

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H.B. 1043  
Apr 28, 2020  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10745-STfzp-47A

Short Title: COVID-19 Time Sensitive Matters.

(Public)

Sponsors: Representative Bell.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO THE LAW RELATED TO THE COVID-19  
3 PUBLIC HEALTH CRISIS.

4 The General Assembly of North Carolina enacts:

5  
6 **RULE 5 SERVICE DURING DECLARATION OF EMERGENCY**

7 **SECTION 1.(a)** G.S. 1A-1, Rule 5, reads as rewritten:

8 **"Rule 5. Service and filing of pleadings and other papers.**

9 ...

10 (b) Service – How made. – A pleading setting forth a counterclaim or cross claim shall  
11 be filed with the court and a copy thereof shall be served on the party against whom it is asserted  
12 or on the party's attorney of record as provided by this subsection.

13 With respect to all pleadings subsequent to the original complaint and other papers required  
14 or permitted to be served, service shall be made upon the party's attorney of record and, if ordered  
15 by the court, also upon the party. If the party has no attorney of record, service shall be made  
16 upon the party. With respect to such other pleadings and papers, service with due return may be  
17 made in a manner provided for service and return of process in Rule 4. Service under this  
18 subsection may also be made by one of the following methods:

19 (1) Upon a party's attorney of record:

- 20 a. By delivering a copy to the attorney. Delivery of a copy within this  
21 sub-subdivision means handing it to the attorney, leaving it at the  
22 attorney's office with a partner or employee, or sending it to the  
23 attorney's office by a confirmed telefacsimile transmittal for receipt by  
24 5:00 P.M. Eastern Time on a regular business day, as evidenced by a  
25 telefacsimile receipt confirmation. If receipt of delivery by  
26 telefacsimile is after 5:00 P.M., service will be deemed to have been  
27 completed on the next business day. Service may also be made on the  
28 attorney by electronic mail (e-mail) to an e-mail address of record with  
29 the court in the case. The e-mail shall be sent by 5:00 P.M. Eastern  
30 Time on a regular business day. If the e-mail is sent after 5:00 P.M., it  
31 will be deemed to have been sent on the next business day.

32 b. By mailing a copy to the attorney's office.

33 (2) Upon a party:

- 34 a. By delivering a copy to the party. Delivery of a copy within this  
35 sub-subdivision means handing it to the party.



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- 1           b.       By mailing a copy to the party at the party's last known address or, if  
2                   no address is known, by filing it with the clerk of court.
- 3           c.       Service may also be made on the party by electronic mail (e-mail) if  
4                   the party has consented to receive e-mail service in the case at a  
5                   particular e-mail address, and a copy of the consent is filed with the  
6                   court by any party. The e-mail shall be sent by 5:00 P.M. Eastern Time  
7                   on a regular business day. If the e-mail is sent after 5:00 P.M., it will  
8                   be deemed to have been sent on the next business day.

9 Service by mail shall be complete upon deposit of the pleading or paper enclosed in a post-paid,  
10 properly addressed wrapper in a post office or official depository under the exclusive care and  
11 custody of the United States Postal Service.

12       (b1) Service – Certificate of Service. – A certificate of service shall accompany every  
13 pleading and every paper required to be served on any party or nonparty to the litigation, except  
14 with respect to pleadings and papers whose service is governed by Rule 4. The certificate shall  
15 show the date and method of service or the date of acceptance of service and shall show the name  
16 and service address of each person upon whom the paper has been served. If one or more persons  
17 are served by facsimile ~~transmission, transmission~~ or electronic mail (e-mail), the certificate shall  
18 also show the telefacsimile number or e-mail address of each person so served. Each certificate  
19 of service shall be signed in accordance with and subject to Rule 11 of these rules.

20       ...."

21           **SECTION 1.(b)** This section is effective when it becomes law and expires August  
22 1, 2020.

## 23 **EMERGENCY VIDEO NOTARIZATION**

24           **SECTION 2.(a)** G.S. 10B-3 is amended by adding a new subdivision to read:

25           "(7a) Emergency video notarization. – An acknowledgement, affirmation, or oath  
26                   notarization completed by a notary in compliance with the requirements of  
27                   G.S. 10B-25. Emergency video notarization shall not include a verification or  
28                   proof."

29           **SECTION 2.(b)** G.S. 10B-10 reads as rewritten:

30           "**§ 10B-10. Commission; oath of ~~office, office~~; emergency extension.**

31       ...

32       ...  
33       (b) ~~The~~ Except as provided in subsection (b1) of this section, the appointee shall appear  
34 before the register of deeds no later than 45 days after commissioning and shall be duly qualified  
35 by taking the general oath of office prescribed in G.S. 11-11 and the oath prescribed for officers  
36 in G.S. 11-7.

37       (b1) Notwithstanding subsection (b) of this section, if the Secretary grants a commission  
38 after March 9, 2020, and before August 1, 2020, the appointee shall have 90 days to appear before  
39 the register of deeds to take the general oath of office. A register of deeds may administer the  
40 required oath to such appointee using video conference technology, provided the appointee is  
41 personally known to the register of deeds or the appointee provides satisfactory evidence of the  
42 appointee's identity to the register of deeds. As used in this subsection, video conference  
43 technology and satisfactory evidence are as defined in G.S. 10B-25.

44       ...

45       (e) If the appointee does not appear before the register of deeds within ~~45 days of~~  
46 ~~commissioning,~~ the time prescribed in this section, the register of deeds must return the  
47 commission to the Secretary, and the appointee must reapply for commissioning. If the appointee  
48 reapplies within one year of the granting of the commission, the Secretary may waive the  
49 educational requirements of this Chapter."

50           **SECTION 2.(c)** Part 3 of Article 1 of Chapter 10B of the General Statutes is  
51 amended by adding a new section to read:

1 "§ 10B-25. Emergency video notarization.

2 (a) Notwithstanding any other provision of law, a notary may perform an emergency  
3 video notarization using video conference technology, provided all of the requirements of this  
4 section are satisfied. A notary who is not satisfied that the principal's identity has been proven by  
5 satisfactory evidence shall not be required to complete an emergency video notarization. An  
6 emergency video notarization shall not change any originality verification requirements for  
7 recording with a register of deeds, clerk of superior court, or other government or private office  
8 in this State. Nothing in this section shall apply to any notarization under Article 20 of Chapter  
9 163 of the General Statutes.

10 (b) As used in this section, video conference technology is electronic communication  
11 that:

12 (1) Occurs in real time.

13 (1a) Allows direct interaction between the principal seeking the notary's services  
14 and the notary so that each can communicate simultaneously by sight and  
15 sound through an electronic device or process.

16 (2) Includes audio with sound clear enough that each participant in the notarial  
17 act can hear and understand all other participants.

18 (3) Has sufficient quality to allow a clear and unobstructed visual observation of  
19 the face of each participant, and any identification provided by the principal  
20 for a sufficient time to allow the notary to determine if it is satisfactory  
21 evidence. The notary shall determine if the time is sufficient.

22 (4) Is not prerecorded video or audio or both.

23 (5) May be capable of recording by means of one of the following:

24 a. The video conference technology's recording and storage services.

25 b. An independent video recording device.

26 c. Electronically saved screenshots clearly showing each participant's  
27 face, identification presented by the principal, and the notarized  
28 document.

29 (c) The requirement of personal appearance, appear in person before a notary, physical  
30 presence, and presence, as those terms are used in this Chapter, are satisfied for the purpose of  
31 an emergency video notarization if the notary is physically present in North Carolina, the  
32 principal verifies to the notary that he or she is physically present in North Carolina at the time  
33 of the notarization, identifies the county where he or she is located at the time of the notarial act,  
34 and the principal and notary use video conference technology that complies with the requirements  
35 of this section.

36 (d) A notary who has personal knowledge of a principal may rely on the video conference  
37 technology to verify the principal's identity unless the notary, in the notary's sole discretion,  
38 requires satisfactory evidence. A notary who does not have personal knowledge of a principal  
39 shall require satisfactory evidence of the principal's identity. The requirement of satisfactory  
40 evidence, as that term is used in this Chapter, is satisfied for the purpose of an emergency video  
41 notarization if identification of the principal is based on at least one document that meets all of  
42 the following:

43 (1) Is current, or if expired, did not expire prior to March 10, 2020.

44 (2) Is issued by a federal, State, or federal or State-recognized tribal government  
45 agency.

46 (3) Bears a photographic image of the principal's face.

47 (4) Has both the principal's signature and a physical description of the principal.

48 (e) The notary shall use video conference technology to observe each principal sign each  
49 document that is to be notarized. The principal shall verbally state what documents are being  
50 signed for the notarial record. After the document is signed by the principal, the principal or the  
51 principal's designee shall do the following:

- 1           (1) If an original wet-signed notarization on an original wet-signed document is  
2 not required, transmit a legible copy of the signed document to the notary by  
3 fax or other electronic means on the same day it was signed. The notary shall  
4 notarize the document on the same day the notary receives the document and  
5 the notary shall transmit the notarized document back to the principal or the  
6 principal's designee by physical delivery, fax, or other electronic means on the  
7 same day the notary signed the document.
- 8           (2) If an original wet-signed notarization on an original wet-signed document is  
9 required, transmit a legible copy of the signed document by fax or other  
10 electronic means to the notary on the same day on which the document was  
11 signed and also deliver the original signed document to the notary by mail or  
12 other physical method. The notary shall compare the original document with  
13 the document transmitted by fax or other electronic means. If the faxed or  
14 electronic document is the same as the document received by mail or physical  
15 delivery, the notary shall notarize the wet-signature on the original document  
16 and date the notarial act as of the date of the act observed using video  
17 conference technology and promptly transmit the original wet-notarized  
18 original document to the principal or the principal's designee by mail or other  
19 physical delivery as directed by the principal.
- 20       (f) If the notarial act is an oath or affirmation, the notary shall administer the oath or  
21 affirmation to the affiant using video conference technology.
- 22       (g) An acknowledgement or jurat certificate for an emergency video notarization shall  
23 include all of the following:
- 24           (1) The North Carolina county in which the notary public was located during the  
25 emergency video notarization.
- 26           (2) The North Carolina county in which the principal stated he or she was  
27 physically located during the emergency video notarization.
- 28           (3) The following statement:
- 29 I signed this notarial certificate on \_\_\_\_\_ (Date) according to the emergency video  
30 notarization requirements contained in G.S. 10B-25.
- 31       (h) If an acknowledgement or jurat certificate provided to a notary does not include the  
32 statement required by subsection (g) of this section, the notary shall insert the statement. By  
33 making or giving a notarial certificate using emergency video notarization, whether or not stated  
34 in the certificate, a notary certifies compliance with all the requirements of this section.
- 35       (i) A notary who performs an emergency video notarization shall record information  
36 about the notarization in a notary journal that is the exclusive property of the notary. The journal  
37 shall be retained by the notary for at least 10 years and may be maintained in electronic form.  
38 The notary shall keep the journal in a secure location and shall not allow another person to make  
39 entries in the journal. A notary may surrender the journal to the notary's employer upon  
40 termination of employment, but the notary shall also keep and maintain an accurate copy of the  
41 journal.
- 42       (j) At a minimum, for each emergency video notarization, the notary shall include the  
43 following information in the journal:
- 44           (1) The time of day when the notary observed the signing of the document by  
45 each principal and was presented with the principal's acceptable form of  
46 identification.
- 47           (2) The date of the completion of the emergency video notarization notarial  
48 certificate.
- 49           (3) The last and first name of each principal.
- 50           (4) The type of notarial act performed.
- 51           (5) The type of document notarized or proceeding performed.



- 1           (1) A conspicuous statement indicating that the record was witnessed by one or  
2           more witnesses physically located in the State of North Carolina pursuant to  
3           this Article.  
4           (2) The county in which each remote witness was physically located when  
5           witnessing execution of the record.  
6           (3) The county in which each principal signer was physically located during the  
7           witnessed execution of the record.  
8           (d) Notwithstanding any general or special law to the contrary, absent an express  
9           prohibition in a legal document against signing in counterparts, any record witnessed pursuant to  
10           this Article may be signed in counterpart, which counterparts, when combined, shall create a  
11           single original record."

12           **SECTION 3.(b)** This section is effective when it becomes law.

## 13           **MASKS AND HOODS FOR THE PROTECTION OF HEALTH**

14           **SECTION 4.(a)** G.S. 14-12.11 reads as rewritten:

### 15           **"§ 14-12.11. Exemptions from provisions of Article.**

16           (a) ~~The~~ Any of the following are exempted from the provisions of G.S. 14-12.7, 14-12.8,  
17           14-12.9, 14-12.10 and 14-12.14:

- 18           (1) Any person or persons wearing traditional holiday costumes in ~~season;~~season.  
19           (2) Any person or persons engaged in trades and employment where a mask is  
20           worn for the purpose of ensuring the physical safety of the wearer, or because  
21           of the nature of the occupation, trade or ~~profession;~~profession.  
22           (3) Any person or persons using masks in theatrical productions including use in  
23           Mardi Gras celebrations and masquerade ~~balls;~~balls.  
24           (4) Persons wearing gas masks prescribed in civil defense drills and exercises or  
25           ~~emergencies;~~ and emergencies.  
26           (5) Any person or persons, as members or members elect of a society, order or  
27           organization, engaged in any parade, ritual, initiation, ceremony, celebration  
28           or requirement of such society, order or organization, and wearing or using  
29           any manner of costume, paraphernalia, disguise, facial makeup, hood,  
30           implement or device, whether the identity of such person or persons is  
31           concealed or not, on any public or private street, road, way or property, or in  
32           any public or private building, provided permission shall have been first  
33           obtained therefor by a representative of such society, order or organization  
34           from the governing body of the municipality in which the same takes place,  
35           or, if not in a municipality, from the board of county commissioners of the  
36           county in which the same takes place.  
37           (6) Any person wearing a mask for the purpose of ensuring the physical health or  
38           safety of the wearer or others.

39           Provided, that the provisions of this Article shall not apply to any preliminary meetings held  
40           in good faith for the purpose of organizing, promoting or forming a labor union or a local  
41           organization or subdivision of any labor union nor shall the provisions of this Article apply to  
42           any meetings held by a labor union or organization already organized, operating and functioning  
43           and holding meetings for the purpose of transacting and carrying out functions, pursuits and  
44           affairs expressly pertaining to such labor union.

45           (b) Notwithstanding G.S. 14-12.7 and G.S. 14-12.8, a person may wear a mask for the  
46           purpose of protecting the person's head, face, or head and face, when operating a motorcycle, as  
47           defined in G.S. 20-4.01. A person wearing a mask when operating a motorcycle shall remove the  
48           mask during a traffic stop, including at a checkpoint or roadblock under G.S. 20-16.3A, or when  
49           approached by a law enforcement officer.  
50

1 (c) A person wearing a mask for the purpose of ensuring the physical health or safety of  
2 the wearer or others shall remove the mask during a traffic stop, including at a checkpoint or  
3 roadblock under G.S. 20-16.3A, or when approached by a law enforcement officer."

4 **SECTION 4.(b)** This section is effective when it becomes law.  
5

## 6 **EXTEND VALIDITY OF CREDENTIALS ISSUED BY THE DIVISION OF MOTOR** 7 **VEHICLES**

8 **SECTION 5.(a)** Definition. – For purposes of this section, "coronavirus emergency"  
9 means the period from March 10, 2020, through August 1, 2020.

10 **SECTION 5.(b)** Extend Validity of Credentials. – Notwithstanding any provision of  
11 law to the contrary, the Commissioner of Motor Vehicles is authorized to extend for a period of  
12 up to six months the validity of any license, permit, registration, or other credential issued by the  
13 Division of Motor Vehicles under Chapter 20 of the General Statutes that expires during the  
14 Coronavirus emergency. Any credential extended under this subsection shall expire on the date  
15 designated by the Division of Motor Vehicles up to six months from the date it otherwise expired  
16 as prescribed by law prior to this act.

17 **SECTION 5.(c)** Waive Penalties. – The Division of Motor Vehicles shall waive any  
18 fines, fees, or penalties associated with failing to renew a license, permit, registration, or other  
19 credential during the period of time the credential is valid by extension under subsection (b) of  
20 this section.

21 **SECTION 5.(d)** Motor Vehicle Taxes. – Notwithstanding any provision of law to  
22 the contrary, due dates for motor vehicle taxes that are tied to registration expiration under Article  
23 22A of Chapter 105 of the General Statutes shall be extended to correspond with extended  
24 expiration dates designated by the Division of Motor Vehicles under subsection (b) of this  
25 section.

26 **SECTION 5.(e)** Financial Responsibility. – Nothing in this section waives a vehicle  
27 owner's duty to maintain continuous financial responsibility as required by Article 9A and Article  
28 13 of Chapter 20 of the General Statutes.

29 **SECTION 5.(f)** Validity by Extension a Defense. – A person may not be convicted  
30 or found responsible for any offense resulting from failure to renew a license, permit, registration,  
31 or other credential issued by the Division of Motor Vehicles if, when tried for that offense, the  
32 person shows that the offense occurred during the period of time the credential is valid by  
33 extension under subsection (b) of this section.

34 **SECTION 5.(g)** Report. – Within 30 days of any extension made under subsection  
35 (b) of this section, the Division of Motor Vehicles shall submit a report to the Joint Legislative  
36 Transportation Oversight Committee and the Fiscal Research Division detailing the credentials  
37 affected and the duration of the extension.

38 **SECTION 5.(h)** Effective Date. – This section is effective retroactively to March  
39 10, 2020, and applies to expirations occurring on or after that date.  
40

## 41 **REMOTE RENEWAL OF SPECIAL IDENTIFICATION CARDS**

42 **SECTION 6.(a)** G.S. 20-7(f)(6) reads as rewritten:

43 "(6) Remote renewal or conversion. – Subject to the following requirements and  
44 limitations, the Division may offer remote renewal of a drivers license or  
45 identification card or remote conversion of a full provisional license issued by  
46 the Division:

- 47 a. Requirements. – To be eligible for remote renewal or conversion under  
48 this subdivision, a person must meet all of the following requirements:  
49 1. The license holder possesses either (i) a valid Class C drivers  
50 license or (ii) a valid full provisional license and is at least 18  
51 years old at the time of the remote conversion.

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2. The license holder's current license includes no restrictions other than a restriction for corrective lenses.
3. The license or identification card holder attests, in a manner designated by the Division, that (i) the license or identification card holder is a resident of the State and currently resides at the address on the license or identification card to be renewed or converted, (ii) the license or identification card holder's name as it appears on the license or identification card to be renewed or converted has not changed, and (iii) all other information required by the Division for an in-person renewal under this Article has been provided completely and truthfully. If the license or identification card holder does not currently reside at the address on the license or identification card to be renewed or converted, the license or identification card holder may comply with the address requirement of this sub-sub-subdivision by providing the address at which the license or identification card holder resides at the time of the remote renewal or conversion request.
4. For a remote renewal, the most recent renewal was an in-person renewal and not a remote renewal under this subdivision.
5. The license or identification card holder is otherwise eligible for renewal or conversion under this subsection.
- b. Waiver of requirements. – When renewing a drivers license or identification card or converting a drivers license pursuant to this subdivision, the Division may waive ~~the~~ any examination and photograph that would otherwise be required for the renewal or conversion.
- c. Duration of remote renewal or conversion. – A drivers license or identification card issued to a person by remote renewal or conversion under this subdivision expires according to the following schedule:
1. For a person at least 18 years old but less than 66 years old, on the birthday of the licensee or identification card holder in the eighth year after issuance.
  2. For a person at least 66 years old, on the birthday of the licensee or identification card holder in the fifth year after issuance.
- d. Rules. – The Division shall adopt rules to implement this subdivision.
- e. Federal law. – Nothing in this subdivision shall be construed to supersede any more restrictive provisions for renewal or conversion of drivers licenses prescribed by federal law or regulation.
- f. Definition. – For purposes of this subdivision, "remote renewal or conversion" means renewal of a drivers license or identification card or conversion of a full provisional license by mail, telephone, electronic device, or other secure means approved by the Commissioner."

**SECTION 6.(b)** This section is effective when it becomes law.

**DELAY DMV HEADQUARTERS MOVE**

**SECTION 7.(a)** Section 34.24(a) of S.L. 2018-5 reads as rewritten:



1 "SECTION 34.24.(a) All Division of Motor Vehicles employees and contractors working  
2 at the Division of Motor Vehicles building located on New Bern Avenue in the City of Raleigh  
3 shall vacate ~~vacate~~ begin vacating the property by October 1, 2020."

4 SECTION 7.(b) This section is effective when it becomes law.

5  
6 **WITNESS REQUIREMENT DURING STATE OF EMERGENCY/HEALTH CARE**  
7 **POWER OF ATTORNEY AND ADVANCED DIRECTIVE FOR NATURAL DEATH**

8 SECTION 8.(a) G.S. 32A-16 reads as rewritten:

9 "**§ 32A-16. Definitions.**

10 The following definitions apply in this Article:

11 ...

12 (3) Health care power of attorney. – ~~A~~ Except as provided in G.S. 32A-16A, a  
13 written instrument that substantially meets the requirements of this Article,  
14 that is signed in the presence of two qualified witnesses, and acknowledged  
15 before a notary public, pursuant to which an attorney-in-fact or agent is  
16 appointed to act for the principal in matters relating to the health care of the  
17 principal. The notary who takes the acknowledgement may but is not required  
18 to be a paid employee of the attending physician or mental health treatment  
19 provider, a paid employee of a health facility in which the principal is a  
20 patient, or a paid employee of a nursing home or any adult care home in which  
21 the principal resides.

22 ...

23 (6) Qualified witness. – ~~A~~ Except as provided in G.S. 32A-16A, a witness in  
24 whose presence the principal has executed the health care power of attorney,  
25 who believes the principal to be of sound mind, and who states that he or she  
26 (i) is not related within the third degree to the principal nor to the principal's  
27 spouse, (ii) does not know nor have a reasonable expectation that he or she  
28 would be entitled to any portion of the estate of the principal upon the  
29 principal's death under any existing will or codicil of the principal or under  
30 the Intestate Succession Act as it then provides, (iii) is not the attending  
31 physician or mental health treatment provider of the principal, nor a licensed  
32 health care provider who is a paid employee of the attending physician or  
33 mental health treatment provider, nor a paid employee of a health facility in  
34 which the principal is a patient, nor a paid employee of a nursing home or any  
35 adult care home in which the principal resides, and (iv) does not have a claim  
36 against any portion of the estate of the principal at the time of the principal's  
37 execution of the health care power of attorney.

38 ...."

39 SECTION 8.(b) Article 3 of Chapter 32A of the General Statutes is amended by  
40 adding a new section to read:

41 "**§ 32A-16A. Health care powers of attorney executed during State of Emergency.**

42 (a) The requirement of G.S. 32A-16(3) that a health care power of attorney be executed  
43 in the presence of two qualified witnesses shall be waived for all instruments executed on or after  
44 the effective date of this section and prior to termination of the State of Emergency declared by  
45 Governor Roy Cooper in Executive Order No. 116, on March 10, 2020, as the same may be  
46 extended by any subsequent executive order, such that an instrument that is signed by the  
47 principal, properly acknowledged before a notary public, and otherwise executed in compliance  
48 with the provisions of this Article shall not be invalidated by the principal's failure to execute the  
49 health care power of attorney in the presence of two qualified witnesses.

1       (b) Health care powers of attorney executed without two qualified witnesses during the  
2 time period defined in subsection (a) of this section shall contain a short and plain statement  
3 indicating that the instrument was executed in accordance with the procedures of this section.

4       (c) This section shall expire at 12:01 A.M. on March 1, 2021; provided, however, all  
5 instruments made in accordance with this section and while this section is in effect shall remain  
6 effective and shall not need to be reaffirmed."

7       **SECTION 8.(c)** G.S. 90-321 reads as rewritten:

8       **"§ 90-321. Right to a natural death.**

9       (a) The following definitions apply in this Article:

10       ...

11       (1a) Declaration. – ~~Any~~ Except as provided in G.S. 90-321A, any signed,  
12 witnessed, dated, and proved document meeting the requirements of  
13 subsection (c) of this section.

14       ...

15       (c) The attending physician shall follow, subject to subsections (b), (e), and (k) of this  
16 section, a declaration:

17       ...

18       (3) ~~That~~ Except as provided in G.S. 90-321A, that has been signed by the  
19 declarant in the presence of two witnesses who believe the declarant to be of  
20 sound mind and who state that they (i) are not related within the third degree  
21 to the declarant or to the declarant's spouse, (ii) do not know or have a  
22 reasonable expectation that they would be entitled to any portion of the estate  
23 of the declarant upon the declarant's death under any will of the declarant or  
24 codicil thereto then existing or under the Intestate Succession Act as it then  
25 provides, (iii) are not the attending physician, licensed health care providers  
26 who are paid employees of the attending physician, paid employees of a health  
27 facility in which the declarant is a patient, or paid employees of a nursing  
28 home or any adult care home in which the declarant resides, and (iv) do not  
29 have a claim against any portion of the estate of the declarant at the time of  
30 the declaration; and

31       ...."

32       **SECTION 8.(d)** Article 23 of Chapter 90 of the General Statutes is amended by  
33 adding a new section to read:

34       **"§ 90-321A. Advanced directive for a natural death executed during State of Emergency.**

35       (a) The requirement of G.S. 90-321 that an advanced directive for a natural death  
36 declaration be executed in the presence of two qualified witnesses shall be waived for all  
37 instruments executed on or after the effective date of this section and prior to termination of the  
38 State of Emergency declared by Governor Roy Cooper in Executive Order No. 116, on March  
39 10, 2020, as the same may be extended by any subsequent executive order, such that an  
40 instrument that is signed by the declarant, properly acknowledged before a notary public, and  
41 otherwise executed in compliance with the provisions of this Article shall not be invalidated by  
42 the declarant's failure to execute the advanced directive for a natural death declaration in the  
43 presence of two qualified witnesses.

44       (b) Advanced directives for a natural death declaration executed without two qualified  
45 witnesses during the time period defined in subsection (a) of this section shall contain a short and  
46 plain statement indicating that the instrument was executed in accordance with the procedures of  
47 this section, which may but need not be cited by title or section number.

48       (c) This section shall expire at 12:01 A.M. on August 1, 2020; provided, however, all  
49 instruments made in accordance with this section and while this section is in effect shall remain  
50 effective and shall not need to be reaffirmed."

51       **SECTION 8.(e)** This section is effective when it becomes law.

1  
2 **ADULT GUARDIANSHIP SERVICE AND HEARINGS**

3 **SECTION 9.(a)** G.S. 35A-1109 reads as rewritten:

4 **"§ 35A-1109. Service of notice and petition.**

5 (a) Copies of the petition and initial notice of hearing shall be personally served on the  
6 respondent. Respondent's counsel or guardian ad litem shall be served pursuant to G.S. 1A-1,  
7 Rule 4, Rules of Civil Procedure. A sheriff who serves the notice and petition shall do so without  
8 demanding his fees in advance. The petitioner, within five days after filing the petition, shall mail  
9 or cause to be mailed, by first-class mail, copies of the notice and petition to the respondent's  
10 next of kin alleged in the petition and any other persons the clerk may designate, unless such  
11 person has accepted notice. Proof of such mailing or acceptance shall be by affidavit or certificate  
12 of acceptance of notice filed with the clerk. The clerk shall mail, by first-class mail, copies of  
13 subsequent notices to the next of kin alleged in the petition and to such other persons as the clerk  
14 deems appropriate.

15 (b) In the event that personal service is not possible because the respondent resides in a  
16 facility that restricts visitors due to a public health emergency, the respondent may be served by  
17 the sheriff leaving copies of the petition and initial notice of hearing at the facility with a person  
18 employed by the facility who is apparently in charge of the office or who has apparent authority  
19 to receive documents intended for residents. The facility employee shall, as soon as practicable,  
20 present the copies to the respondent. Proof of service on the respondent shall be by return of  
21 service filed with the clerk showing the respondent was personally served or copies were left  
22 with the facility as described in this subsection."

23 **SECTION 9.(b)** This section is effective when it becomes law and expires August  
24 1, 2020.

25  
26 **DISBURSEMENT OF FUNDS PRIOR TO RECORDATION OF DEED IN CERTAIN**  
27 **CIRCUMSTANCES**

28 **SECTION 10.(a)** Chapter 45A of the General Statutes is amended by adding a new  
29 section to read:

30 **"§ 45A-4.1. Disbursement during certain declarations of emergency.**

31 (a) Notwithstanding any other provision of this Chapter, upon issuance of a declaration  
32 of emergency under G.S. 166A-19.20, in real estate transactions involving a one- to four-family  
33 residential dwelling or a lot restricted to residential use, a settlement agent may, in accordance  
34 with this section, make disbursement of closing funds prior to recordation of the deeds, deeds of  
35 trust, and any other required loan documents in the office of the register of deeds.

36 (b) No disbursement of closing funds prior to recordation shall be made under this  
37 section, unless all the following apply:

38 (1) On the date of closing, the office of the register of deeds where the deeds,  
39 deeds of trust, and any other required loan documents are to be recorded meets  
40 the following criteria:

41 a. Is located within the emergency area under G.S. 166A-19.20.

42 b. Is closed to the public as a result of the declaration of emergency.

43 c. Is not accepting documents for recording in person or by electronic  
44 means.

45 (2) The lender's closing instructions authorize disbursement of closing funds prior  
46 to recording.

47 (3) All parties agree in writing to all the following:

48 a. To waive the requirement of G.S. 45A-4 that the settlement agent shall  
49 not disburse closing funds until the deeds, deeds of trust, and any other  
50 required loan documents are recorded in the office of the register of  
51 deeds and the requirement of that section that closing funds be

1 disbursed only upon collected funds except as provided in  
2 G.S. 45A-4(a)(1) through (7).

3 b. That they acknowledge that the recordation date may not be known on  
4 the date of closing and the date of recordation by the settlement agent  
5 is governed by subsection (d) of this section.

6 c. That they are aware of the risks and implications of proceeding with  
7 disbursement of closing funds and, if applicable, transfer of possession  
8 of property prior to recordation.

9 d. That after disbursement of closing funds and prior to recordation no  
10 party to the transaction will take any action to impair the quality of the  
11 title in law or equity.

12 e. Any other terms the parties or the closing instructions require as a  
13 condition of disbursement of closing funds prior to recording.

14 (4) The settlement agent does all the following:

15 a. Complies with all conditions of the closing instructions.

16 b. Procures a commitment of title insurance providing for title insurance  
17 that includes indemnity coverage for the gap period between the date  
18 of disbursement of closing funds and the date of recordation of the  
19 necessary documents.

20 c. Updates the applicable title from the date of the preliminary title  
21 opinion to the time of disbursement using those public records  
22 reasonably available to the settlement agent on the date of  
23 disbursement.

24 (c) In all transactions under this section in which the settlement agent makes a  
25 disbursement of closing funds prior to recordation, the settlement agent shall hold in a fiduciary  
26 capacity until the time provided in subsection (d) of this section, all deeds, deeds of trust, and  
27 any other required loan documents that are to be recorded.

28 (d) The authority under this section for the settlement agent to disburse closing proceeds  
29 prior to recordation of the deeds, deeds of trust, and any other required loan documents shall  
30 terminate on the earlier of the date the office of the register of deeds reopens for the transaction  
31 of public business or begins to accept documents for electronic recording. Within three business  
32 days of the time set forth in this subsection, the settlement agent shall record all deeds, deeds of  
33 trust, and any other required loan documents being held under subsection (c) of this section and  
34 shall immediately notify all parties that the documents have been recorded."

35 **SECTION 10.(b)** This section is effective when it becomes law.

## 37 MARRIAGE LICENSES

38 **SECTION 11.(a)** G.S. 51-8 reads as rewritten:

39 **"§ 51-8. License issued by register of deeds.**

40 (a) Every register of deeds shall, upon proper application, issue a license for the marriage  
41 of any two persons who are able to answer the questions regarding age, marital status, and  
42 intention to marry, and, based on the answers, the register of deeds determines the persons are  
43 authorized to be married in accordance with the laws of this State. In making a determination as  
44 to whether or not the parties are authorized to be married under the laws of this State, the register  
45 of deeds may require the applicants for the license to marry to present certified copies of birth  
46 certificates or such other evidence as the register of deeds deems necessary to the determination.  
47 The register of deeds may administer an oath to any person presenting evidence relating to  
48 whether or not parties applying for a marriage license are eligible to be married pursuant to the  
49 laws of this State. Each applicant for a marriage license shall provide on the application the  
50 applicant's social security number. If an applicant does not have a social security number and is  
51 ineligible to obtain one, the applicant shall present a statement to that effect, sworn to or affirmed

1 before an officer authorized to administer oaths. Upon presentation of a sworn or affirmed  
 2 statement, the register of deeds shall issue the license, provided all other requirements are met,  
 3 and retain the statement with the register's copy of the license. The register of deeds shall not  
 4 issue a marriage license unless all of the requirements of this section have been met.

5 (b) Notwithstanding subsection (a) of this section, throughout the duration of any  
 6 declaration of emergency issued under G.S. 166A-19.20, any register of deeds may issue a  
 7 license for marriage via remote audio-video communication provided the register of deeds can  
 8 positively identify each applicant before the register of deeds."

9 **SECTION 11.(b)** G.S. 51-16 reads as rewritten:

10 **"§ 51-16. Form of license.**

11 License shall be in the following or some equivalent form:

12 To any ordained minister of any religious denomination, minister authorized by a church, any  
 13 magistrate, or any other person authorized to solemnize a marriage under the laws of this State:  
 14 A.B. having applied to me for a license for the marriage of C.D. (the name of the man to be  
 15 written in full) of (here state his residence), aged \_\_\_\_ years (race, as the case may be), the son  
 16 of (here state the father and mother, if known; state whether they are living or dead, and their  
 17 residence, if known; if any of these facts are not known, so state), and E.F. (write the name of  
 18 the woman in full) of (here state her residence), aged \_\_\_\_ years (race, as the case may be), the  
 19 daughter of (here state names and residences of the parents, if known, as is required above with  
 20 respect to the man). (If either of the parties is under 18 years of age, the license shall here contain  
 21 the following:) And the written consent of G.H., father (or mother, etc., as the case may be) to  
 22 the proposed marriage having been filed with me, and there being no legal impediment to such  
 23 marriage known to me, you are hereby authorized, at any time within ~~60~~120 days from the date  
 24 hereof, to celebrate the proposed marriage at any place within the State. You are required within  
 25 10 days after you shall have celebrated such marriage, to return this license to me at my office  
 26 with your signature subscribed to the certificate under this license, and with the blanks therein  
 27 filled according to the facts, under penalty of forfeiting two hundred dollars (\$200.00) to the use  
 28 of any person who shall sue for the same.

29 Issued this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_  
 30 \_\_\_\_\_ L.M.

31 Register of Deeds of \_\_\_\_ County

32 Every register of deeds shall, at the request of an applicant, designate in a marriage license  
 33 issued the race of the persons proposing to marry by inserting in the blank after the word "race"  
 34 the words "white," "black," "African-American," "American Indian," "Alaska Native," "Asian  
 35 Indian," "Chinese," "Filipino," "Japanese," "Korean," "Vietnamese," "Other Asian," "Native  
 36 Hawaiian," "Guamarian," "Chamorro," "Samoan," "Other Pacific Islander," "Mexican,"  
 37 "Mexican-American," "Chicano," "Puerto Rican," "Cuban," "Other Spanish/Hispanic/Latino," or  
 38 "other," as the case may be. The certificate shall be filled out and signed by the minister, officer,  
 39 or other authorized individual celebrating the marriage, and also be signed by two witnesses  
 40 present at the marriage, who shall add to their names their place of residence, as follows:

41 I, N.O., an ordained or authorized minister or other authorized individual of (here state to  
 42 what religious denomination, or magistrate, as the case may be), united in matrimony (here name  
 43 the parties), the parties licensed above, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, at the house of P.R., in  
 44 (here name the town, if any, the township and county), according to law.

45 \_\_\_\_\_ N.O.

46 Witness present at the marriage:

47 S.T., of (here give residence)."

48 **SECTION 11.(c)** This section is effective when it becomes law, applies to any  
 49 marriage license issued on or after February 1, 2020, and expires August 1, 2020, and any  
 50 marriage license issued on or before that date shall be valid for 120 days.

1 **EXPAND THE DEFINITION OF SECURITY GUARD AND PATROL PROFESSION**  
2 **TO INCLUDE SECURITY SERVICES PROVIDERS AT STATE PRISONS**

3 **SECTION 12.(a)** G.S. 74C-3(a) reads as rewritten:

4 "(a) As used in this Chapter, the term "private protective services profession" means and  
5 includes the following:

6 ...

7 (6) Security guard and patrol profession. – Any person, firm, association, or  
8 corporation that provides a security guard on a contractual basis for another  
9 person, firm, association, or corporation for a fee or other valuable  
10 consideration and performs one or more of the following functions:

11 ...

12 e. Security services related to entry and exit, direction and movement of  
13 individuals at entry and exit, security working towers, and perimeter  
14 security patrols at State prison facilities.

15 ...."

16 **SECTION 12.(b)** Article 1 of Chapter 148 of the General Statutes is amended by  
17 adding a new section to read:

18 **"§ 148-5.5. Training and authority of security guards.**

19 Any security guard and patrol professional that is licensed pursuant to Chapter 74C of the  
20 General Statutes and is employed to provide security services related to entry and exit, direction  
21 and movement of individuals at entry and exit, security working towers, or perimeter security  
22 patrols at a State prison facility, shall receive training on State prison policies, including policies  
23 on the use of force, prior to providing any security services at a State prison. Security guard and  
24 patrol professionals trained pursuant to this section shall have the authority to detain and use  
25 necessary force pursuant to State prison policies to prevent contraband entry or inmate escape."

26 **SECTION 12.(c)** This section is effective when it becomes law and expires August  
27 1, 2020.

28  
29 **NEW ATTORNEYS' OATH**

30 **SECTION 12.5.(a)** Notwithstanding G.S. 84-1, in response to the coronavirus  
31 emergency, a justice or judge of the General Court of Justice may administer the required oath  
32 prescribed for attorneys by G.S. 11-11 to an attorney remotely using a form of live video  
33 conferencing technology, provided the individual taking the oath is personally known to the  
34 justice or judge or provides satisfactory evidence of identity to the justice or judge.

35 **SECTION 12.5.(b)** This section is effective when it becomes law and expires August  
36 1, 2020.

37  
38 **DELAY SCHOOL CAPITAL OUTLAY REPORT DUE TO THE LOCAL**  
39 **GOVERNMENT COMMISSION**

40 **SECTION 13.(a)** Notwithstanding G.S. 115C-440.1(b), the 2020 report by the Local  
41 Government Commission to the General Assembly of the level of each county's appropriations  
42 for public school capital outlay, including appropriations to the public school capital outlay fund,  
43 funds expended by counties on behalf of and for the benefit of public schools for capital outlay,  
44 monies reserved for future years' retirement of debt incurred or capital outlay, and any other  
45 information the Local Government Commission considers relevant shall be due July 1, 2020.

46 **SECTION 13.(b)** This section is effective when it becomes law.

47  
48 **CARRYFORWARD OF DRIVERS EDUCATION FUNDS**

49 **SECTION 13.5.(a)** Funds appropriated in the 2019-2020 fiscal year from the Civil  
50 Penalty and Forfeiture Fund to the State Public School Fund for drivers education that are

1 unexpended and unencumbered at the end of the 2019-2020 fiscal year shall not revert, but shall  
2 remain available until the end of the 2020-2021 fiscal year.

3 **SECTION 13.5.(b)** This section becomes effective June 30, 2020.  
4

#### 5 **INVOLUNTARY COMMITMENT, TRANSPORTATION**

6 **SECTION 14.(a)** Notwithstanding the requirements of G.S. 122C-202.2(a),  
7 122C-251(g), and 122C-261(b) and (d)(4), the governing body of a city or county is authorized  
8 to establish an expedited process for designating and training personnel, other than law  
9 enforcement officers, for custody and transportation of persons as required by involuntary  
10 commitment proceedings.

11 **SECTION 14.(b)** This section is effective when it becomes law and expires August  
12 1, 2020.  
13

#### 14 **INVOLUNTARY COMMITMENT, TELEMEDICINE**

15 **SECTION 15.(a)** G.S. 122C-263(c) reads as rewritten:

16 "(c) The commitment examiner described in subsection (a) of this section shall examine  
17 the respondent as soon as possible, and in any event within 24 hours after the respondent is  
18 presented for examination. When the examination set forth in subsection (a) of this section is  
19 performed by a commitment examiner, the respondent may either be in the physical face-to-face  
20 presence of the commitment examiner or may be examined utilizing telemedicine equipment and  
21 procedures. A commitment examiner who examines a respondent by means of telemedicine must  
22 be satisfied to a reasonable medical certainty that the determinations made in accordance with  
23 subsection (d) of this section would not be different if the examination had been done in the  
24 physical presence of the commitment examiner. A commitment examiner who is not so satisfied  
25 must note that the examination was not satisfactorily accomplished, and the respondent must be  
26 taken for a face-to-face examination in the physical presence of a person authorized to perform  
27 examinations under this section. As used in this section, "telemedicine" is the use of two-way  
28 real-time interactive audio and video ~~between places of lesser and greater medical capability or~~  
29 ~~expertise to provide and support health care when distance separates participants who are in~~  
30 ~~different geographical locations. A recipient is referred by one provider to receive the services~~  
31 ~~of another provider via telemedicine, where the respondent and commitment examiner can hear~~  
32 ~~and see each other."~~

33 **SECTION 15.(b)** G.S. 122C-266 reads as rewritten:

34 "**§ 122C-266. Inpatient commitment; second examination and treatment pending hearing.**

35 (a) Except as provided in subsections (b) and (e), within 24 hours of arrival at a 24-hour  
36 facility described in G.S. 122C-252, the respondent shall be examined by a physician. This  
37 physician shall not be the same physician who completed the certificate or examination under  
38 the provisions of G.S. 122C-262 or G.S. 122C-263. The respondent may either be in the physical,  
39 face-to-face presence of the physician or may be examined by the physician utilizing  
40 telemedicine equipment and procedures. A physician who examines a respondent by means of  
41 telemedicine must be satisfied to a reasonable medical certainty that the findings made in  
42 accordance with subdivisions (1) through (3) of this subsection would not be different if the  
43 examination had been done in the physical presence of the physician. A physician who is not so  
44 satisfied must note that the examination was not satisfactorily accomplished, and the respondent  
45 must be taken for a face-to-face examination in the physical presence of a physician. The  
46 examination shall include but is not limited to the assessment specified in G.S. 122C-263(c).

47 (1) If the physician finds that the respondent is mentally ill and is dangerous to  
48 self, as defined by G.S. 122C-3(11)a., or others, as defined by  
49 G.S. 122C-3(11)b., the physician shall hold the respondent at the facility  
50 pending the district court hearing.

- 1 (2) If the physician finds that the respondent meets the criteria for outpatient  
2 commitment under G.S. 122C-263(d)(1), the physician shall show these  
3 findings on the physician's examination report, release the respondent pending  
4 the district court hearing, and notify the clerk of superior court of the county  
5 where the petition was initiated of these findings. In addition, the examining  
6 physician shall show on the examination report the name, address, and  
7 telephone number of the proposed outpatient treatment physician or center.  
8 The physician shall give the respondent a written notice listing the name,  
9 address, and telephone number of the proposed outpatient treatment physician  
10 or center and directing the respondent to appear at that address at a specified  
11 date and time. The examining physician before the appointment shall notify  
12 by telephone and shall send a copy of the notice and the examination report to  
13 the proposed outpatient treatment physician or center.
- 14 (3) If the physician finds that the respondent does not meet the criteria for  
15 commitment under either G.S. 122C-263(d)(1) or G.S. 122C-263(d)(2), the  
16 physician shall release the respondent and the proceedings shall be terminated.
- 17 (4) If the respondent is released under subdivisions (2) or (3) of this subsection,  
18 the law enforcement officer or other person designated to provide  
19 transportation shall return the respondent to the respondent's residence in the  
20 originating county or, if requested by the respondent, to another location in  
21 the originating county.

22 (b) If the custody order states that the respondent was charged with a violent crime,  
23 including a crime involving assault with a deadly weapon, and that he was found incapable of  
24 proceeding, the physician shall examine him as set forth in subsection (a) of this section.  
25 However, the physician may not release him from the facility until ordered to do so following  
26 the district court hearing.

27 (c) The findings of the physician and the facts on which they are based shall be in writing,  
28 in all cases. A copy of the findings shall be sent to the clerk of superior court by reliable and  
29 expeditious means.

30 (d) Pending the district court hearing, the physician attending the respondent may  
31 administer to the respondent reasonable and appropriate medication and treatment that is  
32 consistent with accepted medical standards. Except as provided in subsection (b) of this section,  
33 if at any time pending the district court hearing, the attending physician determines that the  
34 respondent no longer meets the criteria of either G.S. 122C-263(d)(1) or (d)(2), he shall release  
35 the respondent and notify the clerk of court and the proceedings shall be terminated.

36 (e) If the 24-hour facility described in G.S. 122C-252 or G.S. 122C-262 is the facility in  
37 which the first examination by a physician or eligible psychologist occurred and is the same  
38 facility in which the respondent is held, the second examination shall occur not later than the  
39 following regular working day.

40 (f) As used in this section, "telemedicine" is the use of two-way real-time interactive  
41 audio and video transmission where the respondent and examining physician can hear and see  
42 each other."

43 **SECTION 15.(c)** G.S. 122C-283(c) reads as rewritten:

44 "(c) The commitment examiner described in subsection (a) of this section shall examine  
45 the respondent as soon as possible, and in any event within 24 hours, after the respondent is  
46 presented for examination. When the examination set forth in subsection (a) of this section is  
47 performed by a commitment examiner, the respondent may either be in the physical, face-to-face  
48 presence of the commitment examiner or may be examined utilizing telemedicine equipment and  
49 procedures. A commitment examiner who examines a respondent by means of telemedicine must  
50 be satisfied to a reasonable medical certainty that the determinations made in accordance with  
51 subsection (d) of this section would not be different if the examination had been done in the



1 physical presence of the commitment examiner. A commitment examiner who is not so satisfied  
2 must note that the examination was not satisfactorily accomplished, and the respondent must be  
3 taken for a face-to-face examination in the physical presence of a person authorized to perform  
4 examinations under this section. As used in this subsection, "telemedicine" is the use of two-way  
5 real-time interactive audio and video where the respondent and commitment examiner can hear  
6 and see each other. The examination shall include but is not limited to an assessment of all of the  
7 following:

- 8 (1) The respondent's current and previous substance abuse including, if available,  
9 previous treatment history.
- 10 (2) The respondent's dangerousness to self or others as defined in  
11 G.S. 122C-3(11)."

12 **SECTION 15.(d)** G.S. 122C-285 reads as rewritten:

13 **"§ 122C-285. Commitment; second examination and treatment pending hearing.**

14 (a) Within 24 hours of arrival at a 24-hour facility described in G.S. 122C-252, the  
15 respondent shall be examined by a qualified professional. This professional shall be a physician  
16 if the initial commitment evaluation was conducted by a commitment examiner who is not a  
17 physician. The examination shall include the assessment specified in G.S. 122C-283(c). The  
18 respondent may either be in the physical, face-to-face presence of the physician or may be  
19 examined by the physician utilizing telemedicine equipment and procedures. A physician who  
20 examines a respondent by means of telemedicine must be satisfied to a reasonable medical  
21 certainty that the findings made in accordance with this subsection would not be different if the  
22 examination had been done in the physical presence of the physician. A physician who is not so  
23 satisfied must note that the examination was not satisfactorily accomplished, and the respondent  
24 must be taken for a face-to-face examination in the physical presence of a qualified professional  
25 provided that, if the initial commitment examination was performed by a qualified professional,  
26 this professional shall be a physician. If the physician or qualified professional finds that the  
27 respondent is a substance abuser and is dangerous to self or others, the physician or qualified  
28 professional shall hold and treat the respondent at the facility or designate other treatment  
29 pending the district court hearing. If the physician or qualified professional finds that the  
30 respondent does not meet the criteria for commitment under G.S. 122C-283(d)(1), the physician  
31 or qualified professional shall release the respondent and the proceeding shall be terminated. In  
32 this case the reasons for the release shall be reported in writing to the clerk of superior court of  
33 the county in which the custody order originated. If the respondent is released, the law  
34 enforcement officer or other person designated or required under G.S. 122C-251(g) to provide  
35 transportation shall return the respondent to the originating county.

36 (b) If the 24-hour facility described in G.S. 122C-252 is the facility in which the first  
37 examination by a commitment examiner occurred and is the same facility in which the respondent  
38 is held, the second examination must occur not later than the following regular working day.

39 (c) The findings of the physician or qualified professional along with a summary of the  
40 facts on which they are based shall be made in writing in all cases. A copy of the written findings  
41 shall be sent to the clerk of superior court by reliable and expeditious means.

42 (d) As used in this section, "telemedicine" is the use of two-way real-time interactive  
43 audio and video transmission where the respondent and examining physician can hear and see  
44 each other."

45 **SECTION 15.(e)** This section is effective when it becomes law and expires August  
46 1, 2020.

## 48 **COMMUNICABLE DISEASE INFORMATION TO LAW ENFORCEMENT**

49 **SECTION 16.(a)** G.S. 130A-143 reads as rewritten:

50 **"§ 130A-143. Confidentiality of records.**

1 All information and records, whether publicly or privately maintained, that identify a person  
2 ~~who has AIDS virus infection or~~ who has or may have a disease or condition required to be  
3 reported pursuant to the provisions of this Article shall be strictly confidential. This information  
4 shall not be released or made public except under the following circumstances:

- 5 (1) Release is made of specific medical or epidemiological information for  
6 statistical purposes in a way that no person can be ~~identified;~~identified.
- 7 (2) Release is made of all or part of the medical record with the written consent  
8 of the person or persons identified or ~~their guardian;~~the person's personal  
9 representative, as defined in 45 Code of Federal Regulations § 164.502.
- 10 (3) Release is made for purposes of treatment, payment, research, or health care  
11 operations to the extent that disclosure is permitted under 45 Code of Federal  
12 Regulations §§ 164.506 and 164.512(i). For purposes of this section, the terms  
13 "treatment," "payment," "research," and "health care operations" have the  
14 meaning given those terms in 45 Code of Federal ~~Regulations §~~  
15 ~~164.501;~~Regulations § 164.501.
- 16 (4) Release is necessary to protect the public health and is made as provided by  
17 the Commission in its rules regarding control measures for communicable  
18 diseases and ~~conditions;~~conditions.
- 19 (5) Release is made pursuant to other provisions of this ~~Article;~~Article.
- 20 (6) Release is made pursuant to ~~subpoena or court order.~~order or a subpoena  
21 issued by a judicial official. Upon request of the person identified in the  
22 record, the record shall be reviewed in camera. In the trial, the trial judge may,  
23 during the taking of testimony concerning such information, exclude from the  
24 courtroom all persons except the officers of the court, the parties and those  
25 engaged in the trial of the ~~case;~~case.
- 26 (7) Release is made by the Department or a local health department to a court or  
27 a ~~law enforcement judicial~~ official for the purpose of enforcing this Article or  
28 Article 22 of this ~~Chapter;~~Chapter.
- 29 (7a) Release is made by the Department or a local health department to a law  
30 enforcement official for any of the following purposes: (i) to prevent or lessen  
31 a serious or imminent threat to the health or safety of a person or the public,  
32 to the extent that disclosure is permitted under 45 Code of Federal Regulations  
33 § 164.512(j) and not otherwise permitted by subdivision (4) of this section, or  
34 (ii) to enforce this Article or Article 22 of this Chapter, or investigating (iii)  
35 to investigate a terrorist incident using nuclear, biological, or chemical agents.  
36 A law enforcement official who receives the information shall not disclose it  
37 further, except (i) when necessary to enforce this Article or Article 22 of this  
38 ~~Chapter;~~Chapter; or when necessary to conduct an investigation of a terrorist  
39 incident using nuclear, biological, or chemical ~~agents;~~agents; or (ii) when the  
40 Department or a local health department seeks the assistance of the law  
41 enforcement official in preventing or controlling the spread of the disease or  
42 condition and expressly authorizes the disclosure as necessary for that  
43 ~~purpose;~~purpose.
- 44 (8) Release is made by the Department or a local health department to another  
45 federal, ~~state-state,~~ tribal, or local public health agency for the purpose of  
46 preventing or controlling the spread of a communicable disease or  
47 communicable ~~condition;~~condition.
- 48 (9) Release is made by the Department for bona fide research purposes. The  
49 Commission shall adopt rules providing for the use of the information for  
50 research ~~purposes;~~purpose.
- 51 (10) Release is made pursuant to ~~G.S. 130A-144(b); or~~G.S. 130A-144(b).

1 (11) Release is made pursuant to any other provisions of law that specifically  
2 authorize or require the release of information or records related to AIDS."

3 **SECTION 16.(b)** This section is effective when it becomes law.  
4

5 **ALLOW LICENSED SOIL SCIENTISTS TO EVALUATE, INSPECT, AND APPROVE**  
6 **ON-SITE WASTEWATER SYSTEM PROJECTS DURING THE CORONAVIRUS**  
7 **EMERGENCY**

8 **SECTION 16.2.(a)** Notwithstanding G.S. 130A-336.2(a), an individual licensed as  
9 a soil scientist pursuant to Chapter 89F of the General Statutes may, at the direction of the owner  
10 of a proposed on-site wastewater system, prepare signed and sealed soil and site evaluations,  
11 specifications, plans, and reports for the site layout, construction, operation, and maintenance of  
12 a wastewater system without also obtaining further certification from the North Carolina On-Site  
13 Wastewater Contractors and Inspectors Board.

14 **SECTION 16.2.(b)** In addition to the authority granted pursuant to subsection (a) of  
15 this Section, an individual licensed as a soil scientist pursuant to Chapter 89F of the General  
16 Statutes and engaged by the owner of a proposed on-site wastewater system may conduct all  
17 necessary inspections, certifications, and approvals, including the issuance of the final inspection  
18 and report certifying that the system has been installed according to the approved plans and  
19 specifications for the construction, installation, and operation of a proposed wastewater system.

20 **SECTION 16.2.(c)** Wastewater systems constructed, installed, and operated under  
21 authority of this section shall otherwise comply with the requirements of G.S. 130A-336.2 and  
22 rules adopted thereunder. The owner of a proposed wastewater system shall notify the local  
23 health department that the owner is engaging a licensed soil scientist pursuant to the authority  
24 granted in this section.

25 **SECTION 16.2.(d)** The Department of Health and Human Services, the  
26 Department's authorized agents, and local health departments shall have no liability for  
27 wastewater systems developed, constructed, installed, or approved by a licensed soil scientist  
28 acting pursuant to the authority granted in this section; however, nothing in this section shall  
29 relieve the Department, the Department's authorized agents, and local health departments from  
30 any of their other obligations under State law or administrative rule. The licensed soil scientist  
31 conducting the evaluation, installation, and construction of a proposed wastewater system  
32 pursuant to this section shall maintain an errors and omissions liability insurance policy issued  
33 by an insurer licensed under Chapter 58 of the General Statutes in an amount commensurate with  
34 the risk.

35 **SECTION 16.2.(e)** This section is effective when it becomes law and expires August  
36 1, 2020. However, the expiration of this section shall not prevent a licensed soil scientist acting  
37 under this section's authority from completing a proposed wastewater system begun before the  
38 section expires.  
39

40 **EXPAND LOCAL GOVERNMENT AUTHORITY TO REQUEST WAIVERS FROM**  
41 **THE DEPARTMENT OF ENVIRONMENTAL QUALITY WITH RESPECT TO**  
42 **CERTAIN ITEMS BANNED FROM LANDFILLS, TO INCLUDE YARD WASTE, AND**  
43 **CONSIDERATION OF RISKS TO PUBLIC HEALTH**

44 **SECTION 16.3.(a)** Notwithstanding G.S. 130A-309.10(f)(3) and  
45 G.S. 130A-309.10(k), a county or city may petition the Department of Environmental Quality  
46 for a waiver from the prohibition on disposal of yard trash in a landfill based on a showing that  
47 prohibiting the disposal of the material would constitute an economic hardship or a real or  
48 potential public health risk.

49 **SECTION 16.3.(b)** This section is effective when it becomes law and expires August  
50 1, 2020.  
51

**EXPAND WHO MAY BE APPOINTED MEDICAL EXAMINER**

**SECTION 17.(a)** G.S. 130A-382(a) reads as rewritten:

"(a) The Chief Medical Examiner shall appoint two or more county medical examiners for each county for a three-year term. In appointing medical examiners for each county, the Chief Medical Examiner shall give preference to physicians licensed to practice medicine in this State but may also appoint ~~licensed-retired physicians previously licensed to practice in this State;~~ physician assistants, nurse practitioners, ~~nurses,~~ or nurses licensed to practice in this State; emergency medical technician ~~paramedics.~~ paramedics credentialed under G.S. 131E-159; medicolegal death investigators certified by the American Board of Medicolegal Death Investigators; and pathologists' assistants. A medical examiner may serve more than one county. The Chief Medical Examiner may take jurisdiction in any case or appoint another medical examiner to do so."

**SECTION 17.(b)** G.S. 130A-383(c) reads as rewritten:

"(c) Upon ~~completion of the investigation~~ collection of investigative information necessary as determined by the medical examiner and in accordance with the rules of the Commission, the medical examiner shall release the body to the next of kin or other interested person who will assume responsibility for final disposition. If the body is unclaimed, the Chief Medical Examiner shall dispose of the body by cremation. For the purpose of this subsection, a body is deemed unclaimed if either of the following conditions apply:

- (1) Within 10 days after the date of death, no individual has notified the person in possession of the dead body of the desire to dispose of the dead body.
- (2) All individuals who have expressed interest in arranging for disposition of the dead body have (i) ceased communicating with the person in possession of the dead body for at least five consecutive days, (ii) at least 10 days have passed since the date of death, and (iii) the person in possession of the body has used reasonable efforts to contact all individuals who have expressed interest in arranging for final disposition."

**SECTION 17.(c)** This section is effective when it becomes law.

**CHARITABLE SOLICITATIONS APPLICATION REVIEW**

**SECTION 18.(a)** G.S. 131F-5 reads as rewritten:

**"§ 131F-5. Licensure of charitable organizations and sponsors required.**

...

(b) Departmental Review. – The Department shall examine each application filed by a charitable organization or sponsor and shall determine whether the licensing requirements are satisfied. If the Department determines that the requirements are not satisfied, the Department shall notify the charitable organization or sponsor within ~~40~~ 20 days after its receipt of the application. If the Department does not notify the charitable organization or sponsor within 10 days, the application is deemed to be approved and the license shall be granted. Within seven days after receipt of a notification that the requirements are not satisfied, the charitable organization or sponsor may file a petition for a contested case. The State has the burden of proof in the contested case. The contested case hearing must be held within seven days after the petition is filed. A final decision must be made within five days of the hearing. The contested case hearing proceedings shall be conducted in accordance with Chapter 150B of the General Statutes except that the time limits and provisions set forth in this section shall prevail to the extent of any conflict. The applicant shall be permitted to continue to operate or continue operations pending judicial review of the Department's denial of the application. The Department shall make rules regarding the custody and control of any funds collected during the review period and disposal of such funds in the event the denial of the application is affirmed on appeal.

...

1 (d) Extension of Time. – For good cause shown, the Department may extend until August  
2 1, 2020, the time for ~~the any~~ license renewal and the annual filing of any updated information ~~for~~  
3 ~~a period not to exceed 60 days~~, during which time the previous license shall remain in effect."

4 **SECTION 18.(b)** This section is effective when it becomes law and expires August  
5 1, 2020.

6  
7 **STATE HEALTH PLAN PREMIUM AND DEBT PAYMENT DEFERRAL OPTION**  
8 **DURING DECLARATION OF EMERGENCY**

9 **SECTION 19.(a)** G.S. 135-48.30(a) is amended by adding a new subdivision to read:

10 "(18) In accordance with G.S. 135-48.39 and subject to approval by the Board of  
11 Trustees, issue an order declaring an option of deferring premium or debt  
12 payments when there is a state of disaster or emergency."

13 **SECTION 19.(b)** Part 3 of Article 3B of Chapter 135 of the General Statutes is  
14 amended by adding a new section to read:

15 "**§ 135-48.39. Operations during state of disaster or emergency.**

16 (a) For the purposes of this section, the term "state of disaster" shall mean that one of the  
17 following has occurred:

18 (1) The Governor or legislature has declared a state of emergency under  
19 G.S. 166A-19.20.

20 (2) The Governor has issued a disaster declaration under G.S. 116A-19.21.

21 (3) The President of the United States has issued a major disaster declaration  
22 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act,  
23 42 U.S.C. § 5121, et seq., as amended, for this State, for an area within this  
24 State, or for an area in which a member or an employing unit is located.

25 (4) The Governor, legislature, or other governing body has declared a state of  
26 emergency or disaster, or the equivalent, for an area in which a member or  
27 employing unit is located.

28 (b) Subject to approval by the Board of Trustees, when there is a state of disaster the State  
29 Treasurer may order that members, employing units, or both adversely affected by the state of  
30 disaster shall have the option of deferring premium or debt payments that are due during the time  
31 period in which there is a state of disaster. The State Treasurer may order the expiration of the  
32 option to defer premium or debt payments prior to the end of the time period in which there is a  
33 state of disaster but may not extend the option beyond that period.

34 (c) Any option to defer premium or debt payments offered under this section shall be  
35 made for a period 30 days from the last day the premium or debt payment may have been made  
36 under the terms of the Plan, policy, contract, or agreement. This 30-day deferral period may also  
37 be applied to any statute, rule, or other policy or contract provision that imposes a time limit on  
38 the Plan or a member to perform any act related to the Plan during the time period in which there  
39 is a state of disaster. This 30-day deferral period may be extended by the State Treasurer in 30-day  
40 increments, subject to approval by the Board of Trustees. A deferral period shall not last beyond  
41 90 days from the last day of the time period in which there is a state of disaster.

42 (d) An option to defer premium or debt payments offered under this section may be  
43 limited to a specific category of members or employing units, as the state of disaster necessitates  
44 and as determined by the State Treasurer.

45 (e) Nothing in this section shall be construed as to authorize the nonpayment of premiums  
46 or debt. All premium payments in arrears shall be paid to the Plan. If premiums in arrears are not  
47 paid, coverage shall lapse as of the last day of the month for which premiums were paid in full.  
48 The member shall be responsible for all medical expenses incurred since the effective date of the  
49 lapse in coverage."

50 **SECTION 19.(c)** This section is effective retroactively to January 1, 2020.  
51

1 **INTERIM DETERMINATIONS AND INTERIM CERTIFICATIONS FOR CERTAIN**  
2 **DISABILITY BENEFITS**

3 **SECTION 20.(a)** This section shall apply to the following General Statutes:

- 4 (1) Article 1A of Chapter 120.
- 5 (2) Article 3 of Chapter 128.
- 6 (3) Article 1 of Chapter 135.
- 7 (4) Article 4 of Chapter 135.
- 8 (5) Article 6 of Chapter 135.

9 **SECTION 20.(b)** Whenever the medical board, as established under G.S. 128-28(l),  
10 135-6(k), or 135-102(d), is required to make a determination or certification of eligibility for  
11 disability benefits, the Director of the Retirement Systems Division of the Department of State  
12 Treasurer, or the Director's designee, may make an interim determination or an interim  
13 certification that a member or beneficiary is eligible for disability benefits. The Director may not  
14 make a determination or certification that a member or beneficiary is not eligible for disability  
15 benefits.

16 **SECTION 20.(c)** The medical board shall review any interim determinations or  
17 interim certifications made in accordance with this section as soon as practicable and shall then  
18 make a final determination or final certification for disability benefits. If, subsequent to an interim  
19 determination or interim certification, the medical board makes a final determination that a  
20 member or beneficiary is not eligible for disability benefits, then any payment to that member or  
21 beneficiary shall cease and the determination shall be applied prospectively only so that the final  
22 determination will not require any refund by the member or beneficiary to the applicable  
23 retirement system or benefit plan for payments or benefits received during the interim period  
24 before the final determination is made.

25 **SECTION 20.(d)** This section is effective when it becomes law. Subsection (b) of  
26 this section expires August 1, 2020. Any interim determinations or interim certifications made,  
27 as allowed under subsection (b) of this section, will remain valid until a final determination is  
28 made, in accordance with subsection (c) of this section.

29  
30 **TEMPORARILY REMOVE BARRIERS TO ALLOW RETIREES OF THE TEACHERS'**  
31 **AND STATE EMPLOYEES' RETIREMENT SYSTEM FOR RETIREES AND THE**  
32 **LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO**  
33 **WORK ON A PART-TIME, TEMPORARY, OR INTERIM BASIS DURING STATE OF**  
34 **EMERGENCY RELATED TO COVID-19**

35 **SECTION 21.(a)** For individuals who retired under the Teachers' and State  
36 Employees' Retirement System (TSERS) on or after October 1, 2019, but before April 1, 2020,  
37 the six months separation from service from an employer that is required under G.S. 135-1(20)  
38 in order for a retirement to become effective shall not apply and instead a one month separation  
39 shall be required. Upon the expiration of this section, all of the following shall apply:

- 40 (1) The six months separation from an employer required under G.S. 135-1(20)  
41 shall again be applicable to individuals who retired under TSERS on or after  
42 October 1, 2019, but before April 1, 2020.
- 43 (2) In order for a member's retirement under TSERS on or after October 1, but  
44 before April 1, 2020, to become effective in any month, the member must  
45 perform no work for an employer, including part-time, temporary, substitute,  
46 or contractor work, at any time between the expiration of this section and the  
47 end of the six months immediately following the effective date of retirement,  
48 provided the expiration of the six-month period of separation did not occur  
49 while this section was in effect.
- 50 (3) For individuals who retired under TSERS on or after October 1, 2019, but  
51 before April 1, 2020, any time worked between March 10, 2020, and the time

1 this section expires shall not be considered work for the purposes of the  
2 six-month separation required under G.S. 135-1(20).

3 **SECTION 21.(b)** Any earnings received between March 10, 2020, and the time that  
4 this section expires shall not be treated as earned by a TSERS beneficiary under the provisions  
5 of G.S. 135-3(8)c.

6 **SECTION 21.(c)** Any earnings received between March 10, 2020, and the time that  
7 this section expires shall not be treated as earned by a beneficiary of the Local Governmental  
8 Employees Retirement System (LGERS) under the provisions of G.S. 128-24(5)c.

9 **SECTION 21.(d)** Any benefits received by or paid to a law enforcement officer or  
10 retired law enforcement officer under Article 12D of Chapter 143 of the General Statutes shall  
11 not be impacted by any work performed between March 10, 2020, and the time that this section  
12 expires.

13 **SECTION 21.(e)** This section is effective when it becomes law and expires August  
14 1, 2020.

15  
16 **EXTEND VALIDITY OF PROBATIONARY CERTIFICATES ISSUED BY THE**  
17 **NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD**

18 **SECTION 21.2.(a)** Extend Validity of Probationary Certificates. – Notwithstanding  
19 any provision of law to the contrary, any probationary certificates issued to Code-enforcement  
20 officials by the North Carolina Code Officials Qualification Board under G.S. 143-151.13 that  
21 are set to expire between March 10, 2020, and July 31, 2020, shall be deemed valid and unexpired  
22 until August 1, 2020.

23 **SECTION 21.2.(b)** This section is effective when it becomes law.

24  
25 **PROVIDE FOR THE RESCHEDULING OF PUBLIC HEARINGS DURING**  
26 **TEMPORARY RULE MAKING**

27 **SECTION 22.(a)** G.S. 150B-21.1 reads as rewritten:

28 "**§ 150B-21.1. Procedure for adopting a temporary rule.**

29 ...

30 (a3) Unless otherwise provided by law, the agency shall:

31 (1) At least 30 business days prior to adopting a temporary rule, submit the rule  
32 and a notice of public hearing to the Codifier of Rules, and the Codifier of  
33 Rules shall publish the proposed temporary rule and the notice of public  
34 hearing on the Internet to be posted within five business days.

35 (2) At least 30 business days prior to adopting a temporary rule, notify persons on  
36 the mailing list maintained pursuant to G.S. 150B-21.2(d) and any other  
37 interested parties of its intent to adopt a temporary rule and of the public  
38 hearing.

39 (3) Accept written comments on the proposed temporary rule for at least 15  
40 business days prior to adoption of the temporary rule.

41 (4) Hold at least one public hearing on the proposed temporary rule no less than  
42 five days after the rule and notice have been published. If notice of a public  
43 hearing has been published and that public hearing has been cancelled, the  
44 agency shall publish notice at least five days prior to the date of any  
45 rescheduled hearing.

46 ...."

47 **SECTION 22.(b)** This section becomes effective retroactively to March 10, 2020.

48  
49 **AUTHORIZE THE CHIEF ADMINISTRATIVE LAW JUDGE TO EXTEND THE TIME**  
50 **PERIOD FOR THE FILING OF CONTESTED CASES DURING CATASTROPHIC**  
51 **CONDITIONS**

1           **SECTION 23.(a)** G.S. 150B-23 reads as rewritten:

2   "**§ 150B-23. Commencement; assignment of administrative law judge; hearing required;**  
3       **notice; intervention.**

4       ...

5       (f) Unless another statute or a federal statute or regulation sets a time limitation for the  
6 filing of a petition in contested cases against a specified agency, the general limitation for the  
7 filing of a petition in a contested case is 60 days. The time limitation, whether established by  
8 another statute, federal statute, or federal regulation, or this section, shall commence when notice  
9 is given of the agency decision to all persons aggrieved who are known to the agency by personal  
10 delivery, electronic delivery, or by the placing of the notice in an official depository of the United  
11 States Postal Service wrapped in a wrapper addressed to the person at the latest address given by  
12 the person to the agency. The notice shall be in writing, and shall set forth the agency action, and  
13 shall inform the persons of the right, the procedure, and the time limit to file a contested case  
14 petition. When no informal settlement request has been received by the agency prior to issuance  
15 of the notice, any subsequent informal settlement request shall not suspend the time limitation  
16 for the filing of a petition for a contested case hearing. When the Chief Justice of the North  
17 Carolina Supreme Court determines and declares that catastrophic conditions exist or have  
18 existed in one or more counties of the State and issues an order pursuant to G.S. 7A-39(b), the  
19 Chief Administrative Law Judge may by order entered pursuant to this subsection extend, to a  
20 date certain no fewer than 10 days after the effective date of the order, the time or period of  
21 limitation, whether established by another statute or this section, for the filing of a petition for a  
22 contested case. The order shall be in writing and shall become effective for each affected county  
23 upon the date set forth in the order, and if no date is set forth in the order, then upon the date the  
24 order is signed by the Chief Administrative Law Judge. The order shall provide that it shall expire  
25 upon the expiration of the Chief Justice's order.

26       ...."

27           **SECTION 23.(b)** This section becomes effective retroactively to March 10, 2020.

28  
29   **DAILY DEPOSIT REQUIREMENT UNDER THE LOCAL GOVERNMENT BUDGET**  
30 **AND FISCAL CONTROL ACT**

31           **SECTION 24.(a)** G.S. 159-32 reads as rewritten:

32   "**§ 159-32. Daily deposits.**

33       (a) Except as otherwise provided by law, all taxes and other moneys collected or received  
34 by an officer or employee of a local government or public authority shall be deposited in  
35 accordance with this section. Each officer and employee of a local government or public authority  
36 whose duty it is to collect or receive any taxes or other moneys shall, on a daily basis, deposit or  
37 submit to a properly licensed and recognized cash collection service all collections and receipts.  
38 However, if the governing board gives its approval, deposits or submissions to a properly licensed  
39 and recognized cash collection service shall be required only when the moneys on hand amount  
40 to five hundred dollars (\$500.00) or greater. Until deposited or officially submitted to a properly  
41 licensed and recognized cash collection service, all moneys must be maintained in a secure  
42 location. All deposits shall be made with the finance officer or in an official depository. Deposits  
43 in an official depository shall be immediately reported to the finance officer by means of a  
44 duplicate deposit ticket. The finance officer may at any time audit the accounts of any officer or  
45 employee collecting or receiving taxes or other moneys, and may prescribe the form and detail  
46 of these accounts. The accounts of such an officer or employee shall be audited at least annually.

47       (b) The Secretary may, during an emergency declaration issued under G.S. 166A-19.20,  
48 set the amount of moneys on hand requiring daily deposits and may require deposits on less than  
49 a daily basis, provided the moneys are maintained in a secure location and deposited at least  
50 weekly."

51           **SECTION 24.(b)** This section is effective when it becomes law.



**REINSTATE SPECIAL OBLIGATION BONDS**

**SECTION 25.(a)** G.S. 159I-30 is reenacted as it existed immediately before its expiration, is recodified as G.S. 159-146, and is rewritten to read:

"Article 7A.

"Special Obligation Bonds and Notes.

**"§ 159-146. Additional powers of units of local government; issuance of special obligation bonds and notes.**

(a) Authorization. – Any unit of local government may borrow money for the purpose of financing or refinancing its cost of the acquisition or construction of a project and may issue special obligation bonds and notes, including bond anticipation notes and renewal notes, pursuant to the provisions of this section.

(a1) Definitions. – Unless a different meaning is required by the context, the definitions set out in G.S. 130A-290 and the following definitions apply to this Article:

(1) Bonds. – The revenue bonds authorized to be issued by a unit of local government under this Article.

(2) Costs. – The capital cost of acquiring or constructing any project, including, without limitation, all of the following:

a. The costs of doing one or more of the following deemed necessary or convenient by a unit of local government:

1. Acquiring, constructing, erecting, providing, developing, installing, furnishing, and equipping.

2. Reconstructing, remodeling, altering, renovating, replacing, refurbishing, and re-equipping.

3. Enlarging, expanding, and extending.

4. Demolishing, relocating, improving, grading, draining, landscaping, paving, widening, and resurfacing.

b. The costs of all property, both real and personal and both improved and unimproved, and of plants, works, appurtenances, structures, facilities, furnishings, machinery, equipment, vehicles, easements, water rights, air rights, franchises, and licenses used or useful in connection with the purpose authorized.

c. The costs of demolishing or moving structures from land acquired and acquiring any lands to which such structures thereafter are to be moved.

d. Financing charges, including estimated interest during the acquisition or construction of such project and for six months thereafter.

e. The costs of services to provide and the cost of plans, specifications, studies and reports, surveys, and estimates of costs and revenues.

f. The costs of paying any interim financing, including principal, interest, and premium, related to the acquisition or construction of a project.

g. Administrative and legal expenses and administrative charges.

h. The costs of obtaining bond and reserve fund insurance and investment contracts, of credit-enhancement facilities, liquidity facilities and interest-rate agreements, and of establishing and maintaining debt service and other reserves.

i. Any other services, costs, and expenses necessary or incidental to the purpose authorized.

(3) Credit facility. – An agreement entered into by the unit with a bank, a savings and loan association, or another banking institution; an insurance company, a

- 1 reinsurance company, a surety company, or another insurance institution; a  
2 corporation, an investment banking firm, or another investment institution; or  
3 any financial institution, providing for prompt payment of all or any part of  
4 the principal, or purchase price (whether at maturity, presentment, or tender  
5 for purchase, redemption, or acceleration), redemption premium, if any, and  
6 interest on any bonds or notes payable on demand or tender by the owner, in  
7 consideration of the unit agreeing to repay the provider of the credit facility in  
8 accordance with the terms and provisions of the agreement; the provider of  
9 any credit facility may be located either within or without the United States of  
10 America.
- 11 (4) Local Government Commission. – The Local Government Commission of the  
12 Department of the State Treasurer, established by Article 2 of this Chapter and  
13 any successor of said Commission.
- 14 (5) Notes. – The revenue notes or revenue bond anticipation notes authorized to  
15 be issued by a unit of local government under this Article.
- 16 (6) Par formula. – Any provision or formula adopted by the unit to provide for the  
17 adjustment, from time to time of the interest rate or rates borne by any bonds  
18 or notes including any of the following:
- 19 a. A provision providing for such adjustment so that the purchase price  
20 of such bonds or notes in the open market would be as close to par as  
21 possible.
- 22 b. A provision providing for such adjustment based upon a percentage or  
23 percentages of a prime rate or base rate, which percentage or  
24 percentages may vary or be applied for different periods of time.
- 25 c. Any other provision as the unit may determine to be consistent with  
26 this section and does not materially and adversely affect the financial  
27 position of the unit and the marketing of the bonds or notes at a  
28 reasonable interest cost to the unit.
- 29 (7) Project. – Any of the following:
- 30 a. Solid waste management projects and capital expenditures to  
31 implement such projects, including, without limitation, the purchase  
32 of equipment or facilities, construction costs of an incinerator; land to  
33 be used for recycling facilities or landfills; leachate collection and  
34 treatment systems; liners for landfills; monitoring wells; recycling  
35 equipment and facilities; volume reduction equipment; and financing  
36 charges. This sub-subdivision does not include (i) the operational and  
37 maintenance costs of solid waste management facilities or programs;  
38 (ii) general planning or feasibility studies; or (iii) the purchase of land,  
39 unless the land is to be used for a recycling facility or a landfill.
- 40 b. Any of the following as defined in S.L. 1998-132: water supply  
41 systems, water conservation projects, water reuse projects, wastewater  
42 collection systems, and wastewater treatment works.
- 43 c. With respect to a city, any service or facility authorized by  
44 G.S. 160A-536 and provided in a municipal service district.
- 45 (8) Unit of local government or unit. – Any of the following:
- 46 a. A unit of local government as defined in G.S. 159-44(4).
- 47 b. Any combination of units, as defined in G.S. 160A-460(2), entering  
48 into a contract or agreement with each other under G.S. 160A-461.
- 49 c. Any joint agency established under G.S. 160A-462; as any such  
50 section may be amended from time to time.

- 1 d. Any regional solid waste management authority created pursuant to  
2 G.S. 153A-421.
- 3 e. A consolidated city-county as defined by G.S. 160B-2(1), including  
4 such a consolidated city-county acting with respect to an urban service  
5 district defined by a consolidated city-county.

6 (b) Pledge. – Each unit of local government may pledge for the payment of a special  
7 obligation bond or note any available source or sources of revenues of the unit and, to the extent  
8 the generation of the revenues is within the power of the unit, may enter into covenants to take  
9 action in order to generate the revenues, as long as the pledge of these sources for payments or  
10 the covenant to generate revenues does not constitute a pledge of the unit's taxing power.

11 No agreement or covenant shall contain a nonsubstitution clause which restricts the right of  
12 a unit of local government to replace or provide a substitute for any project financed pursuant to  
13 this section.

14 The sources of payment pledged by a unit of local government shall be specifically identified  
15 in the proceedings of the governing body authorizing the unit to issue the special obligation bonds  
16 or notes.

17 After the issuance of special obligation bonds or notes, the governing body of the issuing unit  
18 may identify one or more additional sources of payment for the bonds or notes and pledge these  
19 sources, as long as the pledge of the sources does not constitute a pledge of the taxing power of  
20 the unit. Each source of additional payment pledged shall be specifically identified in the  
21 proceedings of the governing body of the unit pledging the source. The governing body of the  
22 unit may not pledge an additional source of revenue pursuant to this paragraph unless the pledge  
23 is first approved by the Local Government Commission pursuant to the procedures provided in  
24 subsection (i) of this section.

25 The sources of payment so pledged and then held or thereafter received by a unit or any  
26 fiduciary thereof shall immediately be subject to the lien of the pledge without any physical  
27 delivery of the sources or further act. The lien shall be valid and binding as against all parties  
28 having claims of any kind in tort, contract, or otherwise against a unit without regard to whether  
29 the parties have notice thereof. The proceedings or any other document or action by which the  
30 lien on a source of payment is created need not be filed or recorded in any manner other than as  
31 provided in this section.

32 (b1) Security Interest. – In connection with issuing its special obligation bonds or special  
33 obligation bond anticipation notes under this Article, a unit of local government may grant a  
34 security interest in the project financed, or in all or some portion of the property on which the  
35 project is located, or in both. If a unit of local government determines to provide additional  
36 security as authorized by this subsection, the following conditions apply:

- 37 (1) No bond order may contain a nonsubstitution clause that restricts the right of  
38 a unit of local government to do any of the following:
- 39 a. Continue to provide a service or activity.  
40 b. Replace or provide a substitute for any municipal purpose financed  
41 pursuant to the bond order.
- 42 (2) A bond order is subject to approval by the Commission under Article 8 of this  
43 Chapter if both of the following apply:
- 44 a. The order meets the standards set out in G.S. 159-148(a)(1),  
45 159-148(a)(2), and 159-148(a)(3), or involves the construction or  
46 repair of fixtures or improvements on real property.  
47 b. The order is not exempted from the provisions of that Article by one  
48 of the exemptions contained in G.S. 159-148(b)(1) and (2).

49 The Commission approval required by this subdivision is in addition to the  
50 Commission approval required by subsection (i) of this section.

1 (3) No deficiency judgment may be rendered against any unit of local government  
2 in any action for breach of a bond order authorized by this section, and the  
3 taxing power of a unit of local government is not and may not be pledged  
4 directly or indirectly to secure any moneys due under a bond order authorized  
5 by this section. This prohibition does not impair the right of the holder of a  
6 bond or note to exercise a remedy with respect to the revenues pledged to  
7 secure the bond or note, as provided in the bond order, resolution, or trust  
8 agreement under which the bond or note is authorized and secured. A unit of  
9 local government may, in its sole discretion, use tax proceeds to pay the  
10 principal of or interest or premium on bonds or notes, but shall not pledge or  
11 agree to do so.

12 (4) Before granting a security interest under this subsection, a unit of local  
13 government shall hold a public hearing on the proposed security interest. A  
14 notice of the public hearing shall be published once at least 10 days before the  
15 date fixed for the hearing.

16 (c) Payment; Call. – Any bond anticipation notes may be made payable from the proceeds  
17 of bonds or renewal notes or, in the event bond or renewal note proceeds are not available, the  
18 notes may be paid from any sources available under subsection (b) of this section. Bonds or notes  
19 may also be paid from the proceeds of any credit facility. The bonds and notes of each issue shall  
20 be dated and may be made redeemable prior to maturity at the option of the unit of local  
21 government or otherwise, at such price or prices, on such date or dates, and upon such terms and  
22 conditions as may be determined by the unit. The bonds or notes may also be made payable from  
23 time to time on demand or tender for purchase by the owner, upon terms and conditions  
24 determined by the unit.

25 (d) Interest. – The interest payable by a unit on any special obligation bonds or notes may  
26 be at such rate or rates, including variable rates as authorized in this section, as may be determined  
27 by the Local Government Commission with the approval of the governing body of the unit. This  
28 approval may be given as the governing body of the unit may direct, including, without limitation,  
29 a certificate signed by a representative of the unit designated by the governing body of the unit.

30 (e) Nature of Obligation. – Special obligation bonds and notes shall be special obligations  
31 of the unit of local government issuing them. The principal of, and interest and any premium on,  
32 special obligation bonds and notes shall be secured solely by any one or more of the sources of  
33 payment authorized by this section as may be pledged in the proceedings, resolution, or trust  
34 agreement under which they are authorized or secured. Neither the faith and credit nor the taxing  
35 power of the unit of local government are pledged for the payment of the principal of, or interest  
36 or any premium on, any special obligation bonds or notes, and no owner of special obligation  
37 bonds or notes has the right to compel the exercise of the taxing power by the unit in connection  
38 with any default thereon. Every special obligation bond and note shall recite in substance that the  
39 principal and interest and any premium on the bond or note are secured solely by the sources of  
40 payment pledged in the bond order, resolution, or trust agreement under which it is authorized or  
41 secured. The following limitations apply to payment from the specified sources:

42 (1) Any such use of these sources will not constitute a pledge of the unit's taxing  
43 power.

44 (2) The unit is not obligated to pay the principal or interest or premium except  
45 from these sources.

46 (f) Details. – In fixing the details of bonds or notes, the unit of local government may  
47 provide that any of the bonds or notes may do any of the following:

48 (1) Be made payable from time to time on demand or tender for purchase by the  
49 owner thereof as long as a credit facility supports the bonds or notes, unless  
50 the Local Government Commission specifically determines that a credit  
51 facility is not required upon a finding and determination by the Local

1 Government Commission that the absence of a credit facility will not  
2 materially and adversely affect the financial position of the unit and the  
3 marketing of the bonds or notes at a reasonable interest cost to the unit.

4 (2) Be additionally supported by a credit facility.

5 (3) Be made subject to redemption or a mandatory tender for purchase prior to  
6 maturity.

7 (4) Bear interest at a rate or rates that may vary for such period or periods of time,  
8 all as may be provided in the proceedings providing for the issuance of the  
9 bonds or notes including, without limitation, such variations as may be  
10 permitted pursuant to a par formula.

11 (5) Be made the subject of a remarketing agreement whereby an attempt is made  
12 to remarket the bonds or notes to new purchasers prior to their presentment  
13 for payment to the provider of the credit facility or to the unit.

14 (g) Credit Facility. – The obligation of a unit of local government under a credit facility  
15 to repay any drawing thereunder may be made payable and otherwise secured, to the extent  
16 applicable, as provided in this section.

17 (h) Term; Form. – Notes shall mature at such time or times and bonds shall mature, not  
18 exceeding 40 years from their date or dates, as may be determined by the unit of local  
19 government, except that no such maturity dates may exceed the maximum maturity periods  
20 prescribed by the Local Government Commission pursuant to G.S. 159-122, as it may be  
21 amended from time to time. The unit shall determine the form and manner of execution of the  
22 bonds or notes, including any interest coupons to be attached thereto, and shall fix the  
23 denomination or denominations and the place or places of payment of principal and interest,  
24 which may be any bank or trust company within or without the United States. In case any officer  
25 of the unit whose signature, or a facsimile of whose signature, appears on any bonds or notes or  
26 coupons, if any, ceases to be the officer before delivery thereof, the signature or facsimile shall  
27 nevertheless be valid and sufficient for all purposes the same as if the officer had remained in  
28 office until the delivery. Any bond or note or coupon may bear the facsimile signatures of such  
29 persons who at the actual time or the execution thereof were the proper officers to sign although  
30 at the date of the bond or note or coupon these persons may not have been the proper officers.  
31 The unit may also provide for the authentication of the bonds or notes by a trustee or other  
32 authenticating agent. The bonds or notes may be issued as certificated or uncertificated  
33 obligations or both, and in coupon or in registered form, or both, as the unit may determine, and  
34 provision may be made for the registration of any coupon bonds or notes as to principal alone  
35 and also as to both principal and interest, and for the reconversion into coupon bonds or notes of  
36 any bonds or notes registered as to both principal and interest, and for the interchange of  
37 registered and coupon bonds or notes. Any system for registration may be established as the unit  
38 may determine.

39 (i) Local Government Commission Approval. – No bonds or notes may be issued by a  
40 unit of local government under this section unless the issuance is approved and the bonds or notes  
41 are sold by the Local Government Commission as provided in this section. The unit shall file  
42 with the Secretary of the Local Government Commission an application requesting approval of  
43 the issuance of the bonds or notes, which application shall contain such information and shall  
44 have attached to it such documents concerning the proposed financing as the Secretary of the  
45 Local Government Commission may require. The Commission may prescribe the form of the  
46 application. Before the Secretary accepts the application, the Secretary may require the governing  
47 body of the unit or its representatives to attend a preliminary conference, at which time the  
48 Secretary or the deputies of the Secretary may informally discuss the proposed issue and the  
49 timing of the steps taken in issuing the special obligation bonds or notes.

50 In determining whether a proposed bond or note issue should be approved, the Local  
51 Government Commission may consider, to the extent applicable as shall be determined by the

1 Local Government Commission, the criteria set forth in G.S. 159-52 and G.S. 159-86, as either  
2 may be amended from time to time, as well as the effect of the proposed financing upon any  
3 scheduled or proposed sale of obligations by the State or by any of its agencies or departments  
4 or by any unit of local government in the State. The Local Government Commission shall  
5 approve the issuance of the bonds or notes if, upon the information and evidence it receives, it  
6 finds and determines that the proposed financing will satisfy such criteria and will effect the  
7 purposes of this section. An approval of an issue shall not be regarded as an approval of the  
8 legality of the issue in any respect. A decision by the Local Government Commission denying  
9 an application is final.

10 Upon the filing with the Local Government Commission of a written request of the unit  
11 requesting that its bonds or notes be sold, the bonds or notes may be sold by the Local  
12 Government Commission in such manner, either at public or private sale, and for such price or  
13 prices as the Local Government Commission shall determine to be in the best interests of the unit  
14 and to effect the purposes of this section, if the sale is approved by the unit.

15 (j) Proceeds. – The proceeds of any bonds or notes shall be used solely for the purposes  
16 for which the bonds or notes were issued and shall be disbursed in such manner and under such  
17 restrictions, if any, as the unit may provide in the resolution authorizing the issuance of, or in any  
18 trust agreement securing, the bonds or notes.

19 (k) Interim Documents; Replacement. – Prior to the preparation of definitive bonds, the  
20 unit may issue interim receipts or temporary bonds, with or without coupons, exchangeable for  
21 definitive bonds when definitive bonds have been executed and are available for delivery. The  
22 unit may also provide for the replacement of any bonds or notes which shall become mutilated  
23 or shall be destroyed or lost.

24 (l) No Other Conditions. – Bonds or notes may be issued under the provisions of this  
25 section without obtaining, except as otherwise expressly provided in this section, the consent of  
26 any department, division, commission, board, body, bureau, or agency of the State and without  
27 any other proceedings or the happening of any conditions or things other than those proceedings,  
28 conditions, or things that are specifically required by this section, and the provisions of the  
29 resolution authorizing the issuance of, or any trust agreement securing, the bonds or notes.

30 (m) Trust. – In the discretion of the unit of local government, any bonds and notes issued  
31 under the provisions of this section may be secured by a trust agreement by and between the unit  
32 and a corporate trustee or by a resolution providing for the appointment of a corporate trustee.  
33 Bonds and notes may also be issued under an order or resolution without a corporate trustee. The  
34 corporate trustee may be, in either case any trust company or bank having the powers of a trust  
35 company within or without the State. The trust agreement or resolution may pledge or assign  
36 such sources of revenue as may be permitted under this section. The trust agreement or resolution  
37 may contain such provisions for protecting and enforcing the rights and remedies of the owners  
38 of any bonds or notes issued thereunder as may be reasonable and proper and not in violation of  
39 law, including covenants setting forth the duties of the unit in respect of the purposes to which  
40 bond or note proceeds may be applied, the disposition and application of the revenues of the unit,  
41 the duties of the unit with respect to the project, the disposition of any charges and collection of  
42 any revenues and administrative charges, the terms and conditions of the issuance of additional  
43 bonds and notes, and the custody, safeguarding, investment, and application of all moneys. All  
44 bonds and notes issued under this section shall be equally and ratably secured by a lien upon the  
45 revenues pledged in the trust agreement or resolution, without priority by reasons of number, or  
46 dates of bonds or notes, execution, or delivery, in accordance with the provision of this section  
47 and of the trust agreement or resolution, except that the unit may provide in the trust agreement  
48 or resolution that bonds or notes issued pursuant thereto shall, to the extent and in the manner  
49 prescribed in the trust agreement or resolution, be subordinated and junior in standing, with  
50 respect to the payment of principal and interest and to the security thereof, to any other bonds or  
51 notes. It shall be lawful for any bank or trust company that may act as depository of the proceeds

1 of bonds or notes, revenues, or any other money hereunder to furnish such indemnifying bonds  
2 or to pledge such securities as may be required by the unit. Any trust agreement or resolution  
3 may set out the rights and remedies of the owners of any bonds or notes and of any trustee, and  
4 may restrict the individual rights of action by the owners. In addition to the foregoing, any trust  
5 agreement or resolution may contain such other provisions as the unit may deem reasonable and  
6 proper for the security of the owners of any bonds or notes. Expenses incurred in carrying out  
7 the provisions of any trust agreement or resolution may be treated as a part of the cost of any  
8 project or as an administrative charge and may be paid from the revenues or from any other funds  
9 available.

10 The State does pledge to, and agree with, the holders of any bonds or notes issued by any unit  
11 that so long as any of the bonds or notes are outstanding and unpaid the State will not limit or  
12 alter the rights vested in the unit at the time of issuance of the bonds or notes to set the terms and  
13 conditions of the bonds or notes and to fulfill the terms of any agreements made with the  
14 bondholders or noteholders. The State shall in no way impair the rights and remedies of the  
15 bondholders or noteholders until the bonds or notes and all costs and expenses in connection with  
16 any action or proceedings by or on behalf of the bondholders or noteholders, are fully paid, met,  
17 and discharged.

18 (n) Remedies. – Any owner of bonds or notes issued under the provisions of this Article  
19 or any coupons appertaining thereto, and the trustee under any trust agreement securing or  
20 resolution authorizing the issuance of such bonds or notes, except to the extent the rights herein  
21 given may be restricted by such trust agreement or resolution, may either at law or in equity, by  
22 suit, action, mandamus, or other proceeding, protect and enforce any and all rights under the laws  
23 of the State or granted hereunder or under such trust agreement or resolution, or under any other  
24 contract executed by a unit of local government pursuant to this Article; and may enforce and  
25 compel the performance of all duties required by this Article or by such trust agreement or  
26 resolution by the unit of local government or by any officer thereof.

27 (o) UCC Status. – All bonds and notes and interest coupons, if any, issued under this  
28 Article are hereby made investment securities within the meaning of and for all the purposes of  
29 Article 8 of the Uniform Commercial Code, as enacted in Chapter 25 of the General Statutes.

30 (p) Investment Eligibility. – Bonds and notes issued under the provisions of this Article  
31 are hereby made securities in which all public offices, agencies, and public bodies of the State  
32 and its political subdivisions, all insurance companies, trust companies, investment companies,  
33 banks, savings banks, building and loan associations, credit unions, pension or retirement funds,  
34 other financial institutions engaged in business in the State, executors, administrators, trustees,  
35 and other fiduciaries may properly and legally invest funds, including capital in their control or  
36 belonging to them. Such bonds or notes are hereby made securities, which may properly and  
37 legally be deposited with and received by any officer or agency of the State or political  
38 subdivision of the State for any purpose for which the deposit of bonds, notes, or obligations of  
39 the State or any political subdivision is now or may hereafter be authorized by law.

40 (q) Tax Exemption. – All of the bonds and notes authorized by this Article shall be  
41 exempt from all State, county, and municipal taxation or assessment, direct or indirect, general  
42 or special, whether imposed for the purpose of general revenue or otherwise, excluding income  
43 taxes on the gain from the transfer of the bonds and notes, and franchise taxes. The interest on  
44 the bonds and notes shall not be subject to taxation as income."

45 **SECTION 25.(b)** G.S. 113A-115.1(h) reads as rewritten:

46 "(h) A local government may not use funds generated from any of the following financing  
47 mechanisms for any activity related to the terminal groin or its accompanying beach fill project:

48 (1) Special obligation bonds issued pursuant to ~~Chapter 159I~~ Article 7A of  
49 Chapter 159 of the General Statutes.

50 ...."

51 **SECTION 25.(c)** G.S. 153A-427(a)(13) reads as rewritten:

"(13) To issue revenue bonds of the authority and enter into other financial arrangements including those permitted by this Chapter and Chapters ~~159, 159I, 159~~ and 160A of the General Statutes to finance solid waste management activities, including but not limited to systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, and disposal and for related support facilities, to refund any revenue bonds or notes issued by the authority, whether or not in advance of their maturity or earliest redemption date, or to provide funds for other corporate purposes of the authority;"

**SECTION 25.(d)** G.S. 159-7(4) reads as rewritten:

"(4) "Debt service" is the sum of money required to pay installments of principal and interest on bonds, notes, and other evidences of debt accruing within a fiscal year, to maintain sinking funds, and to pay installments on debt instruments issued pursuant to Article 7A of this Chapter or Chapter 159G of the General Statutes ~~or Chapter 159I of the General Statutes~~ accruing within a fiscal year."

**SECTION 25.(e)** G.S. 159-35(c) reads as rewritten:

"(c) The secretary shall mail to each unit of local government not later than 30 days prior to the due date of each payment due to the State under debt instruments issued pursuant to Article 7A of this Chapter or Chapter 159G of the General Statutes ~~or Chapter 159I of the General Statutes~~ a statement of the amount so payable, the due date, the amount of any moneys due to the unit of local government that will be withheld by the State and applied to the payment, the amount due to be paid by the unit of local government from local sources, the place to which payment should be sent, and a summary of the legal penalties for failing to honor the debt instrument according to its terms. Failure of the secretary timely to mail such statement or otherwise comply with the provisions of this subsection (c) shall not affect in any manner the obligation of a unit of local government to make payments to the State in accordance with any such debt instrument."

**SECTION 25.(f)** G.S. 159-123(b) reads as rewritten:

"(b) The following classes of bonds may be sold at private sale:

...

(3) Revenue bonds, including any refunding bonds issued pursuant to G.S. 159-84, and special obligation bonds issued pursuant to ~~Chapter 159I of the General Statutes~~ Article 7A of this Chapter.

...."

**SECTION 25.(g)** G.S. 159-148 reads as rewritten:

**"§ 159-148. Contracts subject to Article; exceptions.**

(a) Except as provided in subsection (b) of this section, this Article applies to any contract, agreement, memorandum of understanding, and any other transaction having the force and effect of a contract (other than agreements made in connection with the issuance of revenue bonds, special obligation bonds issued pursuant to ~~Chapter 159I of the General Statutes~~, Article 7A of this Chapter, or of general obligation bonds additionally secured by a pledge of revenues) made or entered into by a unit of local government (as defined by G.S. 159-7(b) or, in the case of a special obligation bond, as ~~defined in Chapter 159I of the General Statutes~~), authorized in G.S. 159-146), relating to the lease, acquisition, or construction of capital assets, which contract does all of the following:

...

(b) This Article shall not apply to:

...

~~(3) Loan agreements entered into by a unit of local government pursuant to the North Carolina Solid Waste Management Loan Program, Chapter 159I of the General Statutes."~~



1           **SECTION 25.(h)** G.S. 159-165(a) reads as rewritten:

2           "(a) Bond anticipation notes of a municipality, including special obligation bond  
3 anticipation notes issued pursuant to ~~Chapter 159I of the General Statutes, Article 7A of this~~  
4 Chapter, shall be sold by the Commission at public or private sale according to such procedures  
5 as the Commission may prescribe. Bond anticipation notes of the State shall be sold by the State  
6 Treasurer at public or private sale, upon such terms and conditions, and according to such  
7 procedures as the State Treasurer may prescribe."

8           **SECTION 25.(i)** This section is effective retroactively to July 1, 2019.  
9

## 10 **EXTEND EFFECTIVE DATE OF CHAPTER 160D**

11           **SECTION 26.(a)** Section 3.2 of S.L. 2019-111 reads as rewritten:

12           "**SECTION 3.2.** Part II of this act becomes effective ~~January 1, 2021, August 1, 2021,~~ and  
13 applies to local government development regulation decisions made on or after that date. Part II  
14 of this act clarifies and restates the intent of existing law and applies to ordinances adopted  
15 before, on, and after the effective date."

16           **SECTION 26.(b)** This section is effective when it becomes law.  
17

## 18 **REMOTE PARTICIPATION IN OPEN MEETINGS**

19           **SECTION 27.(a)** Article 1A of Chapter 166A of the General Statutes is amended by  
20 adding a new section to read:

21 **"§ 166A-19.24. Remote meetings during certain declarations of emergency.**

22           (a) Remote Meetings. – Notwithstanding any other provision of law, upon issuance of a  
23 declaration of emergency under G.S. 166A-19.20 that restricts the number of individuals that  
24 may gather in one place in order to protect the public and the public health, any public body  
25 within the emergency area may conduct remote meetings in accordance with this section and  
26 Article 33C of Chapter 143 of the General Statutes throughout the duration of that declaration of  
27 emergency.

28           (b) Requirements. – The public body shall comply with all of the following with respect  
29 to remote meetings conducted under this section:

30           (1) The public body shall give proper notice under G.S. 143-318.12 and under  
31 any other requirement for notice applicable to the public body. The notice  
32 shall also specify the means by which the public can access the remote  
33 meeting as that remote meeting occurs.

34           (2) Any member of the public body participating by a method of simultaneous  
35 communication in which that member cannot be physically seen by the public  
36 body must identify himself or herself in each of the following situations:

37           a. When the roll is taken or the remote meeting is commenced.

38           b. Prior to participating in the deliberations, including making motions,  
39 proposing amendments, and raising points of order.

40           c. Prior to voting.

41           (3) All documents to be considered during the remote meeting shall be provided  
42 to each member of the public body.

43           (4) The method of simultaneous communication shall allow for any member of  
44 the public body to do all of the following:

45           a. Hear what is said by the other members of the public body.

46           b. Hear what is said by any individual addressing the public body.

47           c. To be heard by the other members of the public body when speaking  
48 to the public body.

49           (5) All votes shall be roll call; no vote by secret or written ballots, whether by  
50 paper or electronic means or in accordance with G.S. 143-318.13(b), may be  
51 taken during the remote meeting.

- 1           (6) The public body shall comply with G.S. 143-318.13(c).  
2           (7) The minutes of the remote meeting shall reflect that the meeting was  
3           conducted by use of simultaneous communication, which members were  
4           participating by simultaneous communication, and when such members  
5           joined or left the remote meeting.  
6           (8) All chats, instant messages, texts, or other written communications between  
7           members of the public body regarding the transaction of the public business  
8           during the remote meeting are deemed a public record.  
9           (9) The remote meeting shall be simultaneously streamed live online with a  
10           telephonic option so that simultaneous live audio, and video if any, of such  
11           meeting is available to the public. If the public body conducting the remote  
12           meeting maintains its own Web site, that live stream shall be available on the  
13           Web site of the public body, accessible in a conspicuous location on such Web  
14           site. If the remote meeting is conducted by conference call, the public body  
15           may comply with this subdivision by providing the public with an opportunity  
16           to dial-in or stream the audio live and listen to the remote meeting.

17           (c) Quorum. – A member of the public body participating by simultaneous  
18           communication under this section shall be counted as present for quorum purposes only during  
19           the period while simultaneous communication is maintained for that member. The provisions of  
20           G.S. 160A-75 and G.S. 153A-44 shall apply to all votes of each member of a county or municipal  
21           governing board taken during a remote meeting.

22           (d) Voting by Members of the Public Body. – Votes of each member of a public body  
23           made during a remote meeting under this section shall be counted as if the member were  
24           physically present only during the period while simultaneous communication is maintained for  
25           that member.

26           (e) Public Hearings. – A public body may conduct any public hearing required or  
27           authorized by law during a remote meeting, and take action thereon, provided the public body  
28           allows for written comments on the subject of the public hearing to be submitted between  
29           publication of any required notice and 24 hours after the public hearing.

30           (f) Quasi-Judicial Hearings. – A public body may conduct a quasi-judicial proceeding as  
31           a remote meeting only when all of the following apply:

- 32           (1) The right of an individual to a hearing and decision occur during the  
33           emergency.  
34           (2) All persons subject to the quasi-judicial proceeding who have standing to  
35           participate in the quasi-judicial hearing have been given notice of the  
36           quasi-judicial hearing and consent to the remote meeting.  
37           (3) All due process rights of the parties affected are protected.

38           (g) Not Exclusive. – This section applies only during emergency declarations and does  
39           not supersede any authority for electronic meetings under Article 33C of the General Statutes.

40           (h) For purposes of this section, the following definitions apply:

- 41           (1) Official meeting. – As defined in G.S. 143-318.10(d).  
42           (2) Public body. – As defined in G.S. 143-318.10(b) and (c).  
43           (3) Remote meeting. – An official meeting, or any part thereof, with between one  
44           and all of the members of the public body participating by simultaneous  
45           communication.  
46           (4) Simultaneous communication. – Any communication by conference  
47           telephone, conference video, or other electronic means."

48           **SECTION 27.(b)** G.S. 143-318.10(a) reads as rewritten:

49           "(a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official  
50 meeting of a public body shall be open to the public, and any person is entitled to attend such a

1 meeting. Remote meetings conducted in accordance with G.S. 166A-19.24 shall comply with  
2 this subsection even if all members of the public body are participating remotely."

3 **SECTION 27.(c)** G.S. 143-318.13 is amended by adding a new subsection to read:

4 "(d) Except as provided in G.S. 166A-19.24(b)(6), this section shall not apply to remote  
5 meetings conducted in accordance with that section even if all members of the public body are  
6 participating remotely."

7 **SECTION 27.(d)** G.S. 143-318.14A(e) reads as rewritten:

8 "(e) The following sections shall apply to meetings of commissions, committees, and  
9 standing subcommittees of the General Assembly: G.S. 166A-19.24, G.S. 143-318.10(e) and  
10 G.S. 143-318.11, G.S. 143-318.13 and G.S. 143-318.14, G.S. 143-318.16 through  
11 G.S. 143-318.17."

12 **SECTION 27.(e)** G.S. 153A-43 reads as rewritten:

13 **"§ 153A-43. Quorum.**

14 (a) A majority of the membership of the board of commissioners constitutes a quorum.  
15 The number required for a quorum is not affected by vacancies. If a member has withdrawn from  
16 a meeting without being excused by majority vote of the remaining members present, he shall be  
17 counted as present for the purposes of determining whether a quorum is present. The board may  
18 compel the attendance of an absent member by ordering the sheriff to take the member into  
19 custody.

20 (b) Any member present by means of simultaneous communication in accordance with  
21 G.S. 166A-19.24 shall be counted as present for the purposes of whether a quorum is present  
22 only during the period while simultaneous communication is maintained for that member."

23 **SECTION 27.(f)** G.S. 160A-74 reads as rewritten:

24 **"§ 160A-74. Quorum.**

25 (a) A majority of the actual membership of the council plus the mayor, excluding vacant  
26 seats, shall constitute a quorum. A member who has withdrawn from a meeting without being  
27 excused by majority vote of the remaining members present shall be counted as present for  
28 purposes of determining whether or not a quorum is present.

29 (b) Any member present by means of simultaneous communication in accordance with  
30 G.S. 166A-19.24 shall be counted as present for the purposes of whether a quorum is present  
31 only during the period while simultaneous communication is maintained for that member."

32 **SECTION 27.(g)** G.S. 160A-75, effective until January 1, 2021, reads as rewritten:

33 **"§ 160A-75. (Effective until January 1, 2021) Voting.**

34 (a) No member shall be excused from voting except upon matters involving the  
35 consideration of the member's own financial interest or official conduct or on matters on which  
36 the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2). In  
37 all other cases except votes taken under G.S. 160A-385, a failure to vote by a member who is  
38 physically present in the council chamber, or who has withdrawn without being excused by a  
39 majority vote of the remaining members present, shall be recorded as an affirmative vote. The  
40 question of the compensation and allowances of members of the council is not a matter involving  
41 a member's own financial interest or official conduct.

42 (b) Notwithstanding subsection (a) of this section, a vote or failure to vote by any member  
43 present by means of simultaneous communication in accordance with G.S. 166A-19.24 shall be  
44 treated as if the member were physically present only during the period while simultaneous  
45 communication is maintained for that member.

46 (c) An affirmative vote equal to a majority of all the members of the council not excused  
47 from voting on the question in issue, including the mayor's vote in case of an equal division, shall  
48 be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or  
49 commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of  
50 the city. In addition, no ordinance nor any action having the effect of any ordinance may be  
51 finally adopted on the date on which it is introduced except by an affirmative vote equal to or

1 greater than two thirds of all the actual membership of the council, excluding vacant seats and  
2 not including the mayor unless the mayor has the right to vote on all questions before the council.  
3 For purposes of this section, an ordinance shall be deemed to have been introduced on the date  
4 the subject matter is first voted on by the council."

5 **SECTION 27.(h)** G.S. 160A-75, effective January 1, 2021, reads as rewritten:

6 "**§ 160A-75. (Effective January 1, 2021) Voting.**

7 (a) No member shall be excused from voting except upon matters involving the  
8 consideration of the member's own financial interest or official conduct or on matters on which  
9 the member is prohibited from voting under G.S. 14-234 or G.S. 160D-109. In all other cases  
10 except votes taken under G.S. 160D-601, a failure to vote by a member who is physically present  
11 in the council chamber, or who has withdrawn without being excused by a majority vote of the  
12 remaining members present, shall be recorded as an affirmative vote. The question of the  
13 compensation and allowances of members of the council is not a matter involving a member's  
14 own financial interest or official conduct.

15 (b) Notwithstanding subsection (a) of this section, a vote or failure to vote by any member  
16 present by means of simultaneous communication in accordance with G.S. 166A-19.24 shall be  
17 treated as if the member were physically present only during the period while simultaneous  
18 communication is maintained for that member.

19 (c) An affirmative vote equal to a majority of all the members of the council not excused  
20 from voting on the question in issue, including the mayor's vote in case of an equal division, shall  
21 be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or  
22 commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of  
23 the city. In addition, no ordinance nor any action having the effect of any ordinance, except an  
24 ordinance on which a public hearing must be held pursuant to G.S. 160D-601 before the  
25 ordinance may be adopted, may be finally adopted on the date on which it is introduced except  
26 by an affirmative vote equal to or greater than two thirds of all the actual membership of the  
27 council, excluding vacant seats and not including the mayor unless the mayor has the right to  
28 vote on all questions before the council. For purposes of this section, an ordinance shall be  
29 deemed to have been introduced on the date the subject matter is first voted on by the council."

30 **SECTION 27.(i)** This section does not affect the validity of S.L. 2008-111.

31 **SECTION 27.(j)** This section is effective when it becomes law and applies  
32 throughout the duration of any declaration of emergency issued under G.S. 166A-19.20 in effect  
33 on or after that date. The actions of any public body in an open meeting conducted via  
34 simultaneous communication between March 10, 2020, and the effective date of this section are  
35 not deemed invalid due to the use of simultaneous communication to conduct that open meeting.

### 36 37 **EXTEND ORDINANCE/RULE REPORTING**

38 **SECTION 28.(a)** Section 1 of S.L. 2018-69, as amended by Section 3 of S.L.  
39 2019-198, reads as rewritten:

40 "**SECTION 1.** All State agencies, boards, and commissions that have the power to define  
41 conduct as a crime in the North Carolina Administrative Code shall create a list of all crimes  
42 defined by the agency, board, or commission that are in effect or pending implementation. Each  
43 agency, board, or commission shall submit the list to the Joint Legislative Administrative  
44 Procedure Oversight Committee no later than ~~November 1, 2019~~ March 1, 2021."

45 **SECTION 28.(b)** Section 3 of S.L. 2018-69, as amended by Section 4 of S.L.  
46 2019-198, reads as rewritten:

47 "**SECTION 3.** Every county with a population of 20,000 or more according to the last federal  
48 decennial census, city or town with a population of 1,000 or more according to the last federal  
49 decennial census, or metropolitan sewerage district that has enacted an ordinance punishable  
50 pursuant to G.S. 14-4(a) shall create a list of applicable ordinances with a description of the  
51 conduct subject to criminal punishment in each ordinance. Each county, city, town, or

1 metropolitan sewerage district shall submit the list to the Joint Legislative Administrative  
2 Procedure Oversight Committee no later than ~~November 1, 2019.~~March 1, 2021."

3 **SECTION 29.(c)** Section 5 of S.L. 2019-198 reads as rewritten:

4 "**SECTION 5.** No ordinance adopted on or after ~~January 1, 2020,~~May 1, 2021, and before  
5 ~~January 1, 2022,~~May 1, 2023, by a county, city, or town that was required to report pursuant to  
6 Section 3 of S.L. 2018-69, as amended by Section 4 ~~of this act,~~of S.L. 2019-198 and Section 2  
7 of this act, shall be subject to the criminal penalty provided by G.S. 14-4 unless that county, city,  
8 or town submitted the required report on or before ~~November 1, 2019.~~March 1, 2021. Ordinances  
9 regulated by this section may still be subject to civil penalties as authorized by G.S. 153A-123  
10 or G.S. 160A-175."

11 **SECTION 29.(d)** Section 6 of S.L. 2019-198 reads as rewritten:

12 "**SECTION 6.** The General Statutes Commission shall study the reports received pursuant  
13 to S.L. 2018-69, as amended by Section 3 and Section 4 of this act, and make recommendations  
14 regarding whether any conduct currently criminalized either (i) by an ordinance of a county, city,  
15 town, or metropolitan sewerage district or (ii) in the North Carolina Administrative Code by an  
16 agency, board, or commission, should have criminal penalties provided by a generally applicable  
17 State law. The Commission shall report to the ~~2020 Regular Session of the 2019 General~~  
18 ~~Assembly~~2021 General Assembly and to the Joint Oversight Committee on General Government  
19 on or before ~~May 1, 2020.~~March 1, 2021."

20 **SECTION 29.(e)** This section is effective when it becomes law.

## 21 22 **AUTHORIZE MODIFICATION OF CRIMINAL JUDGEMENTS REQUIRING** 23 **INTERMITTENT ACTIVE TIME**

24 **SECTION 30.5.(a)** Any criminal judgment requiring a defendant to serve periods of  
25 confinement or imprisonment in a local confinement facility may be modified by the chief district  
26 court judge of the judicial district in which the order was issued if the chief district court judge  
27 finds that all of the following requirements are met:

- 28 (1) The defendant is unable to serve one or more ordered periods of confinement  
29 or imprisonment due to the local confinement facility's restrictions on inmates  
30 during the COVID-19 State of Emergency.
- 31 (2) Without modification, the defendant will be in violation of the criminal  
32 judgment.
- 33 (3) The District Attorney consents to modification of the criminal judgment.

34 Any modification made pursuant to this authorization shall be as minimal as possible  
35 to allow the defendant to comply with the requirements of the criminal judgment.

36 **SECTION 30.5.(b)** This section is effective when it becomes law and expires August  
37 1, 2020.

## 38 39 **NCDOT CASH FLOOR**

40 **SECTION 30.6.(a)** Notwithstanding G.S. 143C-6-11(f), the Department of  
41 Transportation shall maintain an available cash balance at the end of each month equal to at least  
42 one hundred twenty-five million dollars (\$125,000,000). In the event this cash position is not  
43 maintained, no further transportation project contract commitments may be entered into until the  
44 cash balance has been regained. Any federal funds on hand shall not be considered as cash for  
45 the purposes of this subsection.

46 **SECTION 30.6.(b)** This section is effective when it becomes law and expires one  
47 year from the date it is effective.

## 48 49 **SEVERABILITY**

1                   **SECTION 31.** If any provision of this act is declared unconstitutional or invalid by  
2 the courts, it does not affect the validity of this act as a whole or any part other than the part  
3 declared to be unconstitutional or invalid.

4

5 **EFFECTIVE DATE**

6                   **SECTION 32.** Except as otherwise provided, this act is effective when it becomes  
7 law.