

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

**HOUSE BILL 988
RATIFIED BILL**

AN ACT MAKING TECHNICAL CORRECTIONS AND OTHER CONFORMING AND CLARIFYING CHANGES TO THE LAWS GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE LEGISLATIVE RETIREMENT SYSTEM, AND RELATED STATUTES.

The General Assembly of North Carolina enacts:

PART I. CORRECT THE TITLE OF THE EXECUTIVE DIRECTOR OF THE RETIREMENT SYSTEMS DIVISION

SECTION 1.(a) G.S. 135-5(e) reads as rewritten:

"(e) Reexamination of Beneficiaries Retired for Disability. – The provisions of this subsection shall be applicable to members retired on a disability retirement allowance and shall not be applicable to members in service on or after January 1, 1988. Once each year during the first five years following retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the Board of Trustees may, and upon ~~his~~ the member's application shall, require any disability beneficiary who has not yet attained the age of 60 years to undergo a medical ~~examination, such examination to be made~~ performed at the place of residence of ~~said beneficiary that beneficiary,~~ or other place mutually agreed upon, by a physician or physicians designated by the Board of Trustees. Should any disability beneficiary who has not yet attained the age of 60 years refuse to submit to at least one medical examination in any ~~such~~ year ~~by a physician or physicians designated by the Board of Trustees, his~~ required by this subsection, the beneficiary's allowance may be discontinued until ~~his~~ withdrawal of such refusal, ~~and should his~~ the refusal. If the refusal continue ~~continues~~ for one year all ~~his~~ the beneficiary's rights in and to ~~his~~ the beneficiary's pension may be revoked by the Board of Trustees. The following provisions apply:

- ...
- (4) As a condition to the receipt of the disability retirement allowance provided for in ~~G.S. 135-5(d), (d1), (d2) and (d3)~~ subsections (d) through (d3) of this section each member retired on a disability retirement allowance shall, on or before April 15 of each calendar year, provide the Board of Trustees with a statement of ~~his or her~~ that member's income received as compensation for services, including fees, commissions or similar items, and income received from business, for the previous calendar year. ~~Such~~ This statement shall be filed on a form as required by the Board of Trustees. The benefit payable to a beneficiary who does not or refuses to provide the information requested within 60 days after ~~such~~ the request shall not be paid a ~~benefit~~ until the information ~~so~~ requested is provided, and should such ~~provided. If the refusal or failure to provide such~~ the required information continue ~~continues~~ for 240 days after ~~such~~ the request, then the right of a beneficiary to a benefit under the Article may be terminated.



The Executive Director of the State Retirement System-Systems Division shall contact any State or federal agency ~~which~~that can provide information to substantiate the statement required to be submitted by this subdivision and may enter into agreements for the exchange of information.

...."

SECTION 1.(b) G.S. 128-27(e) reads as rewritten:

"(e) Reexamination of Beneficiaries Retired on Account of Disability. – Once each year during the first five years following retirement of a member on a disability allowance, and once in every three-year period thereafter, the Board of Trustees may, and upon ~~his~~the member's application shall, require any disability beneficiary who has not yet attained the age of 60 years to undergo a medical ~~examination, such examination to be made~~performed at the place of residence of ~~said beneficiary~~that beneficiary, or other place mutually agreed upon, by the physician or physicians designated by the Board of Trustees. Should any disability beneficiary who has not yet attained the age of 60 years refuse to submit to at least one medical examination in any ~~such~~year by a physician or physicians designated by the Board of Trustees, hisrequired by this subsection, the beneficiary's allowance may be discontinued until ~~his~~his withdrawal of ~~such refusal, and should his~~the refusal. If the refusal ~~continue~~continues for one year, all ~~his~~the beneficiary's rights in and to ~~his~~the beneficiary's pension may be revoked by the Board of Trustees. The following provisions apply:

...

(4) As a condition to the receipt of the disability retirement allowance provided for in subsections (d) through (d4) of this section each member retired on a disability retirement allowance shall, on or before April 15 of each calendar year, provide the Board of Trustees with a statement of ~~his or her~~the member's income received as compensation for services, including fees, commissions or similar items, and income received from business, for the previous calendar year. ~~Such~~This statement shall be filed on a form as required by the Board of Trustees. The benefit payable to a beneficiary who does not or refuses to provide the information requested within 120 days after ~~such~~the request shall not be paid a benefit until the information ~~so~~requested is provided, and should ~~such~~provided. If the refusal or failure to provide ~~such~~the required information ~~continue~~continues for 180 days after ~~such~~the request, then the right of a beneficiary to a benefit under the Article may be terminated.

The Executive Director of the State Retirement Systems Division shall contact any State or federal agency which can provide information to substantiate the statement required to be submitted by this subdivision and may enter into agreements for the exchange of information.

...."

SECTION 1.(c) G.S. 135-6(r) reads as rewritten:

"(r) Compliance or Fraud Investigative Reports and Work Papers. – The Executive Director of the Retirement Systems Division shall maintain for 10 years a complete file of all compliance investigative reports, fraud investigative reports and reports of other examinations, investigations, surveys, and reviews issued under the Executive Director's authority. Fraud or 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 Executive Director of the Retirement Systems Division and State Archives. To promote intergovernmental cooperation and avoid unnecessary duplication of fraud and compliance investigative efforts, and notwithstanding local unit personnel policies to the contrary, pertinent work papers and other supportive material relating to issued fraud or compliance investigation reports may be, at the discretion of the Executive Director of the Retirement and Systems Division 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 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 and compliance investigation work papers and related supportive material shall be kept confidential, including any information developed as a part of the investigation."

SECTION 1.(d) G.S. 128-28(s) reads as rewritten:

"(s) Fraud Investigative Reports and Work Papers or Compliance Investigative Reports and Work Papers. – The Executive 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 Executive 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 Executive Director of the Retirement Systems Division 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 Executive Director of the Retirement and Systems Division 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 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."

SECTION 1.(e) G.S. 135-10.1 reads as rewritten:

"§ 135-10.1. Failure to respond.

(a) If a member fails to respond within 120 days after preliminary option figures and the Form 6-E or Form 7-E are transmitted to the member, or if a member fails to respond within 120 days after the effective date of retirement, whichever is later, then the Form 6 or Form 7 shall be null and void; ~~the retirement system shall not be liable for any benefits due on account of the voided application, and a new application must be filed establishing a subsequent effective date of retirement.~~ void.

(b) If an applicant for disability retirement fails to furnish requested additional medical information within 90 days following ~~such request, the request for that information, then~~ the application shall be declared null and void ~~under the same conditions outlined above, void,~~ unless the applicant is eligible for early or service retirement ~~in which case retirement. If the applicant is eligible for early or service retirement, then~~ the application shall be processed ~~accordingly,~~ using the same effective date as would have been used had the application for disability retirement been approved.

(c) The Retirement System shall not be liable for any benefits due on account of an application voided in accordance with this section. A new application must be filed establishing a subsequent effective date of retirement.

(d) The Executive Director of the Retirement Systems Division, acting on behalf of the Board of Trustees, may extend the 120-day limitation provided for in this section when a member has suffered incapacitation such that a reasonable person would not have expected the member to be able to complete the required paperwork within the regular deadline, or when an omission

by the Retirement Systems Division prevents the member from having sufficient time to meet the regular deadline."

SECTION 1.(f) G.S. 128-32.1 reads as rewritten:

"§ 128-32.1. Failure to respond.

(a) If a member fails to respond within 120 days after preliminary option figures and the Form 6-E or Form 7-E are transmitted to the member, or if a member fails to respond within 120 days after the effective date of retirement, whichever is later, then the Form 6 or Form 7 shall be null and void; ~~the retirement system shall not be liable for any benefits due on account of the voided application, and a new application must be filed establishing a subsequent effective date of retirement.~~ void.

(b) If an applicant for disability retirement fails to furnish requested additional medical information within 90 days following ~~such request, the request for that information,~~ then the application shall be declared null and void ~~under the same conditions outlined above,~~ void, unless the applicant is eligible for early or service retirement ~~in which case retirement.~~ If the applicant is eligible for early or service retirement, then the application shall be processed ~~accordingly,~~ using the same effective date as would have been used had the application for disability retirement been approved.

(c) The Retirement System shall not be liable for any benefits due on account of an application voided in accordance with this section. A new application must be filed establishing a subsequent effective date of retirement.

(d) The Executive Director of the Retirement Systems Division, acting on behalf of the Board of Trustees, may extend the 120-day limitation provided for in this section when a member has suffered incapacitation such that a reasonable person would not have expected the member to be able to complete the required paperwork within the regular deadline, or when an omission by the Retirement Systems Division prevents the member from having sufficient time to meet the regular deadline."

SECTION 1.(g) G.S. 128-27(1) reads as rewritten:

"(1) Death Benefit Plan for Law Enforcement Officers. – Under all requirements and conditions as otherwise provided for in subsection ~~(t)~~, (l) of this section, except for the requirement that the provisions are effective only after an agreement has been executed by the employer and the Executive Director of the Retirement ~~System, Systems Division,~~ all law enforcement officers who are members of the Retirement System shall participate and be eligible for group life insurance benefits under the Group Life Insurance Plan, and employers shall fund the cost of these benefits."

SECTION 1.(h) G.S. 58-86-2(3) reads as rewritten:

"(3) "Director" means the Executive Director of the Retirement Systems Division of the North Carolina Department of State Treasurer. The Director shall promptly transmit to the State Treasurer all moneys collected on behalf of members, which moneys shall be deposited by the State Treasurer into the fund."

SECTION 1.(i) G.S. 58-86-6(1) reads as rewritten:

"(1) The Executive Director of the Retirement Systems Division of the North Carolina Department of State Treasurer or his or her designee, who shall act as chair."

SECTION 1.(j) G.S. 135-107(b)(2) reads as rewritten:

"(2) The participant has made payment arrangements approved by the Executive Director of the Retirement ~~System, Systems Division.~~"

PART II. CORRECT REFERENCES TO AVERAGE FINAL COMPENSATION

SECTION 2.(a) G.S. 135-8(f)(2)f. reads as rewritten:

"f. Except as otherwise provided under this subdivision, each employer shall transmit to the Retirement System on account of each member who retires on or after January 1, 2015, having earned his or her last month of membership service as an employee of that employer the lump sum payment, as calculated under G.S. 135-4(jj) for inclusion in the Pension Accumulation Fund, that would have been necessary in order for the ~~retirement system~~ Retirement System to restore the member's retirement allowance to the pre cap amount. If the employer associated with the member's last month of membership service did not report to the ~~retirement system~~ Retirement System any compensation paid to the member during the period used to compute the member's average final compensation, then that employer shall not transmit the lump sum payment described in this subdivision, but instead the employer or employers who reported compensation during the member's average final compensation period shall each transmit a lump sum payment equal to the employer's share of the total required lump sum payment, allocated proportionally to each employer based on the total amount of compensation to the member that each employer reported during the period used to compute the member's average final compensation. Employers are not required to make contributions on account of any retiree who became a member on or after January 1, 2015, and who earned at least five years of membership service in the Retirement System after January 1, 2015. The retirement allowance of a member with ~~a final average~~ an average final compensation of more than one hundred thousand dollars (\$100,000), as hereinafter indexed, shall not be subject to the contribution based benefit cap if the compensation was earned from multiple simultaneous employers, unless an employer's share of the average final compensation exceeds one hundred thousand dollars (\$100,000). An employer is not required to make contributions on account of any retiree whose ~~final average~~ average final compensation exceeds one hundred thousand dollars (\$100,000), as hereinafter indexed, based upon compensation earned from multiple simultaneous employers, unless that employer's share of the average final compensation exceeds one hundred thousand dollars (\$100,000), as provided and indexed under G.S. 135-5(a3).

~~Under such rules as adopted by the Board of Trustees shall adopt, Trustees,~~ the Retirement System shall report monthly to each employer a list of those members for whom the employer made a contribution to the Retirement System in the preceding month that are most likely to require an additional employer contribution should they elect to retire in the following 12 months, if applicable. Reports received under this section shall not be public records. Employers or former employers in receipt of a report under this section shall treat the report, and the information contained within that report, as confidential and as though it were still held by the Retirement System under G.S. 135-6.1."

SECTION 2.(b) G.S. 128-30(g)(2)b. reads as rewritten:

"b. Except as otherwise provided under this subdivision, each employer shall transmit to the Retirement System on account of each member who retires on or after January 1, 2015, having earned his or her last month of membership service as an employee of that employer the

lump sum payment, as calculated under G.S. 128-26(y) for inclusion in the Pension Accumulation Fund, that would have been necessary in order for the ~~retirement system~~ Retirement System to restore the member's retirement allowance to the pre-cap amount. If the employer associated with the member's last month of membership service did not report to the ~~retirement system~~ Retirement System any compensation paid to the member during the period used to compute the member's average final compensation, then that employer shall not transmit the lump sum payment described in this subdivision, but instead the employer or employers who reported compensation during the member's average final compensation period shall each transmit a lump sum payment equal to the employer's share of the total required lump sum payment, allocated proportionally to each employer based on the total amount of compensation to the member that each employer reported during the period used to compute the member's average final compensation. Employers are not required to make contributions on account of any retiree who became a member on or after January 1, 2015, and who earned at least five years of membership service in the Retirement System after January 1, 2015. The retirement allowance of a member with a ~~final average~~ average final compensation of more than one hundred thousand dollars (\$100,000), as hereinafter indexed, shall not be subject to the contribution-based benefit cap if the compensation was earned from multiple simultaneous employers, unless an employer's share of the average final compensation exceeds one hundred thousand dollars (\$100,000). An employer is not required to make contributions on account of any retiree whose ~~final average~~ average final compensation exceeds one hundred thousand dollars (\$100,000), as hereinafter indexed, based upon compensation earned from multiple simultaneous employers, unless that employer's share of the average final compensation exceeds one hundred thousand dollars (\$100,000), as provided and indexed under G.S. 128-27(a3).

~~Under such rules as adopted by the Board of Trustees shall adopt,~~ Trustees, the Retirement System shall report monthly to each employer a list of those members for whom the employer made a contribution to the Retirement System in the preceding month that are most likely to require an additional employer contribution should they elect to retire in the following 12 months, if applicable. Reports received under this section shall not be public records. Employers or former employers in receipt of a report under this section shall treat the report, and the information contained within that report, as confidential and as though it were still held by the Retirement System under G.S. 128-33.1."

PART III. CONFORM LUMP SUM CONTRIBUTION PAYMENT CRITERIA TO FEDERAL LAW

SECTION 3.(a) G.S. 135-5(m4) reads as rewritten:

"(m4) A member who has contributions in this System and is not eligible for a retirement benefit as set forth in G.S. 135-5(a) shall be paid his or her contributions in a lump sum as provided in G.S. 135-5(f) by April 1 of the calendar year following the later of the calendar year in which the member (i) attains ~~72 years of age~~ the applicable age under section 401(a)(9)(C)(v) of the Internal Revenue Code or (ii) has ceased to be a teacher or State employee except by death.

If the member fails, following reasonable notification, to complete a refund application by the required date, then the requirement that a refund application be completed shall be waived and the refund shall be paid without a refund application as a single lump-sum payment with applicable required North Carolina and federal income taxes withheld.

A member who has contributions in this System and is eligible for a retirement benefit as set forth in G.S. 135-5(a) shall begin to receive a monthly benefit no later than April 1 of the calendar year following the later of the calendar year in which the member (i) attains ~~72 years of age~~ the applicable age under section 401(a)(9)(C)(v) of the Internal Revenue Code or (ii) has ceased to be a teacher or State employee except by death. If the member fails, following reasonable notification, to complete the retirement process ~~as set forth under this Chapter 135 of the General Statutes by such the~~ required beginning date, then the requirement that a retirement application and an election of payment plan form be completed shall be waived and the retirement allowance shall be paid as a single life annuity. The single life annuity shall be calculated and processed in accordance with this section.

For purposes of this subsection, a member shall not be considered to have ceased to be a teacher or State employee if the member is actively contributing to the Consolidated Judicial Retirement System, Local Governmental Employees' Retirement System, or Legislative Retirement System. A retirement benefit or lump-sum refund shall not be paid under this subsection if the member is actively contributing to the Consolidated Judicial Retirement System, Local Governmental Employees' Retirement System, or Legislative Retirement System."

SECTION 3.(b) G.S. 128-27(m3) reads as rewritten:

"(m3) A member who has contributions in this System and is not eligible for a retirement benefit as set forth in G.S. 128-27(a) or G.S. 128-27(a1) shall be paid his or her contributions in a lump sum as provided in G.S. 128-27(f) by April 1 of the calendar year following the later of the calendar year in which the member (i) attains ~~72 years of age~~ the applicable age under section 401(a)(9)(C)(v) of the Internal Revenue Code or (ii) has ceased to be an employee except by death. If the member fails, following reasonable notification, to complete a refund application by the required date, then the requirement that a refund application be completed shall be waived and the refund shall be paid without a refund application as a single lump-sum payment with applicable required North Carolina and federal income taxes withheld.

A member who has contributions in this System and is eligible for a retirement benefit as set forth in G.S. 128-27(a) or G.S. 128-27(a1) shall begin to receive a monthly benefit no later than April 1 of the calendar year following the later of the calendar year in which the member (i) attains ~~72 years of age~~ the applicable age under section 401(a)(9)(C)(v) of the Internal Revenue Code or (ii) has ceased to be an employee except by death. If the member fails, following reasonable notification, to complete the retirement process ~~as set forth under Chapter 128 of the General Statutes~~ this Article by the required beginning date, then the requirement that a retirement application and an election of payment plan form be completed shall be waived and the retirement allowance shall be paid as a single life annuity. The single life annuity shall be calculated and processed in accordance with this section.

For purposes of this subsection, a member shall not be considered to have ceased to be an employee if the member is actively contributing to the Teachers' and State Employees' Retirement System, Consolidated Judicial Retirement System, or Legislative Retirement System. A retirement benefit or lump-sum refund shall not be paid under this subsection if the member is actively contributing to the Teachers' and State Employees' Retirement System, Consolidated Judicial Retirement System, or Legislative Retirement System."

SECTION 3.(c) G.S. 135-74(c1) reads as rewritten:

"(c1) A member who has contributions in this System and is not eligible for a retirement benefit as set forth in G.S. 135-57 shall be paid his or her contributions in a lump sum as provided in G.S. 135-62 by April 1 of the calendar year following the later of the calendar year in which the member (i) attains ~~72 years of age~~ the applicable age under section 401(a)(9)(C)(v) of the

Internal Revenue Code or (ii) has ceased to be a judge, district attorney, public defender, the Director of Indigent Defense Services, or clerk of superior court as provided in G.S. 135-53, except by death. If the member fails, following reasonable notification, to complete a refund application by the required date, then the requirement that a refund application be completed shall be waived and the refund shall be paid without a refund application as a single lump-sum payment with applicable required North Carolina and federal income taxes withheld.

A member who has contributions in this System and is eligible for a retirement benefit as set forth in G.S. 135-57 shall begin to receive a monthly benefit no later than April 1 of the calendar year following the later of the calendar year in which the member (i) attains ~~72 years of age~~ the applicable age under section 401(a)(9)(C)(v) of the Internal Revenue Code or (ii) has ceased to be a judge, district attorney, public defender, the Director of Indigent Defense Services, or clerk of superior court as provided in G.S. 135-53, except by death. If the member fails, following reasonable notification, to complete the retirement process ~~as set forth under this Chapter 135 of the General Statutes by such the~~ required beginning date, then the requirement that a retirement application and an election of payment plan form be completed shall be waived and the retirement allowance shall be paid as a single life annuity. The single life annuity shall be calculated and processed in accordance with G.S. 135-58.

For purposes of this subsection, a member shall not be considered to have ceased to be a judge, district attorney, public defender, the Director of Indigent Defense Services, or clerk of superior court as provided in G.S. 135-53 if the member is actively contributing to the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, or Consolidated Judicial Retirement System. A retirement benefit or lump-sum refund shall not be paid under this subsection if the member is actively contributing to the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, or Legislative Retirement System."

SECTION 3.(d) G.S. 120-4.31(c1) reads as rewritten:

"(c1) A member who has contributions in this System and is not eligible for a retirement benefit as set forth in G.S. 120-4.21 shall be paid his or her contributions in a lump sum as provided in G.S. 120-4.25 by April 1 of the calendar year following the later of the calendar year in which the member (i) attains ~~72 years of age~~ the applicable age under section 401(a)(9)(C)(v) of the Internal Revenue Code or (ii) has ceased to be a member of the General Assembly, except by death. If the member fails, following reasonable notification, to complete a refund application by the required date, then the requirement that a refund application be completed shall be waived and the refund shall be paid without a refund application as a single lump-sum payment with applicable required North Carolina and federal income taxes withheld.

A member who has contributions in this System and is eligible for a retirement benefit as set forth in G.S. 120-4.21 shall begin to receive a monthly benefit no later than April 1 of the calendar year following the later of the calendar year in which the member (i) attains ~~72 years of age~~ the applicable age under section 401(a)(9)(C)(v) of the Internal Revenue Code or (ii) has ceased to be a member of the General Assembly, except by death. If the member fails, following reasonable notification, to complete the retirement process ~~as set forth under Chapter 120 of the General Statutes this Article~~ by the required beginning date, then the requirement that a retirement application and an election of payment plan form be completed shall be waived and the retirement allowance shall be paid as a single life annuity. The single life annuity shall be calculated and processed in accordance with G.S. 120-4.21.

For purposes of this subsection, a member shall not be considered to have ceased to be a member of the General Assembly if the member is actively contributing to the Teachers' and State Employees' Retirement System, Local Governmental Employees' Retirement System, or Consolidated Judicial Retirement System. A retirement benefit or lump-sum refund shall not be paid under this subsection if the member is actively contributing to the Teachers' and State

Employees' Retirement System, Local Governmental Employees' Retirement System, or Consolidated Judicial Retirement System."

PART IV. MISCELLANEOUS TECHNICAL AND CONFORMING CHANGES

SECTION 4.(a) G.S. 135-1(25) reads as rewritten:

"(25) "Teacher" shall mean (i) any teacher, helping teacher, teacher in a job-sharing position under G.S. 115C-326.5 except for a beneficiary in that position, librarian, superintendent principal, supervisor, superintendent of public schools or any full-time employee, city or county, of public instruction, or any full-time employee of the Department of Public Instruction, president, dean or teacher, or any full-time employee in any educational institution supported by and under the control of the State; (ii) who works at least 30 or more hours per week for at least nine or more months per calendar year. Provided, that the year. The term "teacher" shall not include any employee or teacher in a part-time, temporary, or substitute teacher or employee position, except for a teacher in a job-sharing position, and shall position. The term "teacher" does not include those participating in an optional retirement program provided for in G.S. 135-5.1 or G.S. 135-5.4. In all cases of doubt, the Board of Trustees, hereinbefore defined, Trustees shall determine whether any person is a teacher as defined in this Chapter. On and after August 1, 2001, a person who is a nonimmigrant alien and who otherwise meets the requirements of this subdivision shall not be excluded from the definition of "teacher" solely because the person holds a temporary or time-limited visa. Notwithstanding the foregoing, the term "teacher" shall not include any nonimmigrant alien employed in elementary or secondary public schools (whether schools, whether employed in a full-time, part-time, temporary, permanent, or substitute teacher position) position, and participating in an exchange visitor program designated by the United States Department of State pursuant to 22 C.F.R. Part 62 or by the United States Department of Homeland Security pursuant to 8 C.F.R. Part 214.2(q)."

SECTION 4.(b) G.S. 128-23(h) reads as rewritten:

"(h) Notwithstanding any provision of this section, G.S. 128-21(11), or any other provision of law to the contrary, any board of alcoholic control that (i) is not a participating employer in the Retirement System on June 30, 2021, or (ii) ceased participation in the Retirement System as an inactive employer under G.S. 128-23.1 is not eligible to participate in the Retirement System."

SECTION 4.(c) G.S. 128-26(y)(2) reads as rewritten:

"(2) Option two. – An installment payment plan ~~beginning no less than 90 days after the retirement of the member and ending no more than 27 months after the retirement of the member.~~ Interest shall be assessed on the principal amount of the contribution-based benefit cap liability owed and applied to any installment payment plan term exceeding 12 months at a rate corresponding with the interest rate assumption based on the most recent actuarial valuation approved by the Board of Trustees."

SECTION 4.(d) G.S. 128-29(e) reads as rewritten:

"(e) Selection of Depositories. – The Board of Trustees shall select a bank or banks for the deposits of the funds and securities of the Retirement System in the same manner as such banks are selected by the Treasurer of the State of North Carolina. ~~Such banks~~ Banks selected under this subsection shall be required to conform to the law governing banks selected by the State. The funds and properties of the North Carolina Local Governmental Employees'

Retirement System held in any bank of the State shall be safeguarded by a fidelity and surety bond, the amount to be determined by the Board of Trustees."

SECTION 4.(e) G.S. 135-48.10(b) reads as rewritten:

"(b) The terms of a contract between the Plan and its third party administrator or between the Plan and its pharmacy benefit manager are a public record under Chapter 132 of the General Statutes. No provision of law, however, shall be construed to prevent or restrict the release of any information in a Plan contract to the State Treasurer, the State Auditor, the Attorney General, the Director of the State Budget, the Plan's Board of Trustees, and the Plan's Executive Administrator solely and exclusively for their use in the furtherance of their duties and responsibilities.

~~and after"~~

PART V. EFFECTIVE DATE

SECTION 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 13th day of June, 2024.

s/ Ralph Hise
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2024