



The Daily Bulletin: 2021-06-10

PUBLIC/HOUSE BILLS

H 168 (2021) [RETIREMENT ADMINISTRATIVE CHANGES ACT OF 2021.-AB](#) Filed Feb 25 2021, *AN ACT MAKING ADMINISTRATIVE CHANGES RELATED TO CONTRIBUTION-BASED BENEFIT CAP LIABILITIES UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM (LGERS) AND THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM (TSERS); CLARIFYING WITHDRAWAL LIABILITIES UNDER LGERS AND TSERS; CLARIFYING AND STANDARDIZING THE DEFINITION OF "ACTUARIAL EQUIVALENT" UNDER LGERS AND TSERS; REQUIRING EMPLOYING UNITS TO ADOPT WRITTEN POLICIES FOR SPECIAL SEPARATION BUYOUTS FOR LAW ENFORCEMENT OFFICERS; GIVING THE DEPARTMENT OF STATE TREASURER AND THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES LIMITED AUTHORITY TO ADOPT ADMINISTRATIVE FEES UNDER CERTAIN PLANS; CLAWING BACK DISABILITY INCOME PLAN OVERPAYMENTS UNDER THE OPTIONAL RETIREMENT PROGRAM; AND ADDRESSING SPECIAL RETIREMENT ALLOWANCE PAYMENTS UPON THE DEATH OF THE DESIGNATED BENEFICIARY.*

Senate committee substitute amends the 3rd edition as follows.

Deletes the content of Section 1.2 of the act, which enacted GS 128-30(d)(4a) and GS 135-8(f)(5), requiring adjusting the required employer contribution rate under the Local Governmental Employees' Retirement System (LGERS) and the Teachers' and State Employees' Retirement System (TSERS) to include an additional amount equal to a rate per centum that is estimated to extinguish the contribution-benefit base cap liability on an amortization schedule selected by the respective Board of Trustees that has been applied to unfunded liabilities in the most recent actuarial valuation, with specified limitations.

Modifies the proposed changes to GS 135-91, which authorize the Department of State Treasurer and the Board of Trustees of the Supplemental Retirement Plan, the NC Deferred Compensation Plan, and the NC Public School Teachers' and Professional Educators' Investment Plan to adopt a new or amended rule at a public meeting to impose or change administrative fees under the respective Plan. Decreases the cap set on administrative fees based on Plan, now ranging from 0.025% to 0.05% (was, 0.05% to 0.25%), with the cap changed to 0.025% of the assets of the Supplemental Retirement Income Plan, and 0.025% of the assets of the Deferred Compensation Plan (both of which were previously capped at 0.25%).

Intro. by C. Smith, Kidwell, McNeill.

[GS 128](#), [GS 135](#), [GS 159](#)

[View summary](#)

[Education, Employment and Retirement, Government, Public Safety and Emergency Management, State Agencies, Department of State Treasurer, State Government, State Personnel, Local Government](#)

H 911 (2021) [REGULATORY REFORM 2.0](#). Filed May 10 2021, *AN ACT TO PROVIDE ADDITIONAL REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.*

House committee substitute makes the following changes to the 1st edition.

Section 2

Changes the effective date for the proposed changes to GS 160D-1207(c), prohibiting local governments from adopting or enforcing any ordinance that would require any owner or manager of rental property to obtain any permit or permission from the local government to lease rental residential real property or to register rental property with the local government, with stated exceptions. Makes the changes effective October 1, 2021 (was effective on the date the act becomes law), and adds that any inconsistent ordinance or policy is void and unenforceable on or after that date.

Section 3

Regarding the proposed changes to GS 115C-270.20(a)(5), expanding the criteria of a residency teaching license (RL), adds that the proposed changes apply to individuals seeking licensure on or after the date the act becomes law.

Changes the heading given to Section 5.

Section 6

Changes the heading given to Section 6.

Revises the proposed changes to GS 62-110(g), now authorizing the Industrial Commission to adopt procedures that allow a lessor of any *leased residential premises*, as defined under GS 42-59(3) (was a lessor of a single-family dwelling, residential building, or multiunit apartment complex) to charge the costs of providing water or sewer service to persons who occupy the leased premises. Makes similar changes to subsections (h) and (i), authorizing the Industrial Commission to adopt procedures that allow a lessor of any leased residential premises, as defined under GS 42-59(3) (was a lessor of any single-family dwelling, residential building, or multiunit apartment complex) that has individually metered units for electric service or natural gas service in the lessor's name to charge for the actual costs of providing electric or natural gas service to each lessee.

Section 7

Eliminates the proposed changes to GS 130A-343, enacting new subsection (j2) to allow manufacturers to petition the Commission for Public Health (Commission) to have a wastewater trench system approved as a trench dispersal system specifically identified in a rule adopted by the Commission as provided.

Instead provides for the following content in Section 7.

Amends Article 17, *Dispensing Opticians*, of GS Chapter 90 as follows. Provides that the following acts do not constitute practicing as a dispensing optician: (1) selecting frames; (2) placing an order for the delivery of an optical aid; (3) transacting a sale; (4) transferring an optical aid to the wearer after an optician has completed fitting it; (5) minor repairs to glasses or spectacles; or (vi) providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning. Revises the qualifications of a registered licensed optician under GS 90-237 to include passing a national examination conducted by the State Board of Opticians (State Board) (was an examination conducted by the Board), and passing a national examination selected by the State Board to determine the applicant's fitness to engage in the business of a contact lens fitter if seeking certification as a contact lens fitter (replacing the requirement for completing a six month internship under the supervision of specified professionals in order to demonstrate proficiency in the areas of measurements of the face, fitting and adjusting glasses and frames, lens recognition, lens design, and prescription interpretation).

Revises and adds to the examination requirements set forth in GS 90-240. Expands the provisions of subsection (a), making the provisions also applicable to applicants for certification as a contact lens fitter in addition to applicants for licensure as a dispensing optician. Adds that passing the national exam selected by the State Board is required in addition to completion of one of the three stated criteria, amended to reduce the apprenticeship criteria from two and a half years to two years, as specified. Revises the modified criteria for exam applicants for dispensing opticians who are graduates from an accredited college or university with a four-year degree, now allowing for successful completion of a one-year apprenticeship (was two-year), as specified, to satisfy the requirements. Changes the content requirements of the national exam for licensed dispensing opticians to no longer require the State Board to select an exam that includes the processes by which the products offered by dispensing opticians are manufactured. Adds a new requirement for the national exam to become a certified contact lens fitter selected by the State Board to be confined to the knowledge as is reasonably necessary to engage in the fitting of contact lenses, and requires the exam to be given at least biannually with at least 60 days' public notice (as is required for the national exam for dispensing opticians). Regarding credit for any nationally prepared or recognized exam, requires the State Board to credit an applicant certified by the American Board of Opticianry (ABO) or the National Contact Lens Examiners (NCLE) with completing the applicable NC exam to the extent that the ABO National Opticianry Competency Exam and the NCLE Contact Lens Registry Exam are accepted by the State Board (was credit an applicant with the score on any national test successfully completed in three years immediately preceding the date the applicant is scheduled to take the NC exam to the extent the test is included in the NC exam).

Regarding waiver of written exam requirements, revises the waiver qualifications to include an applicant who meets the age and character requirements who (1) holds a license in good standing as a dispensing optician in another state or (2) has been

certified by the ABO, NCLE, or other nationally recognized organization that certifies opticians, and who has engaged in the practice of opticianry in a state that does not license opticians for at least two of the four years immediately preceding the application to the Board (previously provided for licensees of another state in good standing who have engaged in the practice in the other state for four years immediately preceding the application only). Eliminates provisions regarding the admission of persons who have worked in opticianry for four years immediately preceding application who attain a passing exam score.

No longer grants authority for the State Board to adopt rules requiring the registration of places of business where ophthalmic dispensing is engaged in as a condition of dispensing, or for the registration of interns working under the supervision of a licensed optician. Maintains the authority to adopt rules for the registration of apprentices who are working under the supervision (was direct supervision) of a licensed optician.

Replaces the provisions of GS 90-252, now providing the following with regard to engaging in the practice without a license. Requires any person, firm, or corporation owning, managing, or conducting a store, shop, or place of business conducting optical dispensing to have a licensed dispensing optician at that store, office, place of business, or optical establishment in its employ and on duty all hours when acts constituting the business of optical dispensing are carried on, allowing for usual and customary absences including illness, meal breaks, and meetings away from establishment. Allows any licensed dispensing optician engaged in supervision of such store, office, place of business, or optical establishment, on the premises to be in charge of optical dispensing operations at an establishment without need for special registration. Requires any person, firm, or corporation representing to the public that optical dispensing is performed at the location, by means of advertisement or otherwise or by using the words, "optician," "licensed optician," "optical establishment," "optical office," "ophthalmic dispenser," or any combination of such terms within or without that store, to have the optical dispensing managed or conducted by persons holding a dispensing optician's license or apprentice registration. Makes it a Class 1 misdemeanor for any person, firm, or corporation to own, manage, or conduct optical dispensing without being licensed as an optician, being registered as an apprentice, or employing those persons who are on the premises for the appropriate hours and responsible for optical dispensing.

Requires the State Board to adopt temporary rules.

Effective October 1, 2021.

Adds the following new content.

Section 9

Adds to the powers of a sanitary district set forth in GS 130A-55 to include the power to provide for the creation, maintenance, and operation of parks and recreation programs and facilities with all the powers provided to cities and counties under state law, excluding the power of eminent domain.

Section 10

Revises sensitive security information excluded as public records under GS 132-1.7. Adds to the exclusion for information containing specific details of public security plans and arrangements or the detailed plans and drawings of public buildings and infrastructure facilities to explicitly include detailed plans and drawings contained in, or capable of being produced from, information storage systems or geographic information system databases. Adds a new exclusion, providing that specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure, whether physical or virtual, for any of the following are not public record: (1) the production, generation, transmission, or distribution of energy; (2) the treatment, transmission, or distribution of water; and (3) the outfall, collection, or treatment of wastewater. Makes technical and clarifying changes.

Section 11

Revises the powers of the Environmental Management Commission under GS 143-215.111 regarding the power of the Commission to establish notice, comment, and hearing procedures related to application for permits required by Title V and implementing regulations adopted by the EPA. Adds that no public participation is required where an applicant seeks to modify an existing air permit to reclassify a facility from a major source to a minor source under either the Prevention of Significant Deterioration Program or emission of hazardous air pollutants.

Makes conforming changes to renumber the effective date provisions as Section 12.

Intro. by Riddell, Bradford, Moffitt, Yarborough.

Columbus, GS 62, GS 90, GS 115C, GS 130A, GS 132, GS 143, GS 160D

[View summary](#)

Business and Commerce, Occupational Licensing, Development, Land Use and Housing, Building and Construction, Property and Housing, Education, Elementary and Secondary Education, Environment, Environment/Natural Resources, Government, Public Records and Open Meetings, State Agencies, Department of Environmental Quality (formerly DENR), Department of Health and Human Services, Department of Transportation, Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities, Transportation

ACTIONS ON BILLS

PUBLIC BILLS

H 20: 1998 CLEAN WATER BOND ADD'L CONNECTIONS.

Senate: Reptd Fav

H 64: GOVERNMENT TRANSPARENCY ACT OF 2021. (NEW)

Senate: Reptd Fav

H 130: EAST COAST GREENWAY/STATE TRAILS.

Senate: Reptd Fav

H 139: SOIL SCIENTIST/ON-SITE WASTEWATER CERT. BD.

Senate: Reptd Fav

H 145: PROPERTY PROTECTION ACT/DVPO.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

H 160: RETIREMENT SERVICE PURCHASE REWRITE PART II.-AB

Senate: Reptd Fav

Senate: Re-ref Com On Rules and Operations of the Senate

H 163: TREASURY ADMINISTRATIVE CHANGES.-AB

Senate: Reptd Fav

Senate: Re-ref Com On Rules and Operations of the Senate

H 168: RETIREMENT ADMINISTRATIVE CHANGES ACT OF 2021.-AB

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 278: SUNSET ABC BOARD PARTICIPATION IN LGERS.

Senate: Reptd Fav

Senate: Re-ref Com On Rules and Operations of the Senate

H 315: ARSON LAW REVISIONS.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

H 334: JOBS GRANTS AND TAX RELIEF. (NEW)

Senate: Passed 3rd Reading

Senate: Engrossed

H 351: CLIFFORD'S LAW.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

H 383: MEDICAID MODERNIZED HOSPITAL ASSESSMENTS.

Senate: Reptd Fav

H 404: IMMUNITY FOR 911 DISPATCHERS.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

H 453: HUMAN LIFE NONDISCRIMINATION ACT/NO EUGENICS. (NEW)

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 481: FIREARM DISPOSAL/UNC CAMPUS POLICE.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

H 654: STATEWIDE CONTRACTS/NONPROFITS FOR THE BLIND.

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate

H 692: RESTRICT CERTAIN VEHICLE MODIFICATIONS.

Senate: Withdrawn From Com

Senate: Re-ref to Transportation. If fav, re-ref to Rules and Operations of the Senate

H 911: REGULATORY REFORM 2.0.

House: Reptd Fav Com Substitute

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Re-ref to the Com on Finance, if favorable, Rules, Calendar, and Operations of the House

H 965: SBIR/STTR INCENTIVE MODIFICATIONS.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 43: PROTECT RELIGIOUS MEETING PLACES.

Senate: Pres. To Gov. 6/10/2021

S 50: ESTATE PLANNING LAW CHANGES.

House: Regular Message Sent To Senate

S 188: BD. OF ARCHITECTS/INTERIOR DESIGNERS.

House: Reptd Fav

House: Serial Referral To Rules, Calendar, and Operations of the House Stricken

House: Re-ref to the Com on Finance, if favorable, Rules, Calendar, and Operations of the House

S 241: MODIFIED UTILITY VEHICLE DEF/USE OF FUNDS. (NEW)

Senate: Conf Report Adopted

Senate: Ordered Enrolled

Senate: Ratified

Senate: Pres. To Gov. 6/10/2021

S 255: 2021 AOC LEGISLATIVE CHANGES.-AB

Senate: Pres. To Gov. 6/10/2021

S 470: NORTH CAROLINA REGULATORY SANDBOX ACT.

Senate: Reptd Fav

S 582: HIGH SCHOOL ADJUNCT INSTRUCTORS/CC PREP.

Senate: Ratified

S 654: K-12 COVID-19 PROVISIONS.

House: Regular Message Sent To Senate

Senate: Regular Message Received For Concurrence in H Com Sub

Senate: Placed On Cal For 06/14/2021

S 722: REVISE LOCAL GOVERNMENT REDISTRICTING/CENSUS. (NEW)

House: Regular Message Sent To Senate

Senate: Regular Message Received For Concurrence in H Com Sub

Senate: Placed On Cal For 06/14/2021

LOCAL BILLS

S 51: EVEN-YEAR ELECT CRAVEN LOCAL GOV'TS. (NEW)

House: Regular Message Sent To Senate

S 125: VACANCIES/ROWLAND & MAYOR'S TERM/RED SPRINGS.

House: Regular Message Sent To Senate

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