

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 263

AMENDMENT NO. A11
(to be filled in by
Principal Clerk)

H263-AMH-40 [v.17]

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Amends Title [NO]
Second Edition

Date _____, 2024

Representative Lambeth

1 moves to amend the bill on page 9, line 7, by replacing "-798,300,000" with "(798,300,000)";

2
3 and on page 10, line 16, by rewriting the line to read:

4 "hundred million dollars (\$100,000,000) in nonrecurring funds for the 2024-2025 fiscal year.
5 The State Controller shall transfer from funds available in the Medicaid Contingency Reserve to
6 the Department of Health and Human Services, Division of Health Benefits, the sum of two
7 hundred million dollars (\$200,000,000) in nonrecurring funds for the 2024-2025 fiscal year, and
8 the funds transferred are appropriated for the fiscal year in which they are transferred.";

9
10 and on page 28, lines 14-15, by inserting the following between the lines:

11 **"FREEZE DISASTER OF 2023 FUNDING AND AGRICULTURAL CROP LOSS**
12 **PROGRAM AUTHORIZATION**

13 **SECTION 5.6.(a)** Repeal of Funds Transfer. – Effective June 30, 2024, Section
14 5.6(a)(1)d. of S.L. 2023-134 is repealed.

15 **SECTION 5.6.(b)** Appropriation; Reversion. – The Department of Agriculture and
16 Consumer Services (Department) shall use available funds in Budget Code 23702 for the
17 agricultural disaster that occurred March 13, 2023 to April 25, 2023, and subject to Secretarial
18 Disaster Designation S5468 by the United States Department of Agriculture Secretary Thomas
19 J. Vilsack approved in this State caused by freezing temperatures and frost in Henderson, Polk,
20 Rutherford, Buncombe, Haywood, and Transylvania counties. The use of those funds shall
21 comply with the Agricultural Disaster Crop Loss Program, as enacted by this section. Any funds
22 allocated to the Program in Budget Code 23702 not expended or encumbered by November 1,
23 2027, shall revert to the Disaster Relief and Mitigation Fund.

24 **SECTION 5.6.(c)** Chapter 106 of the General Statutes is amended by adding a new
25 Article to read:

26 "Article 85B.

27 "Agricultural Disaster Crop Loss Program.

28 **"§ 106-1054.5. Program established.**

29 The Agricultural Disaster Crop Loss Program is established within and administered by the
30 Department. The Program shall be used to provide financial assistance to persons affected by
31 natural disasters designated as a secretarial disaster by the USDA in accordance with federal law
32 or as the State deems necessary to provide financial assistance for agricultural disasters in this



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1 State. The Department may use up to three percent (3%) of funds allocated to the Program for
2 each agricultural disaster for administrative purposes.

3 **§ 106-1054.6. Definitions.**

4 The following definitions apply in this Article:

- 5 (1) Agricultural commodity. – Apples, barley, corn, cotton, dry peas, flax, forage,
6 freezing and canning peas, grain sorghum, grapes, hay, industrial hemp, native
7 grass, nursery crops, nuts, oats, peanuts, potatoes, rye, soybeans, sunflowers,
8 sweet corn, tobacco, tomatoes, wheat, specialty crops and other fruits and
9 vegetables, and aquacultural species propagated or reared in a controlled or
10 selected environment. An agricultural commodity does not include stored
11 grain.
- 12 (2) Agricultural disaster. – A secretarial disaster designation declared by the
13 USDA Secretary for qualifying counties in this State.
- 14 (3) Department. – The Department of Agriculture and Consumer Services.
- 15 (4) Farm infrastructure. – Fencing, greenhouses, barns, equipment, and farm
16 roads or other structures or site improvements used for farming purposes.
- 17 (5) Livestock. – Cattle, sheep, swine, goats, farmed cervids, and bison. Livestock
18 shall include horses, mules, or other equines only if they are used for
19 production of agricultural commodities.
- 20 (6) Qualifying county. – A county in this State that is a primary county or
21 contiguous county listed by the USDA for an agricultural disaster or a county
22 in this State deemed qualifying by State law as affected by an agricultural
23 disaster.
- 24 (7) Person. – Any individual, trust, estate, partnership, receiver, association,
25 company, limited liability company, corporation, or other entity or group.
- 26 (8) Poultry. – Chickens, quail, or turkeys.
- 27 (9) Program. – The Agricultural Disaster Crop Loss Program.
- 28 (10) USDA. – The United States Department of Agriculture.

29 **§ 106-1054.7. Eligibility and verification of loss of agricultural commodities.**

30 (a) Eligibility. – To be eligible for financial assistance under this Program, all of the
31 following criteria must be satisfied:

- 32 (1) The person experienced verifiable loss of agricultural commodities as a result
33 of an agricultural disaster.
- 34 (2) The person's farm is located in a qualifying county in this State.
- 35 (3) An agricultural commodity was planted but not harvested on or before the date
36 of the agricultural disaster or an aquaculture commodity was being propagated
37 or reared in a controlled or selected environment on or before the date of the
38 agricultural disaster.

39 (b) Verification. – A person seeking financial assistance for losses of agricultural
40 commodities under the Program shall submit to the Department a Form 578 on file with the
41 USDA Farm Service Agency or a form provided by the Department for reporting acreage or
42 plantings of crops or reporting infrastructure damage or loss that is not typically reported on Form
43 578, along with any other documentation deemed appropriate by the Department, during an

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1 application period set by the Department for each designated disaster. For nursery crops,
2 fruit-bearing trees and bushes, and specialty crops where the survival level is not immediately
3 known, the Department may extend this deadline for up to six months, upon written request by
4 the person, if approved by the Department. A person receiving assistance under this Program
5 must provide a signed affidavit, under penalty of perjury, certifying that each fact of the loss
6 presented by the person is accurate.

7 **"§ 106-1054.8. Eligibility and documentation for livestock or poultry financial assistance.**

8 (a) Eligibility. – To be eligible for financial assistance for losses of livestock or poultry,
9 a person must first qualify for and receive payment through the USDA Livestock Indemnity
10 Program and be a participant in a livestock or poultry indemnity program administered by the
11 USDA Farm Service Agency.

12 (b) Documentation. – A person seeking financial assistance for losses of livestock or
13 poultry shall submit documentation of loss and indemnity received from the USDA Livestock
14 Indemnity Program, along with any other documentation deemed appropriate by the Department,
15 during an application period set by the Department. The Department may extend this deadline
16 for up to six months, upon written request by the person, if approved by the Department. A person
17 receiving assistance under this Program must provide a signed affidavit, under penalty of perjury,
18 certifying that each fact of the loss presented by the person is accurate.

19 **"§ 106-1054.9. Criteria.**

20 The Department shall administer the financial assistance program authorized by this section
21 in accordance with the following criteria:

- 22 (1) In determining the payment calculation for agricultural commodities, the
23 Department shall use a formula based on acreage, county loss estimates,
24 USDA National Agricultural Statistics Service averages, and any other
25 measure the Department deems appropriate. Funds shall be distributed based
26 on county averages for yields and State averages for price. Calculations shall
27 be based on county or State averages in price, whichever the Department
28 determines is appropriate.
- 29 (2) The payment calculation for livestock and poultry shall be based on twelve
30 and one-half percent (12.5%) of the total loss reported to the USDA Livestock
31 Indemnity Program.
- 32 (3) The Department shall gather all claim information, and shall, as closely as
33 possible, estimate the amount of the funds needed to be held in reserve for
34 payments related to losses of livestock, poultry, nursery, bush, tree, and
35 specialty crops for which losses will not be fully known or calculated. The
36 Department shall set aside funds as it deems appropriate based on the
37 estimated percentage of these losses.
- 38 (4) Payments made under this Program shall be made to the person who filed the
39 Form 578 or Department form for claims related to agricultural commodity
40 losses or the person who received payment from the USDA Livestock
41 Indemnity Program for claims related to livestock or poultry losses.
- 42 (5) The Department shall develop a formula to determine the payment calculation
43 for farm infrastructure damage or loss using measures the Department deems

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1 appropriate. The Department shall consider any other available insurance
2 claims that may be available to the applicant when developing this formula.

3 **"§ 106.1054.10. Audit.**

4 The Department may audit the financial and other records of each recipient of funds in order
5 to ensure that the funds are used in accordance with the requirements of this Program. The
6 Department may require any documentation or proof it considers necessary to efficiently
7 administer this Program, including the ownership structure of each entity and the social security
8 numbers of each owner. In order to verify losses, the Department may require the submission of
9 dated, signed, and continuous records. These records may include, but are not limited to,
10 commercial receipts, settlement sheets, warehouse ledger sheets, pick records, load summaries,
11 contemporaneous measurements, truck scale tickets, contemporaneous diaries, appraisals,
12 ledgers of income, income statements of deposit slips, cash register tape, invoices for custom
13 harvesting, u-pick records, and insurance documents.

14 **"§ 106-1054.11. Expenditure of awarded funds; refund.**

15 (a) Awarded funds shall be used for agricultural production expenses and recovery of
16 losses due to the impacts of an agricultural disaster. The Department shall develop guidelines
17 and procedures to ensure that funds are expended for the purposes allowed by this section and
18 may require any documentation it determines necessary to verify the appropriate use of financial
19 assistance awards, including receipts. All distributed funds are subject to federal and State
20 income tax.

21 (b) If the Department determines that a person who received financial assistance provided
22 inaccurate information, then the person shall refund the entire amount of the financial assistance.
23 If the person does not refund the appropriate amount, the North Carolina Department of Revenue
24 shall collect the money from the person pursuant to G.S. 105-242.

25 **"§ 106-1054.12. Reporting requirement.**

26 The Department shall submit a report to the Joint Legislative Oversight Committee on
27 Agriculture and Natural and Economic Resources and the Fiscal Research Division six months
28 after the Program receives funds for an agricultural disaster and every six months thereafter until
29 all funds are expended, containing, at a minimum, all of the following data:

- 30 (1) The number of applicants by agricultural commodity, livestock, or poultry and
31 the county in which the person incurred the verified loss.
32 (2) The number and amount of grants awarded by agricultural commodity,
33 livestock, or poultry.
34 (3) The geographic distribution of the grants awarded.
35 (4) The total amount of funding available to the Program, the total amount
36 encumbered, and the total amount disbursed to date.
37 (5) Any refunds made to the Program."

38 **SECTION 5.6.(d)** Prior applications. – Prior applications under Section 5.9B of S.L.
39 2021-180, as amended, for Tropical Storm Fred, and Section 4.4 of S.L. 2022-6, as amended, for
40 the freeze disaster of 2021, shall continue to be processed by the Department in accordance with
41 those sections.

42 **SECTION 5.6.(e)** Rulemaking. – The Department may adopt rules to implement the
43 Agricultural Disaster Crop Loss Program as enacted by this section.

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1 **SECTION 5.6.(f)** Effective Date. – Subsection (c) of this section becomes effective
2 July 1, 2024, and applies to applications received on or after that date.";

3
4 and on page 55, lines 15-16 by adding the following between those lines:

5 "(4) Pervasively vulgar.";

6
7 and on page 55, lines 27-28, by rewriting the lines to read:

8 "obscene, (ii) inappropriate to the age, maturity, or grade level of the students, (iii) not aligned
9 with the standard course of study, or (iv) pervasively vulgar.";

10
11 and on page 55, lines 32-34, by rewriting the lines to read:

12 "(g) The local board, at all times, has sole authority to determine whether a challenge has
13 merit and whether challenged material should be retained or removed. The decision of the board
14 is subject to judicial review and a person seeking judicial review shall file a petition in the
15 superior court of the county in which the local board is located.";

16
17 and on page 61, lines 47-49, by rewriting those lines to read:

18
19 "Instruction Support. – The Department of Public Instruction shall include ~~employees of the~~
20 schools for the deaf and blind and employees of those schools in coverage for professional
21 liability–liability, worker's compensation, property, and liability policies purchased by the
22 Department for the Department or its ~~employees~~ employees, and shall enter into a memorandum
23 of understanding with the";

24
25 and on page 62, line 16, by rewriting that line to read:

26
27 "State Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

28 (e) Funding. – In addition to appropriations directed solely to the schools for the deaf and
29 blind, the schools shall be eligible to (i) receive the benefit of any regional or statewide systems
30 of support provided by the Department of Public Instruction to all public school units and (ii)
31 apply for any grants available to all public school units. The schools for the deaf and blind shall
32 not be eligible to receive funding allotments for local school administrative units unless otherwise
33 directed by the General Assembly.";

34
35 and on page 65, line 25, by inserting the following sentence immediately following the word
36 "(Schools).":

37
38 "The Department of Public Instruction shall include the Schools and employees of the schools in
39 coverage for professional liability, worker's compensation, property, and liability policies
40 purchased by the Department of Public Instruction for the Department and its employees, and
41 shall enter into a memorandum of understanding with the Schools to facilitate the purchase of
42 other insurance policies for those Schools.";

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1 on page 65, lines 46-47, by inserting the following between those lines:

2
3 **"SECTION 7.24.(x1)** The North Carolina Collaboratory, in consultation with each
4 of the Schools, the Department of Public Instruction, and the Department of Administration, shall
5 study each School's administrative structure, operations, and policies, including the cost and
6 positions needed for the support of the Schools and how to optimize operation of that School to
7 maximize the educational outcomes for the School's students and ensure the School's success and
8 independence. The Collaboratory shall report its findings, recommendations for each School, and
9 any recommended legislation to the Fiscal Research Division and the Joint Legislative Education
10 Oversight Committee no later than March 1, 2025.";

11
12 and on page 66, line 49-50, by rewriting those lines to read:

13
14 **"SECTION 7.24.(ee)** Subsections (a) through (f) and (n) through (r) of this section
15 are effective July 1, 2024. Subsections (g) through (m) of this section are effective July 1, 2025.
16 The remainder of this section is effective when it becomes law.";

17
18 and on page 73, lines 28-41, by rewriting the lines to read:

19 "(c) The board of directors shall require the person to be checked by the State Bureau of
20 Investigation (i) to be fingerprinted and to provide any additional information required by the
21 State Bureau of Investigation to a person designated by the board of directors or to the local
22 sheriff or the municipal police, whichever is more convenient for the person, and (ii) to sign a
23 form consenting to the check of the criminal record and to the use of fingerprints and other
24 identifying information required by the repositories. The board of directors shall consider refusal
25 to consent when making employment decisions and decisions with regard to independent
26 contractors. The State Bureau of Investigation shall use the fingerprints to conduct a search of
27 the State criminal history record file, and the State Bureau of Investigation shall forward the set
28 of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.
29 The State Bureau of Investigation shall provide to the board of directors the criminal history from
30 the State and National Repositories of Criminal Histories of any school personnel for which the
31 board of directors requires a criminal history record check. The board of directors shall not
32 require school personnel to pay for the fingerprints authorized under this section.";

33
34 and on page 87, lines 4-5, by inserting the following between those lines:

35
36 **"TO ESTABLISH THE CULTIVATION OF EXCELLENCE PILOT PROGRAM**

37 **SECTION 7.34.(a)** Article 16 of Chapter 115C of the General Statutes is amended
38 by adding a new Part to read:

39 "Part 3B.

40 "Cultivation of Excellence Pilot Program.

41 **"§ 115C-235. Cultivation of Excellence Pilot Program.**

42 (a) The General Assembly finds that the purpose of the Cultivation of Excellence Pilot
43 Program is to provide the opportunity for the Cleveland County Board of Education to design

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1 and create an innovative and strategic vision to improve student achievement and performance,
2 along with teacher recruitment and retention. Cleveland County Schools may participate in the
3 Cultivation of Excellence Pilot Program beginning with the 2024-2025 school year and ending
4 following the 2029-2030 school year.

5 (b) Cleveland County Schools and the Cleveland County Board of Education may do the
6 following:

7 (1) Notwithstanding G.S. 115C-301(c), exercise flexibility in establishing
8 staffing levels for kindergarten through third grade classes.

9 (2) Notwithstanding G.S. 115C-84.2(d), adopt a school calendar that sets an
10 opening date no earlier than three days prior to the opening date of the fall
11 semester for Cleveland Community College.

12 (3) Notwithstanding G.S. 115C-295, employ individuals as teachers who do not
13 hold a teacher license, subject to the following limitations:

14 a. All teachers who are teaching in the core subject areas of mathematics,
15 science, social studies, and language arts shall be college graduates.

16 b. No more than fifty percent (50%) of the teachers at any school may be
17 unlicensed.

18 c. No more than twenty-five percent (25%) of all teachers employed by
19 the Cleveland County Board of Education may be unlicensed.

20 d. All individuals employed as teachers who do not hold a teaching
21 license shall complete preservice training, which may be offered
22 through an educator preparation program or through Cleveland County
23 Schools, in all of the following areas prior to beginning instruction:

24 1. The identification and education of children with disabilities.

25 2. Positive management of student behavior.

26 3. Effective communication for defusing and de-escalating
27 disruptive or dangerous behavior.

28 4. Safe and appropriate use of seclusion and restraint.

29 (4) Notwithstanding G.S. 110-85, G.S. 110-88, and any rule adopted pursuant to
30 those statutes, employ any individual who meets the requirements for
31 employment as a teaching assistant in a kindergarten classroom as a teacher
32 assistant in the local school administrative unit's NC Prekindergarten (NC
33 Pre-K) program.

34 (5) Notwithstanding G.S. 115C-105.25(b)(3a) and (12), transfer and approve
35 transfers of funds for the teacher assistants allotment category and textbooks
36 and digital resources allotment category.

37 (c) If the State Board determines that Cleveland County Schools has failed to meet
38 generally accepted standards of fiscal management or violated State or federal law at any time,
39 the State Board shall terminate participation in the pilot, and shall submit, within 30 days of the
40 termination, a report of the basis and evidence for the termination to the Joint Legislative
41 Education Oversight Committee.

42 (d) The Cleveland County Board of Education shall report no later than December 15,
43 2025, and annually thereafter until December 15, 2030, to the Joint Legislative Education

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1 Oversight Committee and the Superintendent of Public Instruction. The report shall include the
2 following:

- 3 (1) Employment information as follows:
4 a. The number of licensed and unlicensed teachers and use of long term
5 substitutes in filling vacancies for classroom teachers.
6 b. Recruiting data on the number of licensed and unlicensed teachers
7 hired during the school year.
8 c. The number of NC Pre-K teaching assistants hired who meet the
9 requirements for employment as a kindergarten teaching assistant.
10 d. Overall employee retention in each school year.
11 (2) Average class sizes in grades kindergarten through third grade.
12 (3) An explanation of how flexibility in allotment categories was used.
13 (4) An explanation as to how the flexibility granted by this section has contributed
14 to student success over time, beginning with the 2023-2024 school year for
15 comparison.
16 (5) Any additional recommendations for the Cultivation of Excellence Pilot
17 Program, including additional flexibilities that may contribute to student
18 success."

19 **SECTION 7.34.(b)** Cleveland County Schools may submit a report to the Joint
20 Legislative Education Oversight Committee and the Superintendent of Public Instruction by
21 December 15, 2024, on initial implementation of the Cultivation of Excellent Pilot Program and
22 any recommended legislative changes.

23 **SECTION 7.34.(c)** Part 3B of Article 16 of Chapter 115C of the General Statutes is
24 repealed effective December 31, 2030.";

25
26 and on page 100, lines 9-27, by rewriting the lines to read:

27
28 **"ESTABLISH THE SCHOOL OF APPLIED SCIENCE AND TECHNOLOGY AT THE**
29 **UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL**

30 **SECTION 8.11.(a)** The Board of Governors of The University of North Carolina
31 shall establish the School of Applied Science and Technology (the School) at the University of
32 North Carolina at Chapel Hill (UNC-CH). The School shall meet at least the following
33 requirements:

- 34 (1) Expand academic programming in areas critical to supporting research,
35 industry partnerships, and the workforce needs of the State.
36 (2) Reorganize existing and related programming into the newly established
37 School.
38 (3) Include academic degree programs in any postsecondary subject area defined
39 by the Classification of Instructional Programs (CIP) of the United States
40 Department of Education under CIP codes 03, 11, 14, 15, 26, 27, 31, and 40.

41 **SECTION 8.11.(b)** As part of establishing the School of Applied Science and
42 Technology pursuant to subsection (a) of this section, the Chancellor of UNC-CH, in consultation
43 with the Board of Governors of The University of North Carolina, shall review other existing

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1 academic programs at UNC-CH and consider consolidating or eliminating programs that have a
2 low return on investment or low enrollment. The Chancellor of UNC-CH and the Board of
3 Trustees of UNC-CH shall reinvest any savings realized from consolidating or eliminating
4 programs pursuant to this subsection into academic programs at UNC-CH that have a high return
5 on investment or high enrollment.";

6
7 and on page 114, line 32, by deleting "twenty-five percent (25%)" and substituting in its place
8 "fifty percent (50%);"

9
10 and on page 117, lines 49-51 through page 118, lines 1-11, by rewriting the lines to read:

11
12 **"SECTION 9D.3.(b)** To that end, by July 1, 2025, the Department of Health and
13 Human Services, Division of Child Development and Early Education (Division), shall develop
14 and implement a plan to separate the quality rating improvement system (QRIS) from the
15 requirements and payments for participation in the State subsidized child care program using the
16 market rate study submitted in 2025. The next market rate study shall be completed and made
17 available to the public by May 1, 2025. After implementing the plan, licensed child care centers
18 and homes may continue to receive star-ratings on a voluntary basis. However, the star-rating
19 shall not impact the rate at which licensed child care centers or homes are reimbursed for
20 subsidized child care.";

21
22 and on page 120, lines 17-24, by rewriting the lines to read:

23
24 **"SECTION 9D.3.(j)** The Division of Child Development and Early Education (Division) shall
25 submit a progress report on developing the plan required by this section by April 1, 2025, to the
26 Chairs of the House and Senate Appropriations Committees, the Chairs of the House and Senate
27 Appropriations Committees on Health and Human Services, the Joint Legislative Oversight
28 Committee on Health and Human Services, and the Fiscal Research Division. The Division shall
29 submit a final report within two months from the date the new rates are implemented pursuant to
30 this section.";

31
32 and on page 135, line 48, by deleting "long-acting";

33
34 and on page 158, lines 17-18, by inserting the following between the lines:

35
36 **"CITY OF SANFORD WATER/SEWER PROJECT**

37 **SECTION 12.2A.** Notwithstanding the Committee Report described in Section 43.2
38 of this act or any other provision of this act to the contrary, funds appropriated in this act to the
39 Department of Commerce for a grant to Golden L.E.A.F. shall instead be appropriated to the
40 Department of Environmental Quality to be used to provide a grant to the City of Sanford for a
41 water or wastewater infrastructure project or for repayment of a loan for a water or wastewater
42 infrastructure project from Golden L.E.A.F. The directives and limitations of Section 12.2 of S.L.
43 2023-134 not inconsistent with this section apply to these funds.";

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and on page 166, line 3, by rewriting that line to read:
"Cultural Resources to add the (i) First Broad River Paddle Trail in Cleveland and Rutherford
Counties, (ii) Carolina";

and on page 177, lines 24 – 37, by deleting the lines;

and on page 199, lines 12-13, by inserting between those lines a new section to read:

**"CORRECT GRANT RECIPIENT FOR TREATMENT AND REMOVAL OF NOXIOUS
AQUATIC WEEDS TREATMENT IN PERSON COUNTY**

SECTION 24.2. Section 24.7 of S.L. 2023-134 reads as rewritten:

'SECTION 24.7. Of the funds appropriated in this act to the Office of State Budget
and Management, Special Appropriations, from the Regional Economic Development Reserve
(Reserve), the sum of two hundred fifty thousand dollars (\$250,000) in nonrecurring funds for
the 2023-2024 fiscal year shall be used to provide a directed grant to ~~Person County~~the
Person-Caswell Lake Authority for the treatment and removal of native and noxious aquatic
weeds in Hyco Lake, including Brittle Naiad, Creeping Water Primrose, Nitella, Hydrilla,
Alligator Weed, Watermilfoil, Salvinia, and Chara. Any unexpended funds in the Reserve after
the effective treatment of native and noxious aquatic weeds in Hyco Lake may be used for other
surface bodies in Person County, including Mayo Lake. Funds appropriated for the purposes
authorized in this section shall not revert to the Reserve on June 30, 2024, but shall remain
available to ~~Person County~~the Person-Caswell Lake Authority to use as provided in this section.
For purposes of this section, native and noxious aquatic weeds in Hyco Lake, including Brittle
Naiad, Creeping Water Primrose, Nitella, Hydrilla, Alligator Weed, Watermilfoil, Salvinia, and
Chara shall be considered a "noxious aquatic weed" under Article 15 of Chapter 113A of the
General Statutes.";

and on page 221, lines 13-14, by inserting between those lines a new section to read:

"FIREFIGHTERS' CANCER INSURANCE PILOT PROGRAM MADE PERMANENT

SECTION 30.5.(a) Chapter 58 of the General Statutes is amended by adding a new
Article to read:

'Article 86A.

'Firefighters' Cancer Insurance Program.

'§ 58-86A-1. Firefighters' Cancer Insurance Program established; purpose.

There is hereby established the Firefighters' Cancer Insurance Program in the Office of the
State Fire Marshal. The purpose of the Program is to provide health benefits as authorized by this
Article to eligible firefighters with a new diagnosis of cancer on or after January 1, 2022. The
health benefits provided under this Program shall be supplemental to any other health benefits
authorized by law for firefighters. The Office of the State Fire Marshal shall administer the
Program instead of purchasing private insurance for that purpose, and the Office shall perform
this duty by contracting with a third-party administrator. The contracting procedure for the
third-party administrator is not subject to Article 3C of Chapter 143 of the General Statutes. The

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1 Office of the State Fire Marshal may use up to ten percent (10%) of the funds appropriated in
2 each fiscal biennium for the Program for the reasonable and necessary expenses incurred by the
3 Office in administering the Program.

4 **'§ 58-86A-2. Definitions.**

5 The following definitions apply in this Article:

- 6 (1) Cancer. – Malignant neoplasms of the body that may be caused by exposure
7 to heat, radiation, or a known carcinogen, as defined by the World Health
8 Organization's International Agency for Research on Cancer.
9 (2) Eligible firefighter. – A firefighter who meets the requirements of
10 G.S. 58-86A-3.
11 (3) Fire department. – Any organization that is not a federal agency, including
12 any public or government-sponsored organization, that is located and based in
13 this State and provides rescue, fire suppression, and related activities.
14 (4) Firefighter. – As defined in G.S. 58-84-5(3a).

15 **'§ 58-86A-3. Eligibility.**

16 To be eligible to receive benefits under the Program, a firefighter:

- 17 (1) Must meet either of the following criteria:
18 a. Have served in a North Carolina fire department or in a fire department
19 on a military base in North Carolina for a minimum of five continuous
20 years; provided, however, if a firefighter, during those five years,
21 experiences a lapse in service of no more than six months, the
22 firefighter shall not be ineligible to receive benefits under the
23 Program.
24 b. Have been included on the certified roster submitted to the North
25 Carolina State Firefighters' Association pursuant to G.S. 58-86-25 for
26 a period of no more than 10 years as "retired/nonactive" after the
27 firefighter no longer meets the definition of the term "firefighter"
28 under G.S. 58-84-5(3a).
29 (2) Must have received a new diagnosis of cancer on or after January 1, 2022. A
30 firefighter with a diagnosis of cancer prior to January 1, 2022, is not eligible
31 for benefits in the Program for that previously diagnosed cancer type but
32 remains eligible for benefits in the Program upon diagnosis of any other
33 cancer type, even if the other cancer type diagnosed on or after January 1,
34 2022, metastasized from a cancer diagnosed before January 1, 2022. A
35 firefighter is not eligible to receive benefits under the Program if the
36 firefighter is receiving benefits related to cancer under the North Carolina
37 Workers' Compensation Act established in Article 1 of Chapter 97 of the
38 General Statutes.

39 **'§ 58-86A-4. Benefits.**

40 The following benefits shall be provided under the Program:

- 41 (1) Lump sum benefit. – Not to exceed a total of seventy-four thousand dollars
42 (\$74,000), a lump sum benefit of thirty-seven thousand dollars (\$37,000) for
43 each diagnosis of cancer shall be payable to an eligible firefighter upon

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1 sufficient proof to the insurance carrier, the Department, the Office of the
2 State Fire Marshal, or other applicable payor of a diagnosis of cancer by a
3 board-certified, licensed physician in the medical specialty appropriate for the
4 type of cancer diagnosed.

5 (2) Disability benefit. – Upon sufficient proof to the insurance carrier, the
6 Department, the Office of the State Fire Marshal, or other applicable payor of
7 total disability resulting from the diagnosis of cancer or that the cancer
8 precludes the firefighter from serving as a firefighter, the following disability
9 benefits shall be paid to an eligible firefighter beginning six months after the
10 total disability or inability to perform the duties of a firefighter, whichever
11 applies:

12 a. For a nonvolunteer firefighter. – A monthly benefit that is either (i)
13 equal to seventy-five percent (75%) of the firefighter's monthly salary
14 or (ii) five thousand dollars (\$5,000), whichever is less.

15 b. For a volunteer firefighter. – A monthly benefit of one thousand five
16 hundred dollars (\$1,500).

17 **§ 58-86A-5. Limitations on disability benefit.**

18 The following limitations apply to disability benefits under this section:

19 (1) Disability benefits shall continue for no more than 36 consecutive months.

20 (2) Any firefighter receiving disability benefits may be required to have his or her
21 condition reevaluated to determine if that firefighter has regained the ability
22 to perform the duties of a firefighter. If that reevaluation indicates that the
23 firefighter has regained the ability to perform the duties of a firefighter, then
24 the monthly disability benefits shall cease on the last day of the month the
25 reevaluation was conducted.

26 (3) If there is no reevaluation performed under subdivision (2) of this section, but
27 the firefighter's treating physician determines that the firefighter is again able
28 to perform the duties of a firefighter, then the disability benefits shall cease on
29 the last day of the month that the physician made the determination.

30 (4) If a firefighter returns to work as a firefighter before exhaustion of the 36
31 months of disability benefit an eligible firefighter may receive under this
32 section, and if there is a subsequent recurrence of disability caused by cancer
33 that again precludes the firefighter from performing the duties of a firefighter,
34 then the firefighter shall be entitled to any remaining monthly disability
35 benefits, not to exceed 36 months in total.

36 (5) The monthly disability benefit shall be subordinate to any other benefit paid
37 from any source to the firefighter solely for a disability related to the cancer
38 diagnosis, so long as that source is not private insurance purchased solely by
39 the firefighter. Disability benefits under this section shall be limited to the
40 difference between the benefit amount paid by the other source and the
41 amounts specified under G.S. 58-86A-4(3).

42 **§ 58-86A-6. Reporting requirements.**

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1 On January 1 of each year, the Office of the State Fire Marshal shall submit a report to the
2 Joint Oversight Committee on General Government, the Governor, and the Fiscal Research
3 Division that includes all of the following information:

4 (1) The number, type, and primary work location of all firefighters participating
5 in the program. For purposes of this section, the term "type" means a
6 volunteer, employee, contractor, or member of a rated and certified fire
7 department, or employee of a county fire marshal's office whose sole duty is
8 to act as fire marshal, deputy fire marshal, assistant fire marshal, or firefighter
9 of the county.

10 (2) The number of benefit claims filed, by type.

11 (3) The types of cancer for which benefit claims were filed, by type.

12 (4) All benefits paid out under this section, by type.'

13 **SECTION 30.5.(b)** Effective July 1, 2025, G.S. 105-228.5(d)(3) reads as rewritten:

14 '(d) Tax Rates; Disposition. –

15 ...

16 (3) Additional Rate on Property Coverage Contracts. – An additional tax at the
17 rate of seventy-four hundredths percent (0.74%) applies to gross premiums on
18 insurance contracts for property coverage. The tax is imposed on ten percent
19 (10%) of the gross premiums from insurance contracts for automobile
20 physical damage coverage and on one hundred percent (100%) of the gross
21 premiums from all other contracts for property coverage. Twenty percent
22 (20%) of the net proceeds of this additional tax must be credited to the
23 Volunteer Fire Department Fund established in Article 87 of Chapter 58 of
24 the General Statutes. Twenty percent (20%) of the net proceeds must be
25 credited to the Department of Insurance for disbursement pursuant to
26 G.S. 58-84-25. ~~Up to twenty percent (20%),~~ Ten percent (10%) of the net
27 proceeds, as determined in accordance with G.S. 58-87-10(f), must be
28 credited to the Workers' Compensation Fund. ~~Fund established in~~
29 G.S. 58-87-10, but in no event shall the Fund reserve exceed forty-five million
30 dollars (\$45,000,000). ~~Ten percent (10%) of the net proceeds must be credited~~
31 to the Office of the State Fire Marshal in the Department of Insurance to be
32 used to fund the Firefighters' Cancer Insurance Program established in Article
33 86A of Chapter 58 of the General Statutes, but in no event shall the amount
34 credited to the Office of the State Fire Marshal exceed ten million dollars
35 (\$10,000,000). ~~The remaining net proceeds—~~ proceeds, including the net
36 proceeds that exceed the limits established in this subdivision for the Workers'
37 Compensation Fund and the Office of the State Fire Marshal, must be credited
38 to the General Fund. The additional tax imposed on property coverage
39 contracts under this subdivision is a special purpose assessment based on gross
40 premiums and not a gross premiums tax.

41 ... !

42 **SECTION 30.5.(c)** G.S. 58-87-10 reads as rewritten:

43 **'§ 58-87-10. Workers' Compensation Fund for the benefit of certain safety workers.**

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1 ...
2 (f) Funding Study. – The Office of the State Fire Marshal shall annually conduct an
3 actuarial study that shall do all of the following:

- 4 ...
5 (3) Calculate how much revenue from the State and from member premiums
6 would be required to meet the needs of the Fund for each of the following
7 scenarios:
8 a. The Fund receives ~~twenty percent (20%)~~ ten percent (10%) of the net
9 proceeds from the tax collected under G.S. 105-228.5(d)(3).

10 ...
11 (g) Allocation of Taxes. – On or before March 1 of each year, the Office of the State Fire
12 Marshal must notify the Secretary of Revenue of the amount required to meet the needs of the
13 Fund, as determined by the study conducted under subsection (f) of this section, for the upcoming
14 fiscal year. The Secretary of Revenue shall remit that amount, subject to the ~~twenty percent (20%)~~
15 ten percent (10%) limitation in G.S. 105-228.5(d)(3), to the Fund.

16 ... !
17 **SECTION 30.5.(d)** G.S. 58-87A-1 reads as rewritten:
18 '**§ 58-78A-1. Office of the State Fire Marshal.**

19 ...
20 (b) The Office of the State Fire Marshal shall be responsible for all of the following:

- 21 ...
22 (9a) Firefighters' Cancer Insurance Program, Article 86A of Chapter 58 of the
23 General Statutes.

24 ... !
25 **SECTION 30.5.(e)** G.S. 153A-233 reads as rewritten:
26 '**§ 153A-233. Fire-fighting and prevention services.**

27 A county may establish, organize, equip, support, and maintain a fire department; may
28 prescribe the duties of the fire department; may provide financial assistance to nonprofit
29 volunteer fire departments; may contract for fire-fighting or prevention services with one or more
30 counties, cities or other units of local government, nonprofit volunteer fire departments, or with
31 an agency of the State government; and may for these purposes appropriate funds not otherwise
32 limited as to use by law. A county shall ensure that any county, city or other unit of local
33 government, or nonprofit volunteer fire department with whom the county contracts for
34 fire-fighting or prevention services shall obtain a criminal history record check for an applicant
35 over the age of 18 prior to offering that applicant a paid or volunteer position providing
36 fire-fighting or prevention services. The criminal history record check shall be conducted and
37 evaluated as provided in ~~G.S. 143B-1209.23.~~ G.S. 143B-1209.23, or, if an applicant has been a
38 resident of North Carolina for over five years and reports no charges or convictions on the
39 application, the record check requirement of this section may be conducted through the county
40 clerk of court or a third-party vendor. The county may also designate fire districts or parts of
41 existing districts and prescribe the boundaries thereof for insurance grading purposes.'

42 **SECTION 30.5.(f)** G.S. 153A-234 reads as rewritten:
43 '**§ 153A-234. Fire marshal.**

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1 ...
2 (b) The fire ~~marshal~~ marshal, or the fire marshal's designee, shall obtain a criminal
3 history record check for an applicant over the age of 18 prior to offering that applicant a paid or
4 volunteer position with the fire department. The criminal history record check shall be conducted
5 and evaluated as provided in ~~G.S. 143B-1209.23~~ G.S. 143B-1209.23, or, if an applicant has been
6 a resident of North Carolina for over five years and reports no charges or convictions on the
7 application, the record check requirement of this section may be conducted through the county
8 clerk of court or a third-party vendor.'

9 **SECTION 30.5.(g)** G.S. 160A-292 reads as rewritten:
10 '**§ 160A-292. Duties of fire chief.**

11 ...
12 (b) The fire ~~chief~~ chief, or the fire chief's designee, shall obtain a criminal history record
13 check for an applicant over the age of 18 prior to offering that applicant a paid or volunteer
14 position with the fire department. The criminal history record check shall be conducted and
15 evaluated as provided in ~~G.S. 143B-1209.23~~ G.S. 143B-1209.23, or, if an applicant has been a
16 resident of North Carolina for over five years and reports no charges or convictions on the
17 application, the record check requirement of this section may be conducted through the county
18 clerk of court or a third-party vendor.'

19 **SECTION 30.5.(h)** Sections 30.5.(a) through (c) of this Section become effective
20 July 1, 2025, and apply to the distribution of net proceeds of the gross premiums tax collected on
21 or after that date. Section 30.5(d) of this Section becomes effective July 1, 2025. Sections 30.5.(e)
22 through (g) of this Section become effective when this act becomes law and apply to applications
23 submitted on or after that date.'";

24 and on page 231, lines 20-22 by deleting those lines and inserting the following:

25 "(d) A broadband service provider selected for a project under this section ~~may~~ shall provide
26 ~~up to at least thirty percent (30%)~~ of the total estimated project cost. The Office ~~may~~ shall commit
27 up to ~~thirty-five-seventy percent (35%)-(70%)~~ of the total estimated project cost from monies in
28 the CAB Fund.";

29 and on page 237, lines 6-10, by deleting those lines and inserting the following:

30 "Access to Technology for Broadband Equity, Access, and Deployment Fund (GREAT 3.0 Fund)
31 is established as a special revenue fund in the Department of Information Technology. The
32 Secretary may award subgrants from the GREAT 3.0 Fund to eligible recipients";

33 and on page 239, lines 48-49, by inserting the following between the lines:

34 **"SECTION 38.10.(p)** Section 38.10(p) of S.L. 2021-180 reads as rewritten:

35 **"SECTION 38.10.(p)** This section is effective when it becomes law. ~~Subsections (b)~~
36 ~~through (k) of this section expire December 31, 2024.~~

37 **SECTION 38.10.(q)** The State Controller shall establish a Broadband Equity, Access,
38 and Deployment Reserve (Reserve) in the General Fund to maintain federal funds received from
39 the federal Infrastructure Investment and Jobs Act (P.L. 117-58) for the Broadband Equity,
40 Access, and Deployment Program. The State Controller shall transfer funds to the Growing Rural
41
42
43

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1 Economies with Access to Technology for Broadband Equity, Access, and Deployment Fund
2 established in subsection (d) of this section only as needed to meet the appropriations set out in
3 subsequent legislation. Funds reserved in the Reserve do not constitute an "appropriation made
4 by law," as that phrase is used in Section 7(1) of Article V of the North Carolina Constitution."";

5
6 and on page 239, lines 48-49, by inserting between those lines the following new section to read:
7 **"PLASMA GAMES GRANT PROGRAM/DIT**

8 **SECTION 38.11.(a)** Section 7.69 of S.L. 2023-134 is repealed.

9 **SECTION 38.11.(b)** The Department of Information Technology shall create a grant
10 program for public school units to apply for funds to contract with Plasma Games, Inc., for the
11 use of educational software to be used in science, technology, engineering, and math (STEM)
12 and career and technical education (CTE) courses. The Department shall make an application
13 available to public school units by November 15, 2024, and August 1 of each year thereafter that
14 funds are made available for this purpose. Public school units shall submit applications by
15 January 15, 2025, and October 1 of each year thereafter that funds are available. The Department
16 shall make determinations on grant recipients by March 15, 2025, and December 1 of each year
17 thereafter that funds are made available. The Department shall prioritize issuing grants to public
18 school units that participated in the pilot program created pursuant to Section 3.5(a)(25) of S.L.
19 2021-25, as amended by S.L. 2021-180, and are actively utilizing license grants pursuant to that
20 pilot program.

21 **SECTION 38.11.(c)** The Department shall report to the Joint Legislative Oversight
22 Committee on Information Technology and the Fiscal Research Division May 15, 2025, and each
23 year thereafter that funds are made available for the program created by subsection (b) of this
24 section, on the outcomes of the program. The report shall include at least the following:

- 25 (1) The number of public school units that submitted grant applications.
26 (2) The number of grants awarded.
27 (3) The percentage of grants that were awarded to public school units that
28 participated in the pilot program created pursuant to Section 3.5(a)(25) of S.L.
29 2021-25, as amended by S.L. 2021-180. This subdivision applies only to the
30 report for May 15, 2025.
31 (4) The average size of grants awarded.
32 (5) The average daily membership of each public school unit that received grant
33 awards.
34 (6) The ratio of grant funds received by each public school unit to the average
35 daily membership of the public school unit.
36 (7) The total number of licenses in active use in the State.
37 (8) Any other information the Department deems relevant.

38 **SECTION 38.11.(d)** The Department of Public Instruction shall assist the
39 Department of Information Technology with any information necessary to institute the grant
40 program described in this section, including information relating to grants that were awarded to
41 public school units that participated in the pilot program created pursuant to Section 3.5(a)(25)
42 of S.L. 2021-25, as amended by S.L. 2021-180.

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1 **SECTION 38.11.(e)** Notwithstanding the Committee Report described in Section
2 43.2 of S.L. 2023-134 or any other provision of law to the contrary, funds appropriated to the
3 Department of Public Instruction for the Plasma Games in the amount of three million
4 (\$3,000,000) in nonrecurring funds for the 2023-2024 fiscal year and the amount of one million
5 eight hundred thousand dollars (\$1,800,000) in recurring funds for the 2024-2025 fiscal year
6 shall instead be appropriated to the Department of Information Technology for the purposes
7 described in this section. Funds appropriated for the purposes described in this section shall be
8 considered an information technology project within the meaning of G.S. 143C-1-2.

9 **SECTION 38.11.(f)** Subsection (e) of this section becomes effective June 30, 2024.
10 The remainder of this section becomes effective July 1, 2024.";

11
12 and on page 247, line 42, by deleting the phrase "58-58-41" and substituting the phrase
13 "58-86-41";

14
15 and on page 251, line 7, by deleting the phrase ""G.S.58-56-41"" and substituting the phrase
16 ""G.S. 58-86-41"";

17
18 and on page 259, lines 4-5, by deleting those lines and substituting the following:

19 "UNC/R&R21 280,503~~250,000~~298,384.5 200,000 200,000 200,000 200,000
20 R&R21 200,000 200,000 200,000 200,000 200,000 200,000";

21
22 and on page 260, line 37, by deleting that line and substituting the following:

23 "UNC/WSS21-1 N/A N/A ~~N/A~~37,050 N/A ~~22,800~~N/A ~~14,250~~N/A";

24
25 and on page 264, lines 12-13, by inserting the following new section between the lines:

26 "**CLARIFY SCIF RIVER DEBRIS/FLOOD RESILIENCY BLUEPRINT**
27 **AUTHORIZATION**

28 **SECTION 40.7.(a)** Section 40.7(a) of S.L. 2021-180, as amended by Section 2 of
29 S.L. 2022-43, reads as rewritten:

30 **"SECTION 40.7.(a)** Funds transferred from the State Capital and Infrastructure Fund to the
31 Department of Environmental Quality (Department) for stream debris removal shall be used for
32 (i) the removal and disposal of waterway debris from waters of the State located in a targeted
33 river -basin or (ii) other flood mitigation strategies throughout the State prioritized through the
34 Flood Resiliency Blueprint developed under the directive set forth in Section 5.9(c) of this act.
35 The Department shall develop a schedule for the removal and disposal of waterway debris from
36 waters of the State located in a targeted river basin and shall contract with one or more appropriate
37 and qualified private entities to carry out the debris removal and disposal activities. The
38 Department may enter into a memorandum of understanding with another state agency for the
39 purposes of implementing this section."

40 **SECTION 40.7.(b)** Section 40.7(e)(2) of S.L. 2021-180 reads as rewritten:

41 "(2) Targeted river basins. – The Neuse River basin, the Cape Fear River basin,
42 the Lumber River basin, the Tar-Pamlico River basin, the French Broad River
43 Basin, and the White Oak River basin."";

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1
2 and by adjusting the appropriate totals accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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