the field of environmental health practice."

SECTION 6. G.S. 108A-54.3A(a)(2a) is repealed.

SECTION 7. Article 3 of Chapter 110 of the General Statutes is repealed.

SECTION 8. G.S. 110-130 reads as rewritten:

"§ 110-130. Action by the designated representatives of the county commissioners.

(a) ~~Any A~~ county interested in the paternity ~~and/or or~~ support of a dependent child may ~~institute civil or criminal proceedings commence a civil or criminal action~~ against the responsible parent of the child, ~~child~~ or may ~~take up and pursue~~ intervene in any paternity ~~and/or or~~ support action ~~commenced by the mother, custodian or guardian of the child. Such action shall be undertaken by the~~ concerning the child. The designated representative of the county commissioners in the county where the mother of the child resides or is found, in the county where the father resides or is found, or in the county where the child resides or is found. ~~Any legal proceeding instituted under this section found may commence or intervene in an action under this section. An action commenced under this section may be based upon information or belief.~~

(b) ~~The A~~ parent of the child may be subpoenaed for testimony at the trial of ~~the action to establish the paternity of and/or to obtain support for the child either instituted or taken up by the designated representative of the county commissioners. an action commenced or intervened in by a county under this section.~~ The husband-wife privilege ~~shall not be grounds~~ is not a ground for excusing the mother or father from testifying at the trial nor ~~shall said privilege be grounds is the privilege a ground~~ for the exclusion of confidential communications between husband and wife. If a parent called for examination declines to answer upon the ~~grounds that his ground that his or her testimony may tend to incriminate him, him or her, the court may require him to answer in which event he the parent to answer. The parent shall not thereafter be prosecuted for any criminal act involved in the conception of the child whose paternity is in issue and/or or for whom support is sought, except for perjury committed in this testimony.~~

SECTION 9.(a) G.S. 115C-284, as amended by Section 1(d) of S.L. 2023-125, reads as rewritten:

"§ 115C-284. Method of selection and requirements.

(a) Principals and supervisors shall be elected by the local boards of education upon the recommendation of the superintendent, ~~in accordance with the provisions of G.S. 115C-276(j)-superintendent.~~

(b) ~~In the city administrative units, principals shall be elected by the board of education of such administrative unit upon the recommendation of the superintendent of city schools.~~

(b1) through (c3) Repealed by Session Laws 2023-125, s. 1(d), effective September 28, 2023.

(d) Repealed by Session Laws 1989, c. 385, s. 1.

(d1) Repealed by Session Laws 2023-125, s. 1(d), effective September 28, 2023.

(e) The State Board shall not issue provisional licenses for principals. ~~It shall be All principals and supervisors employed in the public schools of the State or in schools receiving public funds are required either to hold or be qualified to hold a license issued by the State Board of Education. It is unlawful for any a local board of education to employ or keep in service any a principal or supervisor who neither holds nor is qualified to hold a license in compliance with~~

1 ~~the provision of the law or in accordance with the regulations of the State Board of Education.~~
2 license. However, a local board of education may select a retired principal or retired assistant
3 principal to serve as an interim principal for the remainder of any school year, regardless of
4 licensure status.

5 (f) The allotment of classified principals ~~shall be~~ is one principal for each duly
6 constituted school with seven or more state-allotted teachers.

7 (g) Local boards of education ~~shall have~~ authority to employ supervisors in addition to
8 those that may be furnished by the State when, in the discretion of the board of education, the
9 schools of the local school administrative unit can thereby be more efficiently and more
10 economically operated and when funds for ~~the same~~ them are provided in the current expense
11 fund budget. The duties of ~~such~~ these supervisors shall be assigned by the superintendent with
12 the approval of the board of education.

13 ~~(h) All principals and supervisors employed in the public schools of the State or in~~
14 ~~schools receiving public funds, shall be required either to hold or be qualified to hold a license~~
15 ~~in compliance with the provision of the law or in accordance with the regulations of the State~~
16 ~~Board of Education."~~

17 **SECTION 9.(b)** G.S. 115C-299 reads as rewritten:

18 **"§ 115C-299. Hiring of teachers.**

19 (a) ~~In the city administrative units, teachers shall be elected by the board of education of~~
20 ~~such administrative unit upon the recommendation of the superintendent of city schools.~~

21 Teachers shall be elected by the ~~county and city~~ local boards of education upon the
22 recommendation of the ~~superintendent, in accordance with the provisions of G.S.~~
23 ~~115C-276(j).superintendent.~~

24 (b) No person otherwise qualified shall be denied the right to receive credentials from the
25 State Board of Education, to receive training for the purpose of becoming a teacher, or to engage
26 in practice teaching in any school on the grounds that ~~such~~ the person is totally or partially blind;
27 nor shall any local board of education refuse to employ ~~such a~~ the person on ~~such~~ these grounds."

28 **SECTION 9.(c)** G.S. 115C-315(a) is repealed.

29 **SECTION 9.(d)** G.S. 115C-315(b) reads as rewritten:

30 "(b) Election by Local Boards. – School personnel shall be elected by the local board of
31 education upon the recommendation of the ~~superintendent, in accordance with the provisions of~~
32 ~~G.S. 115C-276(j).superintendent.~~

33 ~~It is the policy of the State of North Carolina to encourage and provide for the most efficient~~
34 ~~and cost effective method of meeting the needs of local school administrative units for~~
35 ~~noncertified support personnel. To this end, the State Board of Education shall recommend to the~~
36 ~~General Assembly by November 1, 1984, a system using factors and formulas to determine the~~
37 ~~total number of noncertified support personnel allotted to local school administrative units. The~~
38 ~~recommended system for allotting noncertified support personnel shall include the proposed~~
39 ~~State's funding obligation for these positions and shall be developed in consultation with~~
40 ~~school based support personnel or their representatives."~~

41 **SECTION 10.(a)** G.S. 116-30.2 reads as rewritten:

42 **"§ 116-30.2. Appropriations to special responsibility constituent institutions.**

43 (a) All General Fund appropriations made by the General Assembly for continuing
44 operations of a special responsibility constituent institution of The University of North Carolina
45 shall be made in the form of a single sum to each budget code of the institution for each year of
46 the fiscal period for which the appropriations are being made. Notwithstanding G.S. 143C-6-4
47 and ~~G.S. 120-76(8), G.S. 120-76.1,~~ each special responsibility constituent institution may expend
48 monies from the overhead receipts special fund budget code and the General Fund monies so
49 appropriated to it in the manner deemed by the Chancellor to be calculated to maintain and
50 advance the programs and services of the institutions, consistent with the directives and policies
51 of the Board of Governors. Special responsibility constituent institutions may transfer

1 appropriations between budget codes. These transfers ~~shall be~~ are considered certified even if as
2 a result of agreements between special responsibility constituent institutions. The preparation,
3 presentation, and review of General Fund budget requests of special responsibility constituent
4 institutions shall be conducted in the same manner as are requests of other constituent institutions.
5 The quarterly allotment procedure established pursuant to G.S. 143C-6-3 ~~shall apply~~ applies to
6 the General Fund appropriations made for the current operations of each special responsibility
7 constituent institution. All General Fund monies so appropriated to each special responsibility
8 constituent institution shall be recorded, reported, and audited in the same manner as are General
9 Fund appropriations to other constituent institutions.

10 (b) Repealed by Session Laws 2006-66, s. 9.11(f), effective July 1, 2007."

11 **SECTION 10.(b)** G.S. 126-85 reads as rewritten:

12 **"§ 126-85. Protection from retaliation.**

13 (a) No head of any State department, ~~agency~~ agency, or institution or other State
14 employee exercising supervisory authority shall discharge, ~~threaten~~ threaten, or otherwise
15 discriminate against a State employee regarding the State employee's compensation, terms,
16 conditions, location, or privileges of employment because the State employee, or a person acting
17 on behalf of the employee, reports or is about to report, verbally or in writing, any activity
18 described in G.S. 126-84, unless the State employee knows or has reason to believe that the report
19 is inaccurate.

20 (a1) No State employee shall retaliate against another State employee because the
21 employee, or a person acting on behalf of the employee, reports or is about to report, verbally or
22 in writing, any activity described in G.S. 126-84.

23 (b) No head of any State department, ~~agency~~ agency, or institution or other State
24 employee exercising supervisory authority shall discharge, ~~threaten~~ threaten, or otherwise
25 discriminate against a State employee regarding the employee's compensation, terms, conditions,
26 ~~location~~ location, or privileges of employment because the State employee has refused to carry
27 out a directive ~~which that~~ in fact constitutes a violation of State or federal law, ~~rule~~ rule, or
28 regulation or poses a substantial and specific danger to the public health and safety.

29 (b1) No State employee shall retaliate against another State employee because the
30 employee has refused to carry out a directive ~~which that~~ may constitute a violation of State or
31 federal law, ~~rule or regulation~~, rule, or regulation or poses a substantial and specific danger to the
32 public health and safety.

33 (c) The protections of this Article ~~shall include~~ include State employees who report any
34 activity described in G.S. 126-84 to the State Auditor as authorized by G.S. 147-64.6B, to the
35 Joint Legislative Commission on Governmental Operations as authorized by ~~G.S. 120-76,~~
36 G.S. 120-75.1, or to a legislative committee as required by G.S. 120-19."

37 **SECTION 11.** G.S. 116-209.28 reads as rewritten:

38 **"§ 116-209.28. Administration of scholarships previously awarded by the Principal Fellows**
39 **Program.**

40 (a) The Authority ~~shall, as of July 1, 2021,~~ shall administer all outstanding scholarship
41 loans previously awarded by the former North Carolina Principal Fellows Commission and
42 subject to repayment under the former Principal Fellows Program administered pursuant to
43 Article 5C of this Chapter.

44 (b) All funds received by the Authority in association with its administration of the
45 Principal Fellows Program, including all funds received as repayment of scholarship loans and
46 all interest earned on these funds, shall be deposited into the North Carolina Principal Fellows
47 ~~and TP3~~ Trust Fund established in G.S. 116-74.41B."

48 **SECTION 12.** G.S. 121-42 is repealed.

49 **SECTION 13.(a)** G.S. 128-28 reads as rewritten:

50 **"§ 128-28. Administration and responsibility for operation of System.**

(a) Vested in Board of Trustees. – The general administration and responsibility for the proper operation of the Retirement System and for making effective the provisions of this Article are hereby vested in the Board of Trustees: ~~Provided, that all Trustees. All~~ expenses in connection with the administration of the North Carolina Local Governmental Employees' Retirement System shall be charged against and paid from the expense fund as provided in subsection (f) of G.S. 128-30.

(b) Board of Trustees a Body Politic and Corporate; Powers and Authority; Exemption from Taxation. – The Board of Trustees ~~shall be is~~ a body politic and corporate under the name Board of Trustees of the North Carolina Local Governmental Employees' Retirement System, ~~and as System. As a body politic and corporate shall have corporate, it has the right to sue and be sued, shall have perpetual succession and has perpetual succession, shall have a common seal, and in said in its corporate name shall be able and capable in law to may take, demand, receive receive, and possess all kinds of real and personal property necessary and proper for its corporate purposes, and to may bargain, sell, grant, alien, transfer, or dispose of all such real and personal property as it may lawfully acquire. lawfully acquired by it. All such property owned or acquired by said body politic and corporate shall be it is exempt from all taxes imposed by the State or any political subdivision thereof, and shall not be thereof and is not subject to income taxes.~~

(c) Members of Board. – The Board shall consist of (i) five members of the Board of Trustees of the Teachers' and State Employees' Retirement System appointed under G.S. 135-6(b): the State Treasurer; the Superintendent of Public Instruction; the two members appointed by the General Assembly; and one of the two members appointed by the Governor who are not members of the teaching profession or State employees; and (ii) eight members designated by the Governor:

- (1) One member shall be a mayor or a member of the governing body of a city or town participating in the Retirement System; ~~System.~~
- (2) One member shall be a county commissioner of a county participating in the Retirement System; ~~System.~~
- (3) One member shall be a law-enforcement officer employed by an employer participating in the Retirement System; ~~System.~~
- (4) One member shall be a county manager of a county participating in the Retirement System; ~~System.~~
- (5) One member shall be a city or town manager of a city or town participating in the Retirement System; ~~System.~~
- (6) One member shall be an active, Fair Labor Standards Act nonexempt, local governmental employee of an employer; ~~employer.~~
- (7) One member shall be a retired, Fair Labor Standards Act nonexempt, local governmental employee of an employer; ~~and employer.~~
- (8) One member shall be an active or retired member of the ~~Firemen's and Rescue Squad Workers' Pension Fund. North Carolina Firefighters' and Rescue Squad Workers' Pension Fund.~~

The Governor shall designate eight members on April 1 of years in which an election is held for the office of Governor, or as soon thereafter as possible, and each of the eight members designated by the Governor shall serve on the Board in addition to the regular duties of their the member's city, town, or county office: Provided, that if office. If for any reason any member appointed pursuant to subdivisions (1) through (6) of this subsection vacates the city, town, or county office or employment ~~which that~~ the member held at the time of this designation, the Governor shall designate another member to serve until the next regular date for the designation of members to serve on the Board.

(d) Compensation of Trustees. – The trustees shall be paid during sessions of the Board at the prevailing rate established for members of State boards and commissions, and they shall be reimbursed for all necessary expenses that they incur through service on the Board.

(e) Oath. – Each trustee other than the ex officio members shall, within 10 days after his appointment, take an oath of office, ~~that, to,~~ so far as it devolves upon ~~him, he will~~ the trustee, diligently and honestly administer the affairs of the ~~said Board, and that he will~~ Board and to not knowingly violate or willingly permit to be violated any of the provisions of law applicable to the Retirement System. ~~Such~~ The oath shall be subscribed to by the ~~member~~ trustee making it, ~~and~~ certified by the officer before whom it is taken, and immediately filed in the office of the Secretary of ~~State. Provided, that where~~ State. However, if a local governmental official designated by the Governor has taken an oath of office in connection with the local governmental office ~~that he the official~~ holds, the oath for ~~his~~ local governmental office ~~shall be~~ is deemed to be sufficient, and ~~he shall not be the official is not~~ is not required to take the oath ~~hereinafter~~ provided provided in this subsection.

(f) Voting Rights. – Each trustee ~~shall be~~ is entitled to one vote in the Board. A majority of affirmative votes in attendance ~~shall be~~ is necessary for a decision by the trustees at any meeting of ~~said the~~ the Board. A vote may only be taken if at least seven members of the Board are in attendance, in person or by telephone, for the meeting at which a vote on a decision is taken.

(f1) Effect of Vote Related to Contributory Death Benefit. – No decision of the Board related to the Contributory Death Benefit provided for under this Article ~~shall take~~ takes effect unless and until this same decision has been made and voted on by the Board of Trustees of the Teachers' and State Employees' Retirement System.

(g) ~~Rules and Regulations.~~ Rules. – Subject to the limitations of this Article, the Board of Trustees ~~shall, from time to time, establish rules and regulations~~ shall adopt rules for the administration of the funds created by this Article and for the transaction of its business. The Board of Trustees ~~shall also, from time to time, shall,~~ in its discretion, adopt rules ~~and regulations~~ to prevent injustices and inequalities ~~which that~~ might otherwise arise in the administration of this Article.

(h) Officers and Other Employees, ~~Salaries~~ Salaries, and Expenses. – The State Treasurer shall be ex officio chair of the Board of Trustees and shall appoint a director. The Board ~~of Trustees~~ shall engage ~~such actuarial and other service as shall be~~ actuarial and other services required to transact the business of the Retirement System. The compensation of all persons engaged by the ~~Board of Trustees, Board,~~ and all other expenses of the Board necessary for the operation of the Retirement System, shall be paid at ~~such rates and in such amounts as the Board of Trustees shall approve~~ rates and in amounts approved by the Board.

(i) Actuarial Data. – The Board of Trustees shall keep in convenient form ~~such data as shall be~~ necessary for actuarial valuation of the various funds of the Retirement ~~System, System~~ and for checking the experience of the System.

(j) Record of Proceedings; Annual Report. – The Board of Trustees shall keep a record of all of its proceedings ~~which that~~ shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the Retirement System for the preceding year, the amount of the accumulated cash and securities of the System, and the last balance sheet showing the financial condition of the System by means of an actuarial valuation of the assets and liabilities of the Retirement System. It shall also publish annually a report on supplemental insurance offerings that are made available to retirees and the extent to which retirees participate in those offerings.

(k) Legal Adviser. – The Attorney General ~~shall be~~ is the legal adviser of the Board of Trustees.

(l) Medical Board. – The Board of Trustees shall designate a Medical Board to be composed of not less than three nor more than five physicians not eligible to participate in the Retirement System. The Board of Trustees may structure appointment requirements and term durations for those ~~medical board~~ Medical Board members. If required, other physicians may be employed to report on special cases. The Medical Board shall arrange for and pass upon all medical examinations required under ~~the provisions of this Chapter, and~~ shall investigate all

essential statements and certificates by or on behalf of a member in connection with an application for disability retirement, and shall report in writing to the Board of Trustees its conclusion and recommendations upon all the matters referred to it. A person serving on the ~~medical board shall be~~ Medical Board is immune individually from civil liability for monetary damages, except to the extent covered by insurance, for any act or failure to act arising out of that service, ~~except where~~ unless any of the following ~~apply~~ applies:

- (1) The person was not acting within the scope of that person's official duties.
- (2) The person was not acting in good faith.
- (3) The person committed gross negligence or willful or wanton misconduct that resulted in the damages or injury.
- (4) The person derived an improper financial benefit, either directly or indirectly, from the transaction.
- (5) The person incurred the liability from the operation of a motor vehicle.

(m) Duties of Actuary. – The Board of Trustees shall designate an actuary ~~who shall to be~~ the technical adviser of the Board of Trustees on matters regarding the operation of the funds created by ~~the provisions of this Chapter and shall perform such other duties as are required in connection therewith.~~ this Chapter. The experience studies and all other actuarial calculations required by this Chapter, and all the assumptions used by the System's actuary, including mortality tables, interest rates, annuity factors, the contribution-based benefit cap factor, and employer contribution rates, shall be set out in the actuary's periodic reports, annual valuations of System assets, or other materials provided to the ~~Board of Trustees.~~ Board. Notwithstanding Article 2A of Chapter 150B of the General Statutes, these materials, once accepted by the Board, ~~shall be are~~ considered part of the Plan documentation governing ~~this the~~ the Retirement System and ~~shall be are~~ effective the first day of the month following adoption unless a different date is specified in the adopting resolution. The effective date ~~shall does~~ not retroactively affect a contribution rate. The Board's minutes relative to all actuarial assumptions used by the System ~~shall also be are also~~ considered part of the Plan documentation governing ~~this the~~ the Retirement System, with the result of precluding any employer discretion in the determination of benefits payable ~~hereunder, under this section,~~ consistent with Section 401(a)(25) of the Internal Revenue Code.

(n) ~~Immediately after the establishment of the Retirement System the actuary shall make such investigation of the mortality, service and compensation experience of the members of the System as he shall recommend and the Board of Trustees shall authorize, and on the basis of such investigation he shall recommend for adoption by the Board of Trustees such tables and such rates as are required in subsection (o), paragraphs (1) and (2), of this section. The Board of Trustees shall adopt tables and certify rates, and as soon as practicable thereafter the actuary shall make a valuation based on such tables and rates of the assets and liabilities of the funds created by this Chapter.~~

(o) ~~In the year 1945, and at least once in each five-year period thereafter, At least once every five years,~~ the actuary shall make an actuarial investigation into the mortality, ~~service~~ service, and compensation experience of the members and beneficiaries of the Retirement System and shall make a valuation of the assets and liabilities of the funds of the System. Taking into account the result of ~~such the~~ the investigation and valuation, the Board of Trustees shall do ~~at both~~ both of the following:

- (1) Adopt any necessary mortality, service, or other tables and any necessary contribution-based benefit cap factors for the Retirement System.
- (2) Certify the rates of contributions payable by the participating units on account of new entrants at various ages.

In order to pay for the administration of this section, the Retirement Systems Division of the Department of State Treasurer may increase receipts from the retirement assets of the Retirement System or may pay the costs directly from the retirement assets.

(p) On the basis of the tables and interest assumption rate ~~as~~ adopted by the Board of Trustees, the actuary shall make an annual valuation of the assets and liabilities of the funds of the System created by this Chapter. The annual valuation shall include a supplementary section that provides an analysis of assets on a market basis using the 30-year treasury rate as of December 31 of the year of the valuation as the discount rate. In order to pay for the administration of this section, the Retirement Systems Division of the Department of State Treasurer may increase receipts from the retirement assets of the Retirement System or may pay the costs directly from the retirement assets.

(q) Notwithstanding any ~~law, rule, regulation or policy law~~ to the contrary, any board, agency, department, ~~institution-institution~~, or subdivision of the State maintaining lists of names and addresses in the administration of ~~their~~ its programs may upon request provide to the Retirement System information limited to social security numbers, current name and addresses of persons identified by the System as members, beneficiaries, and beneficiaries of members of the System. The System shall use ~~such~~ this information for the sole purpose of notifying members, beneficiaries, and beneficiaries of members of ~~their~~ the person's rights to and accruals of benefits in the Retirement System. Any social security number, current ~~name-name~~, and address ~~so obtained and obtained~~, any other information concluded ~~therefrom and the source thereof shall be treated as~~ from this information, and the source of this information are confidential and shall not be divulged by any employee of the Retirement System or of the Department of State Treasurer except as ~~may be~~ necessary to notify the member, beneficiary, or beneficiary of the member of ~~their~~ the person's rights to and accruals of benefits in the Retirement System. Any person, officer, ~~employee-employee~~, or former employee violating this provision ~~shall be~~ is guilty of a Class 1 misdemeanor; and if ~~such~~ the offending person ~~be is~~ a public official or employee, ~~he the person~~ shall be dismissed from office or employment and shall not hold any public office or employment in this State for a period of five years thereafter.

(r) Fraud Investigations and Compliance Investigations. – Access to Persons and Records. – In the course of conducting a fraud investigation or compliance investigation, the Retirement Systems Division, or authorized representatives who are assisting the Retirement Systems Division staff, ~~shall has~~ has all of the following powers:

- (1) ~~Have ready~~ To have access to persons and ~~may to~~ may examine and copy all books, records, reports, vouchers, correspondence, files, personnel files, investments, and any other documentation of any employer. The review of State tax returns shall be limited to matters of official business, and the Division's report shall not violate the confidentiality provisions of tax laws.
- (2) ~~Have such access~~ To have access to persons, records, papers, reports, vouchers, correspondence, books, and any other documentation that is in the possession of any individual, private corporation, institution, association, board, or other organization ~~which pertain~~ pertaining to the following:
 - a. Amounts received pursuant to a grant or contract from the federal government, the State, or its political subdivisions.
 - b. Amounts received, disbursed, or otherwise handled on behalf of the federal government or the State.
- (3) ~~Have the authority, and shall be provided with ready access, to examine~~ To access, examine, and inspect all property, equipment, and facilities in the possession of any employer agency or any individual, private corporation, institution, association, board, or other organization that were furnished or otherwise provided through grant, contract, or any other type of funding by the employer agency.

With respect to the requirements of sub-subdivision (2)b. of this subsection, providers of social and medical services to a beneficiary shall make copies of records they maintain for services provided to a beneficiary available to the Retirement Systems Division, or to the

authorized representatives who are assisting the Retirement Systems Division staff. Copies of the records of social and medical services provided to a beneficiary ~~will~~ permit verification of the health or other status of a beneficiary as required for the payment of benefits under Article 3 of this Chapter. The Retirement Systems Division, or authorized representatives who are assisting the Retirement Systems Division staff, shall request records in writing by providing the name of each beneficiary for whom records are sought, the purpose of the request, the statutory authority for the request, and a reasonable period of time for the production of record copies by the provider. A provider may charge, and the Retirement Systems Division, or authorized representatives who are assisting the Retirement Systems Division staff, shall, in accordance with G.S. 90-411, pay a reasonable fee to the provider for copies of the records provided in accordance with this subsection.

(s) Fraud Investigative Reports and Work Papers or Compliance Investigative Reports and Work Papers. – The Director of the Retirement Systems Division shall maintain for 10 years a complete file of all fraud investigative reports, compliance investigative reports, and reports of other examinations, investigations, surveys, and reviews issued under the Director's authority. Fraud investigation work papers, compliance investigation work papers, and other evidence or related supportive material directly pertaining to the work of the Retirement Systems Division of the Department of State Treasurer shall be retained according to an agreement between the Director of Retirement and State Archives. To promote intergovernmental cooperation and avoid unnecessary duplication of fraud or compliance investigative effort, and notwithstanding local unit personnel policies to the contrary, pertinent work papers and other supportive material relating to issued fraud investigation reports or compliance investigative reports may be, at the discretion of the Director of Retirement and unless otherwise prohibited by law, made available for inspection by ~~duly~~ authorized representatives of the State and federal government who desire access to and inspection of ~~such~~ the records in connection with some matter officially before them, including criminal investigations. Except as provided in this section, or upon an order issued in Wake County Superior Court upon 10 days' notice and hearing finding that access is necessary to a proper administration of justice, fraud or compliance investigation work papers and related supportive material shall be kept confidential, including any information developed as a part of the investigation.

(t) Fraud Reports May Be Anonymous. – The identity of any person reporting fraud, waste, and abuse to the Retirement Systems Division shall be kept confidential and shall not be maintained as a public record within the meaning of G.S. 132-1.

(u) Immunity. – A person serving on the Local Governmental Employees' Retirement System Board of Trustees ~~shall be~~ is immune individually from civil liability for monetary damages, except to the extent covered by insurance, for any act or failure to act arising out of that service, ~~except where~~ unless any of the following ~~apply~~ applies:

- (1) The person was not acting within the scope of that person's official duties.
- (2) The person was not acting in good faith.
- (3) The person committed gross negligence or willful or wanton misconduct that resulted in the damages or injury.
- (4) The person derived an improper personal financial benefit, either directly or indirectly, from the transaction.
- (5) The person incurred the liability from the operation of a motor vehicle."

SECTION 13.(b) G.S. 153A-93 reads as rewritten:

"§ 153A-93. Retirement benefits.

(a) The board of commissioners may provide for enrolling county officers and employees in the Local Governmental Employees' Retirement System, the Law-Enforcement Officers' Benefit and Relief Fund, the ~~Firemen's Pension Fund~~, North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, or a retirement plan certified to be actuarially sound by a qualified

actuary as defined in subsection (c) of this section and may make payments into ~~such a~~ the retirement system or plan on behalf of its employees.

(b) No county ~~may~~ shall make payments into a retirement system or plan established or authorized by a local act unless the system or plan is certified to be actuarially sound by a qualified actuary as defined in subsection (c) of this section.

(c) A qualified actuary means a member of the American Academy of Actuaries or an individual certified as qualified by the Commissioner of Insurance.

(d) A county ~~which~~ that is providing health insurance under G.S. 153A-92(d) may provide health insurance for all or any class of former officers and employees of the county. ~~Such~~ The health insurance may be paid entirely by the county, partly by the county and former officer or employee, or entirely by the former officer or employee, at the option of the county.

(d1) ~~On and after October 1, 2009, a~~ A county ~~which~~ that is providing health insurance under G.S. 153A-92(d) may provide health insurance for all or any class of former officers and employees of the county who have obtained at least 10 years of service with the county prior to separation from the county and who are not receiving benefits under subsection (a) of this section. ~~Such~~ The health insurance may be paid entirely by the county, partly by the county and former officer or employee, or entirely by the former officer or employee, at the option of the county.

(d2) Notwithstanding subsection (d) of this section, any county that has elected to and is covering its active employees only, or its active and retired employees, under the State Health Plan, or elects ~~such~~ coverage under the Plan, ~~may~~ shall not provide health insurance through the State Health Plan to all or any class of former officers and employees who are not receiving benefits under subsection (a) of this section. The county may, however, provide health insurance to ~~such~~ the former officers and employees by any other means authorized by G.S. 153A-92(d). The health insurance premium may be paid entirely by the county, partly by the county and former officer or employee, or entirely by the former officer or employee, at the option of the county.

(e) The board of commissioners may provide a deferred compensation plan. ~~Where~~ If the board of commissioners provides a deferred compensation plan, the investment of funds for the plan ~~shall be~~ is exempt from the provisions of G.S. 159-30 and G.S. 159-31. Counties may invest deferred compensation plan funds in life insurance, fixed or variable annuities and retirement income contracts, regulated investment trusts, or other forms of investments approved by the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan."

SECTION 13.(c) G.S. 160A-163 reads as rewritten:

"§ 160A-163. Retirement benefits.

(a) The council may provide for enrolling city employees in the Local Governmental Employees' Retirement System, the Law-Enforcement Officers' Benefit and Relief Fund, the ~~Firemen's Pension Fund,~~ North Carolina Firefighters' and Rescue Squad Workers' Pension Fund, or a retirement plan certified to be actuarially sound by a qualified actuary as defined in subsection (d) of this ~~section,~~ section and may make payments into ~~any such~~ the retirement system or plan on behalf of its employees. The city may also supplement from local funds benefits provided by the Local Governmental Employees' Retirement System, the Law-Enforcement Officers' Benefit and Relief Fund, or the ~~Firemen's Pension Fund,~~ North Carolina Firefighters' and Rescue Squad Workers' Pension Fund.

(b) The council may create and administer a special fund for the relief of members of the police and fire departments who have been retired for age, or for disability or injury incurred in the line of duty, but any ~~such~~ of these funds established on or after January 1, 1972, ~~shall be~~ are subject to the provisions of subsection (c) of this section. The council may receive donations and devises in aid of ~~any such~~ the fund, shall provide for its permanence and increase, and shall prescribe and regulate the conditions under which benefits may be paid.

(c) No city shall make payments into any retirement system or plan established or authorized by local act of the General Assembly unless the plan is certified to be actuarially sound by a qualified actuary as defined in subsection (d) of this section.

(d) A qualified actuary means an individual certified as qualified by the Commissioner of Insurance, or any member of the American Academy of Actuaries.

(e) A city ~~which that~~ is providing health insurance under G.S. 160A-162(b) may provide health insurance for all or any class of former employees of the city who are receiving benefits under subsection (a) of this section or who are 65 years of age or older. ~~Such The~~ health insurance may be paid entirely by the city, partly by the city and former employee, or entirely by the former employee, at the option of the city.

(f) The council may provide a deferred compensation plan. ~~Where If~~ the council provides a deferred compensation plan, the investment of funds for the plan ~~shall be is~~ exempt from the ~~provisions of~~ G.S. 159-30 and G.S. 159-31. Cities may invest deferred compensation plan funds in life insurance, fixed or variable annuities and retirement income contracts, regulated investment trusts, or other forms of investments approved by the Board of Trustees of the North Carolina Public Employee Deferred Compensation Plan.

(g) ~~Should If~~ the council ~~provide provides~~ for a retirement plan, a plan ~~which that~~ supplements a State-administered plan, or a special fund, any benefits payable from ~~such the~~ plan or fund on account of the disability of city employees may be restricted with regard to the amount ~~which that~~ may be earned by the disabled former employee in any other employment, but only to the extent that the earnings of disability beneficiaries in the Local Governmental Employees' Retirement System are restricted in accordance with G.S. 128-27(e)(1)."

SECTION 14. G.S. 143-215.107F, as enacted by Section 12.6 of S.L. 2023-134, reads as rewritten:

"§ 143-215.107F. Prohibit requirements for control of emissions from new motor vehicles.

Notwithstanding any authorization granted under 42 U.S.C. § 7507, no agency of the State, including the Department of Environmental Quality, the Environmental Management Commission, the Department of Transportation, or the Department of Administration, may adopt and enforce standards relating to control of emissions from new motor vehicles or new motor vehicle engines, including requirements that mandate the sale or purchase of "zero-emission vehicles," or electric vehicles as defined in G.S. 20-4.01. The prohibitions of this section ~~shall not be construed to effect do not affect~~ requirements for the vehicle emissions testing and maintenance program established pursuant to G.S. 143-215.107A."

SECTION 15. Article 29A of Chapter 143 of the General Statutes is repealed.

SECTION 16. G.S. 144-9(b) reads as rewritten:

"(b) The Department of Military and Veterans Affairs shall accept, at no charge, a worn, tattered, or otherwise damaged flag of the United States of America or the State of North Carolina from a citizen of the State and shall make arrangements for its respectful disposal. The Department shall establish a flag retirement program to encourage citizens to send in or drop off worn, tattered, or otherwise damaged flags at the Department's office in Raleigh and at any Veterans Home or Veterans Cemetery in the State and may establish other locations for flag drop-off as it deems appropriate. The Department shall advertise the flag retirement program on its website and by printed posters placed at all flag drop-off locations.

~~Department"~~

SECTION 17. G.S. 160D-1311 reads as rewritten:

"§ 160D-1311. Community development programs and activities.

(a) A local government ~~is authorized to may~~ engage in, ~~to accept~~ federal and State grants and loans for, and ~~to appropriate and~~ expend funds for community development programs and activities. In undertaking community development programs and activities, in addition to other authority granted by law, a local government may engage in the following activities:

(1) Programs of assistance and financing of rehabilitation of private buildings principally for the benefit of low- and moderate-income persons, or for the restoration or preservation of older neighborhoods or properties, including direct repair, the making of grants or loans, the subsidization of interest payments on loans, and the guaranty of loans.

(2) Programs concerned with employment, economic development, crime prevention, child care, health, drug abuse, education, and welfare needs of persons of low and moderate income.

(b) A governing board may exercise directly those powers granted by law to local government redevelopment commissions and those powers granted by law to local government housing authorities and may do so whether or not a redevelopment commission or housing authority is in existence in ~~such the~~ local government. Any governing board desiring to do so may delegate to any redevelopment commission, created under Article 22 of Chapter 160A of the General Statutes, or to any housing authority, created under Article 1 of Chapter 157 of the General Statutes, the responsibility of undertaking or carrying out any specified community development activities. Any governing board may by agreement undertake or carry out for another any specified community development activities. Any governing board may contract with any person, association, or corporation in undertaking any specified community development activities. Any county or city board of health, county board of social services, or county or city board of education may by agreement undertake or carry out for any other governing board any specified community development activities.

(c) A local government undertaking community development programs or activities may create one or more advisory committees to advise it and to make recommendations concerning ~~such the~~ programs or activities.

(d) A governing board proposing to undertake any loan guaranty or similar program for rehabilitation of private buildings ~~is authorized to~~ may submit to its voters the question whether ~~such the~~ program shall be ~~undertaken, such undertaken.~~ The referendum to shall be conducted pursuant to the general and local laws applicable to special elections in ~~such the~~ local government. ~~No State or local taxes shall be appropriated or expended by a county pursuant to this section for any purpose not expressly authorized by G.S. 153A-149, unless the same is first submitted to a vote of the people as therein provided.~~

(e) A government may receive and dispense funds from the Community Development Block Grant (CDBG) Section 108 Loan Guarantee program, Subpart M, 24 C.F.R. § 570.700, et seq., either through application to the North Carolina Department of Commerce or directly from the federal government, in accordance with State and federal laws governing these funds. Any local government that receives these funds directly from the federal government may pledge current and future CDBG funds for use as loan guarantees in accordance with State and federal laws governing these funds. A local government may implement the receipt, dispensing, and pledging of CDBG funds under this subsection by borrowing CDBG funds and lending all or a portion of those funds to a third party in accordance with applicable laws governing the CDBG program.

A government that has pledged current or future CDBG funds for use as loan guarantees prior to the enactment of this subsection is authorized to have taken ~~such the~~ action. A pledge of future CDBG funds under this subsection is not a debt or liability of the State or any political subdivision of the State or a pledge of the faith and credit of the State or any political subdivision of the State. The pledging of future CDBG funds under this subsection does not directly, indirectly, or contingently obligate the State or any political subdivision of the State to levy or to pledge any taxes.

(f) All program income from Economic Development Grants from the Small Cities Community Development Block Grant Program may be retained by recipient cities and counties in "economically distressed counties," as defined in G.S. 143B-437.01, for the purposes of

creating local economic development revolving loan funds. ~~Such~~ The program income derived through the use by cities of Small Cities Community Development Block Grant money includes, but is not limited to, (i) payment of principal and interest on loans made by the county using CDBG funds, (ii) proceeds from the lease or disposition of real property acquired with CDBG funds, and (iii) any late fees associated with loan or lease payments in (i) and (ii) above. The local economic development revolving loan fund set up by the city shall fund only those activities eligible under Title I of the federal Housing and Community Development Act of 1974, as amended (P.L. 93-383), and shall meet at least one of the three national objectives of the Housing and Community Development Act. Any expiration of G.S. 143B-437.01 or G.S. 105-129.3 ~~shall~~ does not affect this subsection as to designations of economically distressed counties made prior to its expiration.

(g) No State or local taxes shall be appropriated or expended by a county pursuant to this section for any purpose not expressly authorized by G.S. 153A-149, unless the purpose is first submitted to a vote of the people as provided by that section."

SECTION 18.(a) Subsection (a) of Section 9A.1 of S.L. 2022-74 is repealed.

SECTION 18.(b) G.S. 108A-42.1, as amended by subsection (a) of this section, reads as rewritten:

"§ 108A-42.1. State-County Special Assistance Program payment rates.

(a) Basic Rate. – The maximum monthly rate for State-County Special Assistance recipients residing in adult care homes or in-home living arrangements without a diagnosis of Alzheimer's disease or dementia ~~shall be one thousand one hundred eighty two dollars (\$1,182)~~ is one thousand two hundred eighty-five dollars (\$1,285) per month per resident. This rate shall be adjusted on January 1, 2024, and each January 1 thereafter, using the federally approved Social Security cost-of-living adjustment effective for the applicable year.

(b) Enhanced Rate. – The maximum monthly rate for State-County Special Assistance recipients residing in special care units or in-home living arrangements with a diagnosis of Alzheimer's disease or dementia ~~shall be one thousand five hundred fifteen dollars (\$1,515)~~ is one thousand six hundred forty-seven dollars (\$1,647) per month per resident. This rate shall be adjusted on January 1, 2024, and each January 1 thereafter, using the federally approved Social Security cost-of-living adjustment effective for the applicable year."

SECTION 18.(c) This section is retroactively effective January 1, 2023.

SECTION 19.(a) Section 9A.3A(a) of S.L. 2021-180 reads as rewritten:

"SECTION 9A.3A.(a) It is the intent of the General Assembly to provide greater parity among individuals receiving benefits under the State-County Special Assistance Program authorized under G.S. 108A-40 regardless if they elect to reside in an adult care home, a special care unit, or an in-home living arrangement. To that end, ~~no later than 30 days after the effective date of this subsection, the Department of Health and Human Services, Division of Aging and Adult Services, shall apply to the federal Social Security Administration (SSA) for approval to allow eligible individuals residing in in-home living arrangements to qualify for State-County Special Assistance under the Social Security Optional State Supplement Program in the same manner as individuals residing in adult care homes or special care units. Additionally, no later than 30 days after the effective date of this subsection, the Department of Health and Human Services, Division of Health Benefits, shall submit a State Plan amendment to the Centers for Medicare and Medicaid Services (CMS) for approval to add Medicaid coverage for individuals residing in in-home living arrangements who qualify for State-County Special Assistance under the Social Security Optional State Supplement Program. It is the further intent of the General Assembly to appropriate sufficient funds in future fiscal years to support annual adjustment of the State-County Special Assistance Program payment rates using the federally approved Social Security cost-of-living adjustment. This subsection is effective when it becomes law."~~

SECTION 19.(b) Section 9A.3A(d) of S.L. 2021-180, as amended by Section 9A.1(b) of S.L. 2022-74, reads as rewritten:

1 "**SECTION 9A.3A.(d)** Subsections (b), (c), and (e) of this section become effective on the
2 date the Current Operations Appropriations Act of 2022 becomes law, or 30 days after the date
3 that both the SSA and CMS have approved the applications the date the CMS approves the
4 application submitted by the Department of Health and Human Services pursuant to subsection
5 (a) of this section, whichever is later.section. The Secretary of Health and Human Resources
6 reported to the Revisor of Statutes that the CMS approved the application effective January 1,
7 2023.

8 The Secretary of the Department of Health and Human Services shall report to the Revisor
9 of Statutes when both the SSA and CMS approvals are obtained and the date of the approval.
10 Subsections (b), (c), and (e) of this section shall not become effective if either the SSA or CMS
11 disapproves the applications submitted by the Department of Health and Human Services
12 pursuant to subsection (a) of this section. If, by June 30, 2023, the Department of Health and
13 Human Services has not received notification of application approval from both the SSA and
14 CMS pursuant to subsection (a) of this section, then subsections (b), (c), and (e) of this section
15 shall expire. This subsection is effective when it becomes law."

16 **SECTION 19.(c)** Section 9A.1(d) of S.L. 2022-74 reads as rewritten:

17 "**SECTION 9A.1.(d)** Subsections (a) and (e) of this section become Subsection (c) of this
18 section becomes effective on the date the Current Operations Appropriations Act of 2022
19 becomes law, or 30 days after the date that both the SSA and CMS have approved the applications
20 submitted by the Department of Health and Human Services pursuant to subsection (a) of Section
21 9A.3A of S.L. 2021-180, whichever is later. that subsection (e) of Section 9A.3A of S.L.
22 2021-180 becomes effective. The remainder of this section is effective when it becomes law."

23 **SECTION 19.(d)** This section is retroactively effective January 1, 2023.

24 **SECTION 20.(a)** Section 9H.15(i) of S.L. 2023-134 reads as rewritten:

25 "**SECTION 9H.15.(i)** G.S. 7B-1413.5, as enacted by subsection (f) of this section, becomes
26 effective July 1, 2025. The remainder of subsection (f) of this section and subsection (g) of this
27 section become effective January 1, 2025."

28 **SECTION 20.(b)** This section is retroactively effective October 3, 2023.

29 **SECTION 21.** Except as otherwise provided, this act is effective when it becomes
30 law.