

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1043
Committee Substitute Favorable 4/29/20
PROPOSED COMMITTEE SUBSTITUTE H1043-PCS10758-SBfap-14

Short Title: Pandemic Response Act.

(Public)

Sponsors:

Referred to:

April 28, 2020

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 **PART I. ECONOMIC SUPPORT**

7
8 **SUBPART I-A. TAX RELIEF PROVISIONS**

9
10 **WAIVE ACCRUAL OF INTEREST ON DEFERRED PAYMENT OF CORPORATE**
11 **INCOME AND FRANCHISE TAX AND INDIVIDUAL INCOME TAX**

12 **SECTION IA.1.(a)** Interest Waiver. – As a result of the COVID-19 outbreak, the
13 Secretary of Revenue has extended the franchise, corporate income, and individual income tax
14 payment deadline from April 15, 2020, to July 15, 2020, and pursuant to G.S. 105-249.2, the
15 Secretary will not assess a penalty for failure to file a return or pay a tax due as long as the return
16 is filed and the tax due is paid by July 15, 2020. Notwithstanding G.S. 105-241.21(b), the
17 Secretary of Revenue shall also waive the accrual of interest from April 15, 2020, through July
18 15, 2020, on an underpayment of tax imposed on a franchise, corporate income, or individual
19 income tax return, including a partnership and estate and trust tax return, due from April 15,
20 2020, through July 15, 2020. The relief from accrual of interest from April 15, 2020, through
21 July 15, 2020, also includes interest imposed pursuant to G.S. 105-163.15 and G.S. 105-163.41
22 for payments due on or before July 15, 2020.

23 **SECTION IA.1.(b)** This section is effective when it becomes law.

24
25 **EXTEND CERTAIN TAX ACTION DATES**

26 **SECTION IA.2.(a)** Refund Request. – For franchise, corporate income, and
27 individual income tax, the statute of limitations for obtaining a refund is extended to July 15,
28 2020, for refund claims for which the statute of limitations to seek a refund expires on or after
29 April 15, 2020, and before July 15, 2020.

30 **SECTION IA.2.(b)** Time-Sensitive Actions. – Certain actions required to be taken
31 by a taxpayer on or after April 1, 2020, and before July 15, 2020, will be considered timely if the
32 request or petition is filed on or before July 15, 2020. This subsection applies to requests for
33 Departmental review under G.S. 105-241.11, petitions for a contested case hearing at the Office
34 of Administrative Hearings under Article 3 of Chapter 150B of the General Statutes and



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1 G.S. 105-241.15, and petitions for judicial review under Article 4 of Chapter 150B of the General
2 Statutes and G.S. 105-241.16.

3 **SECTION IA.2.(c)** This section is effective when it becomes law.
4

5 **SUBPART I-B. UNEMPLOYMENT LAW CHANGES**

6 **FLEXIBILITY TO ADMINISTER UNEMPLOYMENT COMPENSATION AND SUTA** 7 **TAX CREDIT**

8 **SECTION IB.1.(a)** Chapter 96 of the General Statutes is amended by adding a new
9 section to read:

10 **"§ 96-14.15. Emergency unemployment benefits and tax credit to respond to the**
11 **coronavirus emergency of 2020.**

12 (a) Benefits Payable. – Unemployment benefits are payable in response to the
13 coronavirus emergency in any of the following circumstances:

14 (1) An employer temporarily ceases operations due to the coronavirus, preventing
15 the individual from going to work.

16 (2) An employer reduces the hours of employment due to the coronavirus.

17 (3) An individual has a current diagnosis of the coronavirus.

18 (4) An individual is quarantined at the instruction of a health care provider or a
19 local, State, or federal official.

20 (b) Exceptions Allowed. – The provisions of this Chapter apply to benefits payable under
21 this section except as follows:

22 (1) Waiting week. – No waiting week applies to a claim for unemployment under
23 this section.

24 (2) Work search. – The work search requirements do not apply to an individual
25 who is eligible for unemployment under this section.

26 (3) Non-charging. – Benefits paid to an individual under this section are not
27 charged to the account of any base period employer of the individual.

28 (4) Attached claim. – An employer may file an attached claim for benefits allowed
29 under this section. The restrictions for filing an attached claim under
30 G.S. 96-15(a1) do not apply to an employer-filed claim under this section and
31 a claim filed by an employer under this section is not an attached claim filed
32 under G.S. 96-15(a1).

33 (c) Tax Credit. – An employer is allowed a tax credit for a contribution to the
34 Unemployment Insurance Fund payable under G.S. 96-9.2 for contributions due for the calendar
35 year 2020. The amount of the credit is equal to the amount of contributions payable on the report
36 filed by the employer on or before April 30, 2020.

37 If an employer remitted the contributions payable with the report due on or before April 30,
38 2020, the credit will be applied to the contributions payable on the report due on or before July
39 31, 2020. An employer must file the report to receive the credit. If the amount of the credit
40 exceeds the amount of contributions due on the report, the excess credit amount is considered an
41 overpayment and will be refunded pursuant to G.S. 96-9.15(b).

42 (d) Coronavirus. – For purposes of this section, the term "coronavirus" has the same
43 meaning as defined in section 506 of the Coronavirus Preparedness and Response Supplemental
44 Appropriations Act, 2020.

45 (e) Applicability. – This section applies for unemployment benefits filed for periods
46 beginning on or after March 10, 2020, and expires for unemployment benefits filed for periods
47 beginning on or after the earlier of the following: (i) the date the Governor signs an executive
48 order rescinding Executive Order No. 116, a Declaration of a State of Emergency to Coordinate
49 Response and Protective Actions to Prevent the Spread of COVID-19, or (ii) December 31,
50 2020."
51

1 **SECTION IB.1.(b)** Notwithstanding G.S. 96-14.9, an individual may meet the
2 reporting requirements of that section by telephone or via the Internet for the period beginning
3 March 10, 2020, and ending on the earlier of the following: (i) the date the Governor signs an
4 executive order rescinding Executive Order No. 116, a Declaration of a State of Emergency to
5 Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, or (ii)
6 December 31, 2020.

7 **SECTION IB.1.(c)** This section is effective when it becomes law.
8

9 **CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, AS RECOMMENDED**
10 **BY THE DIVISION OF EMPLOYMENT SECURITY AND THE JOINT LEGISLATIVE**
11 **OVERSIGHT COMMITTEE ON UNEMPLOYMENT INSURANCE**

12 **SECTION IB.2.(a)** G.S. 96-14.9(e) reads as rewritten:

13 "(e) **Actively Seeking Work.** – The Division's determination of whether an individual is
14 actively seeking work is based upon the following:

15 ...

16 (3) The individual has made at least three job contacts with potential employers
17 during the week. An individual may satisfy one of the weekly job contacts by
18 attending a reemployment activity offered by a local career center. The
19 Division shall verify the suitability of the activity for the credit and the
20 claimant's attendance at the activity.

21 "

22 **SECTION IB.2.(b)** G.S. 96-15 is amended by adding a new subsection to read:

23 "**(a2) Federal Disaster Declaration.** – An employer may file claims for employees through
24 the use of automation in the case of unemployment due directly to a disaster covered by a federal
25 disaster declaration."

26 **SECTION IB.2.(c)** G.S. 105-356(a) reads as rewritten:

27 "(a) **On Real Property.** – The lien of taxes imposed on real and personal property shall
28 attach to real property at the time prescribed in G.S. 105-355(a). The priority of that lien shall be
29 determined in accordance with the following rules:

30 (1) Subject to the provisions of the Revenue Act prescribing the priority of the
31 lien for State taxes, the lien of taxes imposed under the provisions of this
32 Subchapter shall be superior to all other liens, assessments, charges, rights,
33 and claims of any and every kind in and to the real property to which the lien
34 for taxes attaches regardless of the claimant and regardless of whether
35 acquired prior or subsequent to the attachment of the lien for taxes. For
36 purposes of this subdivision, the term "lien for State taxes" includes a lien for
37 contributions under G.S. 96-10.

38 "

39 **SECTION IB.2.(d)** G.S. 120-70.158 is repealed.

40 **SECTION IB.2.(e)** Subsection (a) of this section becomes effective July 1, 2020.

41 The remainder of this section is effective when it becomes law.
42

43 **SUBPART I-C. APPROPRIATION FOR SMALL BUSINESS LOAN ASSISTANCE**

44 **SECTION IC.1.(a)** Program. – The sum of seventy-five million dollars
45 (\$75,000,000) in nonrecurring funds is appropriated from the Coronavirus Relief Fund to the
46 Office of State Budget and Management to provide funds to Golden LEAF to provide grants to
47 entities for the purpose of making emergency loans to assist small businesses with business needs
48 during periods of economic hardship occasioned by the COVID-19 epidemic. The following shall
49 apply to the program and loans made under the program:

- 1 (1) Golden LEAF shall require a lender to provide assistance to, or direct to an
2 appropriate entity that provides assistance to, a qualifying business with
3 applying for available federal assistance.
- 4 (2) Golden LEAF shall require a lender to prioritize loans for establishments (i)
5 with 100 or fewer full-time equivalent employees determined as of the State
6 of Emergency (ii) that are independently owned by a qualifying business.
- 7 (3) The loan shall have an interest rate of up to four percent (4%) before the date
8 of a triggering event and an interest rate of at least five and one-half percent
9 (5.5%) on and after the date of a triggering event.
- 10 (4) The term of the loan shall not exceed 66 months and shall be amortized over
11 the term of the loan.
- 12 (5) A qualifying business shall certify in writing that it will use a loan provided
13 under the program for employee compensation, mortgage, rent, utilities, and
14 other operating costs and expenses incurred on behalf of a business located in
15 this State.
- 16 (6) A loan provided under the program is limited to no more than fifty thousand
17 dollars (\$50,000) per qualifying business.
- 18 (7) Upon the occurrence of a triggering event, repayment of the loan shall
19 commence. A triggering event occurs six months following the closing of a
20 loan made under the program.
- 21 (8) Loans are made pursuant to an agreement with a qualifying business that
22 includes at least the following:
 - 23 a. A provision requiring a qualifying business to certify in writing that it
24 will use a loan provided under the program for employee
25 compensation, mortgage, rent, utilities, and other operating costs and
26 expenses incurred on behalf of a business located in this State.
 - 27 b. A provision establishing the method for determining compliance with
28 the program.
 - 29 c. A provision requiring the qualifying business to first repay the loan
30 amount with any federal assistance received by the business that
31 represents a duplication of benefits; provided that, the repayment does
32 not disqualify or impair the federal assistance available to the business.
 - 33 d. A provision requiring the loan is secured through a Uniform
34 Commercial Code financing statement.
 - 35 e. A provision requiring recapture of loan funds if a business fails to
36 comply with the requirements of the program. The lender shall
37 recapture loan funds only if the lender determines there is a reasonable
38 expectation that the recovery of funds will exceed the cost of recovery.
- 39 (9) The awarding of new loans using State funds appropriated in this section shall
40 cease upon six months following the date the State of Emergency ends.

41 **SECTION IC.1.(b)** Definitions. – For purposes of this section, the following
42 definitions apply:

- 43 (1) Compensation. – Defined in G.S. 105-163.1.
- 44 (2) Coronavirus Relief Fund. – Funds received by the State of North Carolina
45 during the 2019-2020 fiscal year from the Coronavirus Relief Fund created by
46 the Coronavirus Aid, Relief, and Economic Security Act of 2020, P.L.
47 116-136.
- 48 (3) Employee. – Defined in G.S. 143B-437.02A.
- 49 (4) Golden LEAF. – The Golden L.E.A.F. (Long-Term Economic Advancement
50 Foundation), Inc.

- 1 (5) Net loan funds. – The total loan fund appropriation authorized by this section
2 less (i) the cost of administering the loans made under the program, not to
3 exceed five percent (5%) of the total amount loaned under the program and
4 (ii) the State's loan funds that are not recaptured.
- 5 (6) Office. – The Office of State Budget and Management.
- 6 (7) Qualifying business. – A business with a physical presence in the State that is
7 able to show economic losses as a result of COVID-19.
- 8 (8) State of Emergency. – Executive Order No. 116 issued March 10, 2020, by
9 Governor Roy A. Cooper, including any amendments issued by executive
10 order.

11 **SECTION IC.1.(c)** Miscellaneous. – In order to receive the funds appropriated under
12 this subpart, Golden LEAF shall provide matching funds from other non-State funds for such
13 funds in the amount of fifteen dollars (\$15.00) of non-State funds for every seventy-five dollars
14 (\$75.00) of State funds allocated in this section. State funds allocated in this section may be
15 matched with any prior expenditure by Golden LEAF of non-State funds for entities making
16 short-term loans to businesses during periods of economic hardship occasioned by the
17 COVID-19 epidemic. Six months following the date the State of Emergency ends and every six
18 months thereafter, Golden LEAF shall remit the net loan funds that have been received to the
19 Office, which shall deposit the funds into the Coronavirus Relief Fund. Amounts deposited into
20 the Fund under this subsection are receipts that do not constitute an "appropriation made by law,"
21 as that phrase is used in Section 7(1) of Article V of the North Carolina Constitution.

22 **SECTION IC.1.(d)** Reporting. – Every six months, Golden LEAF shall submit a
23 report on the program to the Joint Legislative Economic Development and Global Engagement
24 Oversight Committee and the Fiscal Research Division. The duty to report pursuant to this
25 section shall cease after the submission of the report following when Golden LEAF has remitted
26 the entirety of the net loan funds to the Office. Each report shall contain all of the following:

- 27 (1) The number of recipients of loans for each represented North American
28 Industry Classification System Code.
- 29 (2) The number of jobs retained.
- 30 (3) The number of loans awarded.
- 31 (4) The average loan amount.
- 32 (5) The total amount loaned to date.
- 33 (6) The total amount of loans repaid to date.
- 34 (7) The total amount of loans defaulted on to date.
- 35 (8) The total amount of loans defaulted that have been recaptured.

36 **SECTION IC.1.(e)** This section is effective when it becomes law.
37

38 PART II. EDUCATION

39 SUBPART II-A. DEFINITIONS

40 **SECTION IIA.1.** For the purposes of this Part, the following definitions apply:

- 41 (1) Authority. – State Education Assistance Authority.
- 42 (2) Coronavirus disease 2019 (COVID-19) emergency. – The period beginning
43 March 10, 2020, and continuing until the Governor signs an executive order
44 rescinding Executive Order No. 116 (Declaration of a State of Emergency to
45 Coordinate Response and Protective Actions to Prevent the Spread of
46 COVID-19).
- 47 (3) Federal testing waiver. – The testing waiver granted to the State Board of
48 Education by the United States Department of Education for the 2019-2020
49 school year, pursuant to section 8401(b) of the Elementary and Secondary
50 Education Act of 1965 (ESEA), as amended, which, pursuant to
51

- 1 G.S. 115C-174.11, eliminated the collection of certain student assessment
2 data for the 2019-2020 school year.
- 3 (4) School closure period. – The period beginning March 16, 2020, and
4 continuing until the latest of the following:
- 5 a. May 15, 2020.
- 6 b. The date specified by an executive order superseding the school
7 closure period in Executive Order No. 120 (Additional Limitations on
8 Mass Gatherings, Restrictions on Venues and Long Term Care
9 Facilities, and Extension of School Closure Date).
- 10 c. The date specified in any executive order superseding the superseding
11 executive order described in sub-subdivision b. of this subdivision.
- 12 (5) State Board. – The State Board of Education.

13 14 **SUBPART II-B. INTRODUCTION**

15 **SECTION IIB.1.** The purpose of this Part is to clarify or modify certain requirements
16 in consideration of actions and circumstances related to the COVID-19 emergency, including,
17 but not limited to, the federal testing waiver and the school closure period.

18 19 **SUBPART II-C. WAIVERS AND MODIFICATIONS RELATED TO PUBLIC SCHOOL** 20 **TESTING, ACCOUNTABILITY, GRADE PLACEMENT/PROMOTION,** 21 **GRADUATION REQUIREMENTS, SCHOOL CALENDARS, AND SCHOOL** 22 **IMPROVEMENT PLANS**

23 24 **TESTS AND ASSESSMENTS**

25 **SECTION IIC.1.(a)** EOGs and EOCs. – Consistent with the provisions of
26 G.S. 115C-174.11(d), for the 2019-2020 school year, end-of-grade and end-of-course tests are
27 waived.

28 **SECTION IIC.1.(b)** ACT. – Notwithstanding G.S. 115C-174.11(c)(4), during the
29 fall semester of the 2020-2021 school year, public school units shall administer the
30 norm-referenced college admissions test made available by the State Board to all students who
31 were in the eleventh grade during the 2019-2020 school year who were not administered the test
32 during the 2019-2020 school year, unless a student has already taken a comparable test and scored
33 at or above a level set by the State Board.

34 **SECTION IIC.1.(c)** Diagnostic and Formative Assessments. – For the 2019-2020
35 school year, for the diagnostic and formative reading assessments for kindergarten, first, second,
36 and third grade students described in G.S. 115C-83.6 and G.S. 115C-174.11(a), additional
37 assessments beyond those administered prior to the school closure period are not required.

38 **SECTION IIC.1.(d)** WorkKeys. – For the spring semester of the 2019-2020 school
39 year only, notwithstanding G.S. 115C-174.25, a local school administrative unit shall not be
40 required to administer the WorkKeys tests to any students who complete a concentration in career
41 and technical education courses.

42 43 **SCHOOL PERFORMANCE, ANNUAL REPORT CARDS FOR SCHOOLS, AND** 44 **SCHOOL BUILDING REPORTS**

45 **SECTION IIC.2.(a)** Calculation and Issuance of School Performance Grades. – For
46 the 2020-2021 school year, based on data from the 2019-2020 school year, the provisions of
47 G.S. 115C-12(9)c1. and G.S. 115C-83.15(a) through (f) shall not apply. Notwithstanding
48 G.S. 115C-83.15(g), the State Board is not required to display school report card information for
49 the 2020-2021 school year based on data from the 2019-2020 school year, but shall display a
50 brief explanation that school report cards were not issued for the 2020-2021 school year because
51 assessment data was not collected during the 2019-2020 school year due to COVID-19.

1 **SECTION IIC.2.(b)** Display of School Report Cards. – Notwithstanding
2 G.S. 115C-47(58), 115C-75.8(d)(7), 115C-218.65, 115C-238.66(11), 116-239.8(b)(14), and
3 Section 6(d)(2) of S.L. 2018-32, public school units are not required to display school report card
4 information for the 2020-2021 school year based on data from the 2019-2020 school year, but
5 shall display a brief explanation that school report cards were not issued for the 2020-2021 school
6 year because assessment data was not collected during the 2019-2020 school year due to
7 COVID-19.

8 **SECTION IIC.2.(c)** Evaluation of Alternative Programs. – Notwithstanding
9 G.S. 115C-12(24), to the extent educational performance and growth of students in alternative
10 schools and alternative programs are measured based on the accountability system developed
11 under G.S. 115C-83.15 and G.S. 115C-105.35, educational performance and growth of students
12 in alternative schools and alternative programs shall not be evaluated based on data from the
13 2019-2020 school year.

14 **SECTION IIC.2.(d)** School Building Reports. – The requirement for local school
15 administrative units to produce and make public a school building report under
16 G.S. 115C-12(9)c3. and G.S. 115C-47(35) shall not apply for the October 15, 2020, report based
17 on building-level data from the 2019-2020 school year.

18 **LOW-PERFORMING SCHOOLS**

19 **SECTION IIC.3.(a)** Low-Performing Schools. – Notwithstanding
20 G.S. 115C-105.37 and G.S. 115C-218.94(a), for the 2020-2021 school year, the following
21 applies:
22

- 23 (1) The State Board shall not identify additional low-performing schools based
24 on data from the 2019-2020 school year.
- 25 (2) Schools previously identified as low-performing based on data from the
26 2018-2019 school year shall continue to be identified as low-performing.
- 27 (3) Previously identified low-performing schools shall continue to carry out the
28 final plan approved by the local board of education pursuant to
29 G.S. 115C-105.37(a1).
- 30 (4) The State Board and the local board of education shall continue to provide
31 online access to each low-performing school's plan in accordance with
32 G.S. 115C-105.37(a1)(5).
- 33 (5) The written parental notice required by G.S. 115C-105.37(b) is not required
34 to be provided again, but local boards of education of low-performing schools
35 shall include with their online final plans a brief explanation that
36 low-performing identification continues pending assessment data from the
37 2020-2021 school year.

38 **SECTION IIC.3.(b)** Continually Low-Performing Schools. – Notwithstanding
39 G.S. 115C-105.37A and G.S. 115C-218.94(b), for the 2020-2021 school year, the following
40 applies:

- 41 (1) The State Board shall not identify additional continually low-performing
42 schools based on data from the 2019-2020 school year.
- 43 (2) Schools previously identified as continually low-performing based on data
44 from the 2018-2019 school year shall continue to be identified as continually
45 low-performing.
- 46 (3) Previously identified continually low-performing schools shall continue to
47 carry out the plan approved by the State Board pursuant to
48 G.S. 115C-105.37A(a).
- 49 (4) Assistance and intervention levels provided for the 2019-2020 school year
50 based on designation as low-performing for two years under

- 1 G.S. 115C-105.37A(b) or low-performing for three years under
2 G.S. 115C-105.37A(c) shall continue.
- 3 (5) Local boards of education may request to reform a continually
4 low-performing school in accordance with G.S. 115C-105.37B.
- 5 **SECTION IIC.3.(c)** Low-Performing Local School Administrative Units. –
6 Notwithstanding G.S. 115C-105.39A, for the 2020-2021 school year, the following applies:
- 7 (1) The State Board shall not identify additional low-performing local school
8 administrative units based on data from the 2019-2020 school year.
- 9 (2) Local school administrative units previously identified as low-performing
10 based on data from the 2018-2019 school year shall continue to be identified
11 as low-performing.
- 12 (3) Previously identified low-performing local school administrative units shall
13 continue to carry out the final plan approved by the local board of education
14 pursuant to G.S. 115C-105.39A(b).
- 15 (4) The State Board and the local board of education shall continue to provide
16 online access to each low-performing local school administrative unit's plan
17 in accordance with G.S. 115C-105.39A(b)(5).
- 18 (5) The written parental notice required by G.S. 115C-105.39A(c) is not required
19 to be provided again, but the local board of education shall include with its
20 online final plan a brief explanation that low-performing identification
21 continues pending assessment data from the 2020-2021 school year.
- 22 (6) The provisions of G.S. 115C-105.39(c) through (e) shall not apply.

23 24 **INNOVATIVE SCHOOL DISTRICT**

25 **SECTION IIC.4.(a)** Notwithstanding the provisions of G.S. 115C-75.7 and
26 G.S. 115C-105.37A(d), for the 2020-2021 school year, the following applies:

- 27 (1) The State Board shall not identify any additional schools as qualifying schools
28 for the Innovative School District based on data from the 2019-2020 school
29 year.
- 30 (2) Schools identified as qualifying schools for the 2019-2020 school year based
31 on data from the 2018-2019 school year shall remain on the qualifying list,
32 and the provisions of G.S. 115C-75.7(b1), (b2), and (d) shall continue to apply
33 to these schools.

34 **SECTION IIC.4.(b)** Section 1(c) of S.L. 2019-248 reads as rewritten:

35 **"SECTION 1.(c)** For the purposes of this subsection, a qualifying school is as defined by
36 G.S. 115C-75.5(5), as amended by this act. Notwithstanding G.S. 115C-75.7, as amended by this
37 act, the State Board of Education shall select the following schools to become innovative schools:

- 38 ~~(1) The lowest scoring qualifying school in the State identified based on the~~
39 ~~school performance score calculated from data for the 2019-2020 school year~~
40 ~~to become an innovative school in the 2021-2022 school year.~~
- 41 (2) The lowest scoring qualifying school in the State identified based on the
42 school performance score calculated from data for the 2020-2021 school year
43 to become an innovative school in the 2022-2023 school year."

44 45 **THIRD GRADE RETENTION, READING CAMPS, AND FOURTH GRADE READING** 46 **ASSESSMENT**

47 **SECTION IIC.5.(a)** Third Grade Retention Determination. – For grade level
48 determination for the 2020-2021 school year, the following applies:

- 49 (1) Notwithstanding the provisions of G.S. 115C-83.7 and the requirement in
50 G.S. 115C-288(a) that a principal's authority to grade and classify pupils is
51 limited by the requirements of G.S. 115C-83.7(a), principals shall have

1 authority to determine the appropriate 2020-2021 school year grade level for
2 students in the third grade during the 2019-2020 school year in the same
3 manner as for students in all other grade levels. Principals shall designate
4 whether a retained third grade student is retained due to reading deficiencies.
5 Principals are encouraged to consult with a student's 2019-2020 third grade
6 teacher in determining grade classification.

- 7 (2) Notwithstanding the provisions of G.S. 115C-218.85(b), charter schools shall
8 have authority to determine the appropriate 2020-2021 school year grade level
9 for third grade students in the same manner that grade level classification is
10 determined for other grade levels.

11 **SECTION IIC.5.(b)** Parental Notice and Interventions. – Consistent with
12 G.S. 115C-83.9(a), parents or guardians shall receive notice that a first, second, or third grade
13 student demonstrated difficulty with reading development or was not reading at grade level
14 during the 2019-2020 school year based on assessments completed on or before March 13, 2020.
15 The provisions of G.S. 115C-83.9(d) shall apply to this notice.

16 For third grade students retained for the 2019-2020 school year based on data from
17 the 2018-2019 school year, the requirements of G.S. 115C-83.9(c) shall not apply during the
18 school closure period, beginning March 16, 2020.

19 For third grade students retained for the 2020-2021 school year due to reading
20 deficiencies, the provisions of G.S. 115C-83.8(b) through (e) and G.S. 115C-83.9 shall apply in
21 the same manner they would have had the student been retained pursuant to G.S. 115C-83.7(a),
22 except that notification regarding the exemptions described in G.S. 115C-83.7(b) shall not apply.

23 **SECTION IIC.5.(c)** Reading Camps and Recommendations for Alternative
24 Interventions. – Notwithstanding G.S. 115C-83.6(a), 115C-83.8(a), and 115C-83.11, and any
25 other provision of law to the contrary, local school administrative units are not required to provide
26 reading camps corresponding to the 2019-2020 school year.

27 No later than May 20, 2020, the State Board of Education shall submit to the Joint
28 Legislative Education Oversight Committee recommendations for alternative interventions to
29 summer instruction, to be offered to at-risk students and students recommended for additional
30 support by their 2019-2020 teachers based on student outcome data available up until March 16,
31 2020. The alternative interventions shall be recommended as alternatives to reading camps and
32 summer school that could have been offered but for the COVID-19 emergency.

33 **SECTION IIC.5.(d)** Fourth Grade Reading Assessment. – No later than the tenth
34 day that school buildings are open to students for the 2020-2021 school year, public school units
35 shall administer to all fourth grade students the end-of-year diagnostic assessment otherwise
36 required for third grade students pursuant to G.S. 115C-174.11(a) and State Board policy. The
37 results of the assessment shall be used to identify reading deficiencies and inform instruction and
38 remediation needs in order to ensure that all students achieve proficiency at the earliest date
39 possible.

40 **SECTION IIC.5.(e)** Reporting Requirements. – For the 2020-2021 school year, the
41 following applies:

- 42 (1) Accountability reporting described in G.S. 115C-83.10 shall not be required
43 based on data from the 2019-2020 school year, except that by September 1,
44 2020, local boards of education shall report to the State Board the following:
45 a. The number and percentage of first grade students on track and not on
46 track to meet year-end expectations based on assessments completed
47 on or before March 13, 2020.
48 b. The number and percentage of second grade students on track and not
49 on track to meet year-end expectations based on assessments
50 completed on or before March 13, 2020.

- 1 c. The number and percentage of third grade students on track and not on
2 track to meet year-end expectations based on assessments completed
3 on or before March 13, 2020.
- 4 d. The number and percentage of third grade students retained pursuant
5 to subsection (a) of this section for reading deficiencies.
- 6 (2) Reporting requirements described in G.S. 115C-218.85(b)(4) shall not be
7 required based on data from the 2019-2020 school year, except that by
8 September 1, 2020, charter schools and other public school units subject to
9 charter school statutory requirements shall report to the State Board the
10 following:
- 11 a. The number and percentage of third grade students on track and not on
12 track to meet year-end expectations based on assessments completed
13 on or before March 13, 2020.
- 14 b. The number and percentage of third grade students retained pursuant
15 to subsection (a) of this section for reading deficiencies.
- 16 (3) The State Board shall compile the information described in this subsection
17 and shall submit a State-level summary of each component by local school
18 administrative unit and charter school to the Joint Legislative Education
19 Oversight Committee by October 15, 2020.
- 20

21 ADVANCED COURSES IN MATHEMATICS

22 **SECTION IIC.6.(a)** Notwithstanding G.S. 115C-81.36(a1) and (b), math placement
23 for the 2020-2021 school year shall be determined as follows:

- 24 (1) Initial math placements for all students shall be made consistent with local
25 policies, in consultation with a student's 2019-2020 school year math teacher.
- 26 (2) For students not initially placed in advanced courses or advanced learning
27 opportunities in math, a student or student's parent may request administration
28 of the end-of-grade or end-of-course test for the mathematics grade or course
29 in which the student was enrolled for the 2019-2020 school year solely for the
30 purpose of determining math placement for the 2020-2021 school year. Any
31 student scoring at the highest level on the math end-of-grade or end-of-course
32 test shall be placed as provided in G.S. 115C-81.36(a1) and (b).

33 **SECTION IIC.6.(b)** For the purposes of G.S. 115C-81.36(c), the Department of
34 Public Instruction shall submit its December 15, 2020, report to the Joint Legislative Education
35 Oversight Committee on the number and demographics of students who were (i) enrolled in
36 advanced mathematics courses, including high school level mathematics courses in eighth grade,
37 or (ii) given other advanced learning opportunities for the 2020-2021 school year. The report
38 shall include information on the type and format of advanced mathematics courses or advanced
39 learning opportunities provided and shall also include any feedback provided by local boards of
40 education on the implementation of G.S. 115C-81.36.

41 CPR GRADUATION REQUIREMENT

42 **SECTION IIC.7.** Notwithstanding G.S. 115C-12(9d)a., for the 2019-2020 school
43 year, any student in grade 12 who has not satisfied the requirement for completion of instruction
44 in cardiopulmonary resuscitation shall be eligible to graduate if both of the following apply:

- 45 (1) Instruction in cardiopulmonary resuscitation cannot be completed due to the
46 COVID-19 emergency.
- 47 (2) The student is eligible to graduate in all respects other than the statutory
48 requirement described in this section, as determined by the principal of the
49 school to which the student is assigned.
- 50
- 51

SCHOOL CALENDAR FOR THE 2019-2020 SCHOOL YEAR

SECTION IIC.8.(a) Instructional Time Requirements. – A public school unit that provides remote instruction as required by this subsection shall be deemed to have satisfied the minimum days and hours required by G.S. 115C-75.8(d)(9), 115C-84.2(a)(1), 115C-150.12, 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d., 116-239.8(b)(2)c., and Section 6(e) of S.L. 2018-32 for the 2019-2020 school year. For the purposes of this subsection for the 2019-2020 school year, remote instruction is defined as learning that takes place outside of the traditional school setting using various media and formats, including, but not limited to, video conference, telephone conference, print material, online material, or learning management systems. Each public school unit shall provide remote instruction for the remainder of its scheduled 2019-2020 school year.

SECTION IIC.8.(b) Student Attendance Enforcement. – For the 2019-2020 school year, the requirements of G.S. 115C-378(e) through (g) shall not apply during the school closure period.

SCHOOL CALENDAR FOR THE 2020-2021 SCHOOL YEAR

SECTION IIC.9.(a) Remote Instruction Plans. – The governing body of each public school unit shall develop a Remote Instruction Plan (Plan) for the 2020-2021 school year and shall submit its Plan to the State Board no later than July 20, 2020. The purpose of the Plan is to provide a detailed framework for delivering quality remote instruction to all students within the public school unit during the 2020-2021 school year, as provided in subsection (b) of this section. In describing how the public school unit will implement remote instruction, the Plan shall address all of the following:

- (1) Consulting with teachers, administrators and instructional support staff, parents, students, community partners, and other stakeholders in developing the Plan and effectively communicating the Plan to all involved parties.
- (2) Training for teachers and staff on effective use of the remote instruction resources utilized by the public school unit and the process for student submission of completed work. The Plan shall identify any learning management system, online instructional resource, or offline instructional resource that will be made available to all students in a grade-level across the public school unit.
- (3) Defining and clearly communicating staff roles and expectations for remote instruction days, including teacher workdays, teacher accessibility, and noncertified staff workdays and responsibilities. The Plan may include variances for staff expectations when remote instruction days are also used as teacher workdays.
- (4) Surveying student and teacher home connectivity and providing for remote instruction that is appropriate for teachers and students with limited connectivity capability, including the opportunity for students to download remote learning materials in advance when practicable.
- (5) Engaging with community partners on services that parents and students can utilize on remote instruction days, including community partners willing to provide free broadband access or connectivity for remote instruction and community partners with child care options, and communicating remote instruction schedules with those partners.
- (6) Developing effective design and delivery of remote instruction lessons within professional learning communities.
- (7) Teaching and practice opportunities for students on accessing and using remote instruction platforms and methods, including how to locate, complete, and submit assignments. The Plan shall include regular opportunities for

- 1 students to use the platforms and methods during nonremote instruction days
2 to ensure student success during remote instruction.
- 3 (8) Communicating learning targets to students on each remote instruction day
4 and ensuring that lesson design provides instructional time, practice, and
5 application components to demonstrate learning. The Plan shall include a
6 process for monitoring the quality of remote instruction materials.
- 7 (9) Ensuring that remote instructional time, practice, and application components
8 support learning growth that continues towards mastery of the standard course
9 of study. The Plan shall include work measurement guidelines appropriate to
10 each grade level, including deadlines for submission of assignments and
11 methods to assess and grade learning during remote instruction.
- 12 (10) Ensuring that students with disabilities have equal access to the remote
13 instruction provided by their public school units and that remote instruction is
14 provided in a manner consistent with each student's individualized education
15 program (IEP) or 504 plan. Remote learning day supports shall be considered
16 and included in the development or modification of all IEPs or 504 plans, as
17 appropriate for the student.
- 18 (11) Tracking and reporting attendance on remote instruction days, including
19 protocols for determining attendance, the reporting system to be used, and
20 how attendance procedures will be communicated to parents before remote
21 instruction begins.
- 22 (12) Providing online and offline contact options for students to communicate with
23 teachers or staff for remote instruction days that are not used as teacher
24 workdays.
- 25 (13) Providing technology support for students experiencing technical difficulties
26 on remote instruction days.

27 **SECTION IIC.9.(b)** School Calendar. – Except as otherwise provided in this
28 subsection, the requirements of G.S. 115C-84.2, including the requirement that a school calendar
29 consist of 215 days, apply to the 2020-2021 school calendar for local school administrative units.
30 The provisions of this subsection supersede any school calendar adopted by a public school unit
31 prior to the enactment of this Part. For the 2020-2021 school year only, the following applies to
32 the school calendar for public school units:

- 33 (1) Notwithstanding any provisions of G.S. 115C-75.8(d)(9), 115C-84.2(a)(1),
34 115C-150.12, 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d.,
35 116-239.8(b)(2)c., and Section 6(e) of S.L. 2018-32 to the contrary, each
36 public school unit shall adopt a calendar that includes 190 days of instruction
37 as follows:
- 38 a. One hundred eighty-five days or 1,025 hours of instruction that include
39 five remote instruction days in accordance with the Plan developed
40 pursuant to subsection (a) of this section. Each of the five remote
41 instruction days may be scheduled in the discretion of the public
42 school unit, except as provided in subdivision (2) of this subsection.
- 43 b. An additional five instructional days that shall be satisfied only by five
44 individually separate and distinct full instructional days and not by an
45 accumulation of instructional hours.
- 46 (2) Notwithstanding any provisions of G.S. 115C-84.2(d) to the contrary, each
47 local school administrative unit shall adopt a school calendar in accordance
48 with the following:
- 49 a. An opening date for students of August 17, 2020.
50 b. A closing date for students no later than June 11, 2021.
51 c. No remote instruction day shall be scheduled prior to August 24, 2020.

1 d. Remote instruction days may be scheduled for use as teacher
2 workdays, including as teacher workdays on which teachers may take
3 accumulated vacation leave, provided that remote instruction material
4 is prepared and provided for students to use during the remote
5 instruction days. Local school administrative units may, in their
6 discretion, schedule remote instruction days as teacher workdays to
7 facilitate completion of first semester course exams prior to a winter
8 holiday period.

9 e. A local school administrative unit granted a good cause waiver for the
10 2020-2021 school year shall not have an opening date for students
11 earlier than August 17, 2020, but may use up to an additional five
12 remote instruction days, in accordance with the requirements of this
13 subsection for remote instruction days, solely as make-up days for
14 days on which schools have been closed due to inclement weather or
15 other emergency situations.

16 (3) If, during the 2020-2021 school year, a state of emergency or disaster is
17 declared under Chapter 166A of the General Statutes ordering school closure
18 for more than five days, a public school unit providing remote instruction in
19 accordance with the Plan developed pursuant to subsection (a) of this section
20 may use additional remote instruction days as necessary to satisfy
21 instructional time requirements.

22 **SECTION IIC.9.(c) Reporting Requirement.** – No later than September 15, 2020,
23 the State Board shall report to the Joint Legislative Education Oversight Committee on the
24 implementation of subsection (a) of this section. The State Board shall submit with its report a
25 copy of each Remote Instruction Plan submitted, and the report shall provide a statewide
26 summary that includes the following:

- 27 (1) All online remote instruction resources used by public school units, listed by
28 public school unit.
- 29 (2) All offline remote instruction resources used by public school units, listed by
30 public school unit.
- 31 (3) A list of any public school unit using only offline remote instruction resources.
- 32 (4) The number and percentage of public school units that did and did not provide
33 plans addressing every item required by subsection (a) of this section.
- 34 (5) Strengths, challenges, and trends noted by the State Board in its review of how
35 public school units implement remote instruction.
- 36 (6) Any other data deemed by the State Board to be useful to the Joint Legislative
37 Education Oversight Committee in evaluating the delivery of statewide
38 remote instruction.

39 **SCHOOL IMPROVEMENT PLANS**

40 **SECTION IIC.10.** Notwithstanding G.S. 115C-105.27, the following shall apply:

- 41 (1) For any school improvement plan set to expire at the end of the 2019-2020
42 school year, that school improvement plan may remain in effect until
43 December 31, 2020, to allow additional time for consideration and adoption
44 of the new school improvement plan.
- 45 (2) For any school improvement plan extended to December 31, 2020, the
46 replacement plan shall expire in 18 months, rather than two years.

47 **SUBPART II-D. TEMPORARY BUDGET FLEXIBILITY AND DELAY IN K-3 CLASS**

48 **SIZE REDUCTION FOR LOCAL BOARDS OF EDUCATION**

BUDGET FLEXIBILITY

SECTION IID.1.(a) Budget Flexibility for the Remainder of FY 2019-2020. – Effective from the date this Part becomes law until June 30, 2020, notwithstanding G.S. 115C-105.25 and any other provision of law, local boards of education may transfer and may approve transfers of any unexpended cash balance in an allotment category to another allotment category subject to the following limitations:

- (1) Funds for career and technical education and other purposes may be transferred only as permitted by federal law and the conditions of federal grants or as provided through any rules that the State Board adopts to ensure compliance with federal regulations.
- (2) No funds shall be transferred out of the children with disabilities, students with limited English proficiency, and academically or intellectually gifted students categories.
- (3) No funds shall be transferred into the central office allotment category.
- (4) Positions allocated for classroom teachers may be converted to dollar equivalents to contract for visiting international exchange teachers through a visiting international exchange teacher program approved by the State. These positions shall be converted at the statewide average salary for classroom teachers, including benefits. The converted funds shall be used only to provide visiting international exchange teachers with salaries commensurate with their experience levels, to provide any State-approved bonuses, and to cover the costs associated with supporting visiting international exchange teachers within the local school administrative unit, including programming and related activities, background checks, medical coverage, and other program administration services in accordance with the federal regulations for the Exchange Visitor Program, 22 C.F.R. Part 62.
- (5) Except as provided in subdivision (4) of this subsection, positions allocated for classroom teachers and instructional support personnel may be converted to dollar equivalents for any purpose authorized by the policies of the State Board of Education. These positions shall be converted at the salary on the first step of the "A" Teachers Salary Schedule. Certified position allotments shall not be transferred to dollars to hire the same type of position.
- (6) Funds allocated for school building administration may be converted for any purpose authorized by the policies of the State Board of Education. For funds related to principal positions, the salary transferred shall be based on the first step of the Base column of the Principal Salary Schedule. For funds related to assistant principal months of employment, the salary transferred shall be based on the first step of the "A" Teachers Salary Schedule at the salary level for assistant principals. Certified position allotments shall not be transferred to dollars to hire the same type of position.
- (7) Funds to carry out the elements of the Excellent Public Schools Act that are contained in Section 7A.1 of S.L. 2012-142 shall not be transferred.
- (8) Funds allotted for textbooks and digital resources may be used only to acquire textbooks and digital resources and related technology, including any hardware, software, or equipment or devices necessary for the use of the digital resources. These funds shall not be transferred out of the allotment for any other purpose.

Notwithstanding G.S. 20-88.03, G.S. 115C-215, and any other provision of law, a local board of education may transfer the unexpanded cash balance in the drivers education allotment category to another allotment category in accordance with this subsection.

1 **SECTION IID.1.(b)** Budget Flexibility for FY 2020-2021. – Effective July 1, 2020,
2 notwithstanding G.S. 115C-105.25 and any other provision of law, for the 2020-2021 fiscal year
3 only, local boards of education may transfer and may approve transfers of funds in an allotment
4 category to another allotment category subject to the following limitations:

- 5 (1) Funds for career and technical education and other purposes may be
6 transferred only as permitted by federal law and the conditions of federal
7 grants or as provided through any rules that the State Board adopts to ensure
8 compliance with federal regulations.
- 9 (2) No funds shall be transferred out of the children with disabilities, students
10 with limited English proficiency, and academically or intellectually gifted
11 students categories.
- 12 (3) No funds shall be transferred into the central office allotment category.
- 13 (4) Positions allocated for classroom teachers may be converted to dollar
14 equivalents to contract for visiting international exchange teachers through a
15 visiting international exchange teacher program approved by the State. These
16 positions shall be converted at the statewide average salary for classroom
17 teachers, including benefits. The converted funds shall be used only to provide
18 visiting international exchange teachers with salaries commensurate with their
19 experience levels, to provide any State-approved bonuses, and to cover the
20 costs associated with supporting visiting international exchange teachers
21 within the local school administrative unit, including programming and
22 related activities, background checks, medical coverage, and other program
23 administration services in accordance with the federal regulations for the
24 Exchange Visitor Program, 22 C.F.R. Part 62.
- 25 (5) Except as provided in subdivision (4) of this subsection, positions allocated
26 for classroom teachers and instructional support personnel may be converted
27 to dollar equivalents for any purpose authorized by the policies of the State
28 Board of Education. These positions shall be converted at the salary on the
29 first step of the "A" Teachers Salary Schedule. Certified position allotments
30 shall not be transferred to dollars to hire the same type of position.
- 31 (6) Funds allocated for school building administration may be converted for any
32 purpose authorized by the policies of the State Board of Education. For funds
33 related to principal positions, the salary transferred shall be based on the first
34 step of the Base column of the Principal Salary Schedule. For funds related to
35 assistant principal months of employment, the salary transferred shall be based
36 on the first step of the "A" Teachers Salary Schedule at the salary level for
37 assistant principals. Certified position allotments shall not be transferred to
38 dollars to hire the same type of position.
- 39 (7) Funds to carry out the elements of the Excellent Public Schools Act that are
40 contained in Section 7A.1 of S.L. 2012-142 shall not be transferred.
- 41 (8) Funds allotted for textbooks and digital resources may be used only to acquire
42 textbooks and digital resources and related technology, including any
43 hardware, software, or equipment or devices necessary for the use of the
44 digital resources. These funds shall not be transferred out of the allotment for
45 any other purpose.

46 Notwithstanding G.S. 20-88.03, G.S. 115C-215, and any other provision of law, a
47 local board of education may transfer funds in the drivers education allotment category to another
48 allotment category in accordance with this subsection.

49
50 **DELAY K-3 CLASS SIZE REDUCTION/ADJUST PROGRAM ENHANCEMENT**
51 **TEACHER ALLOTMENT FUNDING**

1 **SECTION IID.2.(a)** Delay K-3 Class Size Reduction for One Year. – Part II of S.L.
 2 2018-2 reads as rewritten:

3 **"PART II. CLASS SIZE PHASE IN**

4 ...

5 **"SECTION 2.(b)** Notwithstanding G.S. 115C-301, as amended by this act, and any other
 6 provision of law, for the 2019-2020 and 2020-2021 school ~~year, years,~~ the average class size for
 7 kindergarten through third grade in a local school administrative unit shall not exceed one teacher
 8 per 19 students. At the end of the second school month and for the remainder of the school year,
 9 the size of an individual class in kindergarten through third grade shall not exceed one teacher
 10 per 22 students.

11 **"SECTION 2.(c)** Notwithstanding G.S. 115C-301, as amended by this act, and any other
 12 provision of law, for the ~~2020-2021–2021-2022~~ school year, the average class size for
 13 kindergarten through third grade in a local school administrative unit shall not exceed one teacher
 14 per 18 students. At the end of the second school month and for the remainder of the school year,
 15 the size of an individual class in kindergarten through third grade shall not exceed one teacher
 16 per 21 students.

17 **"SECTION 2.(d)** The class size requirements set forth in G.S. 115C-301, as amended by
 18 this act, shall apply beginning with the ~~2021-2022–2022-2023~~ school year."

19 **SECTION IID.2.(b)** Delay Teacher Position Allotment Change. – Section 3(b) of
 20 S.L. 2018-2 reads as rewritten:

21 **"SECTION 3.(b)** Effective July 1, ~~2021, 2022,~~ G.S. 115C-301(a1), as enacted by subsection
 22 (a) of this section, reads as rewritten:

23"

24 **SECTION IID.2.(c)** Delay Restriction on Transfers for Teacher Position Allotments.
 25 – Section 4(b) of S.L. 2018-2 reads as rewritten:

26 **"SECTION 4.(b)** Effective July 1, ~~2021, 2022,~~ G.S. 115C-105.25(b), as amended by
 27 subsection (a) of this section, reads as rewritten:

28"

29 **SECTION IID.2.(d)** Adjustment to the Appropriation for Program Enhancement
 30 Teachers. – Notwithstanding Section 1.1 of S.L. 2019-242, effective beginning with the
 31 2020-2021 fiscal year, G.S. 115C-301(c2)(3) reads as rewritten:

32 "(3) Appropriation. – Beginning with the 2019-2020 fiscal year, there is
 33 appropriated from the General Fund to the Department of Public Instruction
 34 for the allotment for program enhancement teachers for kindergarten through
 35 fifth grade an amount equal to the percentage of the total funds required to
 36 allot program enhancement teacher positions for kindergarten through fifth
 37 grade on a basis of one teacher per 191 students for each fiscal year as follows:

Fiscal Year	Appropriation
2019-2020	50%
2020-2021	75% 50%
<u>2021-2022</u>	<u>75%</u>
2021-2022–2022-2023 and each subsequent fiscal year thereafter	100%.

43 When developing the base budget, as defined by G.S. 143C-1-1, for each
 44 fiscal year specified in this subdivision, the Director of the Budget shall
 45 include the appropriated amount for that fiscal year."

46
 47 **SUBPART II-E. MODIFICATIONS TO SCHOOL PERSONNEL EMPLOYMENT AND**
 48 **EVALUATION PROVISIONS**

49
 50 **PRINCIPAL RECRUITMENT SUPPLEMENT**

1 **SECTION IIE.1.(a)** Notwithstanding G.S. 115C-285.1, as enacted by S.L.
2 2019-247, for the 2020-2021 school year, a school identified as an eligible school in the
3 2019-2020 school year pursuant to G.S. 115C-285.1(a)(2) shall continue to be an eligible school
4 in the 2020-2021 school year.

5 **SECTION IIE.1.(b)** G.S. 115C-285.1(e), as enacted by S.L. 2019-247, reads as
6 rewritten:

7 "(e) Additional Funds. – In the event an eligible employer is unable to award funds for the
8 salary supplement because of resignation, dismissal, reduction in force, death, retirement, or
9 failure to execute a contract with a qualifying principal, the Department shall award the funds,
10 as soon as is practicable, to another eligible employer identified in subdivision ~~(a)(2)~~-(a)(1)
11 of this section."
12

13 **INTENT OF THE GENERAL ASSEMBLY TO REFRAIN FROM USING SCHOOL** 14 **GROWTH SCORES FROM THE 2019-2020 SCHOOL YEAR TO DETERMINE** 15 **PRINCIPAL SALARIES FOR THE 2020-2021 FISCAL YEAR**

16 **SECTION IIE.2.** It is the intent of the General Assembly that, for purposes of
17 establishing the 2020-2021 Principal Salary Schedule, the following shall occur:

- 18 (1) School growth scores from the 2019-2020 school year shall not be used.
- 19 (2) To the extent school growth scores from other school years are used to
20 determine principal salaries, data used to calculate those school growth scores
21 shall be from the 2018-2019 school year or earlier.
22

23 **NOTIFICATION REQUIREMENT FOR TEACHER PERFORMANCE DATA**

24 **SECTION IIE.3.** Notwithstanding G.S. 115C-333.2, for the 2020-2021 school year,
25 principals are not required to notify teachers that Education Value-Added Assessment System
26 (EVAAS) data has been updated to reflect teacher performance from the 2019-2020 school year.
27

28 **TEACHER EFFECTIVENESS REPORTING REQUIREMENTS**

29 **SECTION IIE.4.(a)** Notwithstanding G.S. 115C-299.5(d), for the 2020-2021 school
30 year, local school administrative units are not required to provide teacher effectiveness data from
31 the 2019-2020 school year to the State Board, and the State Board is not required to include any
32 disaggregated data on teacher effectiveness from the 2019-2020 school year in its December 15,
33 2020, report on the state of the teaching profession in North Carolina.

34 **SECTION IIE.4.(b)** G.S. 115C-299.5(d) reads as rewritten:

35 "(d) Teacher Effectiveness. – The annual teacher transition report by the State Board of
36 Education shall disaggregate the data included in subsection (c) of this section by teacher
37 effectiveness status at a statewide level. The report shall not disaggregate data on teacher
38 effectiveness status at a local school administrative unit level. Notwithstanding Article 21A of
39 this Chapter, local school administrative units shall provide to the State Board of Education, for
40 the purposes of this report, any North Carolina Educator Evaluation System (NCEES)
41 effectiveness status assigned to teachers who left employment. The State Board of Education
42 shall not report disaggregated data that reveals confidential information in a teacher's personnel
43 file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally
44 identifiable to an individual teacher."
45

46 **TEACHER EVALUATION AND OBSERVATION REQUIREMENTS**

47 **SECTION IIE.5.** Notwithstanding G.S. 115C-333(a) and G.S. 115C-333.1(a), for
48 the 2019-2020 school year, annual teacher evaluations required pursuant to G.S. 115C-333(a)
49 and G.S. 115C-333.1(a) shall be based on (i) observations completed in the 2019-2020 school
50 year prior to the school closure period and (ii) other artifacts and evidence from the 2019-2020
51 school year. Schools are not required to complete any observations required in the 2019-2020

1 school year pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) that were not completed prior
2 to the school closure period.

3
4 **SUBPART II-F. WAIVERS FOR NONPUBLIC SCHOOLS RELATED TO TESTING**
5 **AND ATTENDANCE**

6
7 **STANDARDIZED TESTING REQUIREMENTS FOR NONPUBLIC SCHOOLS**

8 **SECTION IIF.1.** Notwithstanding G.S. 115C-549, 115C-550, 115C-557, 115C-558,
9 and 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either
10 of the following:

- 11 (1) Administer nationally standardized tests or other nationally standardized
12 equivalent measurements for the 2019-2020 school year.
13 (2) Make, maintain, or make available records of test results received by their
14 students in the 2019-2020 school year.

15
16 **ATTENDANCE AND CALENDAR REQUIREMENTS FOR NONPUBLIC SCHOOLS**

17 **SECTION IIF.2.** Notwithstanding G.S. 115C-378, 115C-548, 115C-556, and
18 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either of
19 the following:

- 20 (1) Make, maintain, and render attendance records of children of compulsory
21 school age during the school closure period.
22 (2) For the 2019-2020 school year, operate on a regular schedule at least nine
23 calendar months of the year.

24
25 **SUBPART II-G. K-12 SCHOLARSHIP PROGRAMS ADMINISTERED BY THE STATE**
26 **EDUCATION ASSISTANCE AUTHORITY**

27
28 **STANDARDIZED TESTING AND REPORTING REQUIREMENTS FOR NONPUBLIC**
29 **SCHOOLS WITH STUDENTS RECEIVING OPPORTUNITY SCHOLARSHIP**
30 **GRANTS**

31 **SECTION IIG.1.(a)** For purposes of this section, the definitions from
32 G.S. 115C-562.1 shall apply.

33 **SECTION IIG.1.(b)** Notwithstanding G.S. 115C-562.5, for the 2019-2020 school
34 year, a nonpublic school that accepts eligible students receiving scholarship grants is not required
35 to do any of the following:

- 36 (1) Provide to the parent or guardian of an eligible student, whose tuition and fees
37 are paid in whole or in part with a scholarship grant, the student's scores on
38 standardized achievement tests.
39 (2) Administer a nationally standardized test or other nationally standardized
40 equivalent measurement to any eligible students whose tuition and fees are
41 paid in whole or in part with a scholarship grant in grades three and higher.
42 (3) Submit standardized test performance data from the 2019-2020 school year to
43 the Authority.
44 (4) If the nonpublic school enrolls more than 25 students whose tuition and fees
45 are paid in whole or in part with a scholarship grant, either of the following:
46 a. Report to the Authority on the aggregate standardized test performance
47 of eligible students.
48 b. Provide standardized test performance data from the 2019-2020 school
49 year to an independent research organization.

50
51 **OPPORTUNITY SCHOLARSHIP PROGRAM DISBURSEMENT OF FUNDS**

1 **SECTION IIG.2.** Notwithstanding G.S. 115C-562.8, from the funds carried forward
2 at the end of the 2019-2020 fiscal year pursuant to G.S. 115C-562.8 that were unexpended as a
3 result of the closure of nonpublic schools due to the COVID-19 emergency, the Authority may
4 remit a scholarship grant awarded to a student for the spring semester of the 2019-2020 school
5 year to a nonpublic school on or before October 1, 2020.

6
7 **EXTENSION OF K-12 SCHOLARSHIP PROGRAM REPORT DATES**

8 **SECTION IIG.3.(a)** Opportunity Scholarship Grant Program. – Notwithstanding
9 G.S. 115C-562.7, the Authority shall submit by November 15, 2020, its annual report due by
10 October 15 each year to the Joint Legislative Education Oversight Committee on the Opportunity
11 Scholarship Grant Program.

12 **SECTION IIG.3.(b)** Disabilities Grant Program. – Notwithstanding
13 G.S. 115C-112.8, the Authority shall submit by November 15, 2020, its annual report due by
14 October 15 each year to the Joint Legislative Education Oversight Committee on the Special
15 Education Scholarships for Children with Disabilities Program.

16
17 **SUBPART II-H. MODIFICATIONS FOR EDUCATOR PREPARATION**
18 **PROGRAMS/SCHOOL ADMINISTRATOR PREPARATION PROGRAMS**

19
20 **EDUCATOR PREPARATION PROGRAMS**

21 **SECTION III.1.(a)** Minimum Admission Requirements for EPPs. –
22 Notwithstanding the minimum admission requirements required by G.S. 115C-269.15, for the
23 2020-2021 academic year only, a recognized EPP shall be permitted to admit students as follows:

- 24 (1) An individual student shall not be required to meet any of the criteria set forth
25 in G.S. 115C-269.15(a).
26 (2) An individual student shall not be required to have earned a grade point
27 average of at least 2.7 under G.S. 115C-269.15(c). However, the EPP shall not
28 permit a student to commence with a clinical practice as required by
29 G.S. 115C-269.25(d) until the student has earned a grade point average of at
30 least 2.7.
31 (3) The minimum cohort grade point average for the entering cohort to an EPP
32 for the 2020-2021 academic year shall not be required to be at least 3.0 under
33 G.S. 115C-269.15(d).

34 **SECTION III.1.(b)** Clinical Internships. – Notwithstanding
35 G.S. 115C-269.25(d)(1), a student who is enrolled in a recognized EPP pursuant to
36 G.S. 115C-269.5 may have the clinical internship requirement set forth in
37 G.S. 115C-269.25(d)(1) deemed completed for the 2019-2020 academic year under the following
38 conditions:

- 39 (1) The student has completed as much time in a clinical internship as practicable
40 prior to March 10, 2020.
41 (2) The student would be unable to complete the EPP by August 15, 2020, unless
42 the clinical internship is deemed completed pursuant to this section.
43 (3) The student has been engaged in remote instruction as practicable while the
44 school is closed during the school closure period.
45 (4) The student has otherwise met the descriptors identified on the certification of
46 teacher capacity utilized by the EPP and the elementary or secondary school
47 partner.

48 **SECTION III.1.(c)** Pedagogy Assessments. – Notwithstanding
49 G.S. 115C-269.25(g), for individuals who have their clinical internship deemed completed
50 pursuant to subsection (b) of this section, the following shall apply:

- 1 (1) The State Board shall not require EPPs to require these individuals for the
2 2019-2020 academic year to complete a nationally normed and valid
3 pedagogy assessment to determine clinical practice performance.
- 4 (2) The State Board shall not require these individuals for the 2019-2020
5 academic year to complete the pedagogy assessment as a condition of EPP
6 completion.
- 7 (3) These individuals shall attempt the pedagogy assessment by the end of their
8 first year of licensure and shall pass the assessment by the end of their third
9 year of licensure.

10 **SECTION III.1.(d)** Accountability. – Due to the lack of student assessment data
11 and the school closure period, notwithstanding the requirements of G.S. 115C-269.35(a), EPPs
12 shall only be required to submit information that is practicably available in the annual report to
13 the State Board required under G.S. 115C-269.35(b) for the 2019-2020 academic year.

14 **SECTION III.1.(e)** Sanctions. – Notwithstanding G.S. 115C-269.45(c), the State
15 Board shall not consider data that was not practicably available related to the 2019-2020 school
16 year when assigning sanctions for an EPP under G.S. 115C-269.45(c).

17 **SECTION III.1.(f)** EPP Report Cards. – Due to limited available information and
18 the waiver of the requirement to submit certain information to the State Board under subsection
19 (c) of this section, notwithstanding G.S. 115C-269.50, the State Board shall create and submit
20 annual report cards for EPPs as required by G.S. 115C-269.50 by December 15, 2020, to the
21 Joint Legislative Education Oversight Committee (Committee) but shall not make the annual
22 report cards created pursuant to this section available to the public through the State Board's Web
23 site for the 2019-2020 academic year. The State Board shall also include in its report to the
24 Committee aggregated information on the following:

- 25 (1) The number and overall percentage of students who were admitted to an EPP
26 with a GPA that was less than 2.7 as permitted by subdivision (2) of subsection
27 (a) of this section.
- 28 (2) The number and overall percentage of students who had their clinical
29 internships deemed completed pursuant to subsection (b) of this section.

30 **SCHOOL ADMINISTRATOR PREPARATION PROGRAMS**

31 **SECTION III.2.** Notwithstanding G.S. 115C-284(c2), a school administrator
32 candidate who is enrolled in a school administrator preparation program meeting the approval
33 standards established by the State Board pursuant to G.S. 115C-284 may have certain
34 requirements of G.S. 115C-284(c2) deemed completed for the 2019-2020 academic year as
35 follows:
36

- 37 (1) The requirement that a candidate shall complete a year-long internship under
38 G.S. 115C-284(c2)(7) shall be deemed completed under the following
39 conditions:
 - 40 a. The candidate has completed as much time in the year-long internship
41 as practicable prior to March 10, 2020.
 - 42 b. The candidate would be unable to complete the program by August
43 15, 2020, unless the internship is deemed completed pursuant to this
44 section.
 - 45 c. The candidate has been engaged in administrative duties as practicable
46 while the school is closed during the school closure period.
 - 47 d. The candidate has otherwise met the competencies identified in the
48 certification of capacity utilized by the school administrator
49 preparation program.
- 50 (2) The candidate shall complete a portfolio for emerging leaders to demonstrate
51 the application of his or her training to actual school needs and training to the

1 extent practicable prior to completion of the school administrator preparation
2 program.

3
4 **TRANSFORMING PRINCIPAL PREPARATION GRANT PROGRAM**
5 **REQUIREMENTS**

6 **SECTION III.3.(a)** Notwithstanding G.S. 116-209.72(a)(2)e., a school leader
7 candidate who is enrolled in a school leader preparation program receiving a grant pursuant to
8 Part 4 of Chapter 116 of the General Statutes shall have the clinical practice requirement under
9 G.S. 116-209.72(a)(2)e. deemed completed for the 2019-2020 academic year under the following
10 conditions:

- 11 (1) The candidate has completed as much time in the clinical practice as
12 practicable prior to March 10, 2020.
13 (2) The candidate has been engaged in school leader duties as practicable while
14 the school is closed during the school closure period.

15 **SECTION III.3.(b)** Notwithstanding G.S. 116-209.73(c)(1)a., the Authority shall
16 not retrieve grant funds for the 2019-2020 fiscal year from a grant recipient based solely on a
17 recipient's failure to require school leader candidates to complete a full-time paid clinical practice
18 of at least five months and 750 hours in duration as required by G.S. 116-209.72(a)(2)e. as part
19 of the program during the 2019-2020 academic year.

20
21 **SUBPART II-I. MODIFICATIONS FOR TEACHER LICENSURE**
22 **REQUIREMENTS/REQUIREMENTS FOR OTHER SCHOOL PERSONNEL**

23
24 **TEACHER LICENSURE REQUIREMENTS**

25 **SECTION III.1.(a)** Extension for Licensure Requirements. – Notwithstanding
26 G.S. 115C-270.15, G.S. 115C-270.20, and Section 1.2 of S.L. 2019-71, as amended by Section
27 8(d) of S.L. 2019-212, the State Board shall allow applicants for educator licensure additional
28 time to meet the requirements under G.S. 115C-270.15 and G.S. 115C-270.20 as follows:

- 29 (1) An individual who is in the first year of licensure, including an initial
30 professional licensure (IPL), lateral entry license, or residency license (RL),
31 as of March 10, 2020, who has not taken the examination required by the State
32 Board may take the examination during the individual's second year of
33 licensure.
34 (2) An applicant for a continuing professional license (CPL) whose lateral entry
35 license expires June 30, 2020, including a teacher granted an extension
36 pursuant to Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L.
37 2019-212, who has not met the examination and coursework requirements
38 established by the State Board as of March 10, 2020, shall be provided an
39 extension until June 30, 2021.
40 (3) An applicant for a CPL whose IPL expires June 30, 2020, who has not met the
41 examination requirement established by the State Board as of March 10, 2020,
42 shall be provided an extension until June 30, 2021.
43 (4) An applicant for a CPL who is an elementary education (K-6) or special
44 education general curriculum teacher with an IPL or RL who was granted an
45 extension until June 30, 2020, pursuant to Section 1.2 of S.L. 2019-71, as
46 amended by Section 8(d) of S.L. 2019-212, who has not met the examination
47 requirement established by the State Board as of March 10, 2020, shall be
48 provided an extension until June 30, 2021.

49 **SECTION III.1.(b)** Extension for CEU Requirement. – Notwithstanding
50 G.S. 115C-270.30(b), any teacher who is required to have at least eight continuing education

1 credits for continuing licensure by June 30, 2020, shall have until June 30, 2021, to meet the
2 requirements under G.S. 115C-270.30(b).

4 **LICENSURE REQUIREMENTS FOR OTHER SCHOOL PERSONNEL**

5 **SECTION III.2.(a)** Extension for Examination Requirement. – Notwithstanding
6 G.S. 115C-284 and G.S. 115C-315(d), the State Board shall allow applicants for licensure
7 additional time to meet the examination requirements as follows:

8 (1) Pursuant to G.S. 115C-284, an individual applying for a school administrator
9 license who has not met the examination requirements established by the State
10 Board as of March 10, 2020, shall be permitted to meet the examination
11 requirements in the first year of licensure.

12 (2) Pursuant to G.S. 115C-315(d), an individual applying for licensure for a
13 professional position in a public elementary or secondary school who has not
14 met the examination requirements established by the State Board as of March
15 10, 2020, shall be permitted to meet the examinations requirement in the first
16 year of licensure.

17 **SECTION III.2.(b)** Extension for CEU Requirement. – Notwithstanding
18 G.S. 115C-284(c3), a school administrator who is required to meet continuing education credits
19 in high-quality, integrated digital teaching and learning for licensure renewal by June 30, 2020,
20 shall have until June 30, 2021, to meet the requirements under G.S. 115C-284(c3).

22 **SUBPART II-J. NORTH CAROLINA COMMUNITY COLLEGE MODIFICATIONS**

24 **COMMUNITY COLLEGE TUITION WAIVER FOR STUDENTS IN 25 APPRENTICESHIP PROGRAMS**

26 **SECTION IIJ.1.** Notwithstanding G.S. 115D-5(b)(16), a student who is unable to
27 continue participation in a pre-apprenticeship or apprenticeship program due to the COVID-19
28 emergency may be eligible for a tuition waiver for community college courses in the student's
29 documented plan of study related to a job-specific occupational or technical skill until December
30 31, 2020.

32 **SUBPART II-K. UNIVERSITY OF NORTH CAROLINA MODIFICATIONS**

34 **WAIVER OF INTEREST CHARGES ON UNC STUDENT DEBT**

35 **SECTION IIK.1.** Notwithstanding G.S. 147-86.23, a constituent institution of The
36 University of North Carolina shall not accrue or charge any interest to a past-due account
37 receivable held by a student between March 13, 2020, and September 15, 2020.

39 **EXTENSION OF UNC REPORT DATES**

40 **SECTION IIK.2.(a)** Notwithstanding G.S. 116-11(12d), 116-74.21, and
41 143-613(b1), the Board of Governors of The University of North Carolina shall have an
42 additional 60 days to submit the following reports to the Joint Legislative Education Oversight
43 Committee:

- 44 (1) The annual report due by April 15 each year on teacher education efforts at
45 The University of North Carolina.
- 46 (2) The annual report due by April 15 each year on the supply and demand of
47 school administrators to determine the number of school administrators to be
48 trained in school administrator training programs within the constituent
49 institutions of The University of North Carolina in each year of the fiscal
50 biennium.

- 1 (3) The biennial report due by May 15 every two years on the goals for
2 State-operated health professional schools that offer training programs for
3 licensure or certification of physician assistants, nurse practitioners, and nurse
4 midwives for increasing the percentage of the graduates of those programs
5 who enter clinical programs and careers in primary care.

6 **SECTION IIIK.2.(b)** Notwithstanding Section 9.7(c) of S.L. 2008-107, as amended
7 by Section 9.3(c) of S.L. 2010-31, the Board of Governors of The University of North Carolina
8 shall submit by June 15, 2020, its annual report on the UNC-NCCCS 2+2 E-Learning Initiative
9 due by April 15 each year to the Joint Legislative Education Oversight Committee, the State
10 Board of Education, the Office of State Budget and Management, and the Fiscal Research
11 Division.

12 **SECTION IIIK.2.(c)** Notwithstanding Section 9.3(c) of S.L. 2005-276, as amended
13 by Section 9.3(d) of S.L. 2010-31, The University of North Carolina System Office shall submit
14 by June 15, 2020, its annual report on the UNC-NCCCS Joint Initiative for Teacher Education
15 and Recruitment due by April 15 each year to the State Board of Education, the Board of
16 Governors of The University of North Carolina, the State Board of Community Colleges, the
17 Education Cabinet, the Joint Legislative Education Oversight Committee, and the Office of State
18 Budget and Management.

19 **PART III. HEALTH CARE**

20 **SUBPART III-A. DEFINITIONS**

21 **SECTION IIIA.1.(a)** Unless the context clearly indicates otherwise, the following
22 definitions apply in this Part:

- 23 (1) CDC. – The federal Centers for Disease Control and Prevention.
24 (2) COVID-19. – Coronavirus disease 2019.
25 (3) COVID-19 diagnostic test. – A test the federal Food and Drug Administration
26 has authorized for emergency use or approved to detect the presence of the
27 severe acute respiratory syndrome coronavirus 2.
28 (4) COVID-19 emergency. – The period beginning March 10, 2020, and ending
29 on the date the Governor signs an executive order rescinding Executive Order
30 No. 116, Declaration of a State of Emergency to Coordinate Response and
31 Protective Actions to Prevent the Spread of COVID-19.
32 (5) COVID-19 antibody test. – A serological blood test the federal Food and Drug
33 Administration has authorized for emergency use or approved to measure the
34 amount of antibodies or proteins present in the blood when the body is
35 responding to an infection caused by the severe acute respiratory syndrome
36 coronavirus 2.
37

38 **SECTION IIIA.1.(b)** This section is effective when it becomes law.
39

40 **SUBPART III-B. AFFIRMATIONS OF ACTIONS TAKEN IN RESPONSE TO 41 COVID-19**

42 **SECTION IIIB.1.(a)** The North Carolina General Assembly supports the various
43 actions taken by the North Carolina Medical Board, the North Carolina Board of Nursing, other
44 health care provider licensing boards, and the State's teaching institutions for health care
45 providers and their efforts to address the workforce supply challenges presented by the
46 COVID-19 emergency. Further, the General Assembly supports each of the following initiatives,
47 including, but not limited to:
48

- 49 (1) As COVID-19 antibody tests become available in the State, encouraging all
50 persons authorized under State law to administer such tests to give priority to
51 frontline care providers, including emergency medical services personnel,

1 firefighters, rescue squad workers, law enforcement officers, licensed health
2 care providers, long-term care providers, child care providers, and other
3 persons essential to the provision of medical care, dental care, long-term care,
4 or child care.

5 (2) Pursuing any federally available waiver or program allowance regarding child
6 welfare, including, but not limited to, waivers regarding virtual visitation for
7 children in foster care, temporary suspension of relicensing requirements for
8 foster parents, and the continuation of payments for youth in foster care ages
9 18-21 years, regardless of education or employment requirements.

10 (3) Providing ongoing flexibility to teaching institutions to ensure students
11 seeking degrees in health care professions can complete necessary clinical
12 hours.

13 **SECTION IIB.1.(b)** This section is effective when it becomes law.
14

15 **SUBPART III-C. INCREASED ACCESS TO MEDICAL SUPPLIES NECESSARY TO**
16 **RESPOND TO COVID-19 AND FUTURE PUBLIC HEALTH EMERGENCIES**
17

18 **STATE PLAN FOR A STRATEGIC STATE STOCKPILE OF PERSONAL**
19 **PROTECTIVE EQUIPMENT AND TESTING SUPPLIES FOR PUBLIC HEALTH**
20 **EMERGENCIES**

21 **SECTION IIC.1.(a)** As used in this section, the following terms have the following
22 meanings:

23 (1) Acute care providers. – Includes hospitals, free-standing emergency
24 departments, urgent care centers, and dialysis centers.

25 (2) First responders. – Includes local health departments, law enforcement, fire
26 departments, search and rescue personnel, and emergency medical services
27 providers.

28 (3) Health care providers. – As defined in G.S. 90-21.50.

29 (4) Long-term care providers. – Includes skilled nursing facilities, intermediate
30 care facilities as defined in G.S. 131A-3, adult care homes licensed under
31 G.S. 131D-2.4, group homes, home health agencies, and palliative and
32 hospice care providers.

33 (5) Non-health care entities. – Includes child care providers, local departments of
34 social services, hotels and motels used for isolation and quarantine, shelters,
35 and correctional facilities.

36 **SECTION IIC.1.(b)** By July 1, 2020, the Division of Public Health (DPH) and the
37 Division of Health Service Regulation (DHSR) within the Department of Health and Human
38 Services, in conjunction with the North Carolina Division of Emergency Management within the
39 Department of Public Safety, shall develop and submit to the Joint Legislative Oversight
40 Committee on Health and Human Services and the Joint Legislative Oversight Committee on
41 Justice and Public Safety a plan for creating and maintaining a Strategic State Stockpile of
42 personal protective equipment (PPE) and testing supplies. It is the intent of the General Assembly
43 that the Strategic State Stockpile would be accessible by both public and private acute care
44 providers, first responders, health care providers, long-term care providers, and non-health care
45 entities located within the State for the purposes of addressing the COVID-19 pandemic and
46 future public health emergencies.

47 **SECTION IIC.1.(c)** The plan shall include at least all of the following components:

48 (1) Recommendations about which agency will serve as the lead agency to
49 oversee the Strategic State Stockpile described in this section, with (i) a
50 description of the roles of DPH, DHSR, and the Division of Emergency

1 Management and (ii) an explanation of how these entities will collaborate to
2 create and maintain the Strategic State Stockpile.

- 3 (2) Recommendations for improvements to the State's existing procurement,
4 allocation, and distribution process for PPE.
- 5 (3) Recommendations about what persons or entities should have access to the
6 Strategic State Stockpile.
- 7 (4) Recommendations on how to increase within the State the manufacture of PPE
8 that meets CDC guidelines for infection control, including consideration of (i)
9 incentives for in-State private manufacturers and vendors that agree to
10 produce and make PPE available to the Strategic State Stockpile and (ii) the
11 feasibility of Correction Enterprises producing PPE for the Strategic State
12 Stockpile.
- 13 (5) Recommendations about procuring testing supplies that meet applicable
14 federal standards.
- 15 (6) Identification of available locations for maintaining the Strategic State
16 Stockpile.
- 17 (7) Recommendations about the source, type, quality, and quantity of PPE and
18 testing supplies the State should maintain as part of the Strategic State
19 Stockpile, including a process for ongoing evaluation by individuals with
20 expertise in emergency response, infection control, and environmental safety.
- 21 (8) A mechanism for managing the inventory of PPE and testing supplies
22 purchased for the Strategic State Stockpile.
- 23 (9) An estimated five-year budget, including nonrecurring and recurring costs, for
24 creating and maintaining the Strategic State Stockpile.
- 25 (10) Any other components deemed appropriate by DPH and DHSR, in
26 conjunction with the Division of Emergency Management.

27 **SECTION III.C.1.(d)** This section is effective when it becomes law.

28
29 **PRIORITY CONSIDERATION OF NORTH CAROLINA-BASED COMPANIES WHEN**
30 **ADDRESSING PUBLIC HEALTH EMERGENCIES**

31 **SECTION III.C.2.(a)** During a public health emergency, the Department of Health
32 and Human Services and the North Carolina Division of Emergency Management within the
33 Department of Public Safety shall first consider North Carolina-based companies that can
34 provide mobile response units with capabilities to reach rural areas of the State. Operations that
35 shall be considered include patient testing or sample collections, feeding operations, triage
36 facilities, and other operations where it is necessary to deliver mobile services to individuals.

37 **SECTION III.C.2.(b)** This section is effective when it becomes law.

38
39 **SUBPART III-D. SUPPORT FOR HEALTH CARE PROVIDERS TO RESPOND TO**
40 **COVID-19**

41
42 **DENTAL BOARD FLEXIBILITY DURING DISASTERS AND EMERGENCIES**

43 **SECTION III.D.1.(a)** Article 2 of Chapter 90 of the General Statutes is amended by
44 adding a new section to read:

45 **"§ 90-28.5. Disasters and emergencies.**

46 If the Governor declares a state of emergency or a county or municipality enacts ordinances
47 under G.S. 153A-121, 160A-174, 166A-19.31, or Article 22 of Chapter 130A of the General
48 Statutes, the North Carolina Board of Dental Examiners may waive the requirements of this
49 Article and Article 16 of this Chapter to permit the provision of dental and dental hygiene services
50 to the public during the state of emergency."

51 **SECTION III.D.1.(b)** This section is effective when it becomes law.

AUTHORIZATION FOR DENTISTS TO ADMINISTER COVID-19 TESTS

SECTION III.D.2.(a) G.S. 90-29(b) is amended by adding a new subdivision to read:
"(14) The administration by dentists of diagnostic tests and antibody tests for coronavirus disease 2019 to patients only if such tests have been approved or authorized for emergency use by the United States Food and Drug Administration."

SECTION III.D.2.(b) This section is effective when it becomes law.

AUTHORIZATION PROCESS FOR IMMUNIZING PHARMACISTS TO ADMINISTER COVID-19 IMMUNIZATIONS/VACCINATIONS

SECTION III.D.3.(a) In the event the Centers for Disease Control and Prevention recommends an immunization or vaccination for COVID-19 at a time when the General Assembly is not in regular session, any person may petition the State Health Director, in writing, to authorize immunizing pharmacists, as defined in G.S. 90-85.3, to administer the recommended immunization or vaccination for COVID-19 by means of a statewide standing order. The State Health Director shall, within 30 days after receiving such petition, consult with the following entities in evaluating the petition and respond by either approving or denying the petition: Representatives of the North Carolina Academy of Family Physicians, the North Carolina Medical Society, the North Carolina Pediatric Society, the North Carolina Association of Community Pharmacists, the North Carolina Association of Pharmacists, and the North Carolina Retail Merchants Association.

SECTION III.D.3.(b) Following the consultation provided in subsection (a) of this section, if the State Health Director approves the petition, the State Health Director may issue a statewide standing order authorizing the administration of an immunization or vaccination of COVID-19 by immunizing pharmacists. If the State Health Director issues a statewide standing order, it shall expire upon the adjournment of the next regular session of the General Assembly.

SECTION III.D.3.(c) If the State Health Director approves the petition as provided in subsection (a) of this section, the State Health Director shall, within 10 days after approval, consult with the entities listed in subsection (a) of this section to develop and submit to the North Carolina Board of Medicine, the North Carolina Board of Nursing, the North Carolina Board of Pharmacy, and the Joint Legislative Oversight Committee on Health and Human Services a minimum standard screening questionnaire and safety procedures for written protocols for the administration of the recommended immunization or vaccination for COVID-19 by immunizing pharmacists. In the event that the questionnaire and recommended standards are not developed and submitted within the 10-day period as provided in this subsection, then the Immunization Branch of the Department of Health and Human Services, Division of Public Health, shall develop the questionnaire and recommended standards within the next 10 days and submit them to the North Carolina Board of Medicine, the North Carolina Board of Nursing, the North Carolina Board of Pharmacy, and the Joint Legislative Oversight Committee on Health and Human Services. At a minimum, immunizing pharmacists who administer the recommended immunization or vaccination for COVID-19 shall be required to comply with all the requirements of G.S. 90-85.15B.

SECTION III.D.3.(d) All of the following individuals shall be immune from any civil or criminal liability for actions authorized by this section as follows:

- (1) The State Health Director acting pursuant to this section.
- (2) Any pharmacist who administers a COVID-19 immunization or vaccine pursuant to a statewide standing order issued under this section.

SECTION III.D.3.(e) This section is effective when it becomes law.

PRESCRIPTION IDENTIFICATION REQUIREMENTS

1 **SECTION IID.4.(a)** Notwithstanding any other provision of law to the contrary,
2 for the duration of the COVID-19 emergency, pharmacists licensed in this State under Article
3 4A of Chapter 90 of the General Statutes may confirm the identity of any individual seeking
4 dispensation of a prescription by the visual inspection of any form of government-issued photo
5 identification. If the individual seeking dispensation is a known customer, the pharmacist may
6 confirm the individual's identity by referencing existing records, including the controlled
7 substances reporting system. Nothing in this section shall be construed to relieve a pharmacist of
8 the obligation to review information in the controlled substances reporting system in accordance
9 with G.S. 90-113.74D.

10 **SECTION IID.4.(b)** This section is effective when it becomes law and expires 60
11 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

12 **TEMPORARY FLEXIBILITY FOR QUALITY IMPROVEMENT PLANS**

13 **SECTION IID.5.(a)** For purposes of this section, the following definitions apply:

- 14 (1) Quality improvement plan rules. – The rules regulating the quality
15 improvement process for physician assistants and nurse practitioners found in
16 21 NCAC 32S .0213, 21 NCAC 32M .0110, and 21 NCAC 36 .0810.
- 17 (2) Application fee rules. – The portions of rules found in 21 NCAC 32S .0204,
18 21 NCAC 32M .0115, and 21 NCAC 36 .0813 that require the payment of an
19 application fee.
- 20 (3) Annual review rules. – The portions of rules requiring the annual review or
21 renewal of a practice arrangement between a physician and a physician
22 assistant or nurse practitioner found in 21 NCAC 32S .0201, 21 NCAC 32M
23 .0110, and 21 NCAC 36 .0806.

24 **SECTION IID.5.(b)** Notwithstanding any other provision of law to the contrary,
25 neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce
26 any provision of the quality improvement plan rules to the extent they require any of the
27 following:
28

- 29 (1) Quality improvement process meetings between a physician and a physician
30 assistant or nurse practitioner, provided that the physician assistant or nurse
31 practitioner was practicing within the scope of his or her license prior to
32 February 1, 2020, and continues to practice within the scope of his or her
33 license while this section is effective.
- 34 (2) Monthly quality improvement process meetings between a physician and a
35 physician assistant or nurse practitioner during the first six months of the
36 practice arrangement between the physician and the physician assistant or
37 nurse practitioner physician assistant, nurse practitioner, or certified nurse
38 midwife.

39 **SECTION IID.5.(c)** Notwithstanding any other provision of law to the contrary,
40 neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce
41 any provision of the quality improvement plan rules or the application fee rules to the extent they
42 require any individual to fill out an application or pay a fee, provided that individual is providing
43 volunteer health care services within the scope of his or her license in response to the COVID-19
44 pandemic state of emergency declared by the Governor of North Carolina on March 10, 2020.

45 **SECTION IID.5.(d)** Notwithstanding any other provision of law to the contrary,
46 neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce
47 any provision of the annual review rules.

48 **SECTION IID.5.(e)** This section is effective when it becomes law and expires 60
49 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

50 **PANDEMIC HEALTH CARE WORKFORCE STUDY**

1 **SECTION III.D.6.(a)** The mission of the North Carolina Area Health Education
2 Center (NC AHEC) is to meet the State's health and health workforce needs and to provide
3 education programs and services that bridge academic institutions and communities to improve
4 the health of the people of North Carolina, with a focus on underserved populations. Consistent
5 with that mission, the North Carolina General Assembly directs the NC AHEC program to
6 conduct a study of the issues that impact health care delivery and the health care workforce during
7 a pandemic. The study shall focus on the impact of the COVID-19 pandemic, issues that need to
8 be addressed in the aftermath of this pandemic, and plans that should be implemented in the event
9 of a future health crisis.

10 **SECTION III.D.6.(b)** The study shall include input from universities, colleges, and
11 community colleges that educate health care providers; health care provider licensing boards; the
12 Department of Health and Human Services; the Department of Public Safety; and geographically
13 disbursed rural and urban hospitals, ambulatory surgical centers, primary care practices, specialty
14 care practices, correctional facilities, group homes, home care agencies, nursing homes, adult
15 care homes, and other residential care facilities.

16 **SECTION III.D.6.(c)** The study shall include, but is not limited to, examination of,
17 and reporting on, the issues outlined below:

- 18 (1) Adequacy of the health care workforce supply to respond to a pandemic in the
19 following settings: acute care, ambulatory, primary care, nursing homes, adult
20 care homes, other residential care facilities, correctional facilities, and
21 in-home care.
- 22 (2) Adequacy of the health care workforce supply to address the COVID-19
23 surge; the ability to redirect the existing workforce supply to meet staffing
24 demands, including the identification of any barriers; and recommendations
25 to eliminate barriers and readily deploy staffing in a future health crisis.
- 26 (3) Adequacy of the health care workforce training, by setting, and the need for
27 additional training or cross-training of health care providers.
- 28 (4) Impact of the COVID-19 pandemic on communities with preexisting
29 workforce shortages.
- 30 (5) Impact of personal protective equipment (PPE) availability on the health care
31 workforce, by setting.
- 32 (6) Sufficiency of support mechanisms for the health care workforce, including
33 the availability of child care, transportation, mental health and resilience
34 support services, and other support items.
- 35 (7) Impact of postponing or eliminating nonessential services and procedures on
36 the health care workforce.
- 37 (8) Impact of postponing or eliminating nonessential services and procedures on
38 hospitals, particularly rural hospitals.
- 39 (9) Interruptions in the delivery of routine health care during the COVID-19
40 pandemic and the impact to citizens, primary and specialty care practices, and
41 the health care workforce employed in these practices.
- 42 (10) Impact of the COVID-19 pandemic on the delivery of behavioral health
43 services.
- 44 (11) Ability of telehealth options to deliver routine and emergent health and
45 behavioral health services to patients.
- 46 (12) Impact of telehealth on hospitals during the COVID-19 pandemic.
- 47 (13) Support necessary to resume health care delivery to pre-pandemic levels.
- 48 (14) Ability of the health care workforce and health care delivery structure to
49 respond to the needs of minority populations, individuals with health
50 disparities, and individuals and communities with increased health risks,
51 during a pandemic.

- 1 (15) Impact of the COVID-19 pandemic, including concerns surrounding PPE
2 availability, on current health sciences students and implications for future
3 students contemplating a career in health sciences.

4 **SECTION III.D.6.(d)** The NC AHEC shall report findings and recommendations to
5 the House Select Committee on COVID-19, Health Care Working Group, on or before November
6 15, 2020. The report shall include a summary section to provide a high-level debriefing to the
7 State's leaders, health care providers, and others, on successes and priority items to address as
8 the State moves forward.

9 **SECTION III.D.6.(e)** Due to the evolving nature of the COVID-19 pandemic, the
10 NC AHEC has authority to report subsequent study findings and recommendations, as
11 appropriate, to the Joint House Appropriations Subcommittee on Health and Human Services,
12 the Senate Appropriations Committee on Health and Human Services, and the Joint Legislative
13 Oversight Committee on Health and Human Services.

14 **SECTION III.D.6.(f)** This section is effective when it becomes law.

15 16 **HEALTH CARE LIABILITY PROTECTION FOR EMERGENCY OR DISASTER** 17 **TREATMENT**

18 **SECTION III.D.7.(a)** Chapter 90 of the General Statutes is amended by adding a
19 new Article to read:

20 "Article 1L.

21 "Emergency or Disaster Treatment Protection Act.

22 **"§ 90-21.130. Short title.**

23 This Article shall be known and may be cited as the Emergency or Disaster Treatment
24 Protection Act.

25 **"§ 90-21.131. Purpose.**

26 It is the purpose of this section to promote the public health, safety, and welfare of all citizens
27 by broadly protecting the health care facilities and health care providers in this State from liability
28 that may result from treatment of individuals during the COVID-19 public health emergency
29 under conditions resulting from circumstances associated with the COVID-19 public health
30 emergency. A public health emergency that occurs on a statewide basis requires an enormous
31 response from state, federal, and local governments working in concert with private and public
32 health care providers in the community. The rendering of treatment to patients during such a
33 public health emergency is a matter of vital State concern affecting the public health, safety, and
34 welfare of all citizens.

35 **"§ 90-21.132. Definitions.**

36 The following definitions apply in this Article:

- 37 (1) COVID-19. – Coronavirus disease 2019.
38 (2) COVID-19 emergency declaration. – Executive Order No. 116 issued March
39 10, 2020, by Governor Roy A. Cooper, including any amendments issued by
40 executive order, subject to extensions under Chapter 166A of the General
41 Statutes.
42 (3) COVID-19 emergency rule. – Any executive order, declaration, directive,
43 request, or other state or federal authorization, policy statement, rule making,
44 or regulation that waives, suspends, or modifies applicable State or federal
45 law regarding scope of practice, including modifications authorizing health
46 care providers licensed in another state to practice in this State, or the delivery
47 of care, including those regarding the facility space in which care is delivered
48 and which equipment is used during the COVID-19 emergency declaration.
49 (4) Damages. – Economic or noneconomic losses for harm to an individual.
50 (5) Harm. – Physical and nonphysical contact that results in injury to or death of
51 an individual.

- 1 (6) Health care facility. – Any entity licensed pursuant to Chapter 122C, 131D,
2 or 131E of the General Statutes or Article 64 of Chapter 58 of the General
3 Statutes.
- 4 (7) Health care provider. –
5 a. An individual who is licensed, certified, or otherwise authorized under
6 Chapter 90 or 90B of the General Statutes to provide health care
7 services in the ordinary course of business or practice of a profession
8 or in an approved education or training program.
9 b. A health care facility where health care services are provided to
10 patients, residents, or others to whom such services are provided as
11 allowed by law.
12 c. Individuals licensed under Chapter 90 of the General Statutes or
13 practicing under a waiver in accordance with G.S. 90-12.5.
14 d. Any emergency medical services personnel as defined in
15 G.S. 131E-155(7).
16 e. Any individual providing health care services within the scope of
17 authority permitted by a COVID-19 emergency rule.
18 f. Any individual who is employed as a health care facility administrator,
19 executive, supervisor, board member, trustee, or other person in a
20 managerial position or comparable role at a health care facility.
21 g. An agent or employee of a health care facility that is licensed, certified,
22 or otherwise authorized to provide health care services.
23 h. An officer or director of a health care facility.
24 i. An agent or employee of a health care provider who is licensed,
25 certified, or otherwise authorized to provide health care services.
- 26 (8) Health care service. – Treatment, clinical direction, supervision, management,
27 administrative or corporate service, provided by a health care facility or a
28 health care provider during the period of the COVID-19 emergency
29 declaration, regardless of the location in this State where the service is
30 rendered:
31 a. To provide testing, diagnosis, or treatment of a health condition,
32 illness, injury, or disease related to a confirmed or suspected case of
33 COVID-19.
34 b. To dispense drugs, medical devices, medical appliances, or medical
35 goods for the treatment of a health condition, illness, injury, or disease
36 related to a confirmed or suspected case of COVID-19.
37 c. To provide care to any other individual who presents or otherwise
38 seeks care at or from a health care facility or to a health care provider
39 during the period of the COVID-19 emergency declaration.
- 40 (9) Volunteer organization. – Any medical organization, company, or institution
41 that has made its facility or facilities available to support the State's response
42 and activities under the COVID-19 emergency declaration and in accordance
43 with any applicable COVID-19 emergency rule.

44 **"§ 90-21.133. Immunity.**

45 (a) Notwithstanding any law to the contrary, except as provided in subsection (b) of this
46 section, any health care facility, health care provider, or entity that has legal responsibility for
47 the acts or omissions of a health care provider shall have immunity from any civil liability for
48 any harm or damages alleged to have been sustained as a result of an act or omission in the course
49 of arranging for or providing health care services only if all of the following apply:

- 50 (1) The health care facility, health care provider, or entity is arranging for or
51 providing health care services during the period of the COVID-19 emergency

1 declaration, including, but not limited to, the arrangement or provision of
2 those services pursuant to a COVID-19 emergency rule.

3 (2) The arrangement or provision of health care services is impacted, directly or
4 indirectly:

5 a. By a health care facility, health care provider, or entity's decisions or
6 activities in response to or as a result of the COVID-19 epidemic; or

7 b. By the decisions or activities, in response to or as a result of the
8 COVID-19 epidemic, of a health care facility or entity where a health
9 care provider provides health care services.

10 (3) The health care facility, health care provider, or entity is arranging for or
11 providing health care services in good faith.

12 (b) The immunity from any civil liability provided in subsection (a) of this section shall
13 not apply if the harm or damages were caused by an act or omission constituting gross negligence,
14 reckless misconduct, or intentional infliction of harm by the health care facility or health care
15 provider providing health care services; provided that the acts, omissions, or decisions resulting
16 from a resource or staffing shortage shall not be considered to be gross negligence, reckless
17 misconduct, or intentional infliction of harm.

18 (c) Notwithstanding any law to the contrary, a volunteer organization shall have
19 immunity from any civil liability for any harm or damages occurring in or at its facility or
20 facilities arising from the State's response and activities under the COVID-19 emergency
21 declaration and in accordance with any applicable COVID-19 emergency rule, unless it is
22 established that such harm or damages were caused by the gross negligence, reckless misconduct,
23 or intentional infliction of harm by the volunteer organization.

24 **"§ 90-21.134. Severability.**

25 This Article shall be liberally construed to effectuate its public health emergency purpose as
26 outlined in G.S. 90-121.131. The provisions of this Article are severable. If any part of this
27 Article is declared to be invalid by a court, the invalidity does not affect other parts of this Article
28 that can be given effect without the invalid provision."

29 **SECTION III.D.7.(b)** This section is effective when it becomes law and applies to
30 acts or omissions occurring during the time of Executive Order No. 116 issued on March 10,
31 2020, by Governor Roy A. Cooper, and any subsequent time period during which a state of
32 emergency is declared to be in effect during calendar year 2020 by the Governor in response to
33 COVID-19.

34
35 **DISPENSE AND USE OF CONTROLLED SUBSTANCES TEMPORARILY AT**
36 **ADDITIONAL PLACES OF BUSINESS**

37 **SECTION III.D.8.(a)** Notwithstanding any provision of law to the contrary, for the
38 duration of the COVID-19 emergency, a hospital, nursing home, or clinic holding a valid State
39 registration for controlled substances under Article 5 of Chapter 90 of the General Statutes may
40 temporarily dispense or use controlled substances at additional places of business by completing
41 the registration process developed by the Division of Mental Health, Developmental Disabilities
42 and Substance Abuse Services of the North Carolina Department of Health and Human Services,
43 and providing all information required pursuant to said emergency registration process for any
44 overflow facility or satellite facility that may be established temporarily by the hospital, nursing
45 home, or clinic registrant in response to the COVID-19 emergency, and no registration fee shall
46 be required in connection with any such emergency registration.

47 **SECTION III.D.8.(b)** This section is effective when it becomes law and expires 60
48 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

49
50 **PRE-PROCEDURE COVID-19 TEST RESULT REPORTING**

1 **SECTION III.D.9.(a)** All healthcare providers, as defined under G.S. 130A-476(g),
2 shall receive and report the results, both positive and negative, of any COVID-19 diagnostic test
3 or COVID-19 antibody test performed on an individual prior to any nonemergency surgery or
4 procedure to the Commission for Public Health (Commission) and to the Division of Public
5 Health. The Department of Health and Human Services shall report pre-procedure test result data
6 on a county-by-county basis and update it daily on its Web site.

7 **SECTION III.D.9.(b)** This section is effective when it becomes law.

8
9 **SUBPART III-E. INCREASED FLEXIBILITY FOR THE DEPARTMENT OF HEALTH
10 AND HUMAN SERVICES TO RESPOND TO COVID-19**

11
12 **EXTENSION OF TIME FOR ESTABLISHING CONNECTIVITY TO THE STATE'S
13 HEALTH INFORMATION EXCHANGE NETWORK KNOWN AS HEALTHCONNEX**

14 **SECTION III.E.1.(a)** G.S. 90-414.4(a1)(2) reads as rewritten:

15 "(2) Except as provided in subdivisions (3), (4), and (5) of this subsection, all other
16 providers of Medicaid and State-funded health care services shall begin
17 submitting demographic and clinical data by ~~June 1, 2020~~October 1, 2021."

18 **SECTION III.E.1.(b)** G.S. 90-414(a2) reads as rewritten:

19 "(a2) Extensions of Time for Establishing Connection to the HIE Network. – The
20 Department of Information Technology, in consultation with the Department of Health and
21 Human Services and the State Health Plan for Teachers and State Employees, may establish a
22 process to grant limited extensions of the time for providers and entities to connect to the HIE
23 Network and begin submitting data as required by this section upon the request of a provider or
24 entity that demonstrates an ongoing good-faith effort to take necessary steps to establish such
25 connection and begin data submission as required by this section. The process for granting an
26 extension of time must include a presentation by the provider or entity to the Department of
27 Information Technology, the Department of Health and Human Services, and the State Health
28 Plan for Teachers and State Employees on the expected time line for connecting to the HIE
29 Network and commencing data submission as required by this section. Neither the Department
30 of Information Technology, the Department of Health and Human Services, nor the State Health
31 Plan for Teachers and State Employees shall grant an extension of time (i) to any provider or
32 entity that fails to provide this information to both Departments, and the State Health Plan for
33 Teachers and State Employees, (ii) that would result in the provider or entity connecting to the
34 HIE Network and commencing data submission as required by this section later than ~~June 1,
35 2020~~October 1, 2021, or (iii) that would result in any provider or entity specified in subdivisions
36 (4) and (5) of subsection (a1) of this section connecting to the HIE Network and commencing
37 data submission as required by this section later than June 1, 2022. The Department of
38 Information Technology shall consult with the Department of Health and Human Services and
39 the State Health Plan for Teachers and State Employees to review and decide upon a request for
40 an extension of time under this section within 30 days after receiving a request for an extension."

41 **SECTION III.E.1.(c)** This section is effective when it becomes law.

42
43 **TEMPORARY WAIVER OF THREE-YEAR FINGERPRINTING
44 REQUIREMENT/CHILD CARE PROVIDERS/ADOPTIONS/FOSTER CARE**

45 **SECTION III.E.2.(a)** Notwithstanding G.S. 110-90.2(b), the Department of Health
46 and Human Services, Division of Child Development and Early Education, shall temporarily
47 waive the requirement that current child care providers complete a fingerprint-based criminal
48 history check every three years.

49 **SECTION III.E.2.(b)** In accordance with federal guidance, all available State and
50 federal name-based criminal background checks for prospective employees seeking employment
51 in licensed child care shall be completed. Prospective employees will be issued a provisional

1 qualification status. In situations where only State and federal name-based checks were
2 completed, fingerprint-based criminal history checks shall be completed within 60 days of
3 Executive Order No. 116 being rescinded, in compliance with State law and rules. If
4 fingerprint-based checks are not completed within 60 days of Executive Order No. 116 being
5 rescinded, the prospective employee will be disqualified until a fingerprint-based check is
6 completed.

7 **SECTION III E.2.(c)** Notwithstanding any provision of law or rules to the contrary,
8 the Department of Health and Human Services, Division of Social Services, shall temporarily
9 waive any requirement to complete a fingerprint-based criminal history check pertaining to
10 adoptions, foster care, or child care institutions. However, in accordance with federal guidance,
11 all available name-based criminal background checks for prospective foster parents, adoptive
12 parents, legal guardians, and adults working in child care institutions shall be completed, and, in
13 situations where only name-based checks were completed, fingerprint-based criminal history
14 checks shall be completed within 60 days of Executive Order No. 116 being rescinded, in
15 compliance with State law and rules.

16 **SECTION III E.2.(d)** This section is effective when it becomes law and expires 60
17 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

18
19 **PROVIDE MEDICAID COVERAGE FOR COVID-19 TESTING TO UNINSURED**
20 **INDIVIDUALS IN NORTH CAROLINA DURING THE NATIONWIDE PUBLIC**
21 **HEALTH EMERGENCY**

22 **SECTION III E.3.(a)** The Department of Health and Human Services, Division of
23 Health Benefits (DHB), is authorized to provide the Medicaid coverage described in 42 U.S.C.A.
24 § 1396a(a)(10)(A)(ii)(XXIII), which covers COVID-19 testing for certain uninsured individuals
25 during the period in which there is a declared nationwide public health emergency as a result of
26 the 2019 novel coronavirus. DHB is authorized to provide this medical assistance retroactively
27 to the earliest date allowable.

28 **SECTION III E.3.(b)** This section is effective when it becomes law.

29
30 **TEMPORARY MEDICAID COVERAGE FOR THE PREVENTION, TESTING, AND**
31 **TREATMENT OF COVID-19**

32 **SECTION III E.4.(a)** The Department of Health and Human Services, Division of
33 Health Benefits (DHB), is authorized to provide temporary, targeted Medicaid coverage to
34 individuals with incomes up to two hundred percent (200%) of the federal poverty level, as
35 requested by the Secretary of the Department of Health and Human Services in the 1115 waiver
36 application submitted to the Centers for Medicare and Medicaid Services (CMS) on March 27,
37 2020. If CMS grants approval for different coverage or a different population than requested in
38 that 1115 waiver application, DHB may implement the approved temporary coverage, provided
39 that all the following criteria are met:

- 40 (1) The coverage is only provided for a limited time period related to the declared
41 nationwide public health emergency as a result of the 2019 novel coronavirus.
- 42 (2) The coverage is not provided for services other than services for the
43 prevention, testing, or treatment of COVID-19.
- 44 (3) The income level to qualify for the coverage does not exceed two hundred
45 percent (200%) of the federal poverty level.

46 **SECTION III E.4.(b)** The Department of Health and Human Services, Division of
47 Health Benefits, is authorized to provide this Medicaid coverage retroactively to the earliest date
48 allowable.

49 **SECTION III E.4.(c)** This section is effective when it becomes law.

50
51 **SUPPORT RECEIPT OF ENHANCED FEDERAL MEDICAID FUNDING**

1 **SECTION III.E.5.(a)** It is the intent of the General Assembly that North Carolina
2 adhere to all federal requirements for obtaining enhanced federal Medicaid funding, as provided
3 under the Families First Coronavirus Response Act (FFCRA), Public Law 116-127, as amended,
4 for the period required under the FFCRA and during which there is a declared nationwide public
5 health emergency as a result of the 2019 novel coronavirus. Accordingly, the Department of
6 Health and Human Services, Division of Health Benefits, shall adhere to and implement all
7 federal law and regulation necessary for receipt of this enhanced federal Medicaid funding,
8 notwithstanding any State law to the contrary. Further, federal law and regulation applicable to
9 the North Carolina Medicaid program or NC Health Choice program shall supersede and preempt
10 any State law or rule to the contrary during the period in which there is a declared nationwide
11 public health emergency as a result of the 2019 novel coronavirus.

12 **SECTION III.E.5.(b)** This section is effective when it becomes law.
13

14 **DISABLED ADULT CHILD PASSALONG ELIGIBILITY/MEDICAID**

15 **SECTION III.E.6.(a)** Effective no later than June 1, 2020, the eligibility
16 requirements for the Disabled Adult Child Passalong authorized under section 1634 of the Social
17 Security Act for the Medicaid program shall consist of only the following four requirements:

- 18 (1) The adult is currently entitled to and receives federal Retirement, Survivors,
19 and Disability Insurance (RSDI) benefits as a disabled adult child on a parent's
20 record due to the retirement, death, or disability of a parent.
- 21 (2) The adult is blind or has a disability that began before age 22.
- 22 (3) The adult would currently be eligible for Supplemental Security Income (SSI)
23 or State-County Special Assistance if the current RSDI benefit is disregarded.
- 24 (4) For eligibility that is based on former receipt of State-County Special
25 Assistance and not SSI, the adult must currently reside in an adult care home.

26 **SECTION III.E.6.(b)** This section is effective when it becomes law.
27

28 **MODIFICATION OF FACILITY INSPECTIONS AND TRAINING TO ADDRESS** 29 **INFECTION CONTROL MEASURES FOR COVID-19**

30 **SECTION III.E.7.(a)** Notwithstanding any provision of Article 2 of Chapter 122C,
31 Articles 1 and 3 of Chapter 131D, and Chapter 131E of the General Statutes, or any other
32 provision of law to the contrary, the Department of Health and Human Services, Division of
33 Health Service Regulation, and as applicable, local departments of social services, shall suspend
34 all annual and biennial inspections and regular monitoring requirements for licensed facilities
35 under Article 2 of Chapter 122C of the General Statutes, and Articles 1 and 3 of Chapter 131D
36 of the General Statutes, and Articles 5, 6, and 10 of Chapter 131E of the General Statutes, and
37 provisions within any rules adopted under these chapters that pertain to the Department or DHSR
38 monitoring, inspection, or investigative requirements, except (i) as DHSR deems necessary to
39 avoid serious injury, harm, impairment, or death to employees, residents, or patients of these
40 facilities or (ii) as directed by the Centers for Medicare and Medicaid Services.

41 **SECTION III.E.7.(b)** DHSR shall review the compliance history of all facilities
42 licensed under Article 2 of Chapter 122C of the General Statutes and Article 1 of Chapter 131D
43 of the General Statutes that were determined to be in violation, assessed penalties, or placed on
44 probation within the six-month period preceding the beginning of the COVID-19 emergency, for
45 noncompliance with rules or statutes or Centers for Disease Control and Prevention guidelines
46 regarding infection control or the proper use of personal protective equipment. DHSR shall
47 require employees of these facilities to undergo immediate training designated by DHSR about
48 infection control and the proper use of personal protective equipment. The training required by
49 this section may be conducted online, by video conference, or in such manner as DHSR
50 determines appropriate under the circumstances.

1 **SECTION III.E.7.(c)** This section is effective when it becomes law and expires 60
2 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

3
4 **ALLOW TEMPORARY WAIVER OF 72-HOUR PRE-SERVICE TRAINING**
5 **REQUIREMENT/CHILD WELFARE STAFF**

6 **SECTION III.E.8.(a)** Notwithstanding G.S. 131D-10.6A(b)(1), the Department of
7 Health and Human Services, Division of Social Services, is authorized to temporarily waive the
8 72-hour requirement of preservice training before child welfare services staff assumes direct
9 client contact responsibilities. The Division is authorized to identify and use web-based training
10 as an acceptable equivalent in meeting preservice training requirements.

11 **SECTION III.E.8.(b)** This section is effective when it becomes law and expires 60
12 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

13
14 **SUBPART III-F. INCREASED ACCESS TO HEALTH CARE THROUGH**
15 **TELEHEALTH TO RESPOND TO COVID-19**

16
17 **EXPANDED USE OF TELEHEALTH TO CONDUCT FIRST AND SECOND**
18 **INVOLUNTARY COMMITMENT EXAMINATIONS DURING THE COVID-19**
19 **EMERGENCY**

20 **SECTION III.F.1.(a)** The following words have the following meanings in this
21 section:

- 22 (1) Commitment examiner. – As defined in G.S. 122C-3.
23 (2) Telehealth. – The use of two-way, real-time interactive audio and video where
24 the respondent and commitment examiner can hear and see each other.
25 (3) Qualified professional. – As defined in G.S. 122C-3.

26 **SECTION III.F.1.(b)** Notwithstanding any provision of Chapter 122C of the General
27 Statutes or any other provision of law to the contrary, the first examination of a respondent
28 required by G.S. 122C-263 to determine whether the respondent will be involuntarily committed
29 due to mental illness or by G.S. 122C-283(a) to determine whether the respondent will be
30 involuntarily committed due to substance use disorder may be conducted either in the physical
31 face-to-face presence of the commitment examiner or utilizing telehealth equipment and
32 procedures. A commitment examiner who examines a respondent by means of telehealth must
33 be satisfied to a reasonable medical certainty that the determinations made in accordance with
34 G.S. 122C-283(d) would not be different if the examination had been conducted in the physical
35 presence of the commitment examiner. A commitment examiner who is not so satisfied must
36 note that the examination was not satisfactorily accomplished, and the respondent must be taken
37 for a face-to-face examination in the physical presence of a person authorized to perform
38 examinations under G.S. 122C-283.

39 **SECTION III.F.1.(c)** Notwithstanding any provision of Chapter 122C of the General
40 Statutes or any other provision of law to the contrary, the second examination of a respondent
41 required by G.S. 122C-266(a) to determine whether the respondent will be involuntarily
42 committed due to mental illness or required by G.S. 122C-285(a) to determine if the respondent
43 will be involuntarily committed due to substance use disorder may be conducted either in the
44 physical face-to-face presence of a physician or utilizing telehealth equipment and procedures,
45 provided that the following conditions are met:

- 46 (1) In the case of involuntary commitment due to mental illness, the physician
47 who examines the respondent by means of telehealth must be satisfied to a
48 reasonable medical certainty that the determinations made in accordance with
49 subdivisions (a)(1) through (a)(3) of G.S. 122C-266 would not be different if
50 the examination had been done in the physical presence of the examining
51 physician. An examining physician who is not so satisfied must note that the

- 1 examination was not satisfactorily accomplished, and the respondent must be
2 taken for a face-to-face examination in the physical presence of a physician.
- 3 (2) In the case of involuntary commitment due to substance use disorder, the
4 physician who examines the respondent by means of telehealth must be
5 satisfied to a reasonable medical certainty that the determinations made in
6 accordance with G.S. 122C-285(a) would not be different if the examination
7 had been done in the physical presence of the commitment examiner. An
8 examining physician who is not so satisfied must note that the examination
9 was not satisfactorily accomplished, and the respondent must be taken for a
10 face-to-face examination in the physical presence of a qualified professional,
11 as defined in G.S. 122C-3; provided that, if the initial commitment
12 examination was performed by a qualified professional, then this face-to-face
13 examination shall be in the presence of a physician.

14 **SECTION III F.1.(d)** This section is effective when it becomes law and expires 60
15 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

16 17 **HEALTH BENEFIT PLAN COVERAGE OF TELEHEALTH**

18 **SECTION III F.2.(a)** Article 50 of Chapter 58 of the General Statutes is amended
19 by adding a new section to read:

20 **"§ 58-50-310. Telehealth during the COVID-19 emergency.**

- 21 (a) For the purposes of this section, the following definitions shall apply:
- 22 (1) Health benefit plan. – As defined in G.S. 58-3-167.
- 23 (2) Telehealth. – The delivery of health care, including mental and behavioral
24 health care, through real-time, two-way audio/visual delivery.
- 25 (3) Virtual health care. – The delivery of health care, including mental and
26 behavioral health care, through audio-only delivery or electronic-only
27 delivery, both synchronous and asynchronous. This term shall include health
28 care delivered over the telephone and electronic patient visits, including health
29 care delivered through an electronic provider portal or electronic patient
30 portal.
- 31 (b) This section shall apply to the following time periods:
- 32 (1) March 10, 2020, through the date Executive Order No. 116, Declaration of a
33 State of Emergency to Coordinate Response and Protective Actions to Prevent
34 the Spread of COVID-19, expires or is rescinded.
- 35 (2) The period of any subsequent state of emergency declared in the 2020
36 calendar year by the Governor of North Carolina in response to COVID-19
37 through 30 days after that subsequent state of emergency expires or is
38 rescinded.
- 39 (c) All of the following shall apply to all health benefit plans offered in this State:
- 40 (1) Health benefit plans shall provide coverage and reimbursement for virtual
41 health care, including mental and behavioral health care.
- 42 (2) Health benefit plans shall provide reimbursement for provider-to-provider
43 consultations that are conducted using virtual health care if the health benefit
44 plan would provide reimbursement for the consult had it taken place
45 in-person, face-to-face.
- 46 (3) No health benefit plan may require prior authorization for telehealth services
47 or virtual health care services.
- 48 (4) No health benefit plan may put limits on the originating site or the distant site
49 for telehealth services or virtual health care services.
- 50 (5) Health benefit plans shall cover and reimburse physical therapy, occupational
51 therapy, and speech therapy when delivered through telehealth.

1 (6) A health benefit plan may require a deductible, a co-payment, or coinsurance
2 for a covered health care service delivered by telehealth by a preferred or
3 contracted provider to a covered individual. The amount of the deductible,
4 co-payment, or coinsurance may not exceed the amount of the deductible,
5 co-payment, or coinsurance required had the covered health care service been
6 provided in-person, face-to-face.

7 (7) A health benefit plan shall reimburse providers for a covered health care
8 service delivered by telehealth at a level no less than the reimbursement for
9 that service had it been provided in-person, face-to-face."

10 **SECTION III F.2.(b)** Effective when this section becomes law, the provisions of
11 G.S. 58-50-310, as enacted under subsection (a) of this section, shall apply to the State Health
12 Plan for Teachers and State Employees.

13 **SECTION III F.2.(c)** This section is effective when it becomes law and expires
14 December 31, 2020.

15

16 **INCREASED ACCESS TO TELEHEALTH UNDER THE MEDICARE PROGRAM**

17 **SECTION III F.3.** The General Assembly urges the federal Centers for Medicaid
18 and Medicare Services to provide reimbursement for health care delivered through audio-only
19 communication, such as over the telephone, under the Medicare program in order to reduce
20 barriers and increase access to health care for older adults.

21

22 **PART IV. APPROPRIATIONS**

23

24 **SUBPART IV-A. GENERAL PROVISIONS**

25

26 **DEFINITIONS**

27 **SECTION IVA.1.** Definitions. – The following definitions apply in this Part:

- 28 (1) Coronavirus Relief Fund. – Funds received by the State of North Carolina
29 during the 2019-2020 fiscal year from the Coronavirus Relief Fund created by
30 the Coronavirus Aid, Relief, and Economic Security Act of 2020, P.L.
31 116-136.
- 32 (2) CDC. – The federal Centers for Disease Control.
- 33 (3) Coronavirus or COVID-19. – Has the same meaning as defined in section 506
34 of the federal Coronavirus Preparedness and Response Supplemental
35 Appropriations Act, 2020, Public Law No. 116-123.
- 36 (4) COVID-19 diagnostic test. – A test the federal Food and Drug Administration
37 has authorized for emergency use or approved to detect the presence of the
38 severe acute respiratory syndrome coronavirus 2.
- 39 (5) COVID-19 emergency. – The period beginning March 10, 2020, and ending
40 on the date the Governor signs an executive order rescinding Executive Order
41 No. 116 (2020), Declaration of a State of Emergency to Coordinate Response
42 and Protective Actions to Prevent the Spread of COVID-19.
- 43 (6) COVID-19 Recovery Legislation. – The following legislation enacted by
44 Congress:
- 45 a. The Coronavirus Aid, Relief, and Economic Security (CARES) Act,
46 P.L. 116-136.
- 47 b. The Families First Coronavirus Response Act, P.L. 116-127.
- 48 c. The Coronavirus Preparedness and Response Supplemental
49 Appropriations Act, 2020, P.L. 116-123.
- 50 d. The Paycheck Protection Program and Health Care Enhancement Act,
51 P.L. 116-139.

- 1 (7) COVID-19 antibody test. – A serological blood test the federal Food and Drug
2 Administration has authorized for emergency use or approved to measure the
3 amount of antibodies or proteins present in the blood when the body is
4 responding to an infection caused by the severe acute respiratory syndrome
5 coronavirus 2.
- 6 (8) State agency. – As defined by G.S. 143C-1-1(24), except that the term
7 includes a unit of local government or a public authority.
8

9 FINDINGS AND PURPOSE

10 **SECTION IVA.2.** On March 19, 2020, the Speaker of the House of Representatives
11 empaneled the House Select Committee on COVID-19 (Select Committee). The primary purpose
12 of the Select Committee and each of its constituent working groups was to facilitate a bipartisan
13 and immediately productive response to the COVID-19 outbreak in North Carolina. The four
14 working groups were as follows: Economic Support, Health Care, Education, and Continuity of
15 State Operations. Each working group held numerous public meetings online, received
16 voluminous public comments, and heard testimony from various executive branch officials and
17 others regarding the State of Emergency declared by the Governor on March 10, 2020, in
18 Executive Order Number 116. The purpose of this Part is to carryout legislative proposals
19 generated by the Select Committees and to appropriate federal funding under the COVID-19
20 Recovery Legislation.
21

22 REQUIREMENT TO MAXIMIZE USE OF FEDERAL FUNDS

23 **SECTION IVA.3.** The appropriations and allocations made in this Part are for
24 maximum amounts necessary to implement this Part. State agencies shall maximize the use of
25 federal funds made available in this Part to address wherever possible within the allowable uses
26 prior to using State funds.
27

28 CONFLICT WITH FEDERAL LAW

29 **SECTION IVA.4.** If an allocation made under this Part is found to be disallowed by
30 federal law, the disallowed allocation is repealed, and the Office of State Budget and
31 Management (OSBM) shall transfer the amount of the disallowed allocation to the Coronavirus
32 Relief Reserve established in Section IVB.1 of this act. Amounts transferred into the Coronavirus
33 Relief Reserve pursuant to this section are receipts that do not constitute an "appropriation made
34 by law," as that phrase is used in Section 7(1) of Article V of the North Carolina Constitution.
35

36 GENERAL GUIDANCE ON USE OF FUNDS

37 **SECTION IVA.5.** The OSBM shall work with the recipient State agencies to budget
38 receipts awarded pursuant to COVID-19 Recovery Legislation according to the program needs
39 and within the parameters of the respective granting entities and applicable federal laws and
40 regulations. State agencies shall not use funds received pursuant to COVID-19 Recovery
41 Legislation for recurring purposes. Depending on the nature of the award, additional State
42 personnel may be employed on a temporary or time-limited basis.
43

44 REQUIRED REPORT ON USE OF FUNDS

45 **SECTION IVA.6.** In addition to any report required under this Part or any other law,
46 OSBM shall provide a report to the Joint Legislative Commission on Governmental Operations
47 and the Fiscal Research Division by March 1, 2021, detailing the use of funds allocated under
48 Section IVC.3 of this act. Additionally, each State agency or department that receives federal
49 grant funds under this Part shall provide a report to the Joint Legislative Commission on
50 Governmental Operations and the Fiscal Research Division no later than 90 days from the day
51 the grant period ends detailing the use of funds. The report required from OSBM under this

1 section shall include the amount of funds allocated to each State agency, State department, and
2 nonprofit organization, how the funds were used by each State agency, State department, and
3 nonprofit organization, and the amount of funds allocated to each State agency, State department,
4 and nonprofit organization that remained unspent as of December 30, 2020. The report required
5 from each State agency or department that receives federal grant funds under this Part shall
6 include the amount of funds granted, the source of the funds, how the funds were used, and the
7 amount of funds that remained unspent at the end of the grant period.

8 9 **AUDIT REQUIREMENT**

10 **SECTION IVA.7.** The State Auditor shall conduct a preliminary financial audit and
11 a final performance audit of the Coronavirus Relief Fund created by this Part no later than March
12 1, 2021.

13 14 **DEPARTMENTAL RECEIPTS**

15 **SECTION IVA.8.** Departmental receipts, as defined in G.S. 143C-1-1, are
16 appropriated for the 2019-2020 fiscal year and the 2020-2021 fiscal year up to the amounts
17 needed to implement the provisions in this Part for the corresponding fiscal year.

18 19 **SUBPART IV-B. COVID-19 RELIEF RESERVES AND FUNDS ESTABLISHED**

20 21 **CORONAVIRUS RELIEF RESERVE**

22 **SECTION IVB.1.** The State Controller shall establish a Coronavirus Relief Reserve
23 (Reserve) in the General Fund to maintain federal funds received from the Coronavirus Relief
24 Fund created under the CARES Act, P.L. 116-136, to mitigate the impact of the COVID-19
25 outbreak in North Carolina. The State Controller shall transfer funds to the Coronavirus Relief
26 Fund established in Section IVB.2 of this Part only as needed to meet the appropriations set out
27 in this Part and only upon request of the Director of the Budget. Funds reserved in the Reserve
28 do not constitute an "appropriation made by law," as that phrase is used in Section 7(1) of Article
29 V of the North Carolina Constitution.

30 31 **CORONAVIRUS RELIEF FUND**

32 **SECTION IVB.2.** The Coronavirus Relief Fund (Fund) is established. The purpose
33 of the Fund is to provide necessary and appropriate relief and assistance from the effects of
34 COVID-19, consistent with the provisions of this Part and subsequent legislation addressing the
35 effects of COVID-19. The Fund shall be maintained as a special fund and administered by OSBM
36 to carry out the provisions of this and subsequent acts necessitated as a result of the COVID-19
37 outbreak. All funds allocated from the Fund must be used for necessary expenditures incurred
38 due to the public health emergency with respect to the COVID-19 outbreak. Only expenditures
39 incurred during the period that begins on March 1, 2020, and ends on December 30, 2020, are
40 eligible for funding from this Fund.

41 42 **SUBPART IV-C. TRANSFER, APPROPRIATIONS, AND ALLOCATIONS**

43 44 **TRANSFER OF FUNDS FROM RELIEF RESERVE TO RELIEF FUND**

45 **SECTION IVC.1.** Transfer of Funds from Relief Reserve to Relief Fund. – The
46 State Controller shall transfer the sum of one billion six hundred thirty-five million five hundred
47 sixty-seven thousand twenty-nine dollars (\$1,635,567,029) for the 2019-2020 fiscal year from
48 the Reserve established in Section IVB.1 of this Part to the Fund established in Section IVB.2 of
49 this act.

50 51 **APPROPRIATION OF FUNDS FROM RELIEF FUND TO OSBM**

1 **SECTION IVC.2.** Appropriation of Funds from Relief Fund to OSBM. – There is
2 appropriated from the Fund to OSBM the sum of one billion six hundred thirty-five million five
3 hundred sixty-seven thousand twenty-nine dollars (\$1,635,567,029) in nonrecurring funds for the
4 2019-2020 fiscal year to be allocated and used as provided in Section IVC.3 of this act. The funds
5 appropriated in this section shall not revert at the end of the 2019-2020 fiscal year, but shall
6 remain available to expend until December 30, 2020.

7
8 **ALLOCATION OF FUNDS APPROPRIATED TO OSBM**

9 **SECTION IVC.3.** Allocations of Funds. – OSBM shall allocate the funds
10 appropriated in Section IVC.2 of this Part as follows:

- 11 (1) \$80,000,000 to the Department of Public Instruction for school nutrition
12 services provided in response to COVID-19 by public school units
13 participating in the National School Lunch Program or School Breakfast
14 Program from March 16, 2020, through the end of the 2019-2020 school year.
15 Funds for these services shall be allocated in the same manner as if the
16 participating public school units were reimbursed by school meal receipts or
17 federal funds.
- 18 (2) \$299,000 to the Department of Public Instruction to work with the Friday
19 Institute for Educational Innovation at North Carolina State University, in
20 response to COVID-19, to develop and test different approaches of (i)
21 reducing long-term disparities in Internet connectivity among students and (ii)
22 improving students' digital development.
- 23 (3) \$1,348,500 to the Department of Public Instruction to improve Internet
24 connectivity for students, in response to COVID-19, by installing Internet
25 access points in school buses.
- 26 (4) \$21,200,000 to the Department of Public Instruction to improve Internet
27 connectivity for students, in response to COVID-19, by providing community
28 and home mobile Internet access points.
- 29 (5) \$35,000,000 to the Department of Public Instruction to be allocated to local
30 school administrative units, charter schools, regional schools, and other
31 elementary or secondary schools operated by the State Board of Education to
32 purchase computers or other electronic devices for use by students in response
33 to COVID-19.
- 34 (6) \$7,420,000 to the Department of Public Instruction to be allocated to local
35 school administrative units, charter schools, regional schools, and other
36 elementary or secondary schools operated by the State Board of Education to
37 purchase computers or other electronic devices for use by school personnel in
38 response to COVID-19.
- 39 (7) \$4,900,000 to the Department of Public Instruction to purchase pre-packaged
40 digital curricula for grades kindergarten through twelve in response to
41 COVID-19.
- 42 (8) \$5,550,000 to the Department of Public Instruction, in response to COVID-19,
43 to (i) establish a statewide shared cybersecurity infrastructure to protect school
44 business systems and minimize instructional disruption and (ii) for district
45 cybersecurity monitoring and support through the School Connectivity
46 Initiative.
- 47 (9) \$35,000,000 to the Department of Public Instruction to be allocated in a
48 manner consistent with the formula for the Instructional Support Allotment.
49 These funds shall be used for school health support personnel to provide
50 additional physical and mental health support services for students in response
51 to COVID-19, including remote and in-person physical and mental health

- 1 support services. For purposes of this subdivision, the term "school health
2 support personnel" shall refer to school counselors, school nurses, school
3 psychologists, and school social workers.
- 4 (10) \$70,000,000 to the Department of Public Instruction to be allocated to local
5 school administrative units, charter schools, and the Innovative School
6 District to provide a supplemental summer learning program for students
7 whose learning has been negatively affected by the impacts of COVID-19, in
8 accordance with the following:
- 9 a. The summer learning program shall include the following:
- 10 1. Reading interventions for students who were in kindergarten
11 through grade three during the 2019-2020 school year who
12 were not on track to meet 2019-2020 year-end expectations
13 based on diagnostic assessments completed prior to March 16,
14 2020.
- 15 2. Reading interventions for students who were in grade four
16 during the 2019-2020 school year who were not on track to
17 meet 2019-2020 year-end expectations as identified by their
18 2019-2020 school year reading teachers.
- 19 3. Math interventions for students who were in kindergarten
20 through grade four during the 2019-2020 school year who were
21 not on track to meet 2019-2020 year-end expectations as
22 identified by their 2019-2020 school year math teachers.
- 23 b. Of the funds appropriated by this subdivision for summer reading
24 programs, at least thirty-five million dollars (\$35,000,000) shall be
25 used to provide reading interventions for students who were in grades
26 two and three during the 2019-2020 school year. Of these funds, any
27 unexpended funds at the conclusion of the summer learning program
28 shall be used prior to August 17, 2020, to provide supplemental
29 literacy support for students in grades three and four during the
30 2020-2021 school year who are not on track to meet 2020-2021
31 year-end expectations, as identified by their 2020-2021 school year
32 reading teachers.
- 33 c. Any unexpended funds for (i) reading interventions for students in
34 kindergarten, grade one, or grade four during the 2019-2020 school
35 year and (ii) math interventions for students in kindergarten through
36 grade four during the 2019-2020 school year shall be used prior to
37 August 17, 2020, to provide supplemental literacy or math support, as
38 appropriate, to students in grades one through five during the
39 2020-2021 school year who are not on track to meet 2020-2021
40 year-end expectations as identified by their respective 2020-2021
41 school year reading or math teachers.
- 42 d. Funds provided for summer learning programs may be used to deliver
43 interventions and instruction to participating students using methods
44 such as digital resources, printed materials, literacy coaches, and
45 face-to-face instruction.

46 The governing body of a public school unit receiving funds under this
47 subdivision shall consult with 2019-2020 school year teachers of kindergarten
48 through fourth grade students to develop summer learning program plans that
49 deliver targeted instruction to students participating in the summer learning
50 program. Each public school unit's plan shall comply with the requirements of
51 any executive order in effect at the time of the summer learning program,

1 including requirements on the use of public school buildings, and shall comply
2 with social distancing and other public health guidelines provided by the
3 Department of Health and Human Services. No later than June 22, 2020, local
4 school administrative units and the Innovative School District shall submit
5 their summer learning program plans to the Department of Public Instruction.
6 Summer learning programs shall not be included in scheduled instructional
7 time for the 2020-2021 school year calendar, but shall provide a supplement
8 to that instruction in order to better prepare students for academic success
9 during the 2020-2021 school year, despite the impacts of COVID-19. Each
10 public school unit receiving funds under this subdivision is encouraged to
11 identify or prepare resources and strategies that parents or guardians can
12 provide at home for students who qualify for a summer learning program and
13 who (i) do not attend or (ii) attend and would like additional material. No later
14 than February 15, 2021, the State Board of Education shall report to the Joint
15 Legislative Education Oversight Committee on the implementation of this
16 subdivision and the use of funds for summer learning programs. The State
17 Board shall submit with its report a copy of each summer learning program
18 plan submitted, and shall include any other data deemed by the State Board to
19 be useful to the Joint Legislative Education Oversight Committee in
20 evaluating the delivery of summer learning programs.

21 (11) \$1,488,000 to the Department of Public Instruction to assist and support public
22 school units in providing remote instruction in response to the impacts of
23 COVID-19 by expanding the learning management platform provided by the
24 Department of Public Instruction to local school administrative units, charter
25 schools, regional schools, the Innovative School District, and any other public
26 school units, in the discretion of the Department.

27 (12) \$5,000,000 to the Department of Public Instruction to provide nondigital
28 remote instruction resources to students with limited connectivity, in order to
29 continue learning growth during the school closure period related to
30 COVID-19.

31 (13) \$17,900,000 to the Department of Public Instruction to provide Extended
32 School Year Services or future services, as appropriate, to exceptional
33 children who qualify for these services due to the impacts of COVID-19.

34 (14) \$621,000 to the Department of Public Instruction for the Governor Morehead
35 School for the Blind, Eastern North Carolina School for the Deaf, and North
36 Carolina School for the Deaf for school nutrition, cleaning and sanitizing,
37 digital and nondigital remote learning resources, compensatory services, and
38 Extended School Year Services related to the impacts of COVID-19.

39 (15) \$6,000,000 to the Department of Public Instruction for the Extended Learning
40 and Integrated Student Supports Competitive Grant Program (Program) for
41 the 2019-2020 and 2020-2021 fiscal years. Of these funds, the Department of
42 Public Instruction may use up to two hundred thousand dollars (\$200,000) to
43 administer the Program. The purpose of the Program is to fund high-quality,
44 independently validated extended learning and integrated student support
45 service programs for at-risk students whose learning has been negatively
46 affected by COVID-19 impacts. The programs funded shall raise standards
47 for student academic outcomes by focusing on the following:

- 48 a. Use of an evidence-based model with a proven track record of success.
- 49 b. Inclusion of rigorous, quantitative performance measures to confirm
50 effectiveness of the program.

- c. Deployment of multiple tiered supports in schools to address student barriers to achievement, such as strategies to improve chronic absenteeism, antisocial behaviors, academic growth, and enhancement of parent and family engagement.
- d. Alignment with State performance measures, student academic goals, and the North Carolina Standard Course of Study.
- e. Prioritization in programs to integrate clear academic content, in particular, science, technology, engineering, and mathematics (STEM) learning opportunities or reading development and proficiency instruction.
- f. Minimization of student class size when providing instruction or instructional supports and interventions.
- g. Expansion of student access to high-quality learning activities and academic support that strengthen student engagement and leverage community-based resources, which may include organizations that provide mentoring services and private-sector employer involvement.
- h. Utilization of digital content to expand learning time, when appropriate.

Grants shall be used to award funds for new or existing eligible programs for at-risk students operated by (i) nonprofit corporations and (ii) nonprofit corporations working in collaboration with local school administrative units. Grant participants are eligible to receive grants in an amount of up to five hundred thousand dollars (\$500,000) each year. Programs should focus on serving (i) at-risk students not performing at grade level as demonstrated by statewide assessments or not on-track to meet year-end expectations as of March 16, 2020 as demonstrated by existing indicators including teacher identification, (ii) students at risk of dropout, and (iii) students at risk of school displacement due to suspension or expulsion as a result of antisocial behaviors. Priority consideration shall be given to applications demonstrating models that focus services and programs in schools that are identified as low-performing, pursuant to G.S. 115C-105.37. A grant participant shall provide certification to the Department of Public Instruction that the grants received under the program shall be matched on the basis of three dollars (\$3.00) in grant funds for every one dollar (\$1.00) in nongrant funds. Matching funds shall not include State funds. The Department shall also give priority consideration to an applicant that is a nonprofit corporation working in partnership with a local school administrative unit resulting in a match utilizing federal funds under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended, or Title IV of the Higher Education Act of 1965, as amended, and other federal or local funds. Matching funds may include in-kind contributions for up to fifty percent (50%) of the required match. A nonprofit corporation may act as its own fiscal agent for the purposes of this Program. Grant recipients shall report to the Department of Public Instruction for the year in which grant funds were expended on the progress of the Program, including alignment with State academic standards, data collection for reporting student progress, the source and amount of matching funds, and other measures. Grant recipients shall also submit a final report on key performance data, including statewide test results, attendance rates, graduation rates, and promotion rates, and financial sustainability of the program. The Department of Public Instruction shall provide a report on the Program to the Joint Legislative Education Oversight Committee by February

1 15, 2021. The report shall include the results of the Program and
2 recommendations regarding effective program models, standards, and
3 performance measures based on student performance, leveraging of
4 community-based resources to expand student access to learning activities,
5 academic and behavioral support services, and potential opportunities for the
6 State to invest in proven models for future grants programs.

7 (16) \$25,000,000 to the Community Colleges System Office to be used by the
8 System Office and to be allocated to community college campuses for the
9 following purposes to effectively respond to COVID-19 impacts: (i) to
10 enhance online learning capacity and cover increased costs associated with
11 moving to online education for students, (ii) to cover necessary eligible
12 expenses for resources and supports for faculty and staff, (iii) to provide Small
13 Business Center counselors for small business needs, (iv) to cover expenses
14 for expanded demands on information technology, including devices for
15 campuses in rural areas, and (v) to provide facility sanitation and other
16 necessary eligible expenses for services for ongoing campus operations.

17 (17) \$48,690,529 to the Board of Governors of The University of North Carolina
18 to be allocated to constituent institutions for the following purposes to
19 effectively respond to COVID-19 impacts: (i) to cover increased costs related
20 to moving coursework and exams online, (ii) to implement a digital learning
21 accelerator, (iii) to provide for facility sanitation prior to reopening campuses
22 and during the operation of campuses and for other necessary eligible
23 expenses for services for ongoing campus operations, and (iv) to cover
24 necessary eligible expenses for assistance to students and employees,
25 including counseling services and information technology support.

26 (18) \$30,000,000 to the Board of Governors of The University of North Carolina
27 to be allocated to the State Education Assistance Authority (Authority) for the
28 Authority to provide funds to each eligible private postsecondary institution,
29 as defined in G.S. 116-280(3), by apportioning an amount equal to the
30 following:

31 a. Seventy-five percent (75%) of the institution's relative share of
32 full-time equivalent students who were enrolled as of March 13, 2020,
33 who received scholarships pursuant to Article 34 of Chapter 116 of the
34 General Statutes for the spring semester of the 2019-2020 academic
35 year.

36 b. Twenty-five percent (25%) of the institution's relative share of
37 full-time equivalent students who were enrolled as of March 13, 2020,
38 who had not received scholarships pursuant to Article 34 of Chapter
39 116 of the General Statutes for the spring semester of the 2019-2020
40 academic year.

41 These funds shall be used to transition to online education for students, for
42 necessary eligible institutional expenditures related to COVID-19, and to
43 provide funds for students and families impacted by COVID-19. An eligible
44 postsecondary institution receiving funds pursuant to this subdivision shall not
45 use these funds for purposes other than for actions taken to respond to
46 COVID-19 in accordance with the provisions of this Part and in compliance
47 with federal law requirements.

48 (19) \$110,000,000 to OSBM to establish the COVID-19 Response Research Fund.
49 OSBM shall allocate the monies from the fund as follows:

50 a. \$100,000,000 shall be allocated to the North Carolina Policy
51 Collaboratory (Collaboratory) at the University of North Carolina at

1 Chapel Hill to coordinate efforts among entities being provided funds
2 pursuant to this subdivision. The Collaboratory shall facilitate best
3 practices and strategies for those entities to maximize resources and
4 achieve a comprehensive response to COVID-19. The Collaboratory
5 may assemble an advisory panel of representatives from entities
6 receiving funds pursuant to this subdivision as necessary to discuss,
7 review, and analyze progress towards meeting the goals for the use of
8 the funds. Funds shall be provided to the following entities to be used
9 for (i) the rapid development of a countermeasure of neutralizing
10 antibodies and other strategies for COVID-19 that can be used as soon
11 as possible to both prevent infection, and for those infected, treat
12 infection, (ii) bringing a safe and effective COVID-19 vaccine to the
13 public as soon as possible, (iii) community testing initiatives, and (iv)
14 other research related to COVID-19:

- 15 1. \$25,000,000 shall be allocated to the Duke University Human
16 Vaccine Institute (DHVI) of the Duke University School of
17 Medicine.
 - 18 2. \$25,000,000 shall be allocated to the Gillings School of Global
19 Public Health at the University of North Carolina at Chapel
20 Hill.
 - 21 3. \$25,000,000 shall be allocated to the Brody School of
22 Medicine at East Carolina University.
 - 23 4. \$25,000,000 shall be allocated to the Wake Forest School of
24 Medicine.
- 25 b. \$10,000,000 shall be allocated to the Campbell University School of
26 Osteopathic Medicine for a community and rural-focused primary care
27 workforce response to COVID-19, including, but not limited to, (i)
28 supporting community testing initiatives, (ii) providing treatment in
29 community-based health care settings, (iii) monitoring rural
30 populations, (iv) educating health professionals on best practices for a
31 pandemic response, and (v) supporting rural communities through
32 primary care.

33 By September 1, 2020, the Collaboratory, DHVI, Gillings School of Global
34 Public Health, Brody School of Medicine, and Wake Forest School of
35 Medicine shall submit a report to the House Appropriations Subcommittee on
36 Health and Human Services, the Senate Appropriations Committee on Health
37 and Human Services, and the Joint Legislative Oversight Committee on
38 Health and Human Services on all of the following:

- 39 a. Progress on the development of a countermeasure, other strategies,
40 and a vaccine for COVID-19.
- 41 b. Findings from the community testing initiatives.
- 42 c. Other research related to COVID-19.
- 43 d. A breakdown of all expenditures from the appropriated funds received
44 under this subdivision.
- 45 e. The source and amount of all other funds received for the purposes
46 described in this subdivision.

47 By September 1, 2020, Campbell University School of Osteopathic Medicine
48 shall report to the House Appropriations Subcommittee on Health and Human
49 Services, the Senate Appropriations Committee on Health and Human
50 Services, and the Joint Legislative Oversight Committee on Health and
51 Human Services on all of the following:

- 1 a. Findings from the supported community testing initiatives.
- 2 b. A description of the education provided to health professionals.
- 3 c. Best practices for treating rural populations and supporting
- 4 community-based hospitals during a pandemic.
- 5 d. A breakdown of all expenditures from the appropriated funds received
- 6 under this subdivision.
- 7 e. The source and amount of all other funds received for the purposes
- 8 described in this subdivision.
- 9 (20) \$25,000,000 to the Department of Health and Human Services to support
- 10 public health efforts, the State Laboratory of Public Health, local health
- 11 departments, and rural health providers in building capacity to respond to the
- 12 COVID-19 pandemic.
- 13 (21) \$25,000,000 to the Department of Health and Human Services to provide
- 14 funds to support behavioral health and crisis services to respond to the
- 15 COVID-19 pandemic. These funds shall be used for at least all of the
- 16 following purposes:
- 17 a. To divert individuals experiencing behavioral health emergencies
- 18 from emergency departments.
- 19 b. To allocate \$12,600,000 to be distributed as a one-time payment to
- 20 each local management entity/managed care organization
- 21 (LME/MCO) for the purposes of providing temporary additional
- 22 funding assistance for Intermediate Care Facilities for Individuals with
- 23 Intellectual Disabilities (ICF/IID) services on a per diem basis.
- 24 c. To allocate \$400,000 in nonrecurring funds to the Department of
- 25 Health and Human Services, Division of Mental Health,
- 26 Developmental Disabilities, and Substance Abuse Services, for the
- 27 purchase of units of opioid antagonist, as defined in G.S. 90-12.7 of
- 28 the General Statutes, to be distributed free of charge, as provided in
- 29 Section IVF.1 of this act, to opioid treatment programs operating in
- 30 this State for the purpose of preventing the overburdening of the State's
- 31 health care system, hospital emergency departments, and intensive
- 32 care units with patients addicted to opioids or experiencing opioid
- 33 overdose during the COVID-19 emergency, and to mitigate the loss of
- 34 life associated with opioid overdose in this State during the COVID-19
- 35 emergency.
- 36 (22) \$40,000,000 to the Department of Health and Human Services, Division of
- 37 Health Benefits, for coverage of additional costs related to the Medicaid
- 38 program, including any of the following costs:
- 39 a. Funding for the support of COVID-19 related priorities in the
- 40 Medicaid program as they evolve, including additional provider
- 41 support for long-term care, primary care, and other providers most at
- 42 risk of insolvency as a result of severely disrupted revenue during the
- 43 COVID-19 pandemic.
- 44 b. Additional funding for COVID-19 testing and the treatment of patients
- 45 who test positive for COVID-19.
- 46 c. Costs associated with increased enrollment due to the COVID-19
- 47 pandemic.
- 48 (23) \$50,000,000 to OSBM for allocation to the Department of Health and Human
- 49 Services and the Division of Emergency Management within the Department
- 50 of Public Safety for the following purposes:

- 1 a. To purchase personal protective equipment that meets CDC guidelines
2 for infection control. As used in this section, personal protective
3 equipment includes gloves, gowns and aprons, surgical and respiratory
4 masks, goggles, face shields, and other protective clothing that meet
5 CDC guidelines for infection control.
- 6 b. To purchase other supplies and equipment related to emergency
7 protective measures to address immediate threats to life, public health,
8 and safety related to COVID-19, such as ventilators, touch-free
9 thermometers, disinfectant, and sanitizing wipes.

10 Any supplies and equipment purchased with funds allocated in this
11 subdivision may be made available to both public and private health care
12 providers and other entities the Department of Health and Human Services or
13 the Division of Emergency Management deem essential to the State's response
14 to COVID-19. The Department of Health and Human Services and the
15 Division of Emergency Management shall ensure that funds appropriated in
16 this subdivision are expended in a manner that does not adversely affect any
17 person's or entity's eligibility for federal funds that are made available, or that
18 are anticipated to be made available, as a result of the COVID-19 pandemic.
19 The Department of Health and Human Services and the Division of
20 Emergency Management shall also, to the extent practicable, avoid using State
21 funds to cover costs that will be, or likely will be, covered by federal funds.

22 (24) \$25,000,000 to the Department of Health and Human Services to expand
23 public and private initiatives for COVID-19 testing, contact tracing, and
24 trends tracking and analysis through, but not limited to, all of the following
25 ways:

- 26 a. Building capacity for widespread COVID-19 diagnostic testing to
27 enable rapid case-based interventions.
- 28 b. Building capacity for widespread COVID-19 antibody testing to
29 enable rapid deployment when such testing becomes available.
- 30 c. Expanding contact tracing workforce and infrastructure to routinely
31 identify potentially exposed persons and take appropriate public health
32 actions.
- 33 d. Increasing research and data tools and analysis infrastructure to
34 support better predictive models, surveillance and response strategies.

35 (25) \$25,000,000 to the Department of Health and Human Services to provide
36 funding for (i) adult and child protective services response, (ii) support for
37 homeless and domestic violence shelters and housing security, including
38 prevention, diversion, and rapid re-housing assistance, (iii) child care
39 response, and (iv) technology modifications to support COVID-19 emergency
40 relief beneficiaries.

- 41 a. From funds received pursuant to this subdivision, the sum of
42 \$6,000,000 is allocated equally among each of the six food banks in
43 this State in support of responses to the COVID-19 emergency.
- 44 b. From funds received pursuant to this subdivision, the sum of
45 \$2,500,000 is allocated to Reinvestment Partners, a nonprofit
46 organization, for its Produce Prescription Program, which provides a
47 monthly forty-dollar (\$40.00) per household benefit for each eligible
48 Food and Nutrition Services recipient enrolled by the recipient's health
49 care provider, to serve individuals impacted by the COVID-19
50 emergency. Individuals receiving assistance pursuant to this
51 sub-subdivision are limited to three months of food assistance.

- 1 c. Subparagraph b. of this subdivision is effective when it becomes law
2 and expires three months from the date this section becomes effective.
3 The remainder of this subdivision is effective when it becomes law.
- 4 (26) \$2,250,000 to the Department of Health and Human Services, Division of
5 Social Services, to assist in serving children in foster care during the
6 COVID-19 emergency. These funds shall be used for monthly supplemental
7 payments in the amount of one hundred dollars (\$100.00) for each child
8 receiving foster care assistance payments for the months of April 2020
9 through June 2020.
- 10 (27) \$25,000,000 to the Department of Health and Human Services, Division of
11 Social Services, for facilities licensed to accept State-County Special
12 Assistance. These funds shall be used to provide a one-time payment to these
13 facilities to offset the increased costs of serving residents during the
14 COVID-19 emergency. Each eligible facility shall receive an amount equal to
15 one thousand three hundred twenty-five dollars (\$1,325) for each resident of
16 the facility who is a recipient of State-County Special Assistance between
17 March 10, 2020, through July 30, 2020. In the case of a recipient who transfers
18 from one facility to another during this time period, only the first eligible
19 facility of residence will receive the payment authorized under this section.
20 Nothing in this section shall be construed as an obligation by the General
21 Assembly to appropriate funds for the purpose of this section, or as an
22 entitlement by any facility, resident of a facility, or other person to receive
23 financial assistance under this section. The following definitions apply in this
24 section:
- 25 a. Facility licensed to accept State-County Special Assistance payments.
26 – Any residential care facility that is (i) licensed by the Department of
27 Health and Human Services and (ii) authorized to accept State-County
28 Special Assistance payments from its residents.
- 29 b. State-County Special Assistance. – The program authorized by
30 G.S. 108A-40.
- 31 (28) \$25,000,000 to the Department of Health and Human Services to provide
32 funds to support rural and underserved communities especially hard hit by the
33 COVID-19 pandemic, which may include directed grants to health care
34 providers other than rural hospitals; targeted Medicaid assistance for rural
35 providers; enhanced telehealth services; transportation for critical services;
36 health care security for the uninsured; and other related purposes. These funds
37 may be used to fund items not addressed by federal relief funds or as needed
38 to address critical health care needs until federal funds are received for such
39 purposes.
- 40 (29) \$75,000,000 to the OSBM to provide a directed grant to the North Carolina
41 Healthcare Foundation (NCHF), a nonprofit corporation. NCHF shall use
42 these funds to award grants to rural hospitals to offset expenses incurred for
43 providing patient care in North Carolina to respond to the COVID-19
44 pandemic. NCHF shall award grants to eligible rural hospitals within 30 days
45 after receipt of an application and on the basis of need according to tier
46 designation, county health ranking, and hospital-specific financial data.
47 NCHF shall provide technical assistance to grant recipients for a period of five
48 years following distribution of funds to (i) ensure that funds are utilized
49 according to the intended purpose, (ii) assist recipient facilities in interpreting
50 and implementing waivers and other federal guidance related to COVID-19
51 response and recovery, and (iii) support recipient facilities in preparing for

1 post-COVID-19 sustainability. Grant recipients shall not use these funds for
2 any purpose other than to offset the following costs related to patient care
3 provided in North Carolina as a result of the COVID-19 pandemic:

- 4 a. Up to sixty percent (60%) of lost revenues from foregone elective
5 procedures during the emergency period, net of federal funds received
6 from the CARES Act.
- 7 b. Supplies and equipment purchased in accordance with Centers for
8 Disease Control guidelines.
- 9 c. Rapidly ramping up infection control and triage training for health care
10 professionals.
- 11 d. Retrofitting separate areas to screen and treat patients with suspected
12 COVID-19 infections, including isolation areas in or around hospital
13 emergency departments.
- 14 e. Increasing the number of patient care beds to provide surge capacity.
- 15 f. Transporting patients with confirmed or suspected COVID-19 safely
16 to or from rural facilities.
- 17 g. Planning, training, and implementing expanded telehealth capabilities.
- 18 h. Procuring staff or consultants to help mitigate the burden of extensive
19 review of new and incoming federal and State regulatory guidelines.
- 20 i. Salary support for furloughed employees.

21 By November 1, 2020, grant recipients shall submit to NCHF a detailed
22 written report on the use of the funds appropriated in this subdivision. By
23 December 1, 2020, NCHF shall submit to OSBM, the Joint Legislative
24 Oversight Committee on Health and Human Services, and the Fiscal Research
25 Division a detailed written report on the use of funds appropriated in this
26 subdivision, along with recommendations on how recipient facilities can
27 prepare for post-COVID-19 sustainability.

28 (30) \$1,400,000 to the Department of Health and Human Services, Division of
29 Central Management and Support, Office of Rural Health, to provide directed
30 grants of equal amounts to the 67 member clinics of the North Carolina
31 Association of Free and Charitable Clinics, to offset costs for providing health
32 care and prescription medications during the COVID-19 emergency.

33 (31) \$1,500,000 to the Department of Health and Human Services to provide a
34 directed grant to NC MedAssist, a nonprofit corporation, to offset increased
35 costs for providing prescription assistance services during the COVID-19
36 pandemic to individuals who are indigent or uninsured.

37 (32) \$25,000,000 to the OSBM to establish the COVID-19 Teaching Hospitals
38 Relief Fund. OSBM shall allocate the monies in the fund as directed grants to
39 hospitals located within the State that are classified as teaching hospitals by
40 the Centers for Medicare and Medicaid Services, for the purpose of offsetting
41 expenses incurred for providing patient care in North Carolina as a result of
42 the COVID-19 pandemic. OSBM shall award grants to eligible teaching
43 hospitals based on the amount of charitable care provided in North Carolina
44 and the amount of lost revenue sustained within North Carolina as a result of
45 the COVID-19 pandemic. Grant recipients shall not use these funds for any
46 purpose other than the following to offset costs related to patient care provided
47 in North Carolina to respond to the COVID-19 pandemic:

- 48 a. Up to sixty percent (60%) of lost revenues from foregone elective
49 procedures during the COVID-19 emergency, net of federal funds
50 received from the CARES Act.

- 1 b. Supplies and equipment purchased in accordance with Centers for
- 2 Disease Control guidelines.
- 3 c. Rapidly ramping up infection control and triage training for health care
- 4 professionals.
- 5 d. Retrofitting separate areas to screen and treat patients with suspected
- 6 COVID-19 infections, including isolation areas in or around hospital
- 7 emergency departments.
- 8 e. Increasing the number of patient care beds to provide surge capacity.
- 9 f. Transporting patients with confirmed or suspected COVID-19 safely
- 10 to or from health care facilities.
- 11 g. Planning, training, and implementing expanded telehealth capabilities.
- 12 h. Procuring staff or consultants to help mitigate the burden of extensive
- 13 review of new and incoming federal and State regulatory guidelines.
- 14 i. Salary support for furloughed employees.
- 15 As a condition of receiving the funds allocated in this subdivision, each grant
- 16 recipient shall submit a detailed written report to the House Appropriations
- 17 Subcommittee on Health and Human Services, the Senate Appropriations
- 18 Committee on Health and Human Services, and the Joint Legislative
- 19 Oversight Committee on Health and Human Services by December 1, 2020,
- 20 that contains (i) a breakdown of all expenditures from the appropriated funds
- 21 received under this section by the categories listed in this subdivision and (ii)
- 22 the total amount of funds received from the Provider Relief Fund provided for
- 23 in P.L. 116-136 and any other federal legislation passed during calendar year
- 24 2020 to support the national response to COVID-19.
- 25 (33) \$25,000,000 to the OSBM to establish the COVID-19 General Hospitals
- 26 Relief Fund. OSBM shall allocate the monies in the fund as directed grants to
- 27 hospitals located within the State that are not classified as rural hospitals or
- 28 teaching hospitals by the Centers for Medicare and Medicaid Services, for the
- 29 purpose of offsetting expenses incurred for providing care to patients in North
- 30 Carolina as a result of the COVID-19 pandemic. OSBM shall award grants to
- 31 eligible large hospitals based on the amount of charitable care provided in
- 32 North Carolina and the amount of lost revenue sustained within North
- 33 Carolina as a result of the COVID-19 pandemic. Grant recipients shall not use
- 34 these funds for any purpose other than to offset the following costs related to
- 35 patient care provided in North Carolina to respond to the COVID-19
- 36 pandemic:
- 37 a. Up to sixty percent (60%) of lost revenues from foregone elective
- 38 procedures during the emergency period, net of federal funds received
- 39 from the CARES Act.
- 40 b. Supplies and equipment purchased in accordance with Centers for
- 41 Disease Control guidelines.
- 42 c. Rapidly ramping up infection control and triage training for health care
- 43 professionals.
- 44 d. Retrofitting separate areas to screen and treat patients with suspected
- 45 COVID-19 infections, including isolation areas in or around hospital
- 46 emergency departments.
- 47 e. Increasing the number of patient care beds to provide surge capacity.
- 48 f. Transporting patients with confirmed or suspected COVID-19 safely
- 49 to or from health care facilities.
- 50 g. Planning, training, and implementing expanded telehealth capabilities.

1 h. Procuring staff or consultants to help mitigate the burden of extensive
2 review of new and incoming federal and State regulatory guidelines.

3 i. Salary support for furloughed employees.

4 As a condition of receiving the funds allocated in this subdivision, each grant
5 recipient shall submit a detailed written report to the House Appropriations
6 Subcommittee on Health and Human Services, the Senate Appropriations
7 Committee on Health and Human Services, and the Joint Legislative
8 Oversight Committee on Health and Human Services by December 1, 2020,
9 that contains (i) a breakdown of all expenditures from the appropriated funds
10 received under this section by the categories listed in this subdivision and (ii)
11 the total amount of funds received from the Provider Relief Fund provided for
12 in P.L. 116-136 and any other federal legislation passed during calendar year
13 2020 to support the national response to COVID-19.

14 (34) \$300,000,000 to OSBM for the Department of Transportation. OSBM shall
15 not transfer these allocated funds to the Department for use until the guidelines
16 in "Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal
17 Governments" dated April 22, 2020 are revised by the United States
18 Department of the Treasury or a subsequent act of Congress authorizes the use
19 of funds from the Coronavirus Relief Fund for the purpose of replacing lost
20 revenue due to the COVID-19 emergency. 30 days prior to the transfer of
21 funds pursuant to this subsection, OSBM shall submit a report to the Joint
22 Legislative Commission on Governmental Operations. On or before April 1,
23 2021, the Department shall submit a report on the status of utilizing these
24 funds and a revenue update to the Joint Legislative Transportation Oversight
25 Committee (JLTOC) and the Fiscal Research Division.

26 (35) \$350,000,000 to OSBM for allocation to counties ineligible to receive direct
27 funding from the federal Coronavirus Relief Fund established by the
28 Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. 116-136.
29 The OSBM shall allocate these funds on a per capita basis using the US
30 Census Bureau's Vintage 2019 county population totals, provided that no
31 county eligible to receive an allocation under this section shall be allocated
32 less than \$500,000. A county may allocate a portion of these funds for use by
33 municipalities within the county, but only if the transfer qualifies as a
34 necessary expenditure incurred due to the public health emergency and meets
35 the other criteria of section 601(d) of the Social Security Act. Such funds are
36 subject to recoupment by the U.S. Treasury Inspector General if they have not
37 been used in a manner consistent with section 601(d) of the Social Security
38 Act. Further, the funds may only be used to support expenditures by counties
39 and municipalities that are consistent with the most recently published U.S.
40 Treasury Department guidance for the federal Coronavirus Relief Fund.
41 Counties and municipalities are liable to the State for any misuse or
42 mishandling of these funds, and subject to clawback and other appropriate
43 measures, including the reduction or elimination of other State funds. Any
44 local government officer, official, or employee who violates this section shall
45 be subject to a civil action by the State and held personally liable to reimburse
46 the State. Beginning October 1, 2020, and then quarterly thereafter, each
47 county and municipality receiving funds under this section shall report to the
48 OSBM on the use of allocated funds until all funds are expended and
49 accounted for.

50 (36) \$30,000,000 to OSBM, for allocation to State agencies negatively impacted
51 by the loss of anticipated receipts. OSBM shall not transfer the allocated

1 funds to the State agencies for use until the guidelines in "Coronavirus Relief
2 Fund Guidance for State, Territorial, Local, and Tribal Governments" dated
3 April 22, 2020 are revised by the United States Department of the Treasury or
4 a subsequent act of Congress authorizes the use of funds from the Coronavirus
5 Relief Fund for the purpose of replacing lost revenue due to the COVID-19
6 emergency. Prior to the transfer of funds pursuant to this subsection, OSBM
7 shall submit a report to the Joint Legislative Commission on Governmental
8 Operations.

9 (37) \$80,000,000 to OSBM to be used for the continuity of operation needs across
10 State government. Costs eligible under this subdivision may include, but are
11 not limited to, covering overtime costs at mental health institutions, prisons,
12 juvenile facilities, and veterans homes; purchasing critical information
13 technology equipment and software licenses; enhancing telepresence services
14 in public safety facilities and the court system; providing COVID-19 testing
15 for employees of the Division of Prisons at the Department of Public Safety;
16 and purchasing emergency sanitation and hygienic supplies. Provided that the
17 United States Department of Labor does not approve additional funding for
18 the Customer Call Center operated by the Division of Employment Security,
19 funds may also be used to hire additional time-limited staff in the Customer
20 Call Center to meet the unprecedented demand for services. In addition, these
21 funds may be used for the following purposes:

- 22 a. Up to ten million dollars (\$10,000,000) of the funds allocated in this
23 subdivision may be further allocated to the Department of Agriculture
24 and Consumer Services to be used for animal depopulation and
25 disposal activities to address possible future supply chain impacts
26 from the closure of animal processing plants due to COVID-19.
- 27 b. Up to two million dollars (\$2,000,000) of the funds allocated in this
28 subdivision may be used to establish a temporary North Carolina
29 Pandemic Recovery Office in accordance with Section IVE.1 of this
30 act.
- 31 c. Up to five hundred thousand dollars (\$500,000) of the funds allocated
32 in this subdivision may be further allocated to the Office of the State
33 Auditor to perform the requirements set forth in Section IVA.7 of this
34 act.

35 OSBM shall provide a report to the Joint Legislative Commission on
36 Governmental Operations no later than August 15, 2020, detailing the
37 allocation of funds under this subdivision. The report shall include which State
38 agencies received allocations, the amounts disbursed, the amount spent in the
39 2019-2020 fiscal year, and for what purposes the funds were used by fund
40 code and line-item detail.

41 42 **SUBPART IV-D. MEDICAID COVID-19 AUTHORIZATION AND RESPONSE**

43 44 **MEDICAID PROVIDER RATE INCREASES**

45 **SECTION IVD.1.** In addition to the five percent (5%) rate increases already
46 requested by the Department of Health and Human Services (DHHS) in the 1135 Medicaid
47 disaster State Plan amendment (SPA) submitted to the Centers for Medicare and Medicaid
48 Services on April 8, 2020, for certain provider types, DHHS shall increase the fee-for-service
49 Medicaid rates paid directly by the Division of Health Benefits for all remaining provider types
50 by five percent (5%). The rate increases authorized under this section shall be effective March 1,

2020, through the duration of the declared nationwide public health emergency as a result of the 2019 novel coronavirus.

PROVIDE MEDICAID COVERAGE FOR COVID-19 TESTING TO UNINSURED INDIVIDUALS IN NORTH CAROLINA DURING THE NATIONWIDE PUBLIC HEALTH EMERGENCY

SECTION IVD.2. The Department of Health and Human Services, Division of Health Benefits (DHB), is authorized to provide the Medicaid coverage described in 42 U.S.C.A. § 1396a(a)(10)(A)(ii)(XXIII), which covers COVID-19 testing for certain uninsured individuals during the period in which there is a declared nationwide public health emergency as a result of the 2019 novel coronavirus. DHB is authorized to provide this medical assistance retroactively to the earliest date allowable.

TEMPORARY MEDICAID COVERAGE FOR THE PREVENTION, TESTING, AND TREATMENT OF COVID-19

SECTION IVD.3.(a) The Department of Health and Human Services, Division of Health Benefits (DHB), is authorized to provide temporary, targeted Medicaid coverage to individuals with incomes up to two hundred percent (200%) of the federal poverty level, as requested by the Secretary of the Department of Health and Human Services in the 1115 waiver application submitted to the Centers for Medicare and Medicaid Services (CMS) on March 27, 2020. If CMS grants approval for different coverage or a different population than requested in that 1115 waiver application, DHB may implement the approved temporary coverage, provided that all the following criteria are met:

- (1) The coverage is only provided for a limited time period related to the declared nationwide public health emergency as a result of the 2019 novel coronavirus.
- (2) The coverage is not provided for services other than services for the prevention, testing, or treatment of COVID-19.
- (3) The income level to qualify for the coverage does not exceed two hundred percent (200%) of the federal poverty level.

SECTION IVD.3.(b) The Department of Health and Human Services, Division of Health Benefits, is authorized to provide this Medicaid coverage retroactively to the earliest date allowable.

IMPLEMENT TEMPORARY PROVIDER ENROLLMENT CHANGES AUTHORIZED UNDER THE MEDICAID 1135 WAIVER

SECTION IVD.4. In order for the Department of Health and Human Services, Division of Health Benefits, to implement the temporary provider enrollment changes under the 1135 waiver approved by the Centers for Medicare and Medicaid Services for the North Carolina Medicaid program and NC Health Choice program, the following statutes shall not apply to the North Carolina Medicaid program and the NC Health Choice program from March 1, 2020, through the duration of the declared nationwide public health emergency as a result of the 2019 novel coronavirus:

- (1) G.S. 108C-2.1.
- (2) G.S. 108C-4(a).
- (3) G.S. 108C-9(a) with respect to any required trainings prior to enrollment.
- (4) G.S. 108C-9(c).

SUBPART IV-E. ESTABLISHMENT OF TEMPORARY PANDEMIC RECOVERY OFFICE

SECTION IVE.1. OSBM shall establish a temporary North Carolina Pandemic Recovery Office (Office) to oversee and coordinate funds made available under COVID-19

1 Recovery Legislation. This Office shall also provide technical assistance and ensure coordination
2 of federal funds received by State agencies and local governments and ensure proper reporting
3 and accounting of all funds. The authorization set forth in this section expires 12 months from
4 the effective date of this act and the Office shall cease to operate upon expiration of the
5 authorization.

6 7 **PART IV-F. FUNDS FOR OVERDOSE MEDICATIONS**

8 **SECTION IVF.1.(a)** It is the intent of the General Assembly to prevent the
9 overburdening of the State's health care system, hospital emergency departments, and intensive
10 care units with patients addicted to opioids or experiencing opioid overdose during the
11 COVID-19 emergency, and to mitigate the loss of life associated with opioid overdose in this
12 State during the COVID-19 emergency. To that end, the Division of Mental Health,
13 Developmental Disabilities, and Substance Abuse Services (DMH/DD/SAS) shall use the funds
14 allocated in Section IVC.3(21)(c) of this Part to purchase units of opioid antagonist, as defined
15 in G.S. 90-12.7 of the General Statutes. DMH/DD/SAS shall distribute these opioid antagonist
16 units at no charge to opioid treatment programs operating in this State for the purposes specified
17 in subsection (b) of this section. As used in this section, an opioid treatment program means a
18 program or practitioner with a current and valid registration under 21 U.S.C. § 823(g)(1) that is
19 engaged in dispensing opioid agonist medication for the treatment of individuals with opioid use
20 disorders.

21 **SECTION IVF.1.(b)** Each opioid treatment program operating in this State shall do
22 all of the following within two weeks after receipt of the opioid antagonist distributed by
23 DMH/DD/SAS pursuant to subsection (a) of this section:

- 24 (1) Provide a prescription for opioid antagonist for each program participant who
25 meets at least one of the following criteria:
26 a. Is a Medicaid recipient.
27 b. Has prescription drug coverage for opioid antagonist.
- 28 (2) To the extent that units are available from those distributed by DMH/DD/SAS
29 pursuant to subsection (a) of this section, provide at least one unit of opioid
30 antagonist to each program participant who meets at least one of the following
31 criteria:
32 a. Is uninsured.
33 b. Lacks prescription drug coverage for opioid antagonist.
34 c. Is receiving opioid use disorder services funded by a grant, a local
35 management entity/managed care organization (LME/MCO), or
36 another source of funding not associated with the federal Centers for
37 Medicare and Medicaid Services or a commercial payor.
- 38 (3) To the extent that units are available from those distributed by DMH/DD/SAS
39 pursuant to subsection (a) of this section, or otherwise available to program
40 participants through the State's Medicaid program or other prescription drug
41 coverage for opioid antagonist, provide each program participant who has
42 take-home medication privileges with the opportunity to obtain prescription
43 refills for opioid antagonist.

44 **SECTION IVF.1.(c)** Nothing in this section shall be construed as an obligation by
45 the General Assembly to appropriate funds for the purpose of this section, or as an entitlement to
46 any opioid treatment program or any opioid treatment program participant to receive opioid
47 antagonist under this section.

48 49 **SUBPART IV-G. ADDITIONAL ALLOCATIONS AND APPROPRIATIONS**

50 51 **APPROPRIATION OF COVID-19 FEDERAL GRANT FUNDS AND RECEIPTS**

1 **SECTION IVG.1.(a)** Except for funds subject to subsection (c) of this section or
 2 Section IVB.1 of this act, funds received from federal grants authorized under the COVID-19
 3 Recovery Legislation are appropriated in the amounts provided in the notification of award from
 4 the federal government or any entity acting on behalf of the federal government to administer the
 5 federal funds. State agencies may, with approval of the Director of the Budget, spend funds
 6 received from federal receipts and federal grants resulting from enactment of the COVID-19
 7 Recovery Legislation that are not otherwise subject to Section IVB.1 of this act. Section 2.2(c)
 8 of S.L. 2019-192 shall not apply to grant funds received under the COVID-19 Recovery
 9 Legislation.

10 **SECTION IVG.1.(b)** The programs and grant amounts in the schedule set forth in
 11 this subsection are estimates of North Carolina's allocations from the COVID-19 Recovery
 12 Legislation to be deposited in the State's Treasury and administered by State agencies. This
 13 schedule is meant to be illustrative of federal grants that have, or will be, received by the State
 14 in addition to the approximately three billion five hundred million dollars (\$3,500,000,000) from
 15 the Coronavirus Relief Fund created under the CARES Act, P.L. 116-136. These amounts are
 16 not inclusive of federal funds distributed or paid directly to individuals, businesses, health care
 17 providers, or private postsecondary institutions:

<u>Program</u>	<u>Amount</u>
18 Governor's Emergency Education Relief Fund	\$95,600,000
19 Elementary and Secondary School Emergency Relief Fund	\$396,300,000
20 Higher Education Emergency Relief Fund	\$179,700,000
21 Child Care and Development Block Grant	\$118,100,000
22 Community Services Block Grant	\$25,900,000
23 Low Income Home Energy Assistance Program	\$49,900,000
24 Child Welfare Services	\$1,600,000
25 Supportive Services	\$6,200,000
26 Congregate and Home-Delivered Meals	\$7,400,000
27 Congregate and Home-Delivered Meals	\$14,800,000
28 Family Caregivers	\$3,100,000
29 Protection of Vulnerable Older Americans	\$600,000
30 Centers for Independent Living	\$2,200,000
31 Ryan White HIV/AIDS	\$1,100,000
32 CDC Grant	\$13,800,000
33 Minimum CDC Grant	\$15,400,000
34 Homeless Assistance/ ESG – State	\$18,400,000
35 Housing Opportunities for Persons with AIDS	\$1,200,000
36 Supplemental Nutrition Program for Women, Infants, and Children	\$13,900,000
37 Community Health Center	\$78,000
38 Small Rural Hospital Improvement Program	\$2,500,000
39 Hospital Preparedness Program	\$770,000
40 Emergency Grant to Address SA	\$2,000,000
41 Unemployment Insurance Base – Administration	\$22,500,000
42 Unemployment Insurance Supplemental – Administration	\$22,500,000
43 Dislocated Worker Grants	\$6,000,000
44 Emergency Food Assistance Program (TEFAP) Commodities	\$19,700,000
45 TEFAP Administration	\$8,200,000
46 Manufacturing Extension	\$1,500,000
47 CDBG – State	\$28,500,000
48 National Endowment for the Arts	\$507,000
49 Institute for Museum and Library Sciences	\$948,000
50 Justice Assistance Grants – State	\$15,400,000

1	Emergency Performance Management Grant	\$2,600,000
2	Family Violence Prevention	\$777,000
3	Urbanized Area Formula Program	\$38,473,000
4	Formula Grants for Rural Area Program	\$94,941,000
5	Airports Grants	\$2,765,000
6	Total Estimated Funding	\$1,235,859,000

8 **LIMITATION ON STATE BOARD OF ELECTIONS BUDGETING**

9 **SECTION IVG.1.(c)** It is the intent of the General Assembly to address the State's
 10 additional elections needs resulting from the COVID-19 pandemic in separate legislation.
 11 Therefore, and notwithstanding any law to the contrary, no funds appropriated in this Part and
 12 no funds appropriated in the budget of the State Board of Elections for the 2019-2020 fiscal year
 13 shall be expended to meet the matching requirements for additional federal funds awarded to the
 14 State after enactment of S.L. 2019-239.

16 **PART V. CONTINUITY OF STATE GOVERNMENT**

18 **EMERGENCY VIDEO NOTARIZATION**

19 **SECTION 5.2.(a)** G.S. 10B-3 is amended by adding a new subdivision to read:

20 "(7a) Emergency video notarization. – An acknowledgement, affirmation, or oath
 21 notarization completed by a notary in compliance with the requirements of
 22 G.S. 10B-25. Emergency video notarization shall not include a verification or
 23 proof."

24 **SECTION 5.2.(b)** G.S. 10B-10 reads as rewritten:

25 "**§ 10B-10. Commission; oath of office; emergency extension.**

26 ...

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

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

38 ...

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

44 **SECTION 5.2.(c)** Part 3 of Article 1 of Chapter 10B of the General Statutes is
 45 amended by adding a new section to read:

46 "**§ 10B-25. Emergency video notarization.**

47 (a) Notwithstanding any other provision of law, a notary may perform an emergency
 48 video notarization using video conference technology, provided all of the requirements of this
 49 section are satisfied. A notary who is not satisfied that the principal's identity has been proven by
 50 satisfactory evidence shall not be required to complete an emergency video notarization. An
 51 emergency video notarization shall not change any originality verification requirements for

1 recording with a register of deeds, clerk of superior court, or other government or private office
2 in this State. Nothing in this section shall apply to any notarization under Article 20 of Chapter
3 163 of the General Statutes.

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

6 (1) Occurs in real time.

7 (1a) Allows direct interaction between the principal seeking the notary's services
8 and the notary so that each can communicate simultaneously by sight and
9 sound through an electronic device or process.

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

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

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

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

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

19 b. An independent video recording device.

20 c. Electronically saved screenshots clearly showing each participant's
21 face, identification presented by the principal, and the notarized
22 document.

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

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

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

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

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

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

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

46 (1) If an original wet-signed notarization on an original wet-signed document is
47 not required, transmit a legible copy of the signed document to the notary by
48 fax or other electronic means on the same day it was signed. The notary shall
49 notarize the document on the same day the notary receives the document and
50 the notary shall transmit the notarized document back to the principal or the

1 principal's designee by physical delivery, fax, or other electronic means on the
2 same day the notary signed the document.

3 (2) If an original wet-signed notarization on an original wet-signed document is
4 required, transmit a legible copy of the signed document by fax or other
5 electronic means to the notary on the same day on which the document was
6 signed and also deliver the original signed document to the notary by mail or
7 other physical method. The notary shall compare the original document with
8 the document transmitted by fax or other electronic means. If the faxed or
9 electronic document is the same as the document received by mail or physical
10 delivery, the notary shall notarize the wet signature on the original document
11 and date the notarial act as of the date of the act observed using video
12 conference technology and promptly transmit the original wet-notarized
13 original document to the principal or the principal's designee by mail or other
14 physical delivery as directed by the principal.

15 (f) If the notarial act is an oath or affirmation, the notary shall administer the oath or
16 affirmation to the affiant using video conference technology.

17 (g) An acknowledgement or jurat certificate for an emergency video notarization shall
18 include all of the following:

19 (1) The North Carolina county in which the notary public was located during the
20 emergency video notarization.

21 (2) The North Carolina county in which the principal stated he or she was
22 physically located during the emergency video notarization.

23 (3) The following statement:

24 I signed this notarial certificate on _____ (Date) according to the emergency video
25 notarization requirements contained in G.S. 10B-25.

26 (h) If an acknowledgement or jurat certificate provided to a notary does not include the
27 statement required by subsection (g) of this section, the notary shall insert the statement. By
28 making or giving a notarial certificate using emergency video notarization, whether or not stated
29 in the certificate, a notary certifies compliance with all the requirements of this section.

30 (i) A notary who performs an emergency video notarization shall record information
31 about the notarization in a notary journal that is the exclusive property of the notary. The journal
32 shall be retained by the notary for at least 10 years and may be maintained in electronic form.
33 The notary shall keep the journal in a secure location and shall not allow another person to make
34 entries in the journal. A notary may surrender the journal to the notary's employer upon
35 termination of employment, but the notary shall also keep and maintain an accurate copy of the
36 journal.

37 (j) At a minimum, for each emergency video notarization, the notary shall include the
38 following information in the journal:

39 (1) The time of day when the notary observed the signing of the document by
40 each principal and was presented with the principal's acceptable form of
41 identification.

42 (2) The date of the completion of the emergency video notarization notarial
43 certificate.

44 (3) The last and first name of each principal.

45 (4) The type of notarial act performed.

46 (5) The type of document notarized or proceeding performed.

47 (6) The type of acceptable form of identification presented, including, if
48 applicable, the issuing agency and identification number on the identification
49 presented.

50 (7) The type of video conference technology used during the emergency video
51 notarization.

1 (8) A statement that the notary and each principal could see and hear each other.

2 (9) Whether any other person was present with the principal at the time of
3 signature and if so, the name of that person.

4 (k) A third party involved in a transaction that utilizes an emergency video notarization
5 may require additional information to be included in the journal kept by the notary under
6 subsection (j) of this section such as inclusion of a recording in the notary's journal or the method
7 used by the notary to determine that a wet-signed original document is the same as the faxed or
8 electronically submitted document.

9 (l) As a public official, a notary shall maintain the confidentiality of a principal's
10 documents at all times.

11 (m) The Secretary may issue interpretive guidance or issue emergency or temporary rules
12 as necessary to ensure the integrity of the emergency video notarization measures provided for
13 in this section.

14 (n) This section shall expire at 12:01 A.M. on August 1, 2020; provided, however, all
15 notarial acts made in accordance with this section and while this section is in effect shall remain
16 effective and shall not need to be reaffirmed."

17 **SECTION 5.2.(d)** This section is effective when it becomes law.

19 **EMERGENCY VIDEO WITNESSING**

20 **SECTION 5.3.(a)** Chapter 10B of the General Statutes is amended by adding a new
21 Article to read:

22 "Article 3.

23 "Video Witnessing During State of Emergency.

24 **"§ 10B-200. Applicability.**

25 (a) This Article applies to the witnessing and signature of all records, as defined in
26 G.S. 10B-3(19), signed on or after the effective date of this act.

27 (b) This Article expires August 1, 2020.

28 (c) No action described in this Article constitutes a notarial act, as defined in
29 G.S. 10B-3(11), and no action described in this Article is governed by Articles 1 or 2 of this
30 Chapter.

31 **"§ 10B-201. Emergency video witnessing.**

32 (a) Notwithstanding any general or special law to the contrary, any person who witnesses
33 the signature of a record through video conference technology shall be considered an "in-person"
34 witness and the record shall be considered to have been signed by the principal signer "in the
35 presence of" such witness, if the video conference technology allows for direct, real-time audio
36 and video interaction between each principal signer and the witness.

37 (b) Notwithstanding any general or special law to the contrary, an attesting witness to a
38 record shall be considered to have signed such record in the presence of the principal signer, if
39 all of the following are satisfied:

40 (1) The signature of the principal signer is witnessed by the attesting witness in
41 accordance with the requirements of subsection (a) of this section.

42 (2) The attesting witness immediately thereafter signs such record while the video
43 conference technology still allows for direct, real-time audio and video
44 interaction between the principal signer and the attesting witness.

45 (c) Any record witnessed pursuant to this section shall contain all of the following:

46 (1) A conspicuous statement indicating that the record was witnessed by one or
47 more witnesses physically located in the State of North Carolina pursuant to
48 this Article.

49 (2) The county in which each remote witness was physically located when
50 witnessing execution of the record.

1 (3) The county in which each principal signer was physically located during the
2 witnessed execution of the record.

3 (d) Notwithstanding any general or special law to the contrary, absent an express
4 prohibition in a legal document against signing in counterparts, any record witnessed pursuant to
5 this Article may be signed in counterpart, which counterparts, when combined, shall create a
6 single original record."

7 **SECTION 5.3.(b)** This section is effective when it becomes law.

8 9 **MASKS AND HOODS FOR THE PROTECTION OF HEALTH**

10 **SECTION 5.4.(a)** G.S. 14-12.11 reads as rewritten:

11 **"§ 14-12.11. Exemptions from provisions of Article.**

12 (a) ~~The~~ Any of the following are exempted from the provisions of G.S. 14-12.7, 14-12.8,
13 14-12.9, 14-12.10 and 14-12.14:

14 (1) Any person or persons wearing traditional holiday costumes in ~~season;~~season.

15 (2) Any person or persons engaged in trades and employment where a mask is
16 worn for the purpose of ensuring the physical safety of the wearer, or because
17 of the nature of the occupation, trade or ~~profession;~~profession.

18 (3) Any person or persons using masks in theatrical productions including use in
19 Mardi Gras celebrations and masquerade ~~balls;~~balls.

20 (4) Persons wearing gas masks prescribed in civil defense drills and exercises or
21 ~~emergencies;~~and emergencies.

22 (5) Any person or persons, as members or members elect of a society, order or
23 organization, engaged in any parade, ritual, initiation, ceremony, celebration
24 or requirement of such society, order or organization, and wearing or using
25 any manner of costume, paraphernalia, disguise, facial makeup, hood,
26 implement or device, whether the identity of such person or persons is
27 concealed or not, on any public or private street, road, way or property, or in
28 any public or private building, provided permission shall have been first
29 obtained therefor by a representative of such society, order or organization
30 from the governing body of the municipality in which the same takes place,
31 or, if not in a municipality, from the board of county commissioners of the
32 county in which the same takes place.

33 (6) Any person wearing a mask for the purpose of ensuring the physical health or
34 safety of the wearer or others.

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

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

46 (c) A person wearing a mask for the purpose of ensuring the physical health or safety of
47 the wearer or others shall remove the mask upon the request of a law enforcement officer."

48 **SECTION 5.4.(b)** This section is effective when it becomes law.

49 50 **CLARIFY ELECTRONIC SIGNATURES FOR SEARCH WARRANTS AND CERTAIN** 51 **COURT ORDERS**

1 **SECTION 5.4.5.(a)** Notwithstanding any other provision of law, any signature
2 required for the issuance of a search warrant pursuant to Article 11 of Chapter 15A of the General
3 Statutes, or on any judicial order issued following a court hearing conducted by remote audio or
4 visual transmission in a civil or criminal case, may be signed by use of an electronic signature.

5 **SECTION 5.4.5.(b)** This section is effective when it becomes law and shall expire
6 on August 1, 2020.

7
8 **AUTHORIZE THE CHAIRMAN OF THE ABC COMMISSION TO ALLOW CERTAIN**
9 **SALES DURING THE CORONAVIRUS EMERGENCY**

10 **SECTION 5.4.7.(a)** Notwithstanding G.S. 18B-1001(10), G.S. 18B-1001.4, and any
11 other provision of law to the contrary, the Chairman of the ABC Commission may allow
12 permittees with a permit issued under G.S. 18B-1001(10) to engage in retail sales for
13 consumption off the premises, including delivery by the permittee or the permittee's employee or
14 independent contractor. The Chairman may also allow permittees with a permit issued under
15 G.S. 18B-1001.4, or the permittee's employee or independent contractor, to deliver products
16 prepared by a permittee with a permit issued under G.S. 18B-1001(10). The Chairman may
17 prescribe the terms and conditions under which sales and deliveries shall be allowed under this
18 section, but shall at least require that products sold or delivered under this section shall be:

- 19 (1) Packaged in a container with a secure lid or cap and in a manner designed to
20 prevent consumption without removal of the lid or cap.
21 (2) Sold only with food.
22 (3) Limited to two servings per meal or food item ordered.

23 **SECTION 5.4.7.(b)** This section is effective when it becomes law and expires on
24 the date that Executive Order No. 116, Declaration of a State of Emergency to Coordinate
25 Response and Protective Actions to Prevent the Spread of COVID-19, expires or is rescinded.

26
27 **EXTEND TIME PERIOD TO CLAIM LOTTERY PRIZES**

28 **SECTION 5.4.8.(a)** Notwithstanding G.S. 18C-132, a lottery prize winner may
29 submit a delayed claim for a lottery prize that is expiring or awarded between March 10, 2020,
30 and August 1, 2020. The claim shall be submitted to the Lottery Commission in writing no later
31 than 90 days after the date the online game prize was announced or the instant game has closed.

32 **SECTION 5.4.8.(b)** This section is effective when it becomes law.

33
34 **EXTEND VALIDITY OF CREDENTIALS ISSUED BY THE DIVISION OF MOTOR**
35 **VEHICLES**

36 **SECTION 5.5.(a)** Definition. – For purposes of this section, "coronavirus
37 emergency" means the period from March 10, 2020, through August 1, 2020.

38 **SECTION 5.5.(b)** Extend Validity of Credentials. – Notwithstanding any provision
39 of law to the contrary, the Commissioner of Motor Vehicles is authorized to extend for a period
40 of up to six months the validity of any license, permit, registration, or other credential issued by
41 the Division of Motor Vehicles under Chapter 20 of the General Statutes that expires during the
42 coronavirus emergency. Any credential extended under this subsection shall expire on the date
43 designated by the Division of Motor Vehicles up to six months from the date it otherwise expired
44 as prescribed by law prior to this section. However, the subsequent expiration of a credential
45 extended under this section shall occur on the date prescribed by law prior to this section without
46 regard to the extension.

47 **SECTION 5.5.(c)** Waive Penalties. – The Division of Motor Vehicles shall waive
48 any fines, fees, or penalties associated with failing to renew a license, permit, registration, or
49 other credential during the period of time the credential is valid by extension under subsection
50 (b) of this section.

1 **SECTION 5.5.(d)** Motor Vehicle Taxes. – Notwithstanding any provision of law to
2 the contrary, due dates for motor vehicle taxes that are tied to registration expiration under Article
3 22A of Chapter 105 of the General Statutes shall be extended to correspond with extended
4 expiration dates designated by the Division of Motor Vehicles under subsection (b) of this
5 section.

6 **SECTION 5.5.(e)** Financial Responsibility. – Nothing in this section waives a
7 vehicle owner's duty to maintain continuous financial responsibility as required by Article 9A
8 and Article 13 of Chapter 20 of the General Statutes.

9 **SECTION 5.5.(f)** Validity by Extension a Defense. – A person may not be convicted
10 or found responsible for any offense resulting from failure to renew a license, permit, registration,
11 or other credential issued by the Division of Motor Vehicles if, when tried for that offense, the
12 person shows that the offense occurred during the period of time the credential is valid by
13 extension under subsection (b) of this section.

14 **SECTION 5.5.(g)** Report. – Within 30 days of any extension made under subsection
15 (b) of this section, the Division of Motor Vehicles shall submit a report to the Joint Legislative
16 Transportation Oversight Committee and the Fiscal Research Division detailing the credentials
17 affected and the duration of the extension.

18 **SECTION 5.5.(h)** Effective Date. – This section is effective retroactively to March
19 10, 2020, and applies to expirations occurring on or after that date.

20 21 **REMOTE RENEWAL OF SPECIAL IDENTIFICATION CARDS**

22 **SECTION 5.6.(a)** G.S. 20-7(f)(6) reads as rewritten:

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

- 27 a. Requirements. – To be eligible for remote renewal or conversion under
28 this subdivision, a person must meet all of the following requirements:
- 29 1. The license holder possesses either (i) a valid Class C drivers
30 license or (ii) a valid full provisional license and is at least 18
31 years old at the time of the remote conversion.
 - 32 2. The license holder's current license includes no restrictions
33 other than a restriction for corrective lenses.
 - 34 3. The license or identification card holder attests, in a manner
35 designated by the Division, that (i) the license or identification
36 card holder is a resident of the State and currently resides at the
37 address on the license or identification card to be renewed or
38 converted, (ii) the license or identification card holder's name
39 as it appears on the license or identification card to be renewed
40 or converted has not changed, and (iii) all other information
41 required by the Division for an in-person renewal under this
42 Article has been provided completely and truthfully. If the
43 license or identification card holder does not currently reside
44 at the address on the license or identification card to be
45 renewed or converted, the license or identification card holder
46 may comply with the address requirement of this
47 sub-sub-subdivision by providing the address at which the
48 license or identification card holder resides at the time of the
49 remote renewal or conversion request.

1 4. For a remote renewal, the most recent renewal was an
2 in-person renewal and not a remote renewal under this
3 subdivision.

4 5. The license or identification card holder is otherwise eligible
5 for renewal or conversion under this subsection.

6 b. Waiver of requirements. – When renewing a drivers license or
7 identification card or converting a drivers license pursuant to this
8 subdivision, the Division may waive ~~the~~ any examination and
9 photograph that would otherwise be required for the renewal or
10 conversion.

11 c. Duration of remote renewal or conversion. – A drivers license or
12 identification card issued to a person by remote renewal or conversion
13 under this subdivision expires according to the following schedule:

14 1. For a person at least 18 years old but less than 66 years old, on
15 the birthday of the licensee or identification card holder in the
16 eighth year after issuance.

17 2. For a person at least 66 years old, on the birthday of the
18 licensee or identification card holder in the fifth year after
19 issuance.

20 d. Rules. – The Division shall adopt rules to implement this subdivision.

21 e. Federal law. – Nothing in this subdivision shall be construed to
22 supersede any more restrictive provisions for renewal or conversion of
23 drivers licenses prescribed by federal law or regulation.

24 f. Definition. – For purposes of this subdivision, "remote renewal or
25 conversion" means renewal of a drivers license or identification card
26 or conversion of a full provisional license by mail, telephone,
27 electronic device, or other secure means approved by the
28 Commissioner."

29 **SECTION 5.6.(b)** This section is effective when it becomes law.
30

31 **DELAY DMV HEADQUARTERS MOVE**

32 **SECTION 5.7.(a)** Section 34.24(a) of S.L. 2018-5 reads as rewritten:

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

36 **SECTION 5.7.(b)** This section is effective when it becomes law.
37

38 **WITNESS REQUIREMENT DURING STATE OF EMERGENCY/HEALTH CARE** 39 **POWER OF ATTORNEY AND ADVANCED DIRECTIVE FOR NATURAL DEATH**

40 **SECTION 5.8.(a)** G.S. 32A-16 reads as rewritten:

41 **"§ 32A-16. Definitions.**

42 The following definitions apply in this Article:

43 ...

44 (3) Health care power of attorney. – ~~A~~ Except as provided in G.S. 32A-16A, a
45 written instrument that substantially meets the requirements of this Article,
46 that is signed in the presence of two qualified witnesses, and acknowledged
47 before a notary public, pursuant to which an attorney-in-fact or agent is
48 appointed to act for the principal in matters relating to the health care of the
49 principal. The notary who takes the acknowledgement may but is not required
50 to be a paid employee of the attending physician or mental health treatment
51 provider, a paid employee of a health facility in which the principal is a

1 patient, or a paid employee of a nursing home or any adult care home in which
2 the principal resides.

3 ...

4 (6) Qualified witness. – ~~A~~ Except as provided in G.S. 32A-16A, a witness in
5 whose presence the principal has executed the health care power of attorney,
6 who believes the principal to be of sound mind, and who states that he or she
7 (i) is not related within the third degree to the principal nor to the principal's
8 spouse, (ii) does not know nor have a reasonable expectation that he or she
9 would be entitled to any portion of the estate of the principal upon the
10 principal's death under any existing will or codicil of the principal or under
11 the Intestate Succession Act as it then provides, (iii) is not the attending
12 physician or mental health treatment provider of the principal, nor a licensed
13 health care provider who is a paid employee of the attending physician or
14 mental health treatment provider, nor a paid employee of a health facility in
15 which the principal is a patient, nor a paid employee of a nursing home or any
16 adult care home in which the principal resides, and (iv) does not have a claim
17 against any portion of the estate of the principal at the time of the principal's
18 execution of the health care power of attorney.

19"

20 **SECTION 5.8.(b)** Article 3 of Chapter 32A of the General Statutes is amended by
21 adding a new section to read:

22 **"§ 32A-16A. Health care powers of attorney executed during State of Emergency.**

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

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

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

37 **SECTION 5.8.(c)** G.S. 90-321 reads as rewritten:

38 **"§ 90-321. Right to a natural death.**

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

40 ...

41 (1a) Declaration. – ~~Any~~ Except as provided in G.S. 90-321A, any signed,
42 witnessed, dated, and proved document meeting the requirements of
43 subsection (c) of this section.

44 ...

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

47 ...

48 (3) ~~That~~ Except as provided in G.S. 90-321A, that has been signed by the
49 declarant in the presence of two witnesses who believe the declarant to be of
50 sound mind and who state that they (i) are not related within the third degree
51 to the declarant or to the declarant's spouse, (ii) do not know or have a

1 reasonable expectation that they would be entitled to any portion of the estate
2 of the declarant upon the declarant's death under any will of the declarant or
3 codicil thereto then existing or under the Intestate Succession Act as it then
4 provides, (iii) are not the attending physician, licensed health care providers
5 who are paid employees of the attending physician, paid employees of a health
6 facility in which the declarant is a patient, or paid employees of a nursing
7 home or any adult care home in which the declarant resides, and (iv) do not
8 have a claim against any portion of the estate of the declarant at the time of
9 the declaration; and

10"

11 **SECTION 5.8.(d)** Article 23 of Chapter 90 of the General Statutes is amended by
12 adding a new section to read:

13 **"§ 90-321A. Advanced directive for a natural death executed during State of Emergency.**

14 (a) The requirement of G.S. 90-321 that an advanced directive for a natural death
15 declaration be executed in the presence of two qualified witnesses shall be waived for all
16 instruments executed on or after the effective date of this section and prior to termination of the
17 State of Emergency declared by Governor Roy Cooper in Executive Order No. 116, on March
18 10, 2020, as the same may be extended by any subsequent executive order, such that an
19 instrument that is signed by the declarant, properly acknowledged before a notary public, and
20 otherwise executed in compliance with the provisions of this Article shall not be invalidated by
21 the declarant's failure to execute the advanced directive for a natural death declaration in the
22 presence of two qualified witnesses.

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

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

30 **SECTION 5.8.(e)** This section is effective when it becomes law.

31
32 **ADULT GUARDIANSHIP SERVICE**

33 **SECTION 5.9.(a)** G.S. 35A-1109 reads as rewritten:

34 **"§ 35A-1109. Service of notice and petition.**

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

45 (b) In the event that personal service is not possible because the respondent resides in a
46 facility that restricts visitors due to a public health emergency, the respondent may be served by
47 the sheriff leaving copies of the petition and initial notice of hearing at the facility with a person
48 employed by the facility who is apparently in charge of the office or who has apparent authority
49 to receive documents intended for residents. The facility employee shall, as soon as practicable,
50 present the copies to the respondent. Proof of service on the respondent shall be by return of

1 service filed with the clerk showing the respondent was personally served or copies were left
2 with the facility as described in this subsection."

3 **SECTION 5.9.(b)** This section is effective when it becomes law and expires August
4 1, 2020.

5
6 **DISBURSEMENT OF FUNDS PRIOR TO RECORDATION OF DEED IN CERTAIN**
7 **CIRCUMSTANCES**

8 **SECTION 5.10.(a)** Chapter 45A of the General Statutes is amended by adding a new
9 section to read:

10 **"§ 45A-4.1. Disbursement during certain declarations of emergency.**

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

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

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

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

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

23 c. Is not accepting documents for recording in person or by electronic
24 means.

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

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

28 a. To waive the requirement of G.S. 45A-4 that the settlement agent shall
29 not disburse closing funds until the deeds, deeds of trust, and any other
30 required loan documents are recorded in the office of the register of
31 deeds.

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

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

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

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

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

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

45 b. Procures a commitment of title insurance providing for title insurance
46 that includes indemnity coverage for the gap period between the date
47 of disbursement of closing funds and the date of recordation of the
48 necessary documents.

49 c. Updates the applicable title from the date of the preliminary title
50 opinion to the time of disbursement using those public records

1 reasonably available to the settlement agent on the date of
2 disbursement.

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

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

14 **SECTION 5.10.(b)** This section is effective when it becomes law.

15

16 MARRIAGE LICENSES

17 **SECTION 5.11.(a)** G.S. 51-8 reads as rewritten:

18 **"§ 51-8. License issued by register of deeds.**

19 (a) Every register of deeds shall, upon proper application, issue a license for the marriage
20 of any two persons who are able to answer the questions regarding age, marital status, and
21 intention to marry, and, based on the answers, the register of deeds determines the persons are
22 authorized to be married in accordance with the laws of this State. In making a determination as
23 to whether or not the parties are authorized to be married under the laws of this State, the register
24 of deeds may require the applicants for the license to marry to present certified copies of birth
25 certificates or such other evidence as the register of deeds deems necessary to the determination.
26 The register of deeds may administer an oath to any person presenting evidence relating to
27 whether or not parties applying for a marriage license are eligible to be married pursuant to the
28 laws of this State. Each applicant for a marriage license shall provide on the application the
29 applicant's social security number. If an applicant does not have a social security number and is
30 ineligible to obtain one, the applicant shall present a statement to that effect, sworn to or affirmed
31 before an officer authorized to administer oaths. Upon presentation of a sworn or affirmed
32 statement, the register of deeds shall issue the license, provided all other requirements are met,
33 and retain the statement with the register's copy of the license. The register of deeds shall not
34 issue a marriage license unless all of the requirements of this section have been met.

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

39 **SECTION 5.11.(b)** G.S. 51-16 reads as rewritten:

40 **"§ 51-16. Form of license.**

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

42 To any ordained minister of any religious denomination, minister authorized by a church, any
43 magistrate, or any other person authorized to solemnize a marriage under the laws of this State:
44 A.B. having applied to me for a license for the marriage of C.D. (the name of the man to be
45 written in full) of (here state his residence), aged ____ years (race, as the case may be), the son
46 of (here state the father and mother, if known; state whether they are living or dead, and their
47 residence, if known; if any of these facts are not known, so state), and E.F. (write the name of
48 the woman in full) of (here state her residence), aged ____ years (race, as the case may be), the
49 daughter of (here state names and residences of the parents, if known, as is required above with
50 respect to the man). (If either of the parties is under 18 years of age, the license shall here contain
51 the following:) And the written consent of G.H., father (or mother, etc., as the case may be) to

1 the proposed marriage having been filed with me, and there being no legal impediment to such
 2 marriage known to me, you are hereby authorized, at any time within ~~60~~120 days from the date
 3 hereof, to celebrate the proposed marriage at any place within the State. You are required within
 4 10 days after you shall have celebrated such marriage, to return this license to me at my office
 5 with your signature subscribed to the certificate under this license, and with the blanks therein
 6 filled according to the facts, under penalty of forfeiting two hundred dollars (\$200.00) to the use
 7 of any person who shall sue for the same.

8 Issued this ____ day of _____, ____
 9 _____ L.M.

10 Register of Deeds of ____ County

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

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

24 _____ N.O.

25 Witness present at the marriage:
 26 S.T., of (here give residence)."

27 **SECTION 5.11.(c)** This section is effective when it becomes law, applies to any
 28 marriage license issued on or after February 1, 2020, and expires August 1, 2020, and any
 29 marriage license issued on or before that date shall be valid for 120 days.

30
 31 **EXPAND THE DEFINITION OF SECURITY GUARD AND PATROL PROFESSION**
 32 **TO INCLUDE SECURITY SERVICES PROVIDERS AT STATE PRISONS**

33 **SECTION 5.12.(a)** G.S. 74C-3(a) reads as rewritten:

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

- 36 ...
 37 (6) Security guard and patrol profession. – Any person, firm, association, or
 38 corporation that provides a security guard on a contractual basis for another
 39 person, firm, association, or corporation for a fee or other valuable
 40 consideration and performs one or more of the following functions:

- 41 ...
 42 e. Security services related to entry and exit, direction and movement of
 43 individuals at entry and exit, security working towers, and perimeter
 44 security patrols at State prison facilities.

45"

46 **SECTION 5.12.(b)** Article 1 of Chapter 148 of the General Statutes is amended by
 47 adding a new section to read:

48 **"§ 148-5.5. Training and authority of security guards.**

49 Any security guard and patrol professional that is licensed pursuant to Chapter 74C of the
 50 General Statutes and is employed to provide security services related to entry and exit, direction
 51 and movement of individuals at entry and exit, security working towers, or perimeter security

1 patrols at a State prison facility, shall receive training on State prison policies, including policies
2 on the use of force, prior to providing any security services at a State prison. Security guard and
3 patrol professionals trained pursuant to this section shall have the authority to detain and use
4 necessary force pursuant to State prison policies to prevent contraband entry or inmate escape."

5 **SECTION 5.12.(c)** This section is effective when it becomes law and expires August
6 1, 2020.

7 8 **NEW ATTORNEYS' OATH**

9 **SECTION 5.12.5.(a)** Notwithstanding G.S. 84-1, in response to the coronavirus
10 emergency, a justice or judge of the General Court of Justice may administer the required oath
11 prescribed for attorneys by G.S. 11-11 to an attorney remotely using a form of live video
12 conferencing technology, provided the individual taking the oath is personally known to the
13 justice or judge or provides satisfactory evidence of identity to the justice or judge.

14 **SECTION 5.12.5.(b)** This section is effective when it becomes law and expires
15 December 1, 2020.

16 17 **DELAY SCHOOL CAPITAL OUTLAY REPORT DUE from THE LOCAL** 18 **GOVERNMENT COMMISSION**

19 **SECTION 5.13.(a)** Notwithstanding G.S. 115C-440.1(b), the 2020 report by the
20 Local Government Commission to the General Assembly of the level of each county's
21 appropriations for public school capital outlay, including appropriations to the public school
22 capital outlay fund, funds expended by counties on behalf of and for the benefit of public schools
23 for capital outlay, monies reserved for future years' retirement of debt incurred or capital outlay,
24 and any other information the Local Government Commission considers relevant shall be due
25 July 1, 2020.

26 **SECTION 5.13.(b)** This section is effective when it becomes law.

27 28 **CARRYFORWARD OF DRIVERS EDUCATION FUNDS**

29 **SECTION 5.13.5.(a)** Funds appropriated in the 2019-2020 fiscal year from the Civil
30 Penalty and Forfeiture Fund to the State Public School Fund for drivers education that are
31 unexpended and unencumbered at the end of the 2019-2020 fiscal year shall not revert, but shall
32 remain available until the end of the 2020-2021 fiscal year.

33 **SECTION 5.13.5.(b)** This section becomes effective June 30, 2020.

34 35 **INVOLUNTARY COMMITMENT, TRANSPORTATION**

36 **SECTION 5.14.(a)** Notwithstanding the requirements of G.S. 122C-202.2(a),
37 122C-251(g), and 122C-261(b) and (d)(4), the governing body of a city or county is authorized
38 to establish an expedited process for designating and training personnel, other than law
39 enforcement officers, for custody and transportation of persons as required by involuntary
40 commitment proceedings.

41 **SECTION 5.14.(b)** This section is effective when it becomes law and expires August
42 1, 2020.

43 44 **INVOLUNTARY COMMITMENT, TELEMEDICINE**

45 **SECTION 5.15.(a)** G.S. 122C-263(c) reads as rewritten:

46 "(c) The commitment examiner described in subsection (a) of this section shall examine
47 the respondent as soon as possible, and in any event within 24 hours after the respondent is
48 presented for examination. When the examination set forth in subsection (a) of this section is
49 performed by a commitment examiner, the respondent may either be in the physical face-to-face
50 presence of the commitment examiner or may be examined utilizing telemedicine equipment and
51 procedures. A commitment examiner who examines a respondent by means of telemedicine must

1 be satisfied to a reasonable medical certainty that the determinations made in accordance with
2 subsection (d) of this section would not be different if the examination had been done in the
3 physical presence of the commitment examiner. A commitment examiner who is not so satisfied
4 must note that the examination was not satisfactorily accomplished, and the respondent must be
5 taken for a face-to-face examination in the physical presence of a person authorized to perform
6 examinations under this section. As used in this section, "telemedicine" is the use of two-way
7 real-time interactive audio and video ~~between places of lesser and greater medical capability or~~
8 ~~expertise to provide and support health care when distance separates participants who are in~~
9 ~~different geographical locations. A recipient is referred by one provider to receive the services~~
10 ~~of another provider via telemedicine, where the respondent and commitment examiner can hear~~
11 ~~and see each other."~~

12 **SECTION 5.15.(b)** G.S. 122C-266 reads as rewritten:

13 **"§ 122C-266. Inpatient commitment; second examination and treatment pending hearing.**

14 (a) Except as provided in subsections (b) and (e), within 24 hours of arrival at a 24-hour
15 facility described in G.S. 122C-252, the respondent shall be examined by a physician. This
16 physician shall not be the same physician who completed the certificate or examination under
17 the provisions of G.S. 122C-262 or G.S. 122C-263. The respondent may either be in the physical,
18 face-to-face presence of the physician or may be examined by the physician utilizing
19 telemedicine equipment and procedures. A physician who examines a respondent by means of
20 telemedicine must be satisfied to a reasonable medical certainty that the findings made in
21 accordance with subdivisions (1) through (3) of 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 physician. The
25 examination shall include but is not limited to the assessment specified in G.S. 122C-263(c).

- 26 (1) If the physician finds that the respondent is mentally ill and is dangerous to
27 self, as defined by G.S. 122C-3(11)a., or others, as defined by
28 G.S. 122C-3(11)b., the physician shall hold the respondent at the facility
29 pending the district court hearing.
- 30 (2) If the physician finds that the respondent meets the criteria for outpatient
31 commitment under G.S. 122C-263(d)(1), the physician shall show these
32 findings on the physician's examination report, release the respondent pending
33 the district court hearing, and notify the clerk of superior court of the county
34 where the petition was initiated of these findings. In addition, the examining
35 physician shall show on the examination report the name, address, and
36 telephone number of the proposed outpatient treatment physician or center.
37 The physician shall give the respondent a written notice listing the name,
38 address, and telephone number of the proposed outpatient treatment physician
39 or center and directing the respondent to appear at that address at a specified
40 date and time. The examining physician before the appointment shall notify
41 by telephone and shall send a copy of the notice and the examination report to
42 the proposed outpatient treatment physician or center.
- 43 (3) If the physician finds that the respondent does not meet the criteria for
44 commitment under either G.S. 122C-263(d)(1) or G.S. 122C-263(d)(2), the
45 physician shall release the respondent and the proceedings shall be terminated.
- 46 (4) If the respondent is released under subdivisions (2) or (3) of this subsection,
47 the law enforcement officer or other person designated to provide
48 transportation shall return the respondent to the respondent's residence in the
49 originating county or, if requested by the respondent, to another location in
50 the originating county.

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

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

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

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

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

22 **SECTION 5.15.(c)** G.S. 122C-283(c) reads as rewritten:

23 "(c) The commitment examiner described in subsection (a) of this section shall examine
24 the respondent as soon as possible, and in any event within 24 hours, after the respondent is
25 presented for examination. When the examination set forth in subsection (a) of this section is
26 performed by a commitment examiner, the respondent may either be in the physical, face-to-face
27 presence of the commitment examiner or may be examined utilizing telemedicine equipment and
28 procedures. A commitment examiner who examines a respondent by means of telemedicine must
29 be satisfied to a reasonable medical certainty that the determinations made in accordance with
30 subsection (d) of this section would not be different if the examination had been done in the
31 physical presence of the commitment examiner. A commitment examiner who is not so satisfied
32 must note that the examination was not satisfactorily accomplished, and the respondent must be
33 taken for a face-to-face examination in the physical presence of a person authorized to perform
34 examinations under this section. As used in this subsection, "telemedicine" is the use of two-way
35 real-time interactive audio and video where the respondent and commitment examiner can hear
36 and see each other. The examination shall include but is not limited to an assessment of all of the
37 following:

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

42 **SECTION 5.15.(d)** G.S. 122C-285 reads as rewritten:

43 **"§ 122C-285. Commitment; second examination and treatment pending hearing.**

44 (a) Within 24 hours of arrival at a 24-hour facility described in G.S. 122C-252, the
45 respondent shall be examined by a qualified professional. This professional shall be a physician
46 if the initial commitment evaluation was conducted by a commitment examiner who is not a
47 physician. The examination shall include the assessment specified in G.S. 122C-283(c). The
48 respondent may either be in the physical, face-to-face presence of the physician or may be
49 examined by the physician utilizing telemedicine equipment and procedures. A physician who
50 examines a respondent by means of telemedicine must be satisfied to a reasonable medical
51 certainty that the findings made in accordance with this subsection would not be different if the

1 examination had been done in the physical presence of the physician. A physician who is not so
2 satisfied must note that the examination was not satisfactorily accomplished, and the respondent
3 must be taken for a face-to-face examination in the physical presence of a qualified professional
4 provided that, if the initial commitment examination was performed by a qualified professional,
5 this professional shall be a physician. If the physician or qualified professional finds that the
6 respondent is a substance abuser and is dangerous to self or others, the physician or qualified
7 professional shall hold and treat the respondent at the facility or designate other treatment
8 pending the district court hearing. If the physician or qualified professional finds that the
9 respondent does not meet the criteria for commitment under G.S. 122C-283(d)(1), the physician
10 or qualified professional shall release the respondent and the proceeding shall be terminated. In
11 this case the reasons for the release shall be reported in writing to the clerk of superior court of
12 the county in which the custody order originated. If the respondent is released, the law
13 enforcement officer or other person designated or required under G.S. 122C-251(g) to provide
14 transportation shall return the respondent to the originating county.

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

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

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

24 **SECTION 5.15.(e)** This section is effective when it becomes law and expires August
25 1, 2020.

26 **COMMUNICABLE DISEASE INFORMATION TO LAW ENFORCEMENT**

27 **SECTION 5.16.(a)** G.S. 130A-143 reads as rewritten:

28 **"§ 130A-143. Confidentiality of records.**

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

- 33 (1) Release is made of specific medical or epidemiological information for
34 statistical purposes in a way that no person can be ~~identified;~~ identified.
- 35 (2) Release is made of all or part of the medical record with the written consent
36 of the person or persons identified or ~~their guardian;~~ the person's personal
37 representative, as defined in 45 Code of Federal Regulations § 164.502.
- 38 (3) Release is made for purposes of treatment, payment, research, or health care
39 operations to the extent that disclosure is permitted under 45 Code of Federal
40 Regulations §§ 164.506 and 164.512(i). For purposes of this section, the terms
41 "treatment," "payment," "research," and "health care operations" have the
42 meaning given those terms in 45 Code of Federal ~~Regulations—§~~
43 ~~164.501;~~ Regulations § 164.501.
- 44 (4) Release is necessary to protect the public health and is made as provided by
45 the Commission in its rules regarding control measures for communicable
46 diseases and ~~conditions;~~ conditions.
- 47 (5) Release is made pursuant to other provisions of this ~~Article;~~ Article.
- 48 (6) Release is made pursuant to ~~subpoena or court order.~~ order or a subpoena
49 issued by a judicial official. Upon request of the person identified in the
50 record, the record shall be reviewed in camera. In the trial, the trial judge may,
51

- 1 during the taking of testimony concerning such information, exclude from the
 2 courtroom all persons except the officers of the court, the parties and those
 3 engaged in the trial of the ~~ease;~~case.
- 4 (7) Release is made by the Department or a local health department to a court or
 5 a ~~law enforcement judicial~~ official for the purpose of enforcing this Article or
 6 Article 22 of this ~~Chapter,~~Chapter.
- 7 (7a) Release is made by the Department or a local health department to a law
 8 enforcement official for any of the following purposes: (i) to prevent or lessen
 9 a serious or imminent threat to the health or safety of a person or the public,
 10 to the extent that disclosure is permitted under 45 Code of Federal Regulations
 11 § 164.512(j) and not otherwise permitted by subdivision (4) of this section,
 12 (ii) to enforce this Article or Article 22 of this Chapter, or investigating~~(iii)~~
 13 to investigate a terrorist incident using nuclear, biological, or chemical agents.
 14 A law enforcement official who receives the information shall not disclose it
 15 further, except (i) when necessary to enforce this Article or Article 22 of this
 16 ~~Chapter,~~Chapter; or when necessary to conduct an investigation of a terrorist
 17 incident using nuclear, biological, or chemical ~~agents,~~agents; or (ii) when the
 18 Department or a local health department seeks the assistance of the law
 19 enforcement official in preventing or controlling the spread of the disease or
 20 condition and expressly authorizes the disclosure as necessary for that
 21 ~~purpose;~~purpose.
- 22 (8) Release is made by the Department or a local health department to another
 23 federal, ~~state-state,~~ tribal, or local public health agency for the purpose of
 24 preventing or controlling the spread of a communicable disease or
 25 communicable ~~condition;~~condition.
- 26 (9) Release is made by the Department for bona fide research purposes. The
 27 Commission shall adopt rules providing for the use of the information for
 28 research ~~purposes;~~purposes.
- 29 (10) Release is made pursuant to ~~G.S. 130A-144(b); or~~ G.S. 130A-144(b).
- 30 (11) Release is made pursuant to any other provisions of law that specifically
 31 authorize or require the release of information or records related to AIDS."

32 **SECTION 5.16.(b)** This section is effective when it becomes law.

33
 34 **ALLOW LICENSED SOIL SCIENTISTS TO EVALUATE, INSPECT, AND APPROVE**
 35 **ON-SITE WASTEWATER SYSTEM PROJECTS DURING THE CORONAVIRUS**
 36 **EMERGENCY**

37 **SECTION 5.16.2.(a)** Notwithstanding G.S. 130A-336.2(a), an individual licensed
 38 as a soil scientist pursuant to Chapter 89F of the General Statutes may, at the direction of the
 39 owner of a proposed on-site wastewater system, prepare signed and sealed soil and site
 40 evaluations, specifications, plans, and reports for the site layout, construction, operation, and
 41 maintenance of a wastewater system without also obtaining further certification from the North
 42 Carolina On-Site Wastewater Contractors and Inspectors Board.

43 **SECTION 5.16.2.(b)** In addition to the authority granted pursuant to subsection (a)
 44 of this Section, an individual licensed as a soil scientist pursuant to Chapter 89F of the General
 45 Statutes and engaged by the owner of a proposed on-site wastewater system may conduct all
 46 necessary inspections, certifications, and approvals, including the issuance of the final inspection
 47 and report certifying that the system has been installed according to the approved plans and
 48 specifications for the construction, installation, and operation of a proposed wastewater system.

49 **SECTION 5.16.2.(c)** Wastewater systems constructed, installed, and operated under
 50 authority of this section shall otherwise comply with the requirements of G.S. 130A-336.2 and
 51 rules adopted thereunder. The owner of a proposed wastewater system shall notify the local

1 health department that the owner is engaging a licensed soil scientist pursuant to the authority
2 granted in this section.

3 **SECTION 5.16.2.(d)** The Department of Health and Human Services, the
4 Department's authorized agents, and local health departments shall have no liability for
5 wastewater systems developed, constructed, installed, or approved by a licensed soil scientist
6 acting pursuant to the authority granted in this section; however, nothing in this section shall
7 relieve the Department, the Department's authorized agents, and local health departments from
8 any of their other obligations under State law or administrative rule. The licensed soil scientist
9 conducting the evaluation, installation, and construction of a proposed wastewater system
10 pursuant to this section shall maintain an errors and omissions liability insurance policy issued
11 by an insurer licensed under Chapter 58 of the General Statutes in an amount commensurate with
12 the risk.

13 **SECTION 5.16.2.(e)** This section is effective when it becomes law and expires
14 August 1, 2020. However, the expiration of this section shall not prevent a licensed soil scientist
15 acting under this section's authority from completing a proposed wastewater system begun before
16 the section expires.

17
18 **(1) ALLOW THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ESTABLISH**
19 **EMERGENCY MEASURES AND PROCEDURES APPLICABLE TO SOLID WASTE**
20 **MANAGEMENT; (2) EXPAND LOCAL GOVERNMENT AUTHORITY TO REQUEST**
21 **WAIVERS FROM THE DEPARTMENT WITH RESPECT TO CERTAIN ITEMS**
22 **BANNED FROM LANDFILLS, TO INCLUDE YARD WASTE IN CONSIDERATION**
23 **OF IMPACTS TO PUBLIC HEALTH, DURING THE COVID-19 STATE OF**
24 **EMERGENCY; AND (3) ALLOW PRIVATE COMPANIES PROVIDING**
25 **COLLECTION SERVICES FOR YARD TRASH TO REQUEST A WAIVER FROM**
26 **THE DEPARTMENT TO ALLOW DISPOSAL OF YARD TRASH COLLECTED IN A**
27 **LANDFILL IN CONSIDERATION OF IMPACTS TO PUBLIC HEALTH, DURING**
28 **THE COVID-19 STATE OF EMERGENCY**

29 **SECTION 5.16.3.(a)** For purposes of this section, "coronavirus emergency" means
30 the period from March 10, 2020, through August 1, 2020.

31 **SECTION 5.16.3.(b)** In order to protect public health or the environment, the
32 Secretary of Environmental Quality, or an authorized representative of the Secretary, may, upon
33 request of a public or private landfill operator, or on the Secretary's own initiative, develop and
34 implement any emergency measures and procedures that the Secretary deems necessary for the
35 proper management of solid waste generated during the coronavirus emergency. Written notice
36 of emergency measures and procedures developed and implemented pursuant to this section shall
37 be provided to news media, waste organizations, governmental agencies, solid waste facilities,
38 and any other interested or affected parties as determined by the Secretary. Such emergency
39 procedures and measures may include any of the following:

- 40 (1) Restrictions on the collection, storage, and transportation of solid waste.
- 41 (2) Decisions on facility operational conditions such as operational times and
42 waste acceptance.
- 43 (3) Any other measures or procedures necessary to allow for the proper disposal
44 of solid waste within impacted communities.

45 All State agencies and political subdivisions of the State shall cooperate with the
46 implementation of the emergency measures and procedures developed pursuant to this section.

47 **SECTION 5.16.3.(c)** Notwithstanding G.S. 130A-309.10(f)(3) and
48 G.S. 130A-309.10(k), a county or city may petition the Department of Environmental Quality
49 for a waiver from the prohibition on disposal of yard trash in a landfill based on a showing that
50 prohibiting the disposal of the material would constitute an economic hardship or a real or
51 potential public health risk.

1 **SECTION 5.16.3.(d)** This section is effective when it becomes law and expires
2 August 1, 2020.

3 **SECTION 5.16.4.(a)** For purposes of this section, "coronavirus emergency" means
4 the period from March 10, 2020, through August 1, 2020.

5 **SECTION 5.16.4.(b)** Notwithstanding G.S. 130A-309.10(f)(3) and
6 G.S. 130A-309.10(k), a county or city may petition the Department of Environmental Quality
7 for a waiver from the prohibition on disposal of yard trash in a landfill during the coronavirus
8 emergency based on a showing that prohibiting the disposal of the material would constitute an
9 economic hardship or a real or potential public health risk.

10 **SECTION 5.16.4.(c)** Notwithstanding G.S. 130A-309.10(f)(3), a private company
11 that is providing collection services for yard trash may petition the Department of Environmental
12 Quality for a waiver from the prohibition on disposal of yard trash in a landfill during the
13 coronavirus emergency based on a showing that prohibiting the disposal of the material would
14 constitute an economic hardship or a real or potential public health risk. The authority granted
15 under this section shall apply to a private company providing collection services for yard trash
16 within a county or city's jurisdiction: (i) whether or not the county or city has elected to request
17 a waiver from the Department pursuant to Section 16.4(b) of this act; and, (ii) notwithstanding
18 any requirement under a franchise agreement or other contractual arrangement between the
19 private company and a city or county applicable to yard trash disposal.

20 **SECTION 5.16.4.(d)** This section is effective when it becomes law and expires
21 August 1, 2020.

22 23 **EXPAND WHO MAY BE APPOINTED MEDICAL EXAMINER**

24 **SECTION 5.17.(a)** G.S. 130A-382(a) reads as rewritten:

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

35 **SECTION 5.17.(b)** This section is effective when it becomes law.

36 37 **STATE HEALTH PLAN PREMIUM AND DEBT PAYMENT DEFERRAL OPTION** 38 **DURING DECLARATION OF EMERGENCY**

39 **SECTION 5.19.(a)** G.S. 135-48.30(a) is amended by adding a new subdivision to
40 read:

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

44 **SECTION 5.19.(b)** Part 3 of Article 3B of Chapter 135 of the General Statutes is
45 amended by adding a new section to read:

46 "§ 135-48.39. Operations during state of disaster or emergency.

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

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

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

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

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

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

14 (c) Any option to defer premium or debt payments offered under this section shall be
15 made for a period 30 days from the last day the premium or debt payment may have been made
16 under the terms of the Plan, policy, contract, or agreement. This 30-day deferral period may also
17 be applied to any statute, rule, or other policy or contract provision that imposes a time limit on
18 the Plan or a member to perform any act related to the Plan during the time period in which there
19 is a state of disaster. This 30-day deferral period may be extended by the State Treasurer in 30-day
20 increments, subject to approval by the Board of Trustees. A deferral period shall not last beyond
21 90 days from the last day of the time period in which there is a state of disaster.

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

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

30 **SECTION 5.19.(c)** This section is effective retroactively to January 1, 2020.

31 32 **INTERIM DETERMINATIONS AND INTERIM CERTIFICATIONS FOR CERTAIN** 33 **DISABILITY BENEFITS**

34 **SECTION 5.20.(a)** This section shall apply to the following General Statutes:

- 35 (1) Article 1A of Chapter 120.
36 (2) Article 3 of Chapter 128.
37 (3) Article 1 of Chapter 135.
38 (4) Article 4 of Chapter 135.
39 (5) Article 6 of Chapter 135.

40 **SECTION 5.20.(b)** Whenever the medical board, as established under
41 G.S. 128-28(j), G.S. 135-6(k), or G.S. 135-102(d), is required to make a determination or
42 certification of eligibility for disability benefits, the Director of the Retirement Systems Division
43 of the Department of State Treasurer, or the Director's designee, may make an interim
44 determination or an interim certification that a member or beneficiary is eligible for disability
45 benefits. The Director may not make a determination or certification that a member or beneficiary
46 is not eligible for disability benefits.

47 **SECTION 5.20.(c)** The medical board shall review any interim determinations or
48 interim certifications made in accordance with this section as soon as practicable and shall then
49 make a final determination or final certification for disability benefits. If, subsequent to an interim
50 determination or interim certification, the medical board makes a final determination that a
51 member or beneficiary is not eligible for disability benefits, then any payment to that member or

1 beneficiary shall cease and the determination shall be applied prospectively only so that the final
2 determination will not require any refund by the member or beneficiary to the applicable
3 retirement system or benefit plan for payments or benefits received during the interim period
4 before the final determination is made.

5 **SECTION 5.20.(d)** This section is effective when it becomes law. Subsection (b) of
6 this section expires August 1, 2020. Any interim determinations or interim certifications made,
7 as allowed under subsection (b) of this section, will remain valid until a final determination is
8 made, in accordance with subsection (c) of this section.

9
10 **TEMPORARILY REMOVE BARRIERS TO ALLOW RETIREES OF THE TEACHERS'
11 AND STATE EMPLOYEES' RETIREMENT SYSTEM FOR RETIREES AND THE
12 LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO
13 WORK ON A PART-TIME, TEMPORARY, OR INTERIM BASIS DURING STATE OF
14 EMERGENCY RELATED TO COVID-19**

15 **SECTION 5.21.(a)** For individuals who retired under the Teachers' and State
16 Employees' Retirement System (TSERS) on or after October 1, 2019, but before April 1, 2020,
17 the six months separation from service from an employer that is required under G.S. 135-1(20)
18 in order for a retirement to become effective shall not apply and instead a one month separation
19 shall be required, provided that the position to which the individual returns is needed due to the
20 COVID-19 pandemic, as certified to the Retirement Systems Division of the Department of State
21 Treasurer by the employing agency. Upon the expiration of this section, all of the following shall
22 apply:

- 23 (1) The six months separation from an employer required under G.S. 135-1(20)
24 shall again be applicable to individuals who retired under TSERS on or after
25 October 1, 2019, but before April 1, 2020.
26 (2) In order for a member's retirement under TSERS on or after October 1, 2019,
27 but before April 1, 2020, to become effective in any month, the member must
28 perform no work for an employer, including part-time, temporary, substitute,
29 or contractor work, at any time between the expiration of this section and the
30 end of the six months immediately following the effective date of retirement,
31 provided the expiration of the six-month period of separation did not occur
32 while this section was in effect.
33 (3) For individuals who retired under TSERS on or after October 1, 2019, but
34 before April 1, 2020, any time worked between March 10, 2020, and the time
35 this section expires shall not be considered work for the purposes of the
36 six-month separation required under G.S. 135-1(20).

37 **SECTION 5.21.(b)** For individuals who retired prior to April 1, 2020, any earnings
38 received between March 10, 2020, and the time that this section expires shall not be treated as
39 earned by a TSERS beneficiary under the provisions of G.S. 135-3(8)c., provided those earnings
40 are related to a position needed due to the COVID-19 pandemic, as certified to the Retirement
41 Systems Division of the Department of State Treasurer by the employing agency.

42 **SECTION 5.21.(c)** For individuals who retired prior to April 1, 2020, any earnings
43 received between March 10, 2020, and the time that this section expires shall not be treated as
44 earned by a beneficiary of the Local Governmental Employees Retirement System (LGERS)
45 under the provisions of G.S. 128-24(5)c., provided those earnings are related to a position needed
46 due to the COVID-19 pandemic, as certified to the Retirement Systems Division of the
47 Department of State Treasurer by the employing unit.

48 **SECTION 5.21.(d)** Any benefits received by or paid to a law enforcement officer or
49 retired law enforcement officer under Article 12D of Chapter 143 of the General Statutes shall
50 not be impacted by any work performed between March 10, 2020, and the time that this section

1 expires, provided that work performed is needed due to the COVID-19 pandemic, as documented
2 by the employing unit or agency.

3 **SECTION 5.21.(e)** This section is effective when it becomes law and expires August
4 1, 2020.

5
6 **EXTEND VALIDITY OF PROBATIONARY CERTIFICATES ISSUED BY THE**
7 **NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD**

8 **SECTION 5.21.2.(a)** Extend Validity of Probationary Certificates. –
9 Notwithstanding any provision of law to the contrary, any probationary certificates issued to
10 Code-enforcement officials by the North Carolina Code Officials Qualification Board under
11 G.S. 143-151.13 that are set to expire between March 10, 2020, and March 10, 2021, shall be
12 deemed valid and unexpired until March 12, 2021.

13 **SECTION 5.21.2.(b)** This section is effective when it becomes law.
14

15 **FLEXIBILITY TO WAIVE OF INTEREST ON PROCUREMENT**

16 **SECTION 5.21.3.(a)** Notwithstanding G.S. 147-86.23, a State agency, as defined in
17 G.S. 147-86.20(5), may waive any interest due on a past-due account receivable. This section
18 does not apply to money owed to the University of North Carolina Health Care System or to East
19 Carolina University's Division of Health Sciences for health care services, to the North Carolina
20 Turnpike Authority for money owed to the Authority for tolls, or to the North Carolina State
21 Health Plan for past-due account receivables related to premiums and claims payments.

22 **SECTION 5.21.3.(b)** This section is effective when it becomes law and expires
23 August 1, 2020.
24

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

27 **SECTION 5.22.(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 5.22.(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 5.23.(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 5.23.(b)** This section is effective retroactively to March 10, 2020.

28
29 **CLARIFY "AVAILABLE FOR PUBLIC INSPECTION"/LOCAL GOVERNMENT**
30 **BUDGET PROCESS**

31 **SECTION 5.23.5.(a)** G.S. 159-12 reads as rewritten:

32 "**§ 159-12. Filing and publication of the budget; budget hearings.**

33 (a) On the same day that he submits the budget to the governing board, the budget officer
34 shall file a copy of it ~~in the office of~~ with the clerk to the board where it shall remain available
35 ~~for public inspection~~ until the budget ordinance is adopted. The clerk to the board may post a
36 copy of such budget on the Web site of the unit of local government and shall provide copies in
37 accordance with Chapter 132 of the General Statutes. The clerk shall make a copy of the budget
38 available to all news media in the county. He shall also publish a statement that the budget has
39 been submitted to the governing board, and is available for public ~~inspection in the office of the~~
40 ~~clerk to the board.~~ inspection. The statement shall also give notice of the time and place of the
41 budget hearing required by subsection (b) of this section.

42 (b) Before adopting the budget ordinance, the board shall hold a public hearing at which
43 time any persons who wish to be heard on the budget may appear."

44 **SECTION 5.23.5.(b)** This section is effective when it becomes law and expires
45 August 1, 2020.

46
47 **DAILY DEPOSIT REQUIREMENT UNDER THE LOCAL GOVERNMENT BUDGET**
48 **AND FISCAL CONTROL ACT**

49 **SECTION 5.24.(a)** G.S. 159-32 reads as rewritten:

50 "**§ 159-32. Daily deposits.**

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

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

19 SECTION 5.24.(b) This section is effective when it becomes law.
20

21 REINSTATE SPECIAL OBLIGATION BONDS

22 SECTION 5.25.(a) G.S. 159I-30 is reenacted as it existed immediately before its
23 expiration, is recodified as G.S. 159-146, and is rewritten to read:

24 "Article 7A.

25 "Special Obligation Bonds and Notes.

26 "§ 159-146. Additional powers of units of local government; issuance of special obligation 27 bonds and notes.

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

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

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

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

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

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

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

44 3. Enlarging, expanding, and extending.

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

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

- 1 c. The costs of demolishing or moving structures from land acquired and
2 acquiring any lands to which such structures thereafter are to be
3 moved.
- 4 d. Financing charges, including estimated interest during the acquisition
5 or construction of such project and for six months thereafter.
- 6 e. The costs of services to provide and the cost of plans, specifications,
7 studies and reports, surveys, and estimates of costs and revenues.
- 8 f. The costs of paying any interim financing, including principal,
9 interest, and premium, related to the acquisition or construction of a
10 project.
- 11 g. Administrative and legal expenses and administrative charges.
- 12 h. The costs of obtaining bond and reserve fund insurance and investment
13 contracts, of credit-enhancement facilities, liquidity facilities and
14 interest-rate agreements, and of establishing and maintaining debt
15 service and other reserves.
- 16 i. Any other services, costs, and expenses necessary or incidental to the
17 purpose authorized.
- 18 (3) Credit facility. – An agreement entered into by the unit with a bank, a savings
19 and loan association, or another banking institution; an insurance company, a
20 reinsurance company, a surety company, or another insurance institution; a
21 corporation, an investment banking firm, or another investment institution; or
22 any financial institution, providing for prompt payment of all or any part of
23 the principal, or purchase price (whether at maturity, presentment, or tender
24 for purchase, redemption, or acceleration), redemption premium, if any, and
25 interest on any bonds or notes payable on demand or tender by the owner, in
26 consideration of the unit agreeing to repay the provider of the credit facility in
27 accordance with the terms and provisions of the agreement; the provider of
28 any credit facility may be located either within or without the United States of
29 America.
- 30 (4) Local Government Commission. – The Local Government Commission of the
31 Department of the State Treasurer, established by Article 2 of this Chapter and
32 any successor of said Commission.
- 33 (5) Notes. – The special obligation notes or special obligation bond anticipation
34 notes authorized to be issued by a unit of local government under this Article.
- 35 (6) Par formula. – Any provision or formula adopted by the unit to provide for the
36 adjustment, from time to time of the interest rate or rates borne by any bonds
37 or notes including any of the following:
 - 38 a. A provision providing for such adjustment so that the purchase price
39 of such bonds or notes in the open market would be as close to par as
40 possible.
 - 41 b. A provision providing for such adjustment based upon a percentage or
42 percentages of a prime rate or base rate, which percentage or
43 percentages may vary or be applied for different periods of time.
 - 44 c. Any other provision as the unit may determine to be consistent with
45 this section and does not materially and adversely affect the financial
46 position of the unit and the marketing of the bonds or notes at a
47 reasonable interest cost to the unit.
- 48 (7) Project. – Any of the following:
 - 49 a. Solid waste management projects and capital expenditures to
50 implement such projects, including, without limitation, the purchase
51 of equipment or facilities, construction costs of an incinerator; land to

1 be used for recycling facilities or landfills; leachate collection and
2 treatment systems; liners for landfills; monitoring wells; recycling
3 equipment and facilities; volume reduction equipment; and financing
4 charges. This sub-subdivision does not include (i) the operational and
5 maintenance costs of solid waste management facilities or programs;
6 (ii) general planning or feasibility studies; or (iii) the purchase of land,
7 unless the land is to be used for a recycling facility or a landfill.

8 b. Any of the following as defined in S.L. 1998-132: water supply
9 systems, water conservation projects, water reuse projects, wastewater
10 collection systems, and wastewater treatment works.

11 c. With respect to a city, any service or facility authorized by
12 G.S. 160A-536 and provided in a municipal service district.

13 (8) Unit of local government or unit. – Any of the following:

14 a. A unit of local government as defined in G.S. 159-44(4).

15 b. Any combination of units, as defined in G.S. 160A-460(2), entering
16 into a contract or agreement with each other under G.S. 160A-461.

17 c. Any joint agency established under G.S. 160A-462; as any such
18 section may be amended from time to time.

19 d. Any regional solid waste management authority created pursuant to
20 G.S. 153A-421.

21 e. A consolidated city-county as defined by G.S. 160B-2(1), including
22 such a consolidated city-county acting with respect to an urban service
23 district defined by a consolidated city-county.

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

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

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

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

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

50 (b1) Security Interest. – In connection with issuing its special obligation bonds or special
51 obligation bond anticipation notes under this Article, a unit of local government may grant a

1 security interest in the project financed, or in all or some portion of the property on which the
2 project is located, or in both. If a unit of local government determines to provide additional
3 security as authorized by this subsection, the following conditions apply:

4 (1) No bond order may contain a nonsubstitution clause that restricts the right of
5 a unit of local government to do any of the following:

6 a. Continue to provide a service or activity.

7 b. Replace or provide a substitute for any municipal purpose financed
8 pursuant to the bond order.

9 (2) A bond order is subject to approval by the Commission under Article 8 of this
10 Chapter if both of the following apply:

11 a. The order meets the standards set out in G.S. 159-148(a)(1),
12 159-148(a)(2), and 159-148(a)(3), or involves the construction or
13 repair of fixtures or improvements on real property.

14 b. The order is not exempted from the provisions of that Article by one
15 of the exemptions contained in G.S. 159-148(b)(1) and (2).

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

18 (3) No deficiency judgment may be rendered against any unit of local government
19 in any action for breach of a bond order authorized by this section, and the
20 taxing power of a unit of local government is not and may not be pledged
21 directly or indirectly to secure any moneys due under a bond order authorized
22 by this section. This prohibition does not impair the right of the holder of a
23 bond or note to exercise a remedy with respect to the revenues pledged to
24 secure the bond or note, as provided in the bond order, resolution, or trust
25 agreement under which the bond or note is authorized and secured. A unit of
26 local government may, in its sole discretion, use tax proceeds to pay the
27 principal of or interest or premium on bonds or notes, but shall not pledge or
28 agree to do so.

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

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

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

47 (e) Nature of Obligation. – Special obligation bonds and notes shall be special obligations
48 of the unit of local government issuing them. The principal of, and interest and any premium on,
49 special obligation bonds and notes shall be secured solely by any one or more of the sources of
50 payment authorized by this section as may be pledged in the proceedings, resolution, or trust
51 agreement under which they are authorized or secured. Neither the faith and credit nor the taxing

1 power of the unit of local government are pledged for the payment of the principal of, or interest
2 or any premium on, any special obligation bonds or notes, and no owner of special obligation
3 bonds or notes has the right to compel the exercise of the taxing power by the unit in connection
4 with any default thereon. Every special obligation bond and note shall recite in substance that the
5 principal and interest and any premium on the bond or note are secured solely by the sources of
6 payment pledged in the bond order, resolution, or trust agreement under which it is authorized or
7 secured. The following limitations apply to payment from the specified sources:

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

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

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

14 (1) Be made payable from time to time on demand or tender for purchase by the
15 owner thereof as long as a credit facility supports the bonds or notes, unless
16 the Local Government Commission specifically determines that a credit
17 facility is not required upon a finding and determination by the Local
18 Government Commission that the absence of a credit facility will not
19 materially and adversely affect the financial position of the unit and the
20 marketing of the bonds or notes at a reasonable interest cost to the unit.

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

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

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

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

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

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

1 and also as to both principal and interest, and for the reconversion into coupon bonds or notes of
2 any bonds or notes registered as to both principal and interest, and for the interchange of
3 registered and coupon bonds or notes. Any system for registration may be established as the unit
4 may determine.

5 (i) Local Government Commission Approval. – No bonds or notes may be issued by a
6 unit of local government under this section unless the issuance is approved and the bonds or notes
7 are sold by the Local Government Commission as provided in this section. The unit shall file
8 with the Secretary of the Local Government Commission an application requesting approval of
9 the issuance of the bonds or notes, which application shall contain such information and shall
10 have attached to it such documents concerning the proposed financing as the Secretary of the
11 Local Government Commission may require. The Commission may prescribe the form of the
12 application. Before the Secretary accepts the application, the Secretary may require the governing
13 body of the unit or its representatives to attend a preliminary conference, at which time the
14 Secretary or the deputies of the Secretary may informally discuss the proposed issue and the
15 timing of the steps taken in issuing the special obligation bonds or notes.

16 In determining whether a proposed bond or note issue should be approved, the Local
17 Government Commission may consider, to the extent applicable as shall be determined by the
18 Local Government Commission, the criteria set forth in G.S. 159-52 and G.S. 159-86, as either
19 may be amended from time to time, as well as the effect of the proposed financing upon any
20 scheduled or proposed sale of obligations by the State or by any of its agencies or departments
21 or by any unit of local government in the State. The Local Government Commission shall
22 approve the issuance of the bonds or notes if, upon the information and evidence it receives, it
23 finds and determines that the proposed financing will satisfy such criteria and will effect the
24 purposes of this section. An approval of an issue shall not be regarded as an approval of the
25 legality of the issue in any respect. A decision by the Local Government Commission denying
26 an application is final.

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

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

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

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

47 (m) Trust. – In the discretion of the unit of local government, any bonds and notes issued
48 under the provisions of this section may be secured by a trust agreement by and between the unit
49 and a corporate trustee or by a resolution providing for the appointment of a corporate trustee.
50 Bonds and notes may also be issued under an order or resolution without a corporate trustee. The
51 corporate trustee may be, in either case any trust company or bank having the powers of a trust

1 company within or without the State. The trust agreement or resolution may pledge or assign
2 such sources of revenue as may be permitted under this section. The trust agreement or resolution
3 may contain such provisions for protecting and enforcing the rights and remedies of the owners
4 of any bonds or notes issued thereunder as may be reasonable and proper and not in violation of
5 law, including covenants setting forth the duties of the unit in respect of the purposes to which
6 bond or note proceeds may be applied, the disposition and application of the revenues of the unit,
7 the duties of the unit with respect to the project, the disposition of any charges and collection of
8 any revenues and administrative charges, the terms and conditions of the issuance of additional
9 bonds and notes, and the custody, safeguarding, investment, and application of all moneys. All
10 bonds and notes issued under this section shall be equally and ratably secured by a lien upon the
11 revenues pledged in the trust agreement or resolution, without priority by reasons of number, or
12 dates of bonds or notes, execution, or delivery, in accordance with the provision of this section
13 and of the trust agreement or resolution, except that the unit may provide in the trust agreement
14 or resolution that bonds or notes issued pursuant thereto shall, to the extent and in the manner
15 prescribed in the trust agreement or resolution, be subordinated and junior in standing, with
16 respect to the payment of principal and interest and to the security thereof, to any other bonds or
17 notes. It shall be lawful for any bank or trust company that may act as depository of the proceeds
18 of bonds or notes, revenues, or any other money hereunder to furnish such indemnifying bonds
19 or to pledge such securities as may be required by the unit. Any trust agreement or resolution
20 may set out the rights and remedies of the owners of any bonds or notes and of any trustee, and
21 may restrict the individual rights of action by the owners. In addition to the foregoing, any trust
22 agreement or resolution may contain such other provisions as the unit may deem reasonable and
23 proper for the security of the owners of any bonds or notes. Expenses incurred in carrying out
24 the provisions of any trust agreement or resolution may be treated as a part of the cost of any
25 project or as an administrative charge and may be paid from the revenues or from any other funds
26 available.

27 The State does pledge to, and agree with, the holders of any bonds or notes issued by any unit
28 that so long as any of the bonds or notes are outstanding and unpaid the State will not limit or
29 alter the rights vested in the unit at the time of issuance of the bonds or notes to set the terms and
30 conditions of the bonds or notes and to fulfill the terms of any agreements made with the
31 bondholders or noteholders. The State shall in no way impair the rights and remedies of the
32 bondholders or noteholders until the bonds or notes and all costs and expenses in connection with
33 any action or proceedings by or on behalf of the bondholders or noteholders, are fully paid, met,
34 and discharged.

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

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

47 (p) Investment Eligibility. – Bonds and notes issued under the provisions of this Article
48 are hereby made securities in which all public offices, agencies, and public bodies of the State
49 and its political subdivisions, all insurance companies, trust companies, investment companies,
50 banks, savings banks, building and loan associations, credit unions, pension or retirement funds,
51 other financial institutions engaged in business in the State, executors, administrators, trustees,

1 and other fiduciaries may properly and legally invest funds, including capital in their control or
2 belonging to them. Such bonds or notes are hereby made securities, which may properly and
3 legally be deposited with and received by any officer or agency of the State or political
4 subdivision of the State for any purpose for which the deposit of bonds, notes, or obligations of
5 the State or any political subdivision is now or may hereafter be authorized by law.

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

11 (r) Refunding Bonds. – Subject to agreements with the holders of its bonds or notes, a
12 unit may issue bonds to refund outstanding bonds or notes previously issued under this Article
13 or any predecessor provision to this Article, including bonds previously issued under Chapter
14 159I of the General Statutes, as amended, whether or not they have matured. Bonds may be issued
15 partly for the purpose of refunding outstanding bonds and partly for any other purpose under this
16 Article. Refunding bonds may be issued at any time prior to the final maturity of the debt or
17 obligation to be refunded. The proceeds from the sale of any refunding bonds shall be applied
18 only as follows: either, (i) to the immediate payment and retirement of the obligations being
19 refunded or (ii) if not required for the immediate payment of the obligations being refunded such
20 proceeds shall be deposited in trust to provide for the payment and retirement of the obligations
21 being refunded, and to pay any expenses incurred in connection with such refunding. Money in
22 any such trust fund may be invested in (i) direct obligations of the United States government, or
23 (ii) obligations the principal of and interest on which are guaranteed by the United States
24 government, or (iii) to the extent then permitted by law in obligations of any agency or
25 instrumentality of the United States government, (iv) certificates of deposit issued by a bank or
26 trust company located in the State of North Carolina if such certificates shall be secured by a
27 pledge of any of said obligations described in (i), (ii), or (iii) above having any aggregate market
28 value, exclusive of accrued interest, equal at least to the principal amount of the certificates so
29 secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust
30 for the retirement of obligations being refunded but which shall not have matured and which shall
31 not be presently redeemable or, if presently redeemable, shall not have been called for
32 redemption."

33 **SECTION 5.25.(b)** G.S. 113A-115.1(h) reads as rewritten:

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

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

38"

39 **SECTION 5.25.(c)** G.S. 153A-427(a)(13) reads as rewritten:

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

50 **SECTION 5.25.(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 5.25.(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 5.25.(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 5.25.(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.~~"

SECTION 5.25.(h) G.S. 159-165(a) reads as rewritten:

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

SECTION 5.25.(i) This section is effective retroactively to July 1, 2019.

EXTEND EFFECTIVE DATE OF CHAPTER 160D

1 **SECTION 5.26.(a)** Section 3.2 of S.L. 2019-111 reads as rewritten:
2 "SECTION 3.2. Part II of this act becomes effective ~~January 1, 2021~~, August 1, 2021, and
3 applies to local government development regulation decisions made on or after that date. Part II
4 of this act clarifies and restates the intent of existing law and applies to ordinances adopted
5 before, on, and after the effective date."

6 **SECTION 5.26.(b)** This section is effective when it becomes law.
7

8 **FLOODPLAIN MAPS BY INCORPORATION INTO LOCAL ORDINANCES**

9 **SECTION 5.26.1.(a)** Land use development ordinances adopted by a county or city
10 may reference or incorporate by reference flood insurance rate maps, watershed boundary maps,
11 or other maps officially adopted or promulgated by State and federal agencies. For these maps, a
12 land use development ordinance or zoning map may reference a specific officially adopted map
13 or may incorporate by reference the most recent officially adopted version of such maps. When
14 zoning district boundaries are based on these maps, the land use development ordinance may
15 provide that the zoning district boundaries are automatically amended to remain consistent with
16 changes in the officially promulgated State or federal maps, provided a copy of the currently
17 effective version of any incorporated map shall be maintained for public inspection by the county
18 or city.

19 **SECTION 5.26.1.(b)** This section is effective when it becomes law and expires
20 August 1, 2021.
21

22 **REMOTE PARTICIPATION IN OPEN MEETINGS**

23 **SECTION 5.27.(a)** Article 1A of Chapter 166A of the General Statutes is amended
24 by adding a new section to read:

25 **"§ 166A-19.24. Remote meetings during certain declarations of emergency.**

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

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

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

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

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

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

44 c. Prior to voting.

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

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

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

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

- 1 c. To be heard by the other members of the public body when speaking
2 to the public body.
- 3 (5) All votes shall be roll call; no vote by secret or written ballots, whether by
4 paper or electronic means or in accordance with G.S. 143-318.13(b), may be
5 taken during the remote meeting.
- 6 (6) The public body shall comply with G.S. 143-318.13(c).
- 7 (7) The minutes of the remote meeting shall reflect that the meeting was
8 conducted by use of simultaneous communication, which members were
9 participating by simultaneous communication, and when such members
10 joined or left the remote meeting.
- 11 (8) All chats, instant messages, texts, or other written communications between
12 members of the public body regarding the transaction of the public business
13 during the remote meeting are deemed a public record.
- 14 (9) The remote meeting shall be simultaneously streamed live online with a
15 telephonic option so that simultaneous live audio, and video if any, of such
16 meeting is available to the public. If the public body conducting the remote
17 meeting maintains its own Web site, that live stream shall be available on the
18 Web site of the public body, accessible in a conspicuous location on such Web
19 site. If the remote meeting is conducted by conference call, the public body
20 may comply with this subdivision by providing the public with an opportunity
21 to dial-in or stream the audio live and listen to the remote meeting.
- 22 (c) Quorum. – A member of the public body participating by simultaneous
23 communication under this section shall be counted as present for quorum purposes only during
24 the period while simultaneous communication is maintained for that member. The provisions of
25 G.S. 160A-75 and G.S. 153A-44 shall apply to all votes of each member of a county or municipal
26 governing board taken during a remote meeting.
- 27 (d) Voting by Members of the Public Body. – Votes of each member of a public body
28 made during a remote meeting under this section shall be counted as if the member were
29 physically present only during the period while simultaneous communication is maintained for
30 that member.
- 31 (e) Public Hearings. – A public body may conduct any public hearing required or
32 authorized by law during a remote meeting, and take action thereon, provided the public body
33 allows for written comments on the subject of the public hearing to be submitted between
34 publication of any required notice and 24 hours after the public hearing.
- 35 (f) Quasi-Judicial Hearings. – A public body may conduct a quasi-judicial proceeding as
36 a remote meeting only when all of the following apply:
- 37 (1) The right of an individual to a hearing and decision occurs during the
38 emergency.
- 39 (2) All persons subject to the quasi-judicial proceeding who have standing to
40 participate in the quasi-judicial hearing have been given notice of the
41 quasi-judicial hearing and consent to the remote meeting.
- 42 (3) All due process rights of the parties affected are protected.
- 43 (g) Not Exclusive. – This section applies only during emergency declarations and does
44 not supersede any authority for electronic meetings under Article 33C of the General Statutes.
- 45 (h) For purposes of this section, the following definitions apply:
- 46 (1) Official meeting. – As defined in G.S. 143-318.10(d).
- 47 (2) Public body. – As defined in G.S. 143-318.10(b) and (c).
- 48 (3) Remote meeting. – An official meeting, or any part thereof, with between one
49 and all of the members of the public body participating by simultaneous
50 communication.

1 (4) Simultaneous communication. – Any communication by conference
2 telephone, conference video, or other electronic means."

3 **SECTION 5.27.(b)** G.S. 143-318.10(a) reads as rewritten:

4 "(a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official
5 meeting of a public body shall be open to the public, and any person is entitled to attend such a
6 meeting. Remote meetings conducted in accordance with G.S. 166A-19.24 shall comply with
7 this subsection even if all members of the public body are participating remotely."

8 **SECTION 5.27.(c)** G.S. 143-318.13 is amended by adding a new subsection to read:

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

12 **SECTION 5.27.(d)** G.S. 143-318.14A(e) reads as rewritten:

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

17 **SECTION 5.27.(e)** G.S. 153A-43 reads as rewritten:

18 "**§ 153A-43. Quorum.**

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

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

28 **SECTION 5.27.(f)** G.S. 160A-74 reads as rewritten:

29 "**§ 160A-74. Quorum.**

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

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

37 **SECTION 5.27.(g)** G.S. 160A-75, effective until January 1, 2021, reads as rewritten:

38 "**§ 160A-75. (Effective until January 1, 2021) Voting.**

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

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

1 (c) An affirmative vote equal to a majority of all the members of the council not excused
2 from voting on the question in issue, including the mayor's vote in case of an equal division, shall
3 be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or
4 commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of
5 the city. In addition, no ordinance nor any action having the effect of any ordinance may be
6 finally adopted on the date on which it is introduced except by an affirmative vote equal to or
7 greater than two thirds of all the actual membership of the council, excluding vacant seats and
8 not including the mayor unless the mayor has the right to vote on all questions before the council.
9 For purposes of this section, an ordinance shall be deemed to have been introduced on the date
10 the subject matter is first voted on by the council."

11 **SECTION 5.27.(h)** G.S. 160A-75, effective January 1, 2021, reads as rewritten:
12 "**§ 160A-75. (Effective January 1, 2021) Voting.**

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

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

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

36 **SECTION 5.27.(i)** This section does not affect the validity of S.L. 2008-111.

37 **SECTION 5.27.(j)** This section is effective when it becomes law and applies
38 throughout the duration of any declaration of emergency issued under G.S. 166A-19.20 in effect
39 on or after that date. The actions of any public body in an open meeting conducted via
40 simultaneous communication between March 10, 2020, and the effective date of this section are
41 not deemed invalid due to the use of simultaneous communication to conduct that open meeting.
42

43 **EXTEND ORDINANCE/RULE REPORTING**

44 **SECTION 5.28.(a)** Section 1 of S.L. 2018-69, as amended by Section 3 of S.L.
45 2019-198, reads as rewritten:

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

1 **SECTION 5.28.(b)** Section 3 of S.L. 2018-69, as amended by Section 4 of S.L.
2 2019-198, reads as rewritten:

3 **"SECTION 3.** Every county with a population of 20,000 or more according to the last federal
4 decennial census, city or town with a population of 1,000 or more according to the last federal
5 decennial census, or metropolitan sewerage district that has enacted an ordinance punishable
6 pursuant to G.S. 14-4(a) shall create a list of applicable ordinances with a description of the
7 conduct subject to criminal punishment in each ordinance. Each county, city, town, or
8 metropolitan sewerage district shall submit the list to the Joint Legislative Administrative
9 Procedure Oversight Committee no later than ~~November 1, 2019~~, March 1, 2021."

10 **SECTION 5.29.(c)** Section 5 of S.L. 2019-198 is repealed.

11 **SECTION 5.29.(d)** No ordinance adopted on or after May 1, 2021, and before May
12 1, 2023, by a county, city, or town that was required to report pursuant to Section 3 of S.L.
13 2018-69, as amended by Section 4 of S.L. 2019-198 and further amended by Section 5.28 of this
14 act, shall be subject to the criminal penalty provided by G.S. 14-4 unless that county, city, or
15 town submitted the required report on or before March 1, 2021. Ordinances regulated by this
16 section may still be subject to civil penalties as authorized by G.S. 153A-123 or G.S. 160A-175.

17 **SECTION 5.29.(e)** Section 6 of S.L. 2019-198 is repealed.

18 **SECTION 5.29.(f)** The General Statutes Commission shall study the reports
19 received pursuant to S.L. 2018-69, as amended by S.L. 2019-198 and further amended by Section
20 5.28 of this act, and make recommendations regarding whether any conduct currently
21 criminalized either (i) by an ordinance of a county, city, town, or metropolitan sewerage district
22 or (ii) in the North Carolina Administrative Code by an agency, board, or commission should
23 have criminal penalties provided by a generally applicable State law. The Commission may
24 submit an interim report to the 2020 Regular Session of the 2019 General Assembly and to the
25 Joint Legislative Oversight Committee on General Government. The Commission shall report to
26 the 2021 General Assembly and to the Joint Legislative Oversight Committee on General
27 Government on or before March 1, 2021.

28 **SECTION 5.29.(g)** This section is effective when it becomes law.

29 30 **EXTEND THE NORTH CAROLINA CHILD WELL-BEING TRANSFORMATION** 31 **COUNCIL THROUGH JANUARY 15, 2021**

32 **SECTION 5.29.1.(a)** Section 24.1(i) of S.L. 2018-5 reads as rewritten:

33 **"SECTION 24.1.(i)** Reporting; Termination. – By June 30, 2019, the Children's Council
34 shall submit an interim report to the chairs of the Senate Appropriations Committee on Health
35 and Human Services, the chairs of the House of Representatives Appropriations Committee on
36 Health and Human Services, the Joint Legislative Oversight Committee on Health and Human
37 Services, and the Fiscal Research Division. The report shall include a summary of the Council's
38 work for the previous year, any findings and recommendations for change, and a work plan for
39 the upcoming year. By ~~June 30, 2020~~, January 15, 2021, the Children's Council shall submit a
40 final report and shall terminate on that date."

41 **SECTION 5.29.1.(b)** This section is effective when it becomes law.

42 43 **TRANSPORTATION NETWORK COMPANY SIGNAGE REQUIREMENTS**

44 **SECTION 5.29.2.(a)** Section 2(b) of S.L. 2019-194 reads as rewritten:

45 **"SECTION 2.(b)** G.S. 20-280.5(e) and (f), as enacted by this section, become effective July
46 1, ~~2020~~, 2021. The remainder of this section becomes effective October 1, 2019."

47 **SECTION 5.29.2.(b)** This section is effective when it becomes law.

48 49 **EXTEND THE JOINT LEGISLATIVE STUDY COMMITTEE ON SMALL BUSINESS** 50 **RETIREMENT OPTIONS THROUGH DECEMBER 1, 2020**

51 **SECTION 5.29.3.(a)** Section 5 of S.L. 2019-205 reads as rewritten:

1 "SECTION 5. The Committee shall report its interim findings and recommendations,
2 including any recommended legislation, to the Speaker of the House of Representatives, the
3 President Pro Tempore of the Senate, and the Fiscal Research Division no later than March 31,
4 2020. The Committee shall report its final findings and recommendations, including any
5 recommended legislation, to the Speaker of the House of Representatives, the President Pro
6 Tempore of the Senate, and the Fiscal Research Division no later than December 1, 2020. The
7 Committee shall terminate upon submission of the final report or March 31, 2020, December 1,
8 2020, whichever occurs first."

9 SECTION 5.29.3.(b) This section is effective retroactively to March 31, 2020.

10
11 **AUTHORIZE STATE AGENCIES TO EXERCISE REGULATORY FLEXIBILITY**
12 **DURING THE CORONAVIRUS EMERGENCY IN ORDER TO PROTECT THE**
13 **ECONOMIC WELL-BEING OF THE CITIZENS AND BUSINESSES OF THE STATE**

14 SECTION 5.30.(a) For purposes of this section, the following definitions apply:

- 15 (1) "Coronavirus" has the same meaning as defined in Section 506 of the
16 Coronavirus Preparedness and Response Supplemental Appropriations Act,
17 2020.
- 18 (2) "Coronavirus emergency" means the period from March 10, 2020, through the
19 date the Governor signs an executive order rescinding Executive Order No.
20 116, Declaration of a State of Emergency to Coordinate Response and
21 Protective Actions to Prevent the Spread of COVID-19.
- 22 (3) "State agency" means an agency or an officer in the executive branch of the
23 government of this State and includes the Council of State, the Governor's
24 Office, a board, a commission, a department, a division, a council, and any
25 other unit of government in the executive branch. "State agency" does not
26 include the Division of Employment Security of the Department of
27 Commerce, the Department of Health and Human Services, the State Board
28 of Education, the Department of Public Instruction, The University of North
29 Carolina, the State Board of Community Colleges, or the State Board of
30 Elections.

31 SECTION 5.30.(b) Notwithstanding any other provision of State law, if a State
32 agency determines that, due to the impacts of the coronavirus, it is in the public interest, including
33 the public health, safety, and welfare and the economic well-being of the citizens and businesses
34 of the State, the agency shall:

- 35 (1) Delay the collection, or modify the method of collection, of any fees, fines, or
36 late payments assessed by the agency under its statutes, including the accrual
37 of interest associated with any fees, fines, or late payments.
- 38 (2) Delay the renewal dates of permits, licenses, and other similar certifications,
39 registrations, and authorizations issued by the agency pursuant to its statutes.
- 40 (3) Delay or modify any educational or examination requirements implemented
41 by the agency pursuant to its statutes.

42 SECTION 5.30.(c) No later than October 1, 2020, each State agency shall report to
43 the Joint Legislative Administrative Procedure Oversight Committee, the Joint Legislative
44 Commission on Governmental Operations, and the Office of State Budget and Management on
45 its specific efforts to exercise regulatory flexibility under this section.

46 SECTION 5.30.(d) State agencies shall exercise the authority granted pursuant to
47 this section to the maximum extent practicable in order to protect the economic well-being of the
48 citizens and businesses of the State, while also continuing to protect public health, safety, and
49 welfare.

50 SECTION 5.30.(e) State agencies may adopt emergency rules for the
51 implementation of this section in accordance with G.S. 150B-21.1A. Notwithstanding

1 G.S. 150B-21.1A(a), an agency shall not commence the adoption of temporary rules pursuant to
2 this section. Notwithstanding G.S. 150B-21.1A(d)(4), an emergency rule adopted pursuant to this
3 section shall expire August 1, 2020.

4 **SECTION 5.30.(f)** This section is effective retroactively to March 10, 2020.
5 Subsections (a), (b), (d), and (e) of this section expire August 1, 2020.

6
7 **AUTHORIZE EXTENSION OF TRAINING AND CERTIFICATION OF LAW**
8 **ENFORCEMENT OFFICERS BY FORENSIC TESTS FOR ALCOHOL BRANCH**

9 **SECTION 5.30.1.(a)** The Forensic Tests for Alcohol Branch of the Department of
10 Health and Human Services may delay or modify any educational or examination requirements
11 for recertification of law enforcement officers, and may extend any certifications already issued
12 if the educational or examination requirements are delayed.

13 **SECTION 5.30.1.(b)** This section is effective retroactively to March 10, 2020, and
14 expires January 1, 2021.

15
16 **EXTEND CERTAIN LOCAL GOVERNMENT APPROVALS AFFECTING THE**
17 **DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE**

18 **SECTION 5.30.2.(a)** Definitions. – As used in this section, the following definitions
19 apply:

- 20 (1) Development approval. – Any of the following approvals issued by any unit
21 of local government, regardless of the form of the approval, that are for the
22 development of land:
- 23 a. Any approval of an erosion and sedimentation control plan granted by
24 a local government under Article 4 of Chapter 113A of the General
25 Statutes.
 - 26 b. Any building permit issued under Article 9 of Chapter 143 of the
27 General Statutes.
 - 28 c. Any approval by a county of sketch plans, preliminary plats, plats
29 regarding a subdivision of land, a site-specific development plan or a
30 phased development plan, a development permit, a development
31 agreement, or a building permit under Article 18 of Chapter 153A of
32 the General Statutes.
 - 33 d. Any approval by a city of sketch plans, preliminary plats, plats
34 regarding a subdivision of land, a site-specific development plan or a
35 phased development plan, a development permit, a development
36 agreement, or a building permit under Article 19 of Chapter 160A of
37 the General Statutes.
 - 38 e. Any certificate of appropriateness issued by a preservation
39 commission of a city under Part 3C of Article 19 of Chapter 160A of
40 the General Statutes.
- 41 (2) Development. – The division of a parcel of land into two or more parcels, the
42 construction, reconstruction, conversion, structural alteration, relocation, or
43 enlargement of any building or other structure or facility, or any grading, soil
44 removal or relocation, excavation or landfill, or any use or change in the use
45 of any building or other structure or land or extension of the use of land.

46 **SECTION 5.30.2.(b)** For any development approval that is current and valid at any
47 point during the period beginning March 10, 2020, and ending April 28, 2020, the expiration date
48 of the period of the development approval and any associated vested right under G.S. 153A-344.1
49 or G.S. 160A-385.1 is extended for five months.

50 **SECTION 5.30.2.(c)** This section shall not be construed or implemented to:

- 1 (1) Extend any permit or approval issued by the United States or any of its
- 2 agencies or instrumentalities.
- 3 (2) Extend any permit or approval for which the term or duration of the permit or
- 4 approval is specified or determined pursuant to federal law.
- 5 (3) Shorten the duration that any development approval would have had in the
- 6 absence of this section.
- 7 (4) Prohibit the granting of such additional extensions as are provided by law.
- 8 (5) Affect any administrative consent order issued by the Department of
- 9 Environmental Quality in effect or issued at any time from the effective date
- 10 of this section to September 28, 2020.
- 11 (6) Affect the ability of a government entity to revoke or modify a development
- 12 approval or to accept voluntary relinquishment of a development approval by
- 13 the holder of the development approval pursuant to law.
- 14 (7) Modify any requirement of law that is necessary to retain federal delegation
- 15 by the State of the authority to implement a federal law or program.
- 16 (8) Modify any person's obligations or impair the rights of any party under
- 17 contract, including bond or other similar undertaking.
- 18 (9) Authorize the charging of a water or wastewater tap fee that has been
- 19 previously paid in full for a project subject to a development approval.

20 **SECTION 5.30.2.(d)** The provisions of this section shall be liberally construed to
21 effectuate the purposes of this section.

22 **SECTION 5.30.2.(e)** For any development approval extended by this section, the
23 holder of the development approval shall:

- 24 (1) Comply with all applicable laws, regulations, and policies in effect at the time
- 25 the development approval was originally issued by the governmental entity.
- 26 (2) Maintain all performance guarantees that are imposed as a condition of the
- 27 initial development approval for the duration of the period the development
- 28 approval is extended or until affirmatively released from that obligation by the
- 29 issuing governmental entity.
- 30 (3) Complete any infrastructure necessary in order to obtain a certificate of
- 31 occupancy or other final permit approval from the issuing governmental
- 32 entity.

33 **SECTION 5.30.2.(f)** Failure to comply with any condition in this section may result
34 in termination of the extension of the development approval by the issuing governmental entity.
35 In the event of a termination of the extension of a development approval, the issuing
36 governmental entity shall provide written notice to the last known address of the original holder
37 of the development approval of the termination of the extension of the development approval,
38 including the reason for the termination. Termination of an extension of a development approval
39 shall be subject to appeal to the Board of Adjustment under the requirements set forth in law if
40 the development approval was issued by a unit of local government with planning authority under
41 Article 18 of Chapter 153A of the General Statutes or Article 19 of Chapter 160A of the General
42 Statutes.

43 **SECTION 5.30.2.(g)** This section is effective when it becomes law and expires
44 September 28, 2020.

45 **AUTHORIZE MODIFICATION OF CRIMINAL JUDGMENTS REQUIRING**

46 **INTERMITTENT ACTIVE TIME**

47 **SECTION 5.30.5.(a)** Any criminal judgment requiring a defendant to serve periods
48 of confinement or imprisonment in a local confinement facility may be modified by the chief
49 district court judge of the judicial district in which the order was issued if the chief district court
50 judge finds that all of the following requirements are met:
51

- 1 (1) The defendant is unable to serve one or more ordered periods of confinement
2 or imprisonment due to the local confinement facility's restrictions on inmates
3 during the COVID-19 State of Emergency.
4 (2) Without modification, the defendant will be in violation of the criminal
5 judgment.
6 (3) The District Attorney consents to modification of the criminal judgment.
7 Any modification made pursuant to this authorization shall be as minimal as possible
8 to allow the defendant to comply with the requirements of the criminal judgment.

9 **SECTION 5.30.5.(b)** This section is effective when it becomes law and expires
10 August 1, 2020.

11 12 **NCDOT CASH FLOOR**

13 **SECTION 5.30.6.(a)** Notwithstanding G.S. 143C-6-11(f), the Department of
14 Transportation shall maintain an available cash balance at the end of each month equal to at least
15 one hundred twenty-five million dollars (\$125,000,000). In the event this cash position is not
16 maintained, no further transportation project contract commitments may be entered into until the
17 cash balance has been regained. Any federal funds on hand shall not be considered as cash for
18 the purposes of this subsection. Exempt from this section are contracts entered into in response
19 to an emergency or disaster declaration, and future transportation project contract commitments
20 that are funded by federal bonds or grants, or State bonds. For purposes of this section, the terms
21 "emergency" and "disaster declaration" have the same meaning as in G.S. 166A-19.3.

22 **SECTION 5.30.6.(b)** This section is effective when it becomes law and expires one
23 year from the date it is effective.

24 25 **DOT EMERGENCY RESERVE/CLARIFICATIONS/MODIFICATIONS**

26 **SECTION 5.30.7.(a)** G.S. 136-44.2E, as enacted by S.L. 2019-251, reads as
27 rewritten:

28 **"§ 136-44.2E. Transportation Emergency Reserve.**

29 (a) Creation. – The Transportation Emergency Reserve (Emergency Reserve) is
30 established as a special fund in the Department of Transportation.

31 (b) Funding; Use of Funds. – Subject to subsection (d) of this section, no later than July
32 30 of each fiscal year, the Department of Transportation shall transfer from ~~the~~ Highway Fund
33 appropriations to the Emergency Reserve the sum of one hundred twenty-five million dollars
34 (\$125,000,000), and these funds are hereby appropriated for expenses related to an ~~emergency-~~
35 emergency and for unreimbursed expenditures arising from the emergency. For purposes of this
36 section, the term "emergency" has the same meaning as in G.S. 166A-19.3.

37 (c) Access to Funds. – The Department may only use funds in the Emergency Reserve
38 Reserve: (i) after the President of the United States issues a declaration under the Stafford Act
39 (42 U.S.C. §§ 5121 – 5207) that a major disaster exists in the ~~State-State,~~ (ii) the United States
40 Secretary of Transportation authorizes the expenditure of emergency relief funds pursuant to 23
41 U.S.C. § 125, or (iii) the Governor has declared a disaster pursuant to G.S. 166A-19.21. The
42 Secretary of Transportation shall ensure all funds in the Emergency Reserve are accessed and
43 used pursuant to this section.

44 (d) Limitation on Funds. – The total funds in the Emergency Reserve shall not exceed the
45 sum of one hundred twenty-five million dollars (\$125,000,000). If a transfer under subsection
46 (b) of this section would cause the Emergency Reserve to exceed this limitation, the amount
47 transferred shall equal the difference between one hundred twenty-five million dollars
48 (\$125,000,000) and the amount of funds in the Emergency Reserve on the transfer date set forth
49 in subsection (b) of this section.

50 (e) Evaluation of Emergency Reserve. – No later than February 1 of the first year of the
51 2021-2023 fiscal biennium, and biennially thereafter, the Department of the Transportation shall

1 submit a report on the Emergency Reserve to the House of Representatives Appropriations
2 Committee on Transportation, the Senate Appropriations Committee on the Department of
3 Transportation, and the Fiscal Research Division. The report shall contain the results of an
4 evaluation of the Emergency Reserve, based on a methodology developed jointly by the Office
5 of State Budget and Management and the Department of Transportation, to determine the
6 minimum amount of funds needed in the Emergency Reserve."

7 **SECTION 5.30.7.(b)** Subsection (d) of Section 1.3 of S.L. 2019-251 reads as
8 rewritten:

9 "**SECTION 1.3.(d)** No later than 30 days from the effective date of this section, the State
10 Controller shall transfer from the unreserved balance in the General Fund to the Emergency
11 Reserve the sum of sixty-four million dollars (\$64,000,000). These funds may be used by the
12 Department of Transportation for any emergency occurring after December 31, 2015, and that
13 qualifies under G.S. 136-44.2E as enacted by subsection (a) of this section."

14 **SECTION 5.30.7.(c)** Notwithstanding G.S. 136-44.2E, as enacted by S.L. 2019-251
15 and amended by subsection (a) of this section, for the fiscal year 2020-2021 the Department of
16 Transportation shall not transfer funds to the Transportation Emergency Reserve.

17 **SECTION 5.30.7.(d)** Section 1.7 of S.L. 2019-251 reads as rewritten:

18 **"DISASTER RELIEF FUNDS**

19 "**SECTION 1.7.** In addition to any other funds appropriated during the 2019-2020 fiscal
20 year, there is appropriated from the General Fund to the Department of Transportation the sum
21 of thirty-six million dollars (\$36,000,000) to be used as follows:

- 22 (1) \$30,000,000 for current and future ~~aetivities~~ unreimbursed expenditures
23 related to recovery from Hurricane Dorian such as debris removal and repair
24 of highway infrastructure damage.
- 25 (2) \$2,000,000 for the Living Shoreline projects.
- 26 (3) \$2,000,000 to expand the Flood Inundation Mapping Alert Network for
27 Transportation.
- 28 (4) \$2,000,000 for a Flood Risk and Vulnerability Assessment on the Strategic
29 Highway Corridor System."
- 30

31 **USE OF REGIONAL COUNCIL OF GOVERNMENTS IN ADMINISTRATION OF** 32 **FEMA PUBLIC ASSISTANCE AND INDIVIDUAL ASSISTANCE FUNDS**

33 **SECTION 5.30.8.** In administering Federal Emergency Management Agency public
34 assistance and individual assistance funds, the North Carolina Department of Emergency
35 Management may utilize the North Carolina Regional Councils of Government established in
36 accordance with Article 19 of Chapter 153A of the General Statutes and Part 2 of Article 20 of
37 Chapter 160A of the General Statutes to provide assistance with training, grant applications, and
38 any other requested service by qualifying units of local government. A regional council of
39 government may be designated by a unit or units of local government to administer any Federal
40 Emergency Management Agency public assistance funds on its behalf.

41 **PART VI. SEVERABILITY**

42 **SECTION 6.** If any provision of this act is declared unconstitutional or invalid by
43 the courts, it does not affect the validity of this act as a whole or any part other than the part
44 declared to be unconstitutional or invalid.

45 **PART VII. EFFECTIVE DATE**

46 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
47 law.
48
49