

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS15002-MCa-1D

Short Title: Hurricane Florence Emergency Response Act. (Public)

Sponsors: Senators Britt, Meredith, Brown, B. Jackson, Rabon, Clark, D. Davis, Fitch, Lee, McInnis, Sanderson, and Smith (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE HURRICANE FLORENCE EMERGENCY RESPONSE ACT.
3 The General Assembly of North Carolina enacts:

4
5 **PART I. TITLE OF ACT**

6 **SECTION 1.1.** This act shall be known as "The Hurricane Florence Emergency
7 Response Act."

8
9 **PART II. LEGISLATIVE FINDINGS**

10
11 **DAMAGE CAUSED BY HURRICANE FLORENCE**

12 **SECTION 2.1.(a)** The General Assembly finds that Hurricane Florence was one of
13 the strongest storms to form in the Atlantic Ocean in the history of North Carolina, reaching wind
14 speeds of up to 140 miles an hour and covering 500 miles; making landfall on September 14,
15 2018; causing heavy rainfall, record flooding, high storm surge, and dozens of deaths in the State
16 as of the date of this act; and necessitating the declaration of a State of Emergency for the State
17 by the Governor and a Major Disaster Declaration by the President of the United States for
18 multiple counties in the State.

19 **SECTION 2.1.(b)** The General Assembly finds that as a result of Hurricane Florence
20 the following has occurred:

- 21 (1) Central and southeastern North Carolina suffered significant damage to public
22 and private property.
23 (2) Essential utility services and systems and other critical infrastructure have
24 been seriously disrupted.
25 (3) Over 880,000 people have lost power, thousands of people have been
26 displaced from their homes, and 1,600 roads have been closed.
27 (4) Riverine flooding began at the start of Hurricane Florence, and the effects
28 continue to be felt across the State. Several large rivers reached and exceeded
29 major flooding levels.
30 (5) As of the date of this act, twenty-eight of the State's counties have been
31 declared a major disaster by the President of the United States under the
32 Stafford Act (P.L. 93-288), with others requested and pending approval.
33 (6) North Carolinians have lost their lives, their loved ones, their homes, their
34 communities, their schools and houses of worship, their life savings, their



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- 1 businesses and places of employment, their possessions, their pets, and their
- 2 ways of life.
- 3 (7) Entire towns throughout eastern North Carolina were flooded to the rooftops
- 4 as the record storm surge combined with water levels of rivers and streams
- 5 crested at flood-stage heights far beyond those ever seen before in this State.
- 6 (8) Thirty-four states assisted North Carolina in addressing the devastation caused
- 7 by Hurricane Florence.
- 8 (9) Thousands of emergency responders, National Guard members, and other
- 9 volunteers worked to respond and assist disaster areas during and after the
- 10 time the storm made landfall.
- 11 (10) Swift action by the General Assembly is necessary to provide relief to and
- 12 facilitate recovery efforts for the citizens of North Carolina devastated from
- 13 the Hurricane.
- 14 (11) Assessments from the damages resulting from Hurricane Florence are
- 15 ongoing, and Public Assistance projects are in planning stages to repair
- 16 facilities and roads, remove debris, and otherwise effectuate cleanup and
- 17 repair.
- 18 (12) Further assistance by the General Assembly will be needed on behalf of the
- 19 people and local governments who have suffered damage to public buildings,
- 20 roads, wastewater treatment plants, and other critical infrastructure.
- 21

PART III. CREATION OF HURRICANE FLORENCE DISASTER RECOVERY FUND

22 **SECTION 3.1.(a)** The Hurricane Florence Disaster Recovery Fund is established.

23 The purpose of the Fund is to provide necessary and appropriate relief and assistance from the

24 effects of Hurricane Florence, consistent with the provisions of this act, subsequent legislation

25 addressing the effects of Hurricane Florence. The Fund shall be maintained as a special fund and

26 administered by the Office of State Budget and Management or by another State agency, as

27 determined by the Governor, to carry out the provisions of this and subsequent acts necessitated

28 as a result of Hurricane Florence. All State and federal funds appropriated for Hurricane Florence

29 relief and recovery efforts shall be budgeted and accounted for in the Fund established in this

30 section.

31

32 **SECTION 3.1.(b)** Funds shall be drawn from the Fund only as needed upon

33 justification by a State agency as evidence of the need for funds related to Hurricane Florence

34 recovery efforts.

35 **SECTION 3.1.(c)** Funds in the Fund that are not expended, made subject to an

36 encumbrance, or disbursed shall remain available to implement the provisions of this act and

37 subsequent acts necessitated as a result of Hurricane Florence until the General Assembly directs

38 the reversion of the unexpended funds. Funds received by a State agency from the Fund that are

39 not expended, made subject to an encumbrance, or disbursed to another entity at the end of each

40 fiscal year shall revert to the Fund. Funds received by a non-State entity from the Fund that, after

41 three years, are not expended, made subject to an encumbrance, or disbursed to a subgrantee shall

42 be returned to the Fund.

43

44 **PART IV. FUNDING OF DISASTER RELIEF**

APPROPRIATIONS AND ALLOCATIONS OF FUNDS FOR DISASTER RELIEF

45

46 **SECTION 4.1.** Notwithstanding G.S. 143C-4-2, the State Controller shall transfer

47 the sum of fifty-six million five hundred thousand dollars (\$56,500,000) for the 2018-2019 fiscal

48 year from the Savings Reserve in the General Fund to the Hurricane Florence Disaster Recovery

49 Fund and these funds are appropriated within the Fund and shall be allocated as follows:

50

- 1 (1) Six million five hundred thousand dollars (\$6,500,000) to the Department of
2 Public Instruction to supplement or replace lost compensation of school lunch
3 employees due to school closures resulting from Hurricane Florence.
- 4 (2) Fifty million dollars (\$50,000,000) for the following purposes related to
5 Hurricane Florence:
6 a. To provide the State match for federal disaster assistance programs.
7 b. To pay for the costs and the relief and assistance authorized by
8 G.S. 166A-19.42(b). This sub-subdivision applies to the North
9 Carolina counties that are or become designated under a major disaster
10 declaration by the President of the United States under the Stafford
11 Act (P.L. 93-288) as a result of Hurricane Florence.
12

13 **EACH APPROPRIATION AND ALLOCATION IS MAXIMUM AND CONDITIONAL**

14 **SECTION 4.2.** The appropriations and allocations made in this act are for maximum
15 amounts necessary to implement this act. Savings shall be effected where the total amounts
16 appropriated or allocated are not required to implement this act.
17

18 **APPROPRIATION OF FEDERAL FUNDS**

19 **SECTION 4.3.** Appropriation/Federal Funds. – Funds received on or after
20 September 13, 2018, under the federal Stafford Act (P.L. 93-288) and other federal disaster
21 assistance programs for State disasters as a result of Hurricane Florence are appropriated in the
22 amounts provided in the notifications of award from the federal government or any entity acting
23 on behalf of the federal government to administer federal disaster recovery funds. The Office of
24 State Budget and Management and affected State agencies shall report all notifications of award
25 to the Joint Legislative Commission on Governmental Operations and the Fiscal Research
26 Division of the General Assembly.
27

28 **PART V. IMPLEMENTATION OF ACT**

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30 **INVOLVEMENT OF HISTORICALLY UNDERUTILIZED BUSINESSES**

31 **SECTION 5.1.** It is the intent of the General Assembly that, during this time of
32 rebuilding and relief efforts, each State agency should strive to acquire goods and services from
33 historically underutilized business vendors, whether directly as principal contractors or indirectly
34 as subcontractors or otherwise.
35

36 **LEGISLATIVE REVIEW OF FEDERAL FUNDING AND REMAINING UNMET**
37 **NEEDS**

38 **SECTION 5.2.** It is the intent of the General Assembly to review in 2018 and 2019
39 the funds appropriated by Congress for disaster relief and to consider actions needed to address
40 any remaining unmet needs. It is also the intent of the General Assembly to review the adequacy
41 of the measures funded by Section 4.1 of this act at that time.
42

43 **ELECTIONS RELIEF**

44 **SECTION 5.3.(a)** In response to Hurricane Florence and its aftermath, for the
45 November 2018 election only, the following shall apply:

- 46 (1) Notwithstanding G.S. 163A-865(d), 163A-883, and 163A-884, applications
47 for voter registration for the November 2018 election may be submitted until
48 5:00 P.M. on October 15, 2018. If the application for voter registration is
49 submitted by facsimile transmission or transmission of a scanned document,
50 a permanent copy of the completed, signed form shall be delivered to the
51 county board of elections no later than October 20, 2018.

1 (2) For any site that has previously been designated a one-stop site for absentee
2 ballots to be applied for and cast during the period required by
3 G.S. 163A-1300(b) for the November 2018 election under G.S. 163A-1303, a
4 county board of elections by unanimous vote may provide for a substitution
5 of the one-stop site, provided that the change is solely to substitute a one-stop
6 site that was damaged by Hurricane Florence.

7 (3) A county board of elections may adopt a resolution altering voting places for
8 the November 2018 election, provided that the change is solely to substitute a
9 voting place that was damaged by Hurricane Florence. Notwithstanding
10 G.S. 163A-1045(a) and any other notice requirements provided in statute, the
11 county board shall provide notice of the change in location in the most
12 expedient manner possible. This notice may be distributed through public
13 service announcements, print, radio, television, online, and social media. If
14 necessary to alter a voting place for a precinct that was damaged by Hurricane
15 Florence, the county board may also make changes as provided in
16 G.S. 163A-1047, 163A-1048, and 163A-1049.

17 **SECTION 5.3.(b)** Subsection (a) of this section (i) is effective when it becomes law,
18 (ii) applies only in the counties designated under a major disaster declaration by the President of
19 the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Florence as of
20 October 2, 2018, and (iii) applies for the November 2018 election only.

21 **SECTION 5.3.(c)** County boards of elections shall educate the public, particularly
22 individuals impacted or displaced by Hurricane Florence, about voting in the November 2018
23 election as follows:

- 24 (1) Counties that maintain a board of elections Web site shall include information
25 on that Web site about:
26 a. Options to register to vote, including same day registration during the
27 early voting period, and how to determine residency for voting
28 purposes.
29 b. Options to vote in the November 2018 election, including mail-in
30 absentee voting and early one-stop voting. Information shall include
31 locations and times of early one-stop voting.

32 (2) When publishing notices of elections under G.S. 163A-769(8) for the 2018
33 general election, the notice shall include a brief statement regarding how to
34 obtain information on voting for individuals impacted or displaced by
35 Hurricane Florence.

36 **SECTION 5.3.(d)** The Bipartisan State Board of Elections and Ethics Enforcement
37 shall educate the public, particularly individuals impacted or displaced by Hurricane Florence,
38 about voting in the November 2018 election. The State Board shall:

- 39 (1) Include on its Web site information about:
40 a. Options to register to vote, including same day registration during the
41 early voting period, and how to determine residency for voting
42 purposes.
43 b. Options to vote in the November 2018 election, including mail-in
44 absentee voting and early one-stop voting.

45 (2) Distribute information about the options to register to vote, including same
46 day registration during the early voting period, and options to vote in the
47 November 2018 election, including mail-in absentee voting and early one-stop
48 voting to State agencies, shelters, groups, and other organizations serving
49 persons impacted or displaced by Hurricane Florence.

50 (3) Coordinate with the State and federal agencies to identify and notify as many
51 persons as possible displaced by Hurricane Florence about the options to

1 register to vote, including same day registration during the early voting period
2 and options to vote in the November 2018 election, including mail-in absentee
3 voting and early one-stop voting. When practicable, the State Board shall
4 provide county specific information as to early one-stop voting locations and
5 times.

6 (4) Disseminate information about the options to register to vote, including same
7 day registration during the early voting period and options to vote in the
8 November 2018 election, including mail-in absentee voting and early one-stop
9 voting. Information may be distributed through public service
10 announcements, print, radio, television, online, and social media.

11 (5) Assist any county board of elections altering one-stop sites and voting places
12 for the November 2018 election under subsection (a) of this section in
13 educating the public on the changes.

14 **SECTION 5.3.(e)** Notwithstanding G.S. 163A-1535 and G.S. 163A-1520, there is
15 appropriated from the cash balance in Budget Code 68025 in the Bipartisan State Board of
16 Elections and Ethics Enforcement the sum of four hundred thousand dollars (\$400,000) for the
17 purpose of implementing this section.

18 **MOSQUITO VECTOR POPULATION CONTROL**

19 **SECTION 5.4.** It is the intent of the General Assembly to prevent large populations
20 of floodwater mosquitoes from emerging following Hurricane Florence, as this could adversely
21 impact the public health by hindering the State's response and recovery efforts and increasing the
22 number of vector-borne illnesses. To that end, the General Assembly encourages the Department
23 of Health and Human Services, Division of Public Health, to continue to work with local health
24 departments to expedite mosquito control efforts in counties that are or become part of a disaster
25 declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result
26 of Hurricane Florence. For purposes of this section, mosquito control efforts include mosquito
27 abatement activities, integrated mosquito management activities, education regarding mosquito
28 bite avoidance, and the purchase and distribution of materials for personal prevention measures.

30 **WAIVER OF CERTAIN DMV FEES**

31 **SECTION 5.5.(a)** Notwithstanding G.S. 20-14, 20-37.7, 20-85, and 20-88.03, the
32 Governor may waive any fees assessed by the Division of Motor Vehicles under those sections
33 for the following:
34

- 35 (1) A duplicate drivers license, duplicate commercial drivers license, or duplicate
36 special identification card.
- 37 (2) A special identification card issued to a person for the first time.
- 38 (3) An application for a duplicate or corrected certificate of title.
- 39 (4) A replacement registration plate.
- 40 (5) An application for a duplicate registration card.
- 41 (6) Late payment of a motor vehicle registration renewal fee.

42 **SECTION 5.5.(b)** The waiver authorized under subsection (a) of this section only
43 applies to residents of counties impacted by Hurricane Florence, as determined by the Governor.
44 A resident is allowed a refund of any fee assessed and collected by the Division of Motor Vehicles
45 and waived pursuant to this section. The Division shall post notice of the availability of a refund
46 on its Web site.

47 **SECTION 5.5.(c)** This section is effective when it becomes law and applies to fees
48 assessed or collected on or after September 13, 2018. This section expires December 31, 2018.

49 **WAIVER OF HOMEOWNERS RECOVERY FEE**

1 **SECTION 5.6.(a)** Notwithstanding G.S. 87-15.6, the Governor may waive the fee
2 assessed by city and county building inspectors and credited to the Homeowners Recovery Fund
3 for the reimbursement of homeowners suffering reimbursable losses in constructing or altering a
4 single-family residential dwelling unit.

5 **SECTION 5.6.(b)** The waiver authorized under subsection (a) of this section only
6 applies to residents of counties impacted by Hurricane Florence, as determined by the Governor.
7 A permit applicant is allowed a refund of any fee assessed and collected by city and county
8 building inspectors and waived pursuant to this section. A city or county subject to this section
9 shall post notice of the availability of a refund on its Web site.

10 **SECTION 5.6.(c)** This section is effective when it becomes law and applies to
11 applications for issuance of a permit subject to the Homeowners Recovery Fund fee that were
12 received on or after September 13, 2018. This section expires December 31, 2018.

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14 **ADDITIONAL LIMITATIONS ON USE OF FUNDS**

15 **SECTION 5.7.** The Governor shall ensure that funds appropriated in this act are
16 expended in a manner that does not adversely affect any person's or entity's eligibility for federal
17 funds that are made available, or that are anticipated to be made available, as a result of Hurricane
18 Florence. The Governor shall also, to the extent practicable, avoid using State funds to cover
19 costs that will be, or likely will be, covered by federal funds.

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21 **PART VI. EFFECTIVE DATE**

22 **SECTION 6.1.** Except as otherwise provided, this act is effective when it becomes
23 law.