

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

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**SENATE BILL 704**

Short Title: COVID-19 Recovery Act. (Public)

Sponsors: Senators Brown, Harrington, B. Jackson, J. Alexander, T. Alexander, Ballard, Berger, Blue, Britt, Bryan, Burgin, Chaudhuri, Clark, Daniel, D. Davis, J. Davis, deViere, Edwards, Fitch, Ford, Foushee, Gallimore, Garrett, Gunn, Hise, Horner, Johnson, Krawiec, Lowe, Marcus, McInnis, Murdock, Newton, Perry, Peterson, Rabon, Robinson, Sanderson, Sawyer, Searcy, Smith, Steinburg, Tillman, Waddell, Wells, and Woodard (Primary Sponsors).

Referred to: Appropriations/Base Budget

April 29, 2020

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE AID TO NORTH CAROLINIANS IN RESPONSE TO THE  
CORONAVIRUS DISEASE 2019 (COVID-19) CRISIS.

The General Assembly of North Carolina enacts:

**PART I. GENERAL PROVISIONS**

**TITLE OF ACT**

**SECTION 1.1.** This act shall be known as the "2020 COVID-19 Recovery Act."

**DEFINITIONS**

**SECTION 1.2.** Except as otherwise provided, the following definitions apply in this act:

- (1) Coronavirus or COVID-19. – The Coronavirus Disease 2019.
- (2) COVID-19 Recovery Legislation. – The following legislation enacted by Congress:
  - a. The Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. 116-136.
  - b. The Families First Coronavirus Response Act, P.L. 116-127.
  - c. The Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, P.L. 116-123.
  - d. Paycheck Protection Program and Health Care Enhancement Act, P.L. 116-139.

**FINDINGS AND PURPOSE**

**SECTION 1.3.** The General Assembly finds that State government must serve as a facilitator in assisting local governments, communities, families, workers and other individuals, and businesses in accessing federal relief and recovery funds related to the COVID-19 pandemic. The purpose of this act is to fulfill the General Assembly's constitutional duty to appropriate all funds, including federal funds appropriated or otherwise made available under the COVID-19 Recovery Legislation, and to direct the use of those funds in a manner that is consistent with the



authorizing federal legislation and that responsibly provides for the public health and economic well-being of the State.

## **REQUIREMENT TO MAXIMIZE USE OF FEDERAL FUNDS**

**SECTION 1.4.** The appropriations and allocations made in this act are for maximum amounts necessary to implement this act. State agencies shall maximize the use of federal funds made available in this act wherever possible within the allowable uses prior to using other State funds.

## **CONFLICT WITH FEDERAL LAW**

**SECTION 1.5.** If an allocation made under this act is found to be disallowed by federal law, the disallowed allocation is repealed, and the Office of State Budget and Management (OSBM) shall transfer the amount of the disallowed allocation to the Coronavirus Relief Reserve established in Section 2.1 of this act. If the funds have been allocated to a nonprofit corporation, and the use of funds by the nonprofit corporation is disallowed by federal law, the nonprofit corporation shall return the amount of funds allocated to the nonprofit corporation to OSBM to transfer the funds into the Coronavirus Relief Reserve. Amounts transferred into the Coronavirus Relief Reserve pursuant to this section are receipts that do not constitute an "appropriation made by law," as that phrase is used in Section 7(1) of Article V of the North Carolina Constitution.

## **GENERAL GUIDANCE ON USE OF FUNDS**

**SECTION 1.6.** OSBM shall work with the recipient State agencies to budget receipts awarded pursuant to COVID-19 Recovery Legislation according to the program needs and within the parameters of the respective granting entities and applicable federal laws and regulations. State agencies shall not use funds received pursuant to COVID-19 Recovery Legislation for recurring purposes. Revenue replacement is not a permissible use of funds received pursuant to The CARES Act, P.L. 116-136. Depending on the nature of the award, additional State personnel may be employed on a temporary or time-limited basis.

## **REQUIRED REPORT ON USE OF FUNDS**

**SECTION 1.7.** In addition to any report required under this act or any other law, OSBM shall provide a report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division by March 1, 2021, detailing the use of funds allocated under Section 3.3 of this act. Additionally, each State agency or department that receives federal grant funds under Section 4.1 of this act shall provide a report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division no later than 90 days from the day the grant period ends detailing the use of funds. The report required from OSBM under this section shall include the amount of funds allocated to each State agency, State department, and nonprofit organization, how the funds were used by each State agency, State department, and nonprofit organization, and the amount of funds allocated to each State agency, State department, and nonprofit organization that remained unspent as of December 30, 2020. The report required from each State agency or department that receives federal grant funds under Section 4.1 of this act shall include the amount of funds granted, the source of the funds, how the funds were used, and the amount of funds that remained unspent at the end of the grant period.

## **PART II. ESTABLISHMENT OF RESERVES AND FUNDS**

### **ESTABLISHMENT OF CORONAVIRUS RELIEF RESERVE**

**SECTION 2.1.** The State Controller shall establish a Coronavirus Relief Reserve (Reserve) in the General Fund to maintain federal funds received from the Coronavirus Relief

Fund created under The CARES Act, P.L. 116-136, to mitigate the impact of the COVID-19 outbreak in North Carolina. The State Controller shall transfer funds to the Coronavirus Relief Fund established in Section 2.2 of this act only as needed to meet the appropriations set out in this act and only upon request of the Director of the Budget. Funds reserved in the Reserve do not constitute an "appropriation made by law," as that phrase is used in Section 7(1) of Article V of the North Carolina Constitution.

## **ESTABLISHMENT OF CORONAVIRUS RELIEF FUND**

**SECTION 2.2.** The Coronavirus Relief Fund (Fund) is established. The purpose of the Fund is to provide necessary and appropriate relief and assistance from the effects of COVID-19, consistent with the provisions of this act and subsequent legislation addressing the effects of COVID-19. The Fund shall be maintained as a special fund and administered by OSBM to carry out the provisions of this and subsequent acts necessitated as a result of the COVID-19 outbreak. All funds allocated from the Fund must be used for necessary expenditures incurred due to the public health emergency with respect to COVID-19. Only expenditures incurred during the period that begins on March 1, 2020, and ends on December 30, 2020, are eligible for funding from this Fund.

## **ESTABLISHMENT OF DOT CORONAVIRUS RELIEF RESERVE**

**SECTION 2.3.** The State Controller shall establish a DOT Coronavirus Relief Reserve (DOT Reserve) in the General Fund to maintain certain federal funds transferred from the Reserve established in Section 2.1 of this act that are eligible to mitigate the impact of the COVID-19 outbreak in North Carolina on the Department of Transportation (DOT) and the State transportation system. The State Controller shall transfer the sum of three hundred million dollars (\$300,000,000) from the Reserve to the DOT Reserve. It is the intent of the General Assembly to appropriate a sum of up to three hundred million dollars (\$300,000,000) if DOT experiences a revenue shortfall and The CARES Act, P.L. 116-136, is amended to allow the use of federal funds for that purpose. Funds that are reserved in the DOT Reserve do not constitute an "appropriation made by law," as that phrase is used in Section 7(1) of Article V of the North Carolina Constitution.

## **ESTABLISHMENT OF LOCAL GOVERNMENT CORONAVIRUS RELIEF RESERVE**

**SECTION 2.4.** The State Controller shall establish a Local Government Coronavirus Relief Reserve (Local Reserve) in the General Fund to maintain certain federal funds transferred from the Reserve established in Section 2.1 of this act that are eligible to mitigate the impact of the COVID-19 outbreak in North Carolina on the revenue of local governments. The State Controller shall transfer the sum of three hundred million dollars (\$300,000,000) from the Reserve to the Local Reserve. It is the intent of the General Assembly to appropriate a sum of up to three hundred million dollars (\$300,000,000) if local governments experience a revenue shortfall and The CARES Act, P.L. 116-136, is amended to allow the use of federal funds for that purpose. Funds that are reserved in the Local Reserve do not constitute an "appropriation made by law," as that phrase is used in Section 7(1) of Article V of the North Carolina Constitution.

## **PART III. TRANSFER, APPROPRIATIONS, AND ALLOCATIONS**

### **TRANSFER OF FUNDS FROM RELIEF RESERVE TO RELIEF FUND**

**SECTION 3.1.** Transfer of Funds from Relief Reserve to Relief Fund. – The State Controller shall transfer the sum of five hundred ninety-eight million ninety thousand dollars (\$598,090,000) for the 2019-2020 fiscal year from the Reserve established in Section 2.1 of this act to the Fund established in Section 2.2 of this act.

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

**SECTION 3.2.** Appropriation of Funds from Relief Fund to OSBM. – There is appropriated from the Fund to OSBM the sum of four hundred seventy-three million ninety thousand dollars (\$473,090,000) in nonrecurring funds for the 2019-2020 fiscal year to be allocated and used as provided in Section 3.3 of this act. The funds appropriated in this section shall not revert at the end of the 2019-2020 fiscal year but shall remain available to expend until December 30, 2020.

**ALLOCATION OF FUNDS APPROPRIATED TO OSBM**

**SECTION 3.3.** Allocations of Funds. – OSBM shall allocate the funds appropriated in Section 3.2 of this act as follows:

- (1) \$50,000,000 to the Department of Health and Human Services to be allocated, at their discretion, to the entities listed in this subdivision to be used for (i) the purchase of supplies and equipment necessary for life safety, health, and sanitation, such as ventilators, touch free thermometers, gowns, disinfectant, and sanitizing wipes and (ii) the purchase of personal protective equipment that meets the federal standards and guidelines from the Centers for Disease Control, such as surgical and respiratory masks and gloves.
  - a. North Carolina Healthcare Foundation, a non-profit corporation.
  - b. North Carolina Senior Living Association, a non-profit corporation.
  - c. North Carolina Medical Society to allocate to independent medical practices in this State.
- (2) \$6,000,000 to the Department of Health and Human Services to allocate equally among each of the six food banks in this State. The food banks are encouraged to use the funds allocated in this subdivision to purchase food from North Carolina-based farmers and vendors.
- (3) \$15,000,000 to the Department of Health and Human Services, Division of Social Services, to be used for facilities licensed to accept State-County Special Assistance. These funds shall be used to provide a one-time payment to these facilities to offset the increased costs of serving residents during the COVID-19 emergency. Each eligible facility shall receive an amount equal to nine hundred thirty-seven dollars (\$937.00) for each resident of the facility, as of April 1, 2020, who is a recipient of State-County Special Assistance. Nothing in this subdivision shall be construed as an obligation by the General Assembly to appropriate funds for the purpose of this section, or as an entitlement by any facility, resident of a facility, or other person to receive financial assistance under this section. For purposes of this subdivision, the following definitions apply:
  - a. Facility licensed to accept State-County Special Assistance payments. – Any residential care facility that is (i) licensed by the Department of Health and Human Services and (ii) authorized to accept State-County Special Assistance payments from its residents.
  - b. State-County Special Assistance. – The program authorized by G.S. 108A-40.
- (4) \$2,250,000 to the Department of Health and Human Services, Division of Social Services, to assist in serving children in foster care during the COVID-19 emergency. These funds shall be used for monthly supplemental payments in the amount of one hundred dollars (\$100.00) for each child receiving foster care assistance payments for the months of April 2020, through June 2020.

- (5) \$290,000 to the Department of Health and Human Services, Division of Social Services, to provide funds for the LINKS program, a foster care support program for youth ages 13-21 years. These funds shall be used to support youth in the LINKS program who are not receiving foster care assistance payments and need assistance with housing or transitional costs due to COVID-19 and are allocated as follows:
- a. \$250,000 for LINKS Transitional Living Services.
  - b. \$40,000 for LINKS Transitional Housing.
- (6) \$20,000,000 to the Department of Agriculture and Consumer Services to be used for animal depopulation and disposal activities to address possible future supply chain impacts from the closure of animal processing plants due to COVID-19.
- (7) \$10,000,000 to OSBM to allocate to the North Carolina Association of Free and Charitable Clinics (NCAFCC), a nonprofit organization, to be used for distribution to its member clinics to cover the cost of eligible health services provided during the COVID-19 emergency. By August 1, 2020, NCAFCC shall report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division on a plan for allocating the funds received under this section, and by February 1, 2021, on the use of these funds by recipients.
- (8) \$5,000,000 to OSBM to allocate to the North Carolina Community Health Centers Association (NCHCA), a nonprofit organization, to be used for distribution to its member health centers to cover the cost of eligible health services provided during the COVID-19 emergency. By August 1, 2020, NCHCA shall report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division on a plan for allocating the funds received under this section, and by February 1, 2021, on the use of these funds by recipients.
- (9) \$25,000,000 to the Community Colleges System Office to be used by the System Office and to be allocated to community college campuses to enhance online learning capacity and for increased costs associated with moving to online education for students, for facility sanitation prior to reopening campuses, to provide eligible necessary resources and supports for faculty and staff, and to cover expenses for expanded demands on information technology and other services to effectively respond to COVID-19.
- (10) \$42,400,000 to the Board of Governors of The University of North Carolina to be allocated to constituent institutions for the purpose of moving coursework and exams online, for facility sanitation prior to reopening campuses, and to provide eligible assistance to students and employees, including counseling services, information technology support, and other services related to the impact of COVID-19 on institutional operations.
- (11) \$10,000,000 to the Board of Governors of The University of North Carolina to be allocated to the State Education Assistance Authority (Authority) for the Authority to provide funds to each eligible private postsecondary institution, as defined in G.S. 116-280(3), by apportioning an amount equal to the following:
- a. Seventy-five percent (75%) of the institution's relative share of full-time equivalent students who were enrolled as of March 13, 2020, who received scholarships pursuant to Article 34 of Chapter 116 of the General Statutes for the spring semester of the 2019-2020 academic year.

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

These funds shall be used to transition to online education for students and to provide funds for students and families impacted by COVID-19.

(12) \$100,000 to OSBM to allocate to the General Assembly to be used to reimburse for funds previously provided to Wake Forest University Health Services for COVID-19 research data to facilitate future work of legislative committees.

(13) \$20,000,000 to OSBM to allocate to Wake Forest University Health Services to be used to expand its COVID-19 study to include syndromic surveillance and representative sample antibody testing to provide policymakers and researchers with near real-time coronavirus prevalence, hospitalization, and fatality data.

(13a) \$15,000,000 to OSBM to allocate to the Duke University Human Vaccine Institute (DHVI) of the Duke University School of Medicine to develop a safe and effective COVID-19 vaccine to the public as soon as possible.

(14) \$5,000,000 to the Department of Commerce for a North Carolina nonprofit corporation with which the Department contracts pursuant to G.S. 143B-431.01(b) as a stimulus investment in Visit North Carolina's marketing budget to be used for the following purposes and in the following amounts:

a. \$4,500,000 for developing COVID-19-specific concepts, strategies, and materials tailored to educate people on ways to (i) travel in a safe and socially distant way and (ii) prevent community reintroduction of the epidemic.

b. \$500,000 for research tools and analysis necessary to implement the provisions of this subdivision.

(15) \$70,000,000 to OSBM to be used for the continuity of operation needs across State government. Costs eligible under this subdivision may include, but are not limited to, covering overtime costs at mental health institutions, prisons, juvenile facilities, and veterans homes; purchasing critical information technology equipment and software licenses; enhancing telepresence services in public safety facilities and the court system; providing COVID-19 testing for employees of the Division of Prisons at the Department of Public Safety; and purchasing emergency sanitation and hygienic supplies. Provided that the United States Department of Labor does not approve additional funding for the Customer Call Center operated by the Division of Employment Security, funds may also be used to hire additional time-limited staff in the Customer Call Center to meet the unprecedented demand for services. Up to two million dollars (\$2,000,000) of the funds allocated in this subdivision may be used to establish a temporary North Carolina Pandemic Recovery Office in accordance with Section 6.25 of this act. OSBM shall provide a report to the Joint Legislative Commission on Governmental Operations no later than August 15, 2020, detailing the allocation of funds under this subdivision. The report shall include which State agencies received allocations, the amounts disbursed, the amount spent in the 2019-2020 fiscal year, and for what purposes the funds were used by fund code and line-item detail.

- (16) \$1,800,000 to OSBM to allocate to the Old North State Medical Society, Inc., a nonprofit corporation, to be used to target rural areas and African American communities with outreach, health education, and testing to address the COVID-19 disparities in North Carolina.
- (17) \$250,000 to the Department of Information Technology to provide funds for the purchase of mobile Wi-Fi gateway router devices for counties designated as development tier one or tier two areas, as defined in G.S. 143B-437.08. Eligible counties shall submit a request to the Department detailing the number of devices needed and any specific information the Department may require to ensure device connectability and adequate coverage and deployment. A county receiving devices pursuant to this section shall be required to comply with the federal Children's Internet Protection Act, including the use of any necessary filters, and shall be responsible for any costs associated with connection and data usage for the device. Funds provided pursuant to this section shall be used to purchase no more than 25 devices for any single county. The Department is encouraged to seek grant funding and donations to assist in implementing this program.
- (18) \$15,000,000 to the University of North Carolina at Chapel Hill to allocate to the North Carolina Policy Collaboratory (Collaboratory) at the University of North Carolina at Chapel Hill to coordinate efforts among the following entities and to provide funds to each entity in an equal amount: Gillings School of Global Public Health at the University of North Carolina at Chapel Hill, Brody School of Medicine at East Carolina University, Duke University School of Medicine, Wake Forest School of Medicine, and Campbell University School of Osteopathic Medicine. The funds shall be used for (i) the rapid development of a countermeasure of neutralizing antibodies for COVID-19 that can be used as soon as possible to both prevent infection, and for those infected, treat infection, (ii) bringing a safe and effective COVID-19 vaccine to the public as soon as possible, (iii) community testing initiatives, and (iv) other research related to COVID-19. The Collaboratory shall facilitate among these entities best practices and strategies to maximize resources and achieve a comprehensive response to COVID-19. The Collaboratory may also assemble an advisory panel of representatives from the entities receiving funds pursuant to this subdivision as necessary to discuss, review, and analyze progress towards meeting the goals for the use of the funds. The Collaboratory, Gillings School of Global Public Health, Brody School of Medicine, Duke University School of Medicine, Wake Forest School of Medicine, and Campbell University School of Osteopathic Medicine shall report on the progress of the development of a countermeasure and vaccine, findings from their community testing initiatives, and other research related to COVID-19, and the use of the appropriated funds received pursuant to this section to the Joint Legislative Oversight Committee on Health and Human Services by no later than September 1, 2020.
- (19) \$70,000,000 to the Department of Public Instruction to be used in accordance with Section 5.29 of this act.
- (20) \$56,000,000 to the Department of Public Instruction for school nutrition services provided in response to COVID-19 by public school units participating in the National School Lunch Program or School Breakfast Program from March 16, 2020, through the end of the 2019-2020 school year. Funds for these services shall be allocated in the same manner as if the

- participating public school units were reimbursed by school meal receipts or federal funds.
- (21) \$9,000,000 to the Department of Information Technology to use for the Growing Rural Economies with Access to Technology Fund to provide supplementary project funding for grant recipients that were awarded grants on or after April 1, 2020. The Department may award supplementary project funds pursuant to this subdivision to grant recipients upon a showing by the grant recipient that the supplementary project funds (i) will increase the number of households, businesses, or schools receiving broadband access or (ii) will expedite the provision of broadband access in accordance with the project that grant funds were awarded for. The Department and a grant recipient shall amend any existing grant agreements as necessary to reflect any changes to the scope or parameters of a project resulting from the awarding of supplementary funds. The awarding of supplementary project funds pursuant to this subdivision shall not be subject to the single grant award limitation provided in G.S. 143B-1373(i), or any matching requirement imposed by G.S. 143B-1373(j).
- (22) Subject to Section 6.26 of this act, \$25,000,000 to the Department of Health and Human Services to be used to expand public and private initiatives for COVID-19 testing, contact tracing, and trends tracking and analysis through, but not limited to, all of the following ways:
- a. Building capacity for widespread COVID-19 diagnostic testing to enable rapid case-based interventions.
  - b. Building capacity for widespread COVID-19 antibody testing to enable rapid deployment when such testing becomes available.
  - c. Expanding contact tracing workforce and infrastructure to routinely identify potentially exposed persons and take appropriate public health actions.
  - d. Increasing research and data tools and analysis infrastructure to support better predictive models, surveillance and response strategies.

#### PART IV. ADDITIONAL ALLOCATIONS AND APPROPRIATIONS

##### APPROPRIATION OF COVID-19 FEDERAL GRANT FUNDS AND RECEIPTS

**SECTION 4.1.(a)** Except for funds subject to subsection (c) of this section or Section 2.1 of this act, funds received from federal grants authorized under the COVID-19 Recovery Legislation are appropriated in the amounts provided in the notification of award from the federal government or any entity acting on behalf of the federal government to administer the federal funds. State agencies may, with approval of the Director of the Budget, spend funds received from federal receipts and federal grants resulting from enactment of the COVID-19 Recovery Legislation that are not otherwise subject to Section 2.1 of this act. Section 2.2(c) of S.L. 2019-192 shall not apply to grant funds received under the COVID-19 Recovery Legislation.

**SECTION 4.1.(b)** The programs and grant amounts in the schedule set forth in this subsection are estimates of North Carolina's allocations from the COVID-19 Recovery Legislation to be deposited in the State's Treasury and administered by State agencies. This schedule is meant to be illustrative of federal grants that have, or will be, received by the State in addition to the approximately three billion five hundred million dollars (\$3,500,000,000) from the Coronavirus Relief Fund created under the CARES Act, P.L. 116-136. These amounts are not inclusive of federal funds distributed or paid directly to individuals, businesses, health care providers, or private postsecondary institutions:

Program

Amount



|    |   |                        |
|----|---|------------------------|
| 1  | Governor's Emergency Education Relief Fund                      | \$95,600,000           |
| 2  | Elementary and Secondary School Emergency Relief Fund           | \$396,300,000          |
| 3  | Higher Education Emergency Relief Fund                          | \$179,700,000          |
| 4  | Child Care and Development Block Grant                          | \$118,100,000          |
| 5  | Community Services Block Grant                                  | \$25,900,000           |
| 6  | Low Income Home Energy Assistance Program                       | \$49,900,000           |
| 7  | Child Welfare Services  | \$1,600,000            |
| 8  | Supportive Services   | \$6,200,000            |
| 9  | Congregate and Home-Delivered Meals                             | \$7,400,000            |
| 10 | Congregate and Home-Delivered Meals                             | \$14,800,000           |
| 11 | Family Caregivers   | \$3,100,000            |
| 12 | Protection of Vulnerable Older Americans                        | \$600,000              |
| 13 | Centers for Independent Living                                  | \$2,200,000            |
| 14 | Ryan White HIV/AIDS   | \$1,100,000            |
| 15 | CDC Grant   | \$13,800,000           |
| 16 | Minimum CDC Grant   | \$15,400,000           |
| 17 | Homeless Assistance/ ESG – State                                | \$18,400,000           |
| 18 | Housing Opportunities for Persons with AIDS                     | \$1,200,000            |
| 19 | Supplemental Nutrition Program for Women, Infants, and Children | \$13,900,000           |
| 20 | Community Health Center   | \$78,000               |
| 21 | Small Rural Hospital Improvement Program                        | \$2,500,000            |
| 22 | Hospital Preparedness Program                                   | \$770,000              |
| 23 | Emergency Grant to Address SA                                   | \$2,000,000            |
| 24 | Unemployment Insurance Base – Administration                    | \$22,500,000           |
| 25 | Unemployment Insurance Supplemental – Administration            | \$22,500,000           |
| 26 | Dislocated Worker Grants  | \$6,000,000            |
| 27 | Emergency Food Assistance Program (TEFAP) Commodities           | \$19,700,000           |
| 28 | TEFAP Administration  | \$8,200,000            |
| 29 | Manufacturing Extension   | \$1,500,000            |
| 30 | CDBG – State  | \$28,500,000           |
| 31 | National Endowment for the Arts                                 | \$507,000              |
| 32 | Institute for Museum and Library Sciences                       | \$948,000              |
| 33 | Justice Assistance Grants – State                               | \$15,400,000           |
| 34 | Emergency Performance Management Grant                          | \$2,600,000            |
| 35 | Family Violence Prevention                                      | \$777,000              |
| 36 | Urbanized Area Formula Program                                  | \$38,473,000           |
| 37 | Formula Grants for Rural Area Program                           | \$94,941,000           |
| 38 | Airports Grants   | \$2,765,000            |
| 39 | <b>Total Estimated Funding</b>                                  | <b>\$1,235,859,000</b> |

40 **SECTION 4.1.(c)** No funds authorized under The CARES Act, P.L. 116-136, for  
41 election security are appropriated in this act. It is the intent of the General Assembly to  
42 appropriate funds for election security in a subsequent act of the General Assembly.

#### 44 **APPROPRIATION FOR SMALL BUSINESS LOAN ASSISTANCE**

45 **SECTION 4.2.(a)** Program. – Of the funds appropriated in this act from the  
46 Coronavirus Relief Fund, the sum of one hundred twenty-five million dollars (\$125,000,000) is  
47 allocated to the Office of State Budget and Management for Golden LEAF to provide grants to  
48 entities for the purpose of making emergency loans to assist small businesses with business needs  
49 during periods of economic hardship occasioned by the COVID-19 epidemic. It is the intent of  
50 the General Assembly for an equitable portion of funds allocated in this section to be used for

the benefit of historically underutilized small businesses. The following shall apply to the program and loans made under the program:

- (1) Golden LEAF shall require a lender to provide assistance to, or direct to an appropriate entity that provides assistance to, a qualifying business with applying for available federal assistance.
- (2) Golden LEAF shall require a lender to prioritize loans for establishments (i) with 100 or fewer full-time equivalent employees determined as of the State of Emergency (ii) that are independently owned by a qualifying business.
- (3) Golden LEAF shall work with the N.C. Small Business Center Network, the Office of Historically Underutilized Businesses within the Department of Administration, the N.C. Small Business and Technology Development Center, the Institute of Minority Economic Development, Inc., and other similar entities with the goal of ensuring all qualifying businesses are aware of the program.
- (4) The loan shall have an interest rate of up to four percent (4%) before the date of a triggering event and an interest rate of at least five and one-half percent (5.5%) on and after the date of a triggering event.
- (5) The term of the loan shall not exceed 66 months and shall be amortized over the term of the loan.
- (6) A qualifying business shall certify in writing that it will use a loan provided under the program for employee compensation, mortgage, rent, utilities, and other operating costs and expenses incurred on behalf of a business located in this State.
- (7) A loan provided under the program is limited to no more than fifty thousand dollars (\$50,000) per qualifying business.
- (8) Upon the occurrence of a triggering event, repayment of the loan shall commence. A triggering event occurs six months following the closing of a loan made under the program.
- (9) Loans are made pursuant to an agreement with a qualifying business that includes at least the following:
  - a. A provision requiring a qualifying business to certify in writing that it will use a loan provided under the program for employee compensation, mortgage, rent, utilities, and other operating costs and expenses incurred on behalf of a business located in this State.
  - b. A provision establishing the method for determining compliance with the program.
  - c. A provision requiring the qualifying business to first repay the loan amount with any federal assistance received by the business that represents a duplication of benefits; provided that, the repayment does not disqualify or impair the federal assistance available to the business.
  - d. A provision requiring the loan is secured through a Uniform Commercial Code financing statement.
  - e. A provision requiring recapture of loans funds if a business fails to comply with the requirements of the program. The lender shall recapture loan funds only if the lender determines there is a reasonable expectation that the recovery of funds will exceed the cost of recovery.
- (10) The awarding of new loans using State funds appropriated in this section shall cease upon six months following the date the State of Emergency ends.

**SECTION 4.2.(b)** Definitions. – For purposes of this section, the following definitions apply:

- (1) Compensation. – Defined in G.S. 105-163.1.

- (2) Employee. – Defined in G.S. 143B-437.02A.
- (3) Golden LEAF. – The Golden L.E.A.F. (Long-Term Economic Advancement Foundation), Inc.
- (4) Net loan funds. – The total loan fund appropriation authorized by this section less (i) the cost of administering the loans made under the program, not to exceed five percent (5%) of the total amount loaned under the program and (ii) the State's loan funds that are not recaptured.
- (5) Office. – The Office of State Budget and Management.
- (6) Qualifying business. – A business with a physical presence in the State that is able to show economic losses as a result of COVID-19.
- (7) State of Emergency. – Executive Order No. 116 issued March 10, 2020, by Governor Roy A. Cooper, including any amendments issued by Executive Order.

**SECTION 4.2.(c)** Miscellaneous. – In order to receive the funds appropriated under this act, Golden LEAF shall provide matching funds from other non-State funds for such funds in the amount of fifteen dollars (\$15.00) of non-State funds for every one hundred twenty-five dollars (\$125.00) of State funds allocated in this section. State funds allocated in this section may be matched with any prior expenditure by Golden LEAF of non-State funds for entities making short-term loans to businesses during periods of economic hardship occasioned by the COVID-19 epidemic. Six months following the date the State of Emergency ends and every six months thereafter, Golden LEAF shall remit the net loan funds that have been received to the Office, which shall deposit the funds into the Coronavirus Relief Reserve. Amounts deposited into the Reserve under this subsection are receipts that do not constitute an "appropriation made by law," as that phrase is used in Section 7(1) of Article V of the North Carolina Constitution.

**SECTION 4.2.(d)** Reporting. – Every six months, Golden LEAF shall submit a report on the program to the Joint Legislative Economic Development and Global Engagement Oversight Committee and the Fiscal Research Division. The duty to report pursuant to this section shall cease after the submission of the report following when Golden LEAF has remitted the entirety of the net loan funds to the Office. Each report shall contain all of the following:

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

## **PART V. EDUCATION POLICY REVISIONS**

### **DEFINITIONS**

**SECTION 5.1.** For the purposes of this Part, the following definitions apply:

- (1) Authority. – State Education Assistance Authority.
- (2) Coronavirus disease 2019 (COVID-19) emergency. – The period beginning March 10, 2020, and continuing until the Governor signs an executive order rescinding Executive Order No. 116 (Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19).
- (3) Federal testing waiver. – The testing waiver granted to the State Board of Education by the United States Department of Education for the 2019-2020

- 1 school year, pursuant to section 8401(b) of the Elementary and Secondary  
2 Education Act of 1965 (ESEA), as amended, which, pursuant to  
3 G.S. 115C-174.11, eliminated the collection of certain student assessment  
4 data for the 2019-2020 school year.
- 5 (4) School closure period. – The period beginning March 16, 2020, and  
6 continuing until the latest of the following:
- 7 a. May 15, 2020.
- 8 b. The date specified by an executive order superseding the school  
9 closure period in Executive Order No. 120 (Additional Limitations on  
10 Mass Gatherings, Restrictions on Venues and Long Term Care  
11 Facilities, and Extension of School Closure Date).
- 12 c. The date specified in any executive order superseding the superseding  
13 executive order described in sub-subdivision b. of this subdivision.
- 14 (5) State Board. – The State Board of Education.

## 15 16 INTRODUCTION

17 **SECTION 5.2.** The purpose of this Part is to clarify or modify certain requirements  
18 in consideration of actions and circumstances related to the COVID-19 emergency, including,  
19 but not limited to, the federal testing waiver and the school closure period.

## 20 21 WAIVERS AND MODIFICATIONS RELATED TO PUBLIC SCHOOL TESTING AND 22 ASSESSMENTS

23 **SECTION 5.3.(a)** EOGs and EOCs. – Consistent with the provisions of  
24 G.S. 115C-174.11(d), for the 2019-2020 school year, end-of-grade and end-of-course tests are  
25 waived.

26 **SECTION 5.3.(b)** ACT. – Notwithstanding G.S. 115C-174.11(c)(4), during the fall  
27 semester of the 2020-2021 school year, public school units shall administer the norm-referenced  
28 college admissions test made available by the State Board to all students who were in the eleventh  
29 grade during the 2019-2020 school year who were not administered the test during the 2019-2020  
30 school year, unless a student has already taken a comparable test and scored at or above a level  
31 set by the State Board.

32 **SECTION 5.3.(c)** Diagnostic and Formative Assessments. – For the 2019-2020  
33 school year, for the diagnostic and formative reading assessments for kindergarten, first, second,  
34 and third grade students described in G.S. 115C-83.6 and G.S. 115C-174.11(a), additional  
35 assessments beyond those administered prior to the school closure period are not required.

36 **SECTION 5.3.(d)** WorkKeys. – For the spring semester of the 2019-2020 school  
37 year only, notwithstanding G.S. 115C-174.25, a local school administrative unit shall not be  
38 required to administer the WorkKeys tests to any students who complete a concentration in career  
39 and technical education courses.

## 40 41 WAIVERS AND MODIFICATIONS RELATED TO PUBLIC SCHOOL 42 PERFORMANCE, ANNUAL REPORT CARDS FOR SCHOOLS, AND SCHOOL 43 BUILDING REPORTS

44 **SECTION 5.4.(a)** Calculation and Issuance of School Performance Grades. – For  
45 the 2020-2021 school year, based on data from the 2019-2020 school year, the provisions of  
46 G.S. 115C-12(9)c1. and G.S. 115C-83.15(a) through (f) shall not apply. Notwithstanding  
47 G.S. 115C-83.15(g), the State Board is not required to display school report card information for  
48 the 2020-2021 school year based on data from the 2019-2020 school year, but shall display a  
49 brief explanation that school report cards were not issued for the 2020-2021 school year because  
50 assessment data was not collected during the 2019-2020 school year due to COVID-19.

**SECTION 5.4.(b)** Display of School Report Cards. – Notwithstanding G.S. 115C-47(58), 115C-75.8(d)(7), 115C-218.65, 115C-238.66(11), 116-239.8(b)(14), and Section 6(d)(2) of S.L. 2018-32, public school units are not required to display school report card information for the 2020-2021 school year based on data from the 2019-2020 school year, but shall display a brief explanation that school report cards were not issued for the 2020-2021 school year because assessment data was not collected during the 2019-2020 school year due to COVID-19.

**SECTION 5.4.(c)** Evaluation of Alternative Programs. – Notwithstanding G.S. 115C-12(24), to the extent educational performance and growth of students in alternative schools and alternative programs are measured based on the accountability system developed under G.S. 115C-83.15 and G.S. 115C-105.35, educational performance and growth of students in alternative schools and alternative programs shall not be evaluated based on data from the 2019-2020 school year.

**SECTION 5.4.(d)** School Building Reports. – The requirement for local school administrative units to produce and make public a school building report under G.S. 115C-12(9)c3. and G.S. 115C-47(35) shall not apply for the October 15, 2020, report based on building-level data from the 2019-2020 school year.

#### **WAIVERS RELATED TO LOW-PERFORMING SCHOOLS**

**SECTION 5.5.(a)** Low-Performing Schools. – Notwithstanding G.S. 115C-105.37 and G.S. 115C-218.94(a), for the 2020-2021 school year, the following applies:

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

**SECTION 5.5.(b)** Continually Low-Performing Schools. – Notwithstanding G.S. 115C-105.37A and G.S. 115C-218.94(b), for the 2020-2021 school year, the following applies:

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

- (5) Local boards of education may request to reform a continually low-performing school in accordance with G.S. 115C-105.37B.

**SECTION 5.5.(c)** Low-Performing Local School Administrative Units. – Notwithstanding G.S. 115C-105.39A, for the 2020-2021 school year, the following applies:

- (1) The State Board shall not identify additional low-performing local school administrative units based on data from the 2019-2020 school year.
- (2) Local school administrative units previously identified as low-performing based on data from the 2018-2019 school year shall continue to be identified as low-performing.
- (3) Previously identified low-performing local school administrative units shall continue to carry out the final plan approved by the local board of education pursuant to G.S. 115C-105.39A(b).
- (4) The State Board and the local board of education shall continue to provide online access to each low-performing local school administrative unit's plan in accordance with G.S. 115C-105.39A(b)(5).
- (5) The written parental notice required by G.S. 115C-105.39A(c) is not required to be provided again, but the local board of education shall include with its online final plan a brief explanation that low-performing identification continues pending assessment data from the 2020-2021 school year.
- (6) The provisions of G.S. 115C-105.39(c) through (e) shall not apply.

#### **WAIVERS RELATED TO THE INNOVATIVE SCHOOL DISTRICT**

**SECTION 5.6.(a)** Notwithstanding the provisions of G.S. 115C-75.7 and G.S. 115C-105.37A(d), for the 2020-2021 school year, the following applies:

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

**SECTION 5.6.(b)** Section 1(c) of S.L. 2019-248 reads as rewritten:

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

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

#### **MODIFICATIONS FOR THIRD GRADE RETENTION AND READING CAMPS/REQUIREMENT FOR FOURTH GRADE READING ASSESSMENT**

**SECTION 5.7.(a)** Third Grade Retention Determination. – For grade level determination for the 2020-2021 school year, the following applies:

- (1) Notwithstanding the provisions of G.S. 115C-83.7 and the requirement in G.S. 115C-288(a) that a principal's authority to grade and classify pupils is limited by the requirements of G.S. 115C-83.7(a), principals shall have authority to determine the appropriate 2020-2021 school year grade level for students in the third grade during the 2019-2020 school year in the same

manner as for students in all other grade levels. Principals shall designate whether a retained third grade student is retained due to reading deficiencies. Principals are encouraged to consult with a student's 2019-2020 third grade teacher in determining grade classification.

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

**SECTION 5.7.(b) Parental Notice and Interventions.** – Consistent with G.S. 115C-83.9(a), parents or guardians shall receive notice that a first, second, or third grade student demonstrated difficulty with reading development or was not reading at grade level during the 2019-2020 school year based on assessments completed on or before March 13, 2020. The provisions of G.S. 115C-83.9(d) shall apply to this notice.

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

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

**SECTION 5.7.(c) Reading Camps.** – Notwithstanding G.S. 115C-83.6(a), 115C-83.8(a), and 115C-83.11, and any other provision of law to the contrary, local school administrative units are not required to provide reading camps corresponding to the 2019-2020 school year.

**SECTION 5.7.(d) Fourth Grade Reading Assessment.** – No later than the tenth day that school buildings are open to students for the 2020-2021 school year, public school units shall administer to all fourth grade students the end-of-year diagnostic assessment otherwise required for third grade students pursuant to G.S. 115C-174.11(a) and State Board policy. The results of the assessment shall be used to identify reading deficiencies and inform instruction and remediation needs in order to ensure that all students achieve proficiency at the earliest date possible.

**SECTION 5.7.(e) Reporting Requirements.** – For the 2020-2021 school year, the following applies:

- (1) Accountability reporting described in G.S. 115C-83.10 shall not be required based on data from the 2019-2020 school year, except that by September 1, 2020, local boards of education shall report to the State Board the following:
- The number and percentage of first grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
  - The number and percentage of second grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
  - The number and percentage of third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
  - The number and percentage of third grade students retained pursuant to subsection (a) of this section for reading deficiencies.
- (2) Reporting requirements described in G.S. 115C-218.85(b)(4) shall not be required based on data from the 2019-2020 school year, except that by September 1, 2020, charter schools and other public school units subject to

1 charter school statutory requirements shall report to the State Board the  
2 following:

- 3 a. The number and percentage of third grade students on track and not on  
4 track to meet year-end expectations based on assessments completed  
5 on or before March 13, 2020.  
6 b. The number and percentage of third grade students retained pursuant  
7 to subsection (a) of this section for reading deficiencies.  
8 (3) The State Board shall compile the information described in this subsection  
9 and shall submit a State-level summary of each component by local school  
10 administrative unit and charter school to the Joint Legislative Education  
11 Oversight Committee by October 15, 2020.  
12

### 13 **MODIFICATIONS FOR PLACEMENT IN ADVANCED COURSES IN** 14 **MATHEMATICS**

15 **SECTION 5.8.** The provisions of G.S. 115C-81.36(a1) and (b) shall not apply for  
16 the 2020-2021 school year based on data from the 2019-2020 school year. Math placement for  
17 the 2020-2021 school year may be determined consistent with local policies, in consultation with  
18 a student's 2019-2020 school year math teacher. For the purposes of G.S. 115C-81.36(c), the  
19 Department of Public Instruction shall submit its December 15, 2020, report to the Joint  
20 Legislative Education Oversight Committee on the number and demographics of students who  
21 were (i) enrolled in advanced mathematics courses, including high school level mathematics  
22 courses in eighth grade, or (ii) given other advanced learning opportunities for the 2020-2021  
23 school year. The report shall include information on the type and format of advanced  
24 mathematics courses or advanced learning opportunities provided and shall also include any  
25 feedback provided by local boards of education on the implementation of G.S. 115C-81.36.  
26

### 27 **WAIVER OF THE CPR HIGH SCHOOL GRADUATION REQUIREMENT**

28 **SECTION 5.9.** Notwithstanding G.S. 115C-12(9d)a., for the 2019-2020 school year,  
29 any student in grade 12 who has not satisfied the requirement for completion of instruction in  
30 cardiopulmonary resuscitation shall be eligible to graduate if both of the following apply:

- 31 (1) Instruction in cardiopulmonary resuscitation cannot be completed due to the  
32 COVID-19 emergency.  
33 (2) The student is eligible to graduate in all respects other than the statutory  
34 requirement described in this section, as determined by the principal of the  
35 school to which the student is assigned.  
36

### 37 **SCHOOL CALENDAR FOR THE 2019-2020 SCHOOL YEAR**

38 **SECTION 5.10.(a)** Instructional Time Requirements. – A public school unit that  
39 provides remote instruction as required by this subsection shall be deemed to have satisfied the  
40 minimum days and hours required by G.S. 115C-75.8(d)(9), 115C-84.2(a)(1), 115C-150.12,  
41 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  
42 S.L. 2018-32 for the 2019-2020 school year. For the purposes of this subsection for the  
43 2019-2020 school year, remote instruction is defined as learning that takes place outside of the  
44 traditional school setting using various media and formats, including, but not limited to, video  
45 conference, telephone conference, print material, online material, or learning management  
46 systems. Each public school unit shall provide remote instruction for the remainder of its  
47 scheduled 2019-2020 school year.

48 **SECTION 5.10.(b)** Student Attendance Enforcement. – For the 2019-2020 school  
49 year, the requirements of G.S. 115C-378(e) through (g) shall not apply during the school closure  
50 period.  
51



**SCHOOL CALENDAR FOR THE 2020-2021 SCHOOL YEAR**

**SECTION 5.11.(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 June 30, 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 students to use the platforms and methods during non-remote instruction days to ensure student success during remote instruction.
- (8) Communicating learning targets to students on each remote instruction day and ensuring that lesson design provides instructional time, practice, and application components to demonstrate learning. The Plan shall include a process for monitoring the quality of remote instruction materials.
- (9) Ensuring that remote instructional time, practice, and application components produce learning growth that is commensurate with what would have taken place had the remote instruction day been a non-remote instruction day. The Plan shall include work measurement guidelines appropriate to each grade level, including deadlines for submission of assignments and methods to assess and grade learning during remote instruction.
- (10) Ensuring that students with disabilities have equal access to the remote instruction provided by their public school units and that remote instruction is provided in a manner consistent with each student's individualized education

- 1 program (IEP) or 504 plan. Remote learning day supports shall be considered  
2 and included in the development or modification of all IEPs or 504 plans, as  
3 appropriate for the student.
- 4 (11) Tracking and reporting attendance on remote instruction days, including  
5 protocols for determining attendance, the reporting system to be used, and  
6 how attendance procedures will be communicated to parents before remote  
7 instruction begins.
- 8 (12) Providing online and offline contact options for students to communicate with  
9 teachers or staff for remote instruction days that are not used as teacher  
10 workdays.
- 11 (13) Providing technology support for students experiencing technical difficulties  
12 on remote instruction days.

13 **SECTION 5.11.(b)** School Calendar. – Except as otherwise provided in this  
14 subsection, the requirements of G.S. 115C-84.2, including the requirement that a school calendar  
15 consist of 215 days, apply to the 2020-2021 school calendar for local school administrative units.  
16 The provisions of this subsection supersede any school calendar adopted by a public school unit  
17 prior to the enactment of this act. For the 2020-2021 school year only, the following applies to  
18 the school calendar for public school units:

- 19 (1) Notwithstanding any provisions of G.S. 115C-75.8(d)(9), 115C-84.2(a)(1),  
20 115C-150.12, 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d.,  
21 116-239.8(b)(2)c., and Section 6(e) of S.L. 2018-32 to the contrary, each  
22 public school unit shall adopt a calendar that includes 190 days of instruction  
23 as follows:
- 24 a. One hundred eighty-five (185) days or 1,025 hours of instruction.
- 25 b. An additional five instructional days that shall be satisfied only by five  
26 individually separate and distinct full instructional days and not by an  
27 accumulation of instructional hours.
- 28 c. Of the 190 days of instruction, five remote instruction days in  
29 accordance with the Plan developed pursuant to subsection (a) of this  
30 section. Each of the five remote instruction days may be scheduled in  
31 the discretion of the public school unit, except as provided in  
32 subdivision (2) of this subsection.
- 33 (2) Notwithstanding any provisions of G.S. 115C-84.2(d) to the contrary, each  
34 local school administrative unit shall adopt a school calendar that includes the  
35 following:
- 36 a. An opening date for students of August 17, 2020.
- 37 b. A closing date for students no later than June 11, 2020.
- 38 c. No remote instruction day shall be scheduled prior to August 24, 2020.
- 39 d. Remote instruction days may be scheduled for use as teacher  
40 workdays, including as teacher workdays on which teachers may take  
41 accumulated vacation leave, provided that remote instruction material  
42 is prepared and provided for students to use during the remote  
43 instruction days. Local school administrative units may, in their  
44 discretion, schedule remote instruction days as teacher workdays to  
45 facilitate completion of first semester course exams prior to a winter  
46 holiday period.
- 47 e. A local school administrative unit granted a good cause waiver for the  
48 2020-2021 school year shall not have an opening date for students  
49 earlier than August 17, 2020, but may use up to an additional five  
50 remote instruction days, in accordance with the requirements of this  
51 subsection for remote instruction days, solely as make-up days for

days on which schools have been closed due to inclement weather or other emergency situations.

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

**SECTION 5.11.(c) Reporting Requirement.** – No later than September 15, 2020, the State Board shall report to the Joint Legislative Education Oversight Committee on the implementation of subsection (a) of this section. The State Board shall submit with its report a copy of each Remote Instruction Plan submitted, and the report shall provide a statewide summary that includes the following:

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

#### **MODIFICATION FOR THE PRINCIPAL RECRUITMENT SUPPLEMENT**

**SECTION 5.12.(a)** Notwithstanding G.S. 115C-285.1, as enacted by S.L. 2019-247, for the 2020-2021 school year, a school identified as an eligible school in the 2019-2020 school year pursuant to G.S. 115C-285.1(a)(2) shall continue to be an eligible school in the 2020-2021 school year.

**SECTION 5.12.(b)** G.S. 115C-285.1(e), as enacted by S.L. 2019-247, reads as rewritten:

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

#### **WAIVER OF THE NOTIFICATION REQUIREMENT FOR TEACHER PERFORMANCE DATA**

**SECTION 5.13.** Notwithstanding G.S. 115C-333.2, for the 2020-2021 school year, principals are not required to notify teachers that Education Value-Added Assessment System (EVAAS) data has been updated to reflect teacher performance from the 2019-2020 school year.

#### **WAIVER OF THE TEACHER EFFECTIVENESS REPORTING REQUIREMENTS**

**SECTION 5.14.(a)** Notwithstanding G.S. 115C-299.5(d), for the 2020-2021 school year, local school administrative units are not required to provide teacher effectiveness data from the 2019-2020 school year to the State Board, and the State Board is not required to include any disaggregated data on teacher effectiveness from the 2019-2020 school year in its December 15, 2020, report on the state of the teaching profession in North Carolina.

**SECTION 5.14.(b)** G.S. 115C-299.5(d) reads as rewritten:

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

## **MODIFICATION OF TEACHER EVALUATION AND OBSERVATION REQUIREMENTS**

**SECTION 5.15.** Notwithstanding G.S. 115C-333(a) and G.S. 115C-333.1(a), for the 2019-2020 school year, annual teacher evaluations required pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) shall be based on (i) observations completed in the 2019-2020 school year prior to the school closure period and (ii) other artifacts and evidence from the 2019-2020 school year. Schools are not required to complete any observations required in the 2019-2020 school year pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) that were not completed prior to the school closure period.

## **WAIVER OF STANDARDIZED TESTING REQUIREMENTS FOR NONPUBLIC SCHOOLS**

**SECTION 5.16.** Notwithstanding G.S. 115C-549, 115C-550, 115C-557, 115C-558, and 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either of the following:

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

## **WAIVER OF ATTENDANCE AND CALENDAR REQUIREMENTS FOR NONPUBLIC SCHOOLS**

**SECTION 5.17.** Notwithstanding G.S. 115C-378, 115C-548, 115C-556, and 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either of the following:

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

## **WAIVER OF STANDARDIZED TESTING AND REPORTING REQUIREMENTS FOR NONPUBLIC SCHOOLS WITH STUDENTS RECEIVING OPPORTUNITY SCHOLARSHIP GRANTS**

**SECTION 5.18.(a)** For purposes of this section, the definitions from G.S. 115C-562.1 shall apply.

**SECTION 5.18.(b)** Notwithstanding G.S. 115C-562.5, for the 2019-2020 school year, a nonpublic school that accepts eligible students receiving scholarship grants is not required to do any of the following:

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

#### **OPPORTUNITY SCHOLARSHIP PROGRAM LATE DISBURSEMENT OF FUNDS**

**SECTION 5.19.** Notwithstanding G.S. 115C-562.8, from the funds carried forward at the end of the 2019-2020 fiscal year pursuant to G.S. 115C-562.8 that were unexpended as a result of the closure of nonpublic schools due to the COVID-19 emergency, the Authority may remit a scholarship grant awarded to a student for the spring semester of the 2019-2020 school year to a nonpublic school on or before October 1, 2020.

#### **EXTENSION OF K-12 SCHOLARSHIP PROGRAM REPORT DATES**

**SECTION 5.20.(a)** Opportunity Scholarship Grant Program. – Notwithstanding G.S. 115C-562.7, the Authority shall submit by November 15, 2020, its annual report due by October 15 each year to the Joint Legislative Education Oversight Committee on the Opportunity Scholarship Grant Program.

**SECTION 5.20.(b)** Disabilities Grant Program. – Notwithstanding G.S. 115C-112.8, the Authority shall submit by November 15, 2020, its annual report due by October 15 each year to the Joint Legislative Education Oversight Committee on the Special Education Scholarships for Children with Disabilities Program.

#### **MODIFICATIONS FOR EDUCATOR PREPARATION PROGRAMS**

**SECTION 5.21.(a)** Minimum Admission Requirements for EPPs. – Notwithstanding the minimum admission requirements required by G.S. 115C-269.15, for the 2020-2021 academic year only, a recognized EPP shall be permitted to admit students as follows:

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

**SECTION 5.21.(b)** Clinical Internships. – Notwithstanding G.S. 115C-269.25(d)(1), a student who is enrolled in a recognized EPP pursuant to G.S. 115C-269.5 may have the clinical internship requirement set forth in G.S. 115C-269.25(d)(1) deemed completed for the 2019-2020 academic year under the following conditions:

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

**SECTION 5.21.(c)** Pedagogy Assessments. – Notwithstanding G.S. 115C-269.25(g), for individuals who have their clinical internship deemed completed pursuant to subsection (b) of this section, the following shall apply:

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

**SECTION 5.21.(d)** Accountability. – Due to the lack of student assessment data and the school closure period, notwithstanding the requirements of G.S. 115C-269.35(a), EPPs shall only be required to submit information that is practicably available in the annual report to the State Board required under G.S. 115C-269.35(b) for the 2019-2020 academic year.

**SECTION 5.21.(e)** Sanctions. – Notwithstanding G.S. 115C-269.45(c), the State Board shall not consider data that was not practicably available related to the 2019-2020 school year when assigning sanctions for an EPP under G.S. 115C-269.45(c).

**SECTION 5.21.(f)** EPP Report Cards. – Due to limited available information and the waiver of the requirement to submit certain information to the State Board under subsection (c) of this section, notwithstanding G.S. 115C-269.50, the State Board shall create and submit annual report cards for EPPs as required by G.S. 115C-269.50 by December 15, 2020, to the Joint Legislative Education Oversight Committee (Committee) but shall not make the annual report cards created pursuant to this section available to the public through the State Board's Web site for the 2019-2020 academic year. The State Board shall also include in its report to the Committee aggregated information on the following:

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

## **MODIFICATIONS FOR SCHOOL ADMINISTRATOR PREPARATION PROGRAMS**

**SECTION 5.22.** Notwithstanding G.S. 115C-284(c2), a school administrator candidate who is enrolled in a school administrator preparation program meeting the approval standards established by the State Board pursuant to G.S. 115C-284 may have certain requirements of G.S. 115C-284(c2) deemed completed for the 2019-2020 academic year as follows:

- (1) The requirement that a candidate shall complete a year-long internship under G.S. 115C-284(c2)(7) shall be deemed completed under the following conditions:

- a. The candidate has completed as much time in the year-long internship as practicable prior to March 10, 2020.
  - b. The candidate would be unable to complete the program by August 15, 2020, unless the internship is deemed completed pursuant to this section.
  - c. The candidate has been engaged in administrative duties as practicable while the school is closed during the school closure period.
  - d. The candidate has otherwise met the competencies identified in the certification of capacity utilized by the school administrator preparation program.
- (2) The candidate shall complete a portfolio for emerging leaders to demonstrate the application of his or her training to actual school needs and training to the extent practicable prior to completion of the school administrator preparation program.

## **MODIFICATIONS FOR THE TRANSFORMING PRINCIPAL PREPARATION GRANT PROGRAM**

**SECTION 5.23.(a)** Notwithstanding G.S. 116-209.72(a)(2)e., a school leader candidate who is enrolled in a school leader preparation program receiving a grant pursuant to Part 4 of Chapter 116 of the General Statutes shall have the clinical practice requirement under G.S. 116-209.72(a)(2)e. deemed completed for the 2019-2020 academic year under the following conditions:

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

**SECTION 5.23.(b)** Notwithstanding G.S. 116-209.73(c)(1)a., the Authority shall not retrieve grant funds for the 2019-2020 fiscal year from a grant recipient based solely on a recipient's failure to require school leader candidates to complete a full-time paid clinical practice of at least five months and 750 hours in duration as required by G.S. 116-209.72(a)(2)e. as part of the program during the 2019-2020 academic year.

## **EXTENSIONS FOR TEACHER LICENSURE REQUIREMENTS**

**SECTION 5.24.(a)** Extension for Licensure Requirements. – Notwithstanding G.S. 115C-270.15, G.S. 115C-270.20, and Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, the State Board shall allow applicants for educator licensure additional time to meet the requirements under G.S. 115C-270.15 and G.S. 115C-270.20 as follows:

- (1) An individual who is in the first year of licensure, including an initial professional licensure (IPL), lateral entry license, or residency license (RL), as of March 10, 2020, who has not taken the examination required by the State Board may take the examination during the individual's second year of licensure.
- (2) An applicant for a continuing professional license (CPL) whose lateral entry license expires June 30, 2020, including a teacher granted an extension pursuant to Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, who has not met the examination and coursework requirements established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.
- (3) An applicant for a CPL whose IPL expires June 30, 2020, who has not met the examination requirement established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.

- (4) An applicant for a CPL who is an elementary education (K-6) or special education general curriculum teacher with an IPL or RL who was granted an extension until June 30, 2020, pursuant to Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, who has not met the examination requirement established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.

**SECTION 5.24.(b)** Extension for CEU Requirement. – Notwithstanding G.S. 115C-270.30(b), any teacher who is required to have at least eight continuing education credits for continuing licensure by June 30, 2020, shall have until June 30, 2021, to meet the requirements under G.S. 115C-270.30(b).

## **EXTENSIONS FOR LICENSURE REQUIREMENTS FOR OTHER SCHOOL PERSONNEL**

**SECTION 5.25.(a)** Extension for Examination Requirement. – Notwithstanding G.S. 115C-284 and G.S. 115C-315(d), the State Board shall allow applicants for licensure additional time to meet the examination requirements as follows:

- (1) Pursuant to G.S. 115C-284, an individual applying for a school administrator license who has not met the examination requirements established by the State Board as of March 10, 2020, shall be permitted to meet the examination requirements in the first year of licensure.
- (2) Pursuant to G.S. 115C-315(d), an individual applying for licensure for a professional position in a public elementary or secondary school who has not met the examination requirements established by the State Board as of March 10, 2020, shall be permitted to meet the examinations requirement in the first year of licensure.

**SECTION 5.25.(b)** Extension for CEU Requirement. – Notwithstanding G.S. 115C-284(c3), a school administrator who is required to meet continuing education credits in high-quality, integrated digital teaching and learning for licensure renewal by June 30, 2020, shall have until June 30, 2021, to meet the requirements under G.S. 115C-284(c3).

## **COMMUNITY COLLEGE TUITION WAIVER FOR STUDENTS IN APPRENTICESHIP PROGRAMS**

**SECTION 5.26.** Notwithstanding G.S. 115D-5(b)(16), if a student is unable to continue participation in a pre-apprenticeship or apprenticeship program due to the COVID-19 emergency, a student may continue to be eligible for a tuition waiver for community college courses in the student's documented plan of study related to a job specific occupational or technical skill until December 31, 2020.

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

**SECTION 5.27.** Notwithstanding G.S. 147-86.23, a constituent institution of The University of North Carolina shall not accrue or charge any interest to a past-due account receivable held by a student between March 13, 2020, and September 15, 2020.

## **EXTENSION OF UNC REPORT DATES**

**SECTION 5.28.(a)** Notwithstanding G.S. 116-11(12d), 116-74.21, and 143-613(b1), the Board of Governors of The University of North Carolina shall have an additional 60 days to submit the following reports to the Joint Legislative Education Oversight Committee:

- (1) The annual report due by April 15 each year on teacher education efforts at The University of North Carolina.



(2) The annual report due by April 15 each year on the supply and demand of school administrators to determine the number of school administrators to be trained in school administrator training programs within the constituent institutions of The University of North Carolina in each year of the fiscal biennium.

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

**SECTION 5.28.(b)** Notwithstanding Section 9.7(c) of S.L. 2008-107, as amended by Section 9.3(c) of S.L. 2010-31, the Board of Governors of The University of North Carolina shall submit by June 15, 2020, its annual report on the UNC-NCCCS 2+2 E-Learning Initiative due by April 15 each year to the Joint Legislative Education Oversight Committee, the State Board of Education, the Office of State Budget and Management, and the Fiscal Research Division.

**SECTION 5.28.(c)** Notwithstanding Section 9.3(c) of S.L. 2005-276, as amended by Section 9.3(d) of S.L. 2010-31, The University of North Carolina System Office shall submit by June 15, 2020, its annual report on the UNC-NCCCS Joint Initiative for Teacher Education and Recruitment due by April 15 each year to the State Board of Education, the Board of Governors of The University of North Carolina, the State Board of Community Colleges, the Education Cabinet, the Joint Legislative Education Oversight Committee, and the Office of State Budget and Management.

## **FUNDS FOR SUMMER LEARNING PROGRAMS**

**SECTION 5.29.(a)** The funds allocated in subdivision (19) of Section 3.3 of this act shall be allotted to local school administrative units, charter schools, and the Innovative School District to provide a supplemental summer learning program for students whose learning has been negatively affected by the impacts of COVID-19, in accordance with the following:

(1) The summer learning program shall include the following:

- a. Reading interventions for students who were in kindergarten through grade three during the 2019-2020 school year who were not on track to meet 2019-2020 year-end expectations based on diagnostic assessments completed prior to March 16, 2020.
- b. Reading interventions for students who were in grade four during the 2019-2020 school year who were not on track to meet 2019-2020 year-end expectations as identified by their 2019-2020 school year reading teachers.
- c. Math interventions for students who were in kindergarten through grade four during the 2019-2020 school year who were not on track to meet 2019-2020 year-end expectations as identified by their 2019-2020 school year math teachers.

(2) Of the funds appropriated by this section for summer reading programs, at least thirty-five million dollars (\$35,000,000) shall be used to provide reading interventions for students who were in grades two and three during the 2019-2020 school year. Of these funds, any unexpended funds at the conclusion of the summer learning program shall be used prior to December 30, 2020, to provide supplemental literacy support for students in grade four during the 2020-2021 school year who are not on track to meet 2020-2021 year-end expectations, as identified by their 2020-2021 school year reading teachers.

- (3) Any unexpended funds for (i) reading interventions for students in kindergarten, grade one, or grade four during the 2019-2020 school year and (ii) math interventions for students in kindergarten through grade four during the 2019-2020 school year shall be used prior to December 30, 2020, to provide supplemental literacy or math support, as appropriate, to students in grades one through five during the 2020-2021 school year who are not on track to meet 2020-2021 year-end expectations as identified by their respective 2020-2021 school year reading or math teachers.
- (4) Funds provided for summer learning programs may be used to deliver interventions and instruction to participating students using methods such as digital resources, printed materials, literacy coaches, and face-to-face instruction.

**SECTION 5.29.(b)** The governing body of a public school unit receiving funds under this section shall consult with 2019-2020 school year teachers of kindergarten through fourth grade students to develop summer learning program plans that deliver targeted instruction to students participating in the summer learning program. Each public school unit's plan shall comply with the requirements of any executive order in effect at the time of the summer learning program, including requirements on the use of public school buildings, and shall comply with social distancing and other public health guidelines provided by the Department of Health and Human Services. No later than May 31, 2020, local school administrative units and the Innovative School District shall submit their summer learning program plans to the Department of Public Instruction. The Department shall review each plan submitted and provide feedback as necessary to ensure that each summer learning program provides instruction and interventions as required by this section. The Department shall provide feedback to local school administrative units no later than June 26, 2020.

**SECTION 5.29.(c)** Summer learning programs shall not be included in scheduled instructional time for the 2020-2021 school year calendar, but shall provide a supplement to that instruction in order to better prepare students for academic success during the 2020-2021 school year, despite the impacts of COVID-19. Each public school unit receiving funds under this section is encouraged to identify or prepare resources and strategies that parents or guardians can provide at home for students who qualify for a summer learning program and who (i) do not attend or (ii) attend and would like additional material. Parents or guardians of students who qualify for summer learning programs shall make the final decision regarding student attendance at summer learning programs.

**SECTION 5.29.(d)** No later than February 15, 2021, the State Board of Education shall report to the Joint Legislative Oversight Committee on the implementation of this section and the use of State funds for summer learning programs.

## **PART VI. OTHER POLICY REVISIONS**

### **REGULATORY FLEXIBILITY DURING THE CORONAVIRUS EMERGENCY**

**SECTION 6.1.(a)** For purposes of this section, the following definitions apply:

- (1) "Coronavirus" has the same meaning as defined in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020.
- (2) "Coronavirus emergency" means the period from March 10, 2020, through the date the Governor signs an executive order rescinding Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19.
- (3) "State agency" means an agency or an officer in the executive branch of the government of this State and includes the Council of State, the Governor's

Office, a board, a commission, a department, a division, a council, and any other unit of government in the executive branch. "State agency" does not include the North Carolina Department of Justice, the State Board of Education, or the State Board of Elections.

**SECTION 6.1.(b)** Each State agency shall review its rules, policies, procedures, enforcement actions, and any other type of agency requirement or action that affects the economic well-being of the citizens and businesses of the State and determine if, due to the impacts of the coronavirus, a waiver, delay, or modification of the agency's requirements or actions would be in the public interest, including the public health, safety, and welfare and the economic well-being of the citizens and businesses of the State. If the State agency determines that a waiver, delay, or modification of the agency's requirements or actions would be in the public interest, the agency shall adopt emergency rules or take other necessary actions to implement these waivers, delays, and modifications as expeditiously as possible.

**SECTION 6.1.(c)** Notwithstanding any other provision of State law, if a State agency determines that, due to the impacts of the coronavirus, it is in the public interest, including the public health, safety, and welfare and the economic well-being of the citizens and businesses of the State, the agency shall:

- (1) Delay the collection of, or modify the method of collection of, any fees, fines, or late payments assessed by the agency under its statutes, including the accrual of interest associated with any fees, fines, or late payments.
- (2) Delay the renewal dates of permits, licenses, and other similar certifications, registrations, and authorizations issued by the agency pursuant to its statutes.
- (3) Delay or modify any educational or examination requirements implemented by the agency pursuant to its statutes.

**SECTION 6.1.(d)** No later than October 1, 2020, each State agency shall report to the Joint Legislative Administrative Procedure Oversight Committee, the Joint Legislative Commission on Governmental Operations, and the Office of State Budget and Management on its specific efforts to exercise regulatory flexibility under this section. If a State agency chooses not to exercise regulatory flexibility under this section, the report shall include an explanation from the agency as to how it determined that its exercise of regulatory flexibility was not in the public interest, including the public health, safety, and welfare and the economic well-being of the citizens and businesses of the State, during the coronavirus emergency.

**SECTION 6.1.(e)** State agencies shall exercise the authority granted pursuant to this section to the maximum extent practicable in order to protect the economic well-being of the citizens and businesses of the State, while also continuing to protect public health, safety, and welfare.

**SECTION 6.1.(f)** State agencies may adopt emergency rules for the implementation of this section in accordance with G.S. 150B-21.1A. Notwithstanding G.S. 150B-21.1A(a), an agency shall not commence the adoption of temporary rules pursuant to this section. Notwithstanding G.S. 150B-21.1A(d)(4), an emergency rule adopted pursuant to this section shall remain in effect during the pendency of the coronavirus emergency, unless the State agency specifies an earlier expiration date.

**SECTION 6.1.(g)** This section shall be construed liberally in order to allow State agencies to protect the economic well-being of the citizens and businesses of the State during the Coronavirus emergency.

**SECTION 6.1.(h)** This section is effective March 10, 2020, and expires on the earlier of the date the Governor signs an executive order rescinding Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, or September 1, 2020.

## **DIVISION OF MOTOR VEHICLES/EXTEND DEADLINES**

**SECTION 6.2.(a) Definition.** – For purposes of this section, "credential" means any of the following issued by the Division of Motor Vehicles:

- (1) Drivers license.
- (2) Learner's permit.
- (3) Commercial drivers license.
- (4) Temporary driving certificate.
- (5) Special identification card.
- (6) Handicapped placard.
- (7) Vehicle registration.
- (8) Temporary vehicle registration.
- (9) Dealer license plate.
- (10) Transporter plate.
- (11) Loaner/Dealer "LD" plate.
- (12) Vehicle inspection authorization.
- (13) Inspection station license.
- (14) Inspection mechanic license.
- (15) Motor vehicle dealer license.
- (16) Sales representative license.
- (17) Manufacturer license.
- (18) Distributor license.
- (19) Driver training school license.

**SECTION 6.2.(b) Extend Validity of Credentials.** – Notwithstanding renewal, duration, or expiration provisions of G.S. 20-7, 20-37.6, 20-37.7, 20-50, 20-66, 20-79, 20-79.02, 20-79.2, 20-183.4B, 20-183.4D, 20-288, and 20-324, or any other provision of law to the contrary, the Division of Motor Vehicles shall extend for a period of six months the validity of any credential that expires on or after March 1, 2020, and before August 1, 2020. A credential extended under this section shall expire six months from the date it otherwise expires as prescribed by law prior to this section. However, the subsequent expiration of a credential extended under this section shall occur on the date prescribed by law prior to this section without regard to the extension. The Division shall notify individuals affected by an extension granted under this section, including information on new expiration dates and how the extension affects subsequent renewal and expiration dates.

**SECTION 6.2.(c) Waive Penalties.** – Notwithstanding any provision of law to the contrary, the Division shall waive any fines, fees, or penalties associated with failing to renew a credential during the period of time the credential is valid by extension under subsection (b) of this section.

**SECTION 6.2.(d) Motor Vehicle Taxes.** – Notwithstanding any provision of law to the contrary, due dates for motor vehicle taxes that are tied to registration expiration under Article 22A of Chapter 105 of the General Statutes shall be extended to correspond with extended expiration dates under subsection (b) of this section.

**SECTION 6.2.(e) Validity by Extension a Defense.** – A person may not be convicted or found responsible for any offense resulting from failure to renew a credential issued by the Division if, when tried for that offense, the person shows that the offense occurred during the period of time the credential is valid by extension under subsection (b) of this section.

**SECTION 6.2.(f) Report.** – Within 30 days of the extensions made under subsection (b) of this section, the Division shall submit a report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division detailing implementation of this section.

**SECTION 6.2.(g) Effective Date.** – This section is effective retroactively to March 1, 2020, and applies to expirations occurring on or after that date.

## **TEMPORARY FLEXIBILITY FOR QUALITY IMPROVEMENT PLANS**

**SECTION 6.2A.(a)** For purposes of this section, the following definitions apply:

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

**SECTION 6.2A.(b)** Notwithstanding any other provision of law to the contrary, neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce any provision of the Quality Improvement rules to the extent they require any of the following:

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

**SECTION 6.2A.(c)** Notwithstanding any other provision of law to the contrary, neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce any provision of the quality Improvement Rules or the Application Fee Rules to the extent they require any individual to fill out an application or pay a fee, provided that individual is providing volunteer healthcare services within the scope of his or her license in response to the COVID-19 pandemic state of emergency declared by the Governor of North Carolina on March 10, 2020.

**SECTION 6.2A.(d)** Notwithstanding any other provision of law to the contrary, neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce any provision of the Annual Review Rules.

**SECTION 6.2A.(e)** This section is effective when it becomes law, and expires 60 days after all of the following are rescinded or expired: (i) Executive Order No. 116, issued by Governor Roy A. Cooper, (ii) the major disaster declaration by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121. et seq., as amended, for this State on March 25, 2020, and (iii) a declared nationwide public health emergency as a result of the 2019 novel coronavirus declared by the Secretary of Health and Human Services under Section 319 of the Public Health Service Act on January 31, 2020.

## **STATE TREASURER AUTHORITY TO DEFER STATE HEALTH PLAN PREMIUM OR DEBT PAYMENTS DURING THE COVID-19 EMERGENCY**

**SECTION 6.3.(a)** For the limited time period between March 10, 2020, and the date that Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, is rescinded or expires, and subject to approval by the Board of Trustees, the State Treasurer may order that members, employing units, or both adversely affected by this state of emergency shall have the option of deferring premium or debt payments that are due to the North Carolina State Health Plan for Teachers and State Employees (Plan) during this specified limited time period. The State Treasurer may order the

1 expiration of the option to defer premium or debt payment prior to the end of the limited time  
2 period specified under this section but may not extend the option beyond that period.

3 **SECTION 6.3.(b)** Any option to defer premium or debt payments offered under this  
4 section shall be made for a period 30 days from the last day the premium or debt payment may  
5 have been made under the terms of the Plan, policy, contract, or agreement. Notwithstanding any  
6 provision of law to the contrary, this 30-day deferral period may also be applied to any statute,  
7 rule, or other policy or contract provision that imposes a time limit on the Plan or on a member  
8 to perform any act related to the Plan on or after March 10, 2020, and through the date that  
9 Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and  
10 Protective Actions to Prevent the Spread of COVID-19, is rescinded or expires. This 30-day  
11 deferral period may be extended by the State Treasurer in 30-day increments, subject to approval  
12 by the Board of Trustees. A deferral period shall not last beyond 90 days from the date Executive  
13 Order No. 116 expires or is rescinded.

14 **SECTION 6.3.(c)** An option to defer premium or debt payments offered under this  
15 section may be limited to a specific category of members or employing units, as necessary and  
16 as determined by the State Treasurer.

17 **SECTION 6.3.(d)** Nothing in this section shall be construed as to authorize the  
18 nonpayment of premiums or debt. All premium payments in arrears shall be paid to the Plan. If  
19 premiums in arrears are not paid, coverage shall lapse as of the last day of the month for which  
20 premiums were paid in full. The member shall be responsible for all medical expenses incurred  
21 since the effective date of the lapse in coverage.

22 **SECTION 6.3.(e)** This section is effective retroactively to March 10, 2020.

## 23 24 **PROVIDE MEDICAID COVERAGE FOR COVID-19 TESTING TO UNINSURED** 25 **INDIVIDUALS IN NORTH CAROLINA DURING THE NATIONWIDE PUBLIC** 26 **HEALTH EMERGENCY**

27 **SECTION 6.4.** The Department of Health and Human Services, Division of Health  
28 Benefits (DHB), is authorized to provide the Medicaid coverage described in 42 U.S.C.A. §  
29 1396a(a)(10)(A)(ii)(XXIII), which covers COVID-19 testing for certain uninsured individuals  
30 during the period in which there is a declared nationwide public health emergency as a result of  
31 the 2019 novel coronavirus, and for which the federal medical assistance percentage is one  
32 hundred percent (100%). DHB is authorized to provide this medical assistance retroactively to  
33 the earliest date allowable.

## 34 35 **DURATION OF TEMPORARY MEDICAID PROVIDER RATE INCREASES**

36 **SECTION 6.4A.** The Medicaid provider rate increases requested in (i) the 1135  
37 Medicaid disaster State Plan amendment (SPA) submitted to the Centers for Medicare and  
38 Medicaid Services by the Department of Health and Human Services on April 8, 2020, and (ii)  
39 any additional provider rate increases requested in subsequent 1135 Medicaid disaster State Plan  
40 amendments shall be applicable only until the expiration of the declared nationwide public health  
41 emergency as a result of the 2019 novel coronavirus or January 31, 2021, whichever is earlier.

## 42 43 **PERMIT TELEHEALTH TO CONDUCT SECOND INVOLUNTARY COMMITMENT** 44 **EXAMINATIONS DURING THE COVID-19 EMERGENCY**

45 **SECTION 6.5.(a)** The following definitions apply in this section:

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

50 **SECTION 6.5.(b)** Notwithstanding any provision of Chapter 122C of the General  
51 Statutes or any other provision of law to the contrary, the second examination of a respondent

required by G.S. 122C-266(a) to determine whether the respondent will be involuntarily committed due to mental illness or required by G.S. 122C-285(a) to determine if the respondent will be involuntarily committed due to substance use disorder may be conducted either in the physical face-to-face presence of a physician or utilizing telehealth equipment and procedures, provided that the following conditions are met:

- (1) In the case of involuntary commitment due to mental illness, the physician who examines the respondent by means of telehealth must be satisfied to a reasonable medical certainty that the determinations made in accordance with subdivisions (a)(1) through (a)(3) of G.S. 122C-266 would not be different if the examination had been done in the physical presence of the examining physician. An examining physician who is not so satisfied must note that the examination was not satisfactorily accomplished, and the respondent must be taken for a face-to-face examination in the physical presence of a physician.
- (2) In the case of involuntary commitment due to substance use disorder, the physician who examines the respondent by means of telehealth must be satisfied to a reasonable medical certainty that the determinations made in accordance with G.S. 122C-285(a) would not be different if the examination had been done in the physical presence of the commitment examiner. An examining physician who is not so satisfied must note that the examination was not satisfactorily accomplished, and the respondent must be taken for a face-to-face examination in the physical presence of a qualified professional, as defined in G.S. 122C-3; provided, that if the initial commitment examination was performed by a qualified professional, then this face-to-face examination shall be in the presence of a physician.

**SECTION 6.5.(c)** This section is effective when it becomes law and expires on the date the Governor rescinds Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19.

## **HEALTH CARE LIABILITY PROTECTION FOR EMERGENCY OR DISASTER TREATMENT**

**SECTION 6.6.(a)** Chapter 90 of the General Statutes is amended by adding a new Article to read:

### "Article 1L.

#### "Emergency or Disaster Treatment Protection Act.

#### "§ 90-21.130. Short title.

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

#### "§ 90-21.131. Purpose.

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

#### "§ 90-21.132. Definitions.

The following definitions apply in this Article:

- (1) COVID-19. – Coronavirus disease 2019.

- (2) COVID-19 emergency declaration. – Executive Order No. 116 issued March 10, 2020, by Governor Roy A. Cooper, including any amendments issued by executive order, subject to extensions under Chapter 166A of the General Statutes.
- (3) COVID-19 emergency rule. – Any executive order, declaration, directive, request, or other State or federal authorization, policy statement, rule making, or regulation that waives, suspends, or modifies applicable State or federal law regarding scope of practice, including modifications authorizing health care providers licensed in another state to practice in this State, or the delivery of care, including those regarding the facility space in which care is delivered and which equipment is used during the COVID-19 emergency declaration.
- (4) Damages. – Economic or non-economic losses for harm to an individual.
- (5) Harm. – Physical and nonphysical contact that results in injury to or death of an individual.
- (6) Health care facility. – Any entity licensed pursuant to Chapter 122C, 131D, or 131E of the General Statutes or Article 64 of Chapter 58 of the General Statutes.
- (7) Health care provider. –
- a. An individual who is licensed, certified, or otherwise authorized under Chapter 90 or 90B of the General Statutes to provide health care services in the ordinary course of business or practice of a profession or in an approved education or training program.
- b. A health care facility where health care services are provided to patients, residents, or others to whom such services are provided as allowed by law.
- c. Individuals licensed under Chapter 90 of the General Statutes or practicing under a waiver in accordance with G.S. 90-12.5.
- d. Any emergency medical services personnel as defined in G.S. 131E-155(7).
- e. Any individual providing health care services within the scope of authority permitted by a COVID-19 emergency rule.
- f. Any individual who is employed as a health care facility administrator, executive, supervisor, board member, trustee, or other person in a managerial position or comparable role at a health care facility.
- g. An agent or employee of a health care facility that is licensed, certified, or otherwise authorized to provide health care services.
- h. An officer or director of a health care facility.
- i. An agent or employee of a health care provider who is licensed, certified, or otherwise authorized to provide health care services.
- (8) Health care service. – Treatment, clinical direction, supervision, management, or administrative or corporate service, provided by a health care facility or a health care provider during the period of the COVID-19 emergency declaration, regardless of the location in this State where the service is rendered:
- a. To provide testing, diagnosis, or treatment of a health condition, illness, injury, or disease related to a confirmed or suspected case of COVID-19.
- b. To dispense drugs, medical devices, medical appliances, or medical goods for the treatment of a health condition, illness, injury, or disease related to a confirmed or suspected case of COVID-19.



c. To provide care to any other individual who presents or otherwise seeks care at or from a health care facility or to a health care provider during the period of the COVID-19 emergency declaration.

(9) Volunteer organization. – Any medical organization, company, or institution that has made its facility or facilities available to support the State's response and activities under the COVID-19 emergency declaration and in accordance with any applicable COVID-19 emergency rule.

**"§ 90-21.133. Immunity.**

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

(1) The health care facility, health care provider, or entity is arranging for or providing health care services during the period of the COVID-19 emergency declaration, including, but not limited to, the arrangement or provision of those services pursuant to a COVID-19 emergency rule.

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

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

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

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

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

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

**"§ 90-21.134. Severability.**

This section shall be liberally construed to effectuate its public health emergency purpose as outlined in G.S. 90-21.131. The provisions of this section are severable. If any part of this section is declared to be invalid by a court, the invalidity does not affect other parts of this section that can be given effect without the invalid provision."

**SECTION 6.6.(b)** This section is effective when it becomes law and applies to acts or omissions occurring during the time of Executive Order No. 116 issued on March 10, 2020, by Governor Roy A. Cooper, and any subsequent time period during which a state of emergency is declared to be in effect during calendar year 2020 by the Governor in response to COVID-19.

**LOTTERY COMMISSION REPORT**

**SECTION 6.7.(a)** The North Carolina State Lottery Commission shall submit a report relating to COVID-19 and associated economic impacts that contains at least all of the following:

- (1) The impact on sales of lottery games, including county-level data.
- (2) The impact on revenues.
- (3) The impact on retailers, including any changes to the number of retailers.
- (4) The impact on expenses of the lottery.
- (5) The impact upon transfers of net revenue pursuant to G.S. 18C-164.

**SECTION 6.7.(b)** The report shall be submitted to the Joint Legislative Oversight Committee on the State Lottery and the Fiscal Research Division on or before September 1, 2020.

## **LOCAL GOVERNMENT COMMISSION REVISIONS**

**SECTION 6.8.(a)** G.S. 159-33.1 reads as rewritten:

**"§ 159-33.1. Semiannual reports of financial information.**

**(a)** The finance officer of each unit and public authority shall submit to the secretary on January 1 and July 1 of each year (or such other dates as the secretary may prescribe) a statement of financial information concerning the unit or public authority. The secretary may prescribe the information to be included in the statement and may prescribe the form of the statement; provided, however, the secretary shall prescribe that the finance officer of each city and county shall include in the statement the total revenues received from building inspections, by type, and the total expenditures paid from all revenues received, by type.

**(b)** Notwithstanding the provisions of subsection (a) of this section or any rule or regulation prescribed by the secretary, the finance officer of each unit and public authority shall submit to the secretary a statement of financial information concerning the impact of COVID-19 on the finances of the unit or public authority no later than January 1, 2021. The information in the statement shall be a year-to-date comparison to calendar year 2020 and shall include (i) utility payments, including water, sewer, and electric, (ii) reductions in tax revenue, (iii) reductions in services due to reductions in tax revenue, (iv) total revenues received from building inspections, by type, (v) the ability to meet debt service obligations, (vi) the balances of any capital reserve funds, (vii) the purpose of any withdrawals from capital reserve funds, and (viii) any other information prescribed by the secretary. The Local Government Commission shall use the information provided pursuant to this subsection to identify units and public authorities that require assistance similar to that provided to units and public authorities on the Unit Assistance List compiled by the Commission.

**(c)** No later than February 15, 2021, the Local Government Commission shall report on the information provided by units and public authorities pursuant to subsection (b) of this section, including any recommendations for legislation, to the Joint Legislative Committee on General Government and the Fiscal Research Division."

**SECTION 6.8.(b)** G.S. 159-33.1(b), as enacted by subsection (a) of this section expires January 1, 2021, and G.S. 159-33.1(c), as enacted by subsection (a) of this section, expires February 15, 2021.

## **JOINT LEGISLATIVE OVERSIGHT COMMITTEES/EXTEND REPORTING DEADLINES**

**SECTION 6.9.** Notwithstanding any other provision of law, any report required by law to be submitted to a joint legislative oversight committee of the General Assembly after March 10, 2020, but before July 15, 2020, shall be held in abeyance until July 15, 2020. Thereafter, the report shall be submitted to the appropriate oversight committee and shall contain the information required by law. Any report required by law to be submitted to a joint legislative oversight committee on or after July 15, 2020, shall be submitted as provided by law.

**RELEASE OF CERTAIN GRANT FUNDS**

**SECTION 6.10.** The Office of State Budget and Management shall release the seven hundred thousand dollar (\$700,000) allocation authorized under subdivision (3) of subsection (c) of Section 26.2 of S.L. 2017-57.

**USE OF FY 2019-2020 CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT  
INCREASED AVAILABILITY TO ADDRESS IMMEDIATE CHILD CARE NEEDS**

**SECTION 6.11.** Section 1.1(a) of S.L. 2019-192 reads as rewritten:

**"DHHS BLOCK GRANTS**

**"SECTION 1.1.(a)** Except as otherwise provided, appropriations from federal block grant funds are made for each year of the fiscal biennium ending June 30, 2021, according to the following schedule:

|   | <b>FY 2019-2020</b> | <b>FY 2020-2021</b> |
|---|---------------------|---------------------|
| <b>TEMPORARY ASSISTANCE FOR NEEDY<br/>FAMILIES (TANF) FUNDS</b> |                     |                     |

...

**CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT****Local Program Expenditures****Division of Child Development and Early Education**

|                         |   |               |
|-------------------------|---|---------------|
| 01. Child Care Services | <del>\$232,109,943</del> <u>\$268,109,943</u> | \$239,499,318 |
|-------------------------|---|---------------|

...

|   |   |            |
|---|---|------------|
| 04. Quality and Availability Initiatives<br>(TEACH Program \$3,800,000) | <del>55,217,124</del> <u>67,217,124</u> | 55,217,124 |
|---|---|------------|

...

**TOTAL CHILD CARE AND DEVELOPMENT**

|                         |   |                      |
|-------------------------|---|----------------------|
| <b>FUND BLOCK GRANT</b> | <del>\$347,525,572</del> <u>\$395,525,572</u> | <b>\$354,547,850</b> |
|-------------------------|---|----------------------|

...."

**EMERGENCY VIDEO NOTARIZATION**

**SECTION 6.12.(a)** G.S. 10B-3 is amended by adding a new subdivision to read:

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

**SECTION 6.12.(b)** G.S. 10B-10 reads as rewritten:

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

...

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

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

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

**SECTION 6.12.(c)** Part 3 of Article 1 of Chapter 10B of the General Statutes is amended by adding a new section to read:

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

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

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

(1) Occurs in real time.

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

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

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

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

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

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

b. An independent video recording device.

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

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

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

- (1) Is current or, if expired, did not expire prior to March 10, 2020.
- (2) Is issued by a federal, state, or federal or state-recognized tribal government agency.
- (3) Bears a photographic image of the principal's face.
- (4) Has both the principal's signature and a physical description of the principal.

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

- (1) If an original wet-signed notarization on an original wet-signed document is not required, transmit a legible copy of the signed document to the notary by fax or other electronic means on the same day it was signed. The notary shall notarize the document on the same day the notary receives the document and the notary shall transmit the notarized document back to the principal or the principal's designee by physical delivery, fax, or other electronic means on the same day the notary signed the document.
- (2) If an original wet-signed notarization on an original wet-signed document, is required, transmit a legible copy of the signed document by fax or other electronic means to the notary on the same day on which the document was signed and also deliver the original signed document to the notary by mail or other physical method. The notary shall compare the original document with the document transmitted by fax or other electronic means. If the faxed or electronic document is the same as the document received by mail or physical delivery, the notary shall notarize the wet-signature on the original document and date the notarial act as of the date of the act observed using video conference technology and promptly transmit the original wet-notarized original document to the principal or the principal's designee by mail or other physical delivery as directed by the principal.

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

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

- (1) The North Carolina county in which the notary public was located during the emergency video notarization.
- (2) The North Carolina county in which the principal stated he or she was physically located during the emergency video notarization.
- (3) The following statement:

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

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

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

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

- (1) The time of day when the notary observed the signing of the document by each principal and was presented with the principal's acceptable form of identification.
- (2) The date of the completion of the emergency video notarization notarial certificate.
- (3) The last and first name of each principal.
- (4) The type of notarial act performed.
- (5) The type of document notarized or proceeding performed.
- (6) The type of acceptable form of identification presented including, if applicable, the issuing agency and identification number on the identification presented.
- (7) The type of video conference technology used during the emergency video notarization.
- (8) A statement that the notary and each principal could see and hear each other.
- (9) Whether any other person was present with the principal at the time of signature and if so, the name of that person.

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

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

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

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

**SECTION 6.12.(d)** This section is effective when it becomes law.

## **EMERGENCY VIDEO WITNESSING**

**SECTION 6.13.(a)** Chapter 10B of the General Statutes is amended by adding a new Article to read:

"Article 3.

"Video Witnessing During State of Emergency.

### **"§ 10B-200. Applicability.**

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

(b) This Article expires upon termination of the State of Emergency declared by Governor Roy Cooper in Executive Order No. 116, on March 10, 2020, as the same may be extended by any subsequent executive order.

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

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

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

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

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

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

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

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

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

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

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

**SECTION 6.13.(b)** This section is effective when it becomes law.

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

**SECTION 6.14.(a)** G.S. 32A-16 reads as rewritten:

**"§ 32A-16. Definitions.**

The following definitions apply in this Article:

...

(3) Health care power of attorney. – ~~A~~Except as provided in G.S. 32A-16.1, a written instrument that substantially meets the requirements of this Article, that is signed in the presence of two qualified witnesses, and acknowledged before a notary public, pursuant to which an attorney-in-fact or agent is appointed to act for the principal in matters relating to the health care of the principal. The notary who takes the acknowledgement may but is not required to be a paid employee of the attending physician or mental health treatment provider, a paid employee of a health facility in which the principal is a patient, or a paid employee of a nursing home or any adult care home in which the principal resides.

...

(6) Qualified witness. – ~~A~~Except as provided in G.S. 32A-16.1, a witness in whose presence the principal has executed the health care power of attorney, who believes the principal to be of sound mind, and who states that he or she

(i) is not related within the third degree to the principal nor to the principal's spouse, (ii) does not know nor have a reasonable expectation that he or she would be entitled to any portion of the estate of the principal upon the principal's death under any existing will or codicil of the principal or under the Intestate Succession Act as it then provides, (iii) is not the attending physician or mental health treatment provider of the principal, nor a licensed health care provider who is a paid employee of the attending physician or mental health treatment provider, nor a paid employee of a health facility in which the principal is a patient, nor a paid employee of a nursing home or any adult care home in which the principal resides, and (iv) does not have a claim against any portion of the estate of the principal at the time of the principal's execution of the health care power of attorney.

...."

**SECTION 6.14.(b)** Article 3 of Chapter 32A of the General Statutes is amended by adding a new section to read:

**"§ 32A-16.1. Health care powers of attorney executed during State of Emergency.**

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

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

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

**SECTION 6.14.(c)** G.S. 90-321 reads as rewritten:

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

(a) The following definitions apply in this Article:

...

(1a) Declaration. – ~~Any~~ Except as provided in G.S. 90-321.1, any signed, witnessed, dated, and proved document meeting the requirements of subsection (c) of this section.

...

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

...

(3) ~~That~~ Except as provided in G.S. 90-321.1, that has been signed by the declarant in the presence of two witnesses who believe the declarant to be of sound mind and who state that they (i) are not related within the third degree to the declarant or to the declarant's spouse, (ii) do not know or have a reasonable expectation that they would be entitled to any portion of the estate of the declarant upon the declarant's death under any will of the declarant or codicil thereto then existing or under the Intestate Succession Act as it then provides, (iii) are not the attending physician, licensed health care providers who are paid employees of the attending physician, paid employees of a health facility in which the declarant is a patient, or paid employees of a nursing



home or any adult care home in which the declarant resides, and (iv) do not have a claim against any portion of the estate of the declarant at the time of the declaration; and

...."

**SECTION 6.14.(d)** Article 23 of Chapter 90 of the General Statutes is amended by adding a new section to read:

**"§ 90-321.1. Advanced directive for a natural death executed during a State of Emergency.**

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

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

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

**SECTION 6.14.(e)** This section is effective when it becomes law.

**DISBURSEMENT OF FUNDS PRIOR TO RECORDATION OF DEED IN CERTAIN CIRCUMSTANCES**

**SECTION 6.15.(a)** Chapter 45A of the General Statutes is amended by adding a new section to read:

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

(a) Notwithstanding any other provision of this Chapter, in real estate transactions involving a one- to four-family residential dwelling or a lot restricted to residential use, a settlement agent may, in accordance with this section, make disbursement of closing funds prior to recordation of the deeds, deeds of trust, and any other required loan documents in the office of the register of deeds.

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

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

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

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

c. Is unable to accept documents for recording by any method, including in-person or electronic recording.

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

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

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

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

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

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

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

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

(4) The settlement agent does all the following:

a. Complies with all conditions of the closing instructions.

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

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

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

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

**SECTION 6.15.(b)** This section is effective when it becomes law and expires August 1, 2020.

## **MARRIAGE LICENSES**

**SECTION 6.16.(a)** G.S. 51-8 reads as rewritten:

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

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

ineligible to obtain one, the applicant shall present a statement to that effect, sworn to or affirmed before an officer authorized to administer oaths. Upon presentation of a sworn or affirmed statement, the register of deeds shall issue the license, provided all other requirements are met, and retain the statement with the register's copy of the license. The register of deeds shall not issue a marriage license unless all of the requirements of this section have been met.

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

**SECTION 6.16.(b)** G.S. 51-16 reads as rewritten:

**"§ 51-16. Form of license.**

License shall be in the following or some equivalent form:

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

Issued this \_\_\_\_ day of \_\_\_\_, \_\_\_\_

\_\_\_\_ L.M.

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

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

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

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

Witness present at the marriage:

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

**SECTION 6.16.(c)** This section becomes effective when it becomes law, applies to any marriage license issued on or after March 10, 2020, expires August 1, 2020, and any marriage license issued on or before that date shall be valid for 120 days.

**WAIVE ACCRUAL OF INTEREST ON DEFERRED PAYMENT OF CORPORATE INCOME AND FRANCHISE TAX AND INDIVIDUAL INCOME TAX AND EXTEND CERTAIN TAX-RELATED DEADLINES**

**SECTION 6.17.(a)** Interest Waiver. – As a result of the COVID-19 outbreak, the Secretary of Revenue has extended the franchise, corporate income, and individual income tax payment deadline from April 15, 2020, to July 15, 2020, and pursuant to G.S. 105-249.2, the Secretary will not assess a penalty for failure to file a return or pay a tax due as long as the return is filed and the tax due is paid by July 15, 2020. Notwithstanding G.S. 105-241.21(b), the Secretary of Revenue shall also waive the accrual of interest from April 15, 2020, through July 15, 2020, on an underpayment of tax imposed on a franchise, corporate income, or individual income tax return, including a partnership and estate and trust tax return, due from April 15, 2020, through July 15, 2020. The relief from accrual of interest from April 15, 2020, through July 15, 2020, also includes interest imposed pursuant to G.S. 105-163.15 and G.S. 105-163.41 for payments due on or before July 15, 2020.

**SECTION 6.17.(b)** Refund Request. – For franchise, corporate income, and individual income tax, the statute of limitations for obtaining a refund is extended to July 15, 2020, for refund claims for which the statute of limitations to seek a refund expires on or after April 15, 2020, and before July 15, 2020.

**SECTION 6.17.(c)** Time-Sensitive Actions. – Certain actions required to be taken by a taxpayer on or after April 1, 2020, and before July 15, 2020, will be considered timely if the request or petition is filed on or before July 15, 2020. This subsection applies to requests for Departmental review under G.S. 105-241.11, petitions for a contested case hearing at the Office of Administrative Hearings under Article 3 of Chapter 150B of the General Statutes and G.S. 105-241.15, and petitions for judicial review under Article 4 of Chapter 150B of the General Statutes and G.S. 105-241.16.

**SECTION 6.17.(d)** This section is effective when it becomes law.

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

**SECTION 6.18.(a)** Chapter 96 of the General Statutes is amended by adding a new section to read:

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

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

- (1) An employer temporarily ceases operations due to the coronavirus, preventing the individual from going to work.**
- (2) An employer reduces the hours of employment due to the coronavirus.**
- (3) An individual has a current diagnosis of the coronavirus.**
- (4) An individual is quarantined at the instruction of a health care provider or a local, State, or federal official.**

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

- (1) Waiting week.** – No waiting week applies to a claim for unemployment under this section.
- (2) Work search.** – The work search requirements do not apply to an individual who is eligible for unemployment under this section.
- (3) Non-charging.** – Benefits paid to an individual under this section are not charged to the account of any base period employer of the individual.

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

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

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

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

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

**SECTION 6.18.(b)** Notwithstanding G.S. 96-14.9, an individual may meet the reporting requirements of that section by telephone or via the Internet for the period beginning March 10, 2020, and ending on the earlier of the following: (i) the date the Governor signs an executive order rescinding Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, or (ii) December 31, 2020.

**SECTION 6.18.(c)** This section is effective when it becomes law.

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

**SECTION 6.19.(a)** G.S. 96-14.9(e) reads as rewritten:

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

...

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

...."

**SECTION 6.19.(b)** This section becomes effective July 1, 2020.

**SECTION 6.20.(a)** G.S. 96-15 is amended by adding a new subsection to read:

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

**SECTION 6.20.(b)** G.S. 105-356(a) reads as rewritten:

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

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

...."

**SECTION 6.20.(c)** This section is effective when it becomes law.

**SECTION 6.21.(a)** G.S. 120-70.158 is repealed.

**SECTION 6.21.(b)** This section is effective when it becomes law.

## **ADDITIONAL UNEMPLOYMENT INSURANCE LAW REVISIONS**

**SECTION 6.22.** Temporary Change/State Emergency Unemployment Aid. – Notwithstanding any provision of G.S. 96-14.2 to the contrary, effective from August 1, 2020, through December 31, 2020, the weekly benefit amount for an individual who is totally unemployed is an amount equal to the wages paid to the individual in the highest paid completed quarter of the individual's base period divided by 52 and rounded to the next lower whole dollar.

**SECTION 6.23.** Permanent Change/Up Weekly Benefit Maximum. – Effective August 1, 2020, G.S. 96-14.2(a) reads as rewritten:

"(a) Weekly Benefit Amount. – The weekly benefit amount for an individual who is totally unemployed is an amount equal to the wages paid to the individual in the last two completed quarters of the individual's base period divided by 52 and rounded to the next lower whole dollar. If this amount is less than fifteen dollars (\$15.00), the individual is not eligible for benefits. The weekly benefit amount may not exceed ~~three hundred fifty dollars (\$350.00)~~ four hundred dollars (\$400.00)."

## **PUBLIC BODIES/REMOTE MEETINGS DURING DECLARED EMERGENCIES**

**SECTION 6.24.(a)** Article 1A of Chapter 166A of the General Statutes is amended by adding a new section to read:

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

**(a) Remote Meetings.** – Notwithstanding any other provision of law, upon issuance of a declaration of emergency under G.S. 166A-19.20, any public body within the emergency area may conduct remote meetings in accordance with this section and Article 33C of Chapter 143 of the General Statutes throughout the duration of that declaration of emergency.

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

- (1) The public body shall give proper notice under G.S. 143-318.12 and under any other requirement for notice applicable to the public body. The notice shall also specify the means by which the public can access the remote meeting as that remote meeting occurs.**
- (2) Any member of the public body participating by a method of simultaneous communication in which that member cannot be physically seen by the public body must identify himself or herself in each of the following situations:**
  - a. When the roll is taken or the remote meeting is commenced.**
  - b. Prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order.**

- 1                   c.       Prior to voting.
- 2           (3)       All documents to be considered during the remote meeting shall be provided
- 3                   to each member of the public body.
- 4           (4)       The method of simultaneous communication shall allow for any member of
- 5                   the public body to do all of the following:
- 6                   a.       Hear what is said by the other members of the public body.
- 7                   b.       Hear what is said by any individual addressing the public body.
- 8                   c.       To be heard by the other members of the public body when speaking
- 9                               to the public body.
- 10          (5)       All votes shall be roll call; no vote by secret or written ballots, whether by
- 11                   paper or electronic means or in accordance with G.S. 143-318.13(b), may be
- 12                   taken during the remote meeting.
- 13          (6)       The public body shall comply with G.S. 143-318.13(c).
- 14          (7)       The minutes of the remote meeting shall reflect that the meeting was
- 15                   conducted by use of simultaneous communication, which members were
- 16                   participating by simultaneous communication, and when such members
- 17                   joined or left the remote meeting.
- 18          (8)       All chats, instant messages, texts, or other written communications between
- 19                   members of the public body regarding the transaction of the public business
- 20                   during the remote meeting are deemed a public record.
- 21          (9)       The remote meeting shall be simultaneously streamed live online so that
- 22                   simultaneous live audio, and video if any, of such meeting is available to the
- 23                   public. If the remote meeting is conducted by conference call, the public body
- 24                   may comply with this subdivision by providing the public with an opportunity
- 25                   to dial-in or stream the audio live and listen to the remote meeting.
- 26          (c)       Quorum. – A member of the public body participating by simultaneous
- 27                   communication under this section shall be counted as present for quorum purposes only during
- 28                   the period while simultaneous communication is maintained for that member. The provisions of
- 29                   G.S. 153A-44 and G.S. 160A-75 shall apply to all votes of each member of a county or municipal
- 30                   governing board taken during a remote meeting.
- 31          (d)       Voting by Members of the Public Body. – Votes of each member of a public body
- 32                   made during a remote meeting under this section shall be counted as if the member were
- 33                   physically present only during the period while simultaneous communication is maintained for
- 34                   that member.
- 35          (e)       Public Hearings. – A public body may conduct any public hearing required or
- 36                   authorized by law during a remote meeting, and take action thereon, provided the public body
- 37                   allows for written comments on the subject of the public hearing to be submitted between
- 38                   publication of any required notice and 24 hours after the public hearing.
- 39          (f)       Quasi-Judicial Hearings. – A public body may conduct a quasi-judicial proceeding as
- 40                   a remote meeting only when all of the following apply:
- 41                   (1)       The right of an individual to a hearing and decision occur during the
- 42                               emergency.
- 43                   (2)       All persons subject to the quasi-judicial proceeding who have standing to
- 44                               participate in the quasi-judicial hearing have been given notice of the
- 45                               quasi-judicial hearing and consent to the remote meeting.
- 46                   (3)       All due process rights of the parties affected are protected.
- 47          (g)       Closed Sessions. – The public body may conduct a closed session as authorized in
- 48                   G.S. 143-318.11. While in closed session, the public body is not required to provide access to the
- 49                   remote meeting to the public.

(h) Not Exclusive. – This section applies only during emergency declarations and does not supersede any authority for electronic meetings under Article 33C of Chapter 143 of the General Statutes.

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

(1) Official meeting. – As defined in G.S. 143-318.10(d).

(2) Public body. – As defined in G.S. 143-318.10(b) and (c).

(3) Remote meeting. – An official meeting, or any part thereof, with between one and all of the members of the public body participating by simultaneous communication.

(4) Simultaneous communication. – Any communication by conference telephone, conference video, or other electronic means."

**SECTION 6.24.(b)** G.S. 143-318.10(a) reads as rewritten:

"(a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting. Remote meetings conducted in accordance with G.S. 166A-19.24 shall comply with this subsection even if all members of the public body are participating remotely."

**SECTION 6.24.(c)** G.S. 143-318.13 is amended by adding a new subsection to read:

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

**SECTION 6.24.(d)** G.S. 143-318.14A(e) reads as rewritten:

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

**SECTION 6.24.(e)** G.S. 153A-43 reads as rewritten:

**"§ 153A-43. Quorum.**

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

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

**SECTION 6.24.(f)** G.S. 160A-74 reads as rewritten:

**"§ 160A-74. Quorum.**

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

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

**SECTION 6.24.(g)** G.S. 160A-75, effective until January 1, 2021, reads as rewritten:

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

(a) No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2). In all other cases except votes taken under G.S. 160A-385, a failure to vote by a member who is



physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

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

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

**SECTION 6.24.(h)** G.S. 160A-75, effective January 1, 2021, reads as rewritten:

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

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

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

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

**SECTION 6.24.(i)** This section does not affect the validity of S.L. 2008-111.

**SECTION 6.24.(j)** This section is effective when it becomes law and applies throughout the duration of any declaration of emergency issued under G.S. 166A-19.20 in effect on or after that date. The actions of any public body in an open meeting conducted via simultaneous communication between March 10, 2020, and the effective date of this section are not deemed invalid due to the use of simultaneous communication to conduct that open meeting.

## **ESTABLISHMENT OF TEMPORARY PANDEMIC RECOVERY OFFICE**

**SECTION 6.25.** OSBM shall establish a temporary North Carolina Pandemic Recovery Office (Office) to oversee and coordinate funds made available under COVID-19 Recovery Legislation. This Office shall also provide technical assistance and ensure coordination of federal funds received by State agencies and local governments and ensure proper reporting and accounting of all funds. The authorization set forth in this section expires 12 months from the effective date of this act and the Office shall cease to operate upon expiration of the authorization.

## **FUNDS FOR TESTING, CONTACT TRACING, AND TRENDS TRACKING AND ANALYSIS**

**SECTION 6.26.(a)** OSBM shall not release the funds allocated in Section 3.3(22) of this act to the Department of Health and Human Services until the Department fulfills all of the following requirements:

- (1) The Department shall require each person in charge of a laboratory providing diagnostic service in this State and any other health care provider licensed in this State that provides diagnostic service to report the results of all COVID-19 testing to the Department of Health and Human Services. The Department of Health and Human Services shall post both positive and negative COVID-19 test results on the Department's Internet website, as part of its COVID-19 North Carolina Dashboard.
- (2) The Department shall post on its Internet website information about any vendor contracted to perform COVID-19 testing, upon the execution of a contract with the vendor. This information posted shall include the cost per test.
- (3) The Department shall collect and report on its Internet web site COVID-19 recovery rates, as defined by the Department.
- (4) The Department shall report COVID-19-related hospital discharges, along with underlying health conditions, if any, associated with each COVID-19 hospital discharge.
- (5) The Department shall provide comprehensive reporting on COVID-19 deaths, including the percentage of patients diagnosed with severe comorbidities prior to being diagnosed with COVID-19 and whether these deaths are solely classified as deaths due to COVID-19.

**SECTION 6.26.(b)** Within six months after receiving funds allocated under Section 3.3(22) of this act, the Department of Health and Human Services and any public or private entity that is the recipient of funds allocated under Section 3.3(22) of this act shall report on the use of these funds to the House Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Joint Legislative Oversight Committee on Health and Human Services.

## **LIMITED BUSINESS IMMUNITY FOR ESSENTIAL BUSINESSES**

**SECTION 6.27.** Chapter 66 of the General Statutes is amended by adding a new Article 48 to read:

"Article 48.

"Limited Business Immunity.

### **"§ 66-460. Essential businesses; liability limitation**

Notwithstanding any other provision of law and subject to G.S. 66-461, an essential business that provides goods or services in this State shall have immunity from civil liability to any customer or employee for any injuries or death alleged to have been caused as a result of the customer or employee contracting COVID-19 while doing business with or while employed by the essential business. The immunity from civil liability provided in this section shall not apply

1 if the injuries or death were caused by an act or omission of the essential business constituting  
2 gross negligence, reckless misconduct, or intentional infliction of harm. This section does not  
3 preclude an employee of an essential business from seeking an appropriate remedy under Chapter  
4 97 of the General Statutes for any injuries or death alleged to have been caused as a result of the  
5 employee contracting COVID-19 while employed by the essential business.

6 **"§ 66-461. Applicability.**

7 This Article applies to acts or omissions occurring on or after the issuance of the COVID-19  
8 essential business executive order and expires when the COVID-19 emergency declaration is  
9 rescinded.

10 **"§ 66-462. Definitions.**

11 The following definitions apply in this Article:

- 12 (1) COVID-19. – The Coronavirus Disease 2019.  
13 (2) COVID-19 emergency declaration. – Executive Order No. 116 issued March  
14 10, 2020, by Governor Roy A. Cooper, including any amendments issued by  
15 Executive Order, subject to extensions under Chapter 166A of the General  
16 Statutes.  
17 (3) COVID-19 essential business executive order. – Executive Order No. 121  
18 issued March 27, 2020, by Governor Roy A. Cooper, including any  
19 amendments issued by Executive Order, subject to extensions under Chapter  
20 166A of the General Statutes.  
21 (4) Essential business. – Businesses, not-for-profit organizations, educational  
22 institutions, and governmental entities identified in the COVID-19 Essential  
23 Business Executive Order. The term also applies to any business that the  
24 Department of Revenue determines is essential.

25 **"§ 66-463. Severability.**

26 This Article shall be liberally construed to effectuate the public purpose of ensuring that  
27 essential businesses can provide goods and services to the public during the COVID-19  
28 pandemic. The provisions of this Article are severable. If any part of this Article is declared to  
29 be invalid by a court, the invalidity does not affect other parts of this Article that can be given  
30 effect without the invalid provision."  
31

32 **PART VI. MISCELLANEOUS**

33  
34 **EFFECT OF HEADINGS**

35 **SECTION 7.1.** The headings to the parts, subparts, and sections of this act are a  
36 convenience to the reader and are for reference only. The headings do not expand, limit, or define  
37 the text of this act, except for effective dates referring to a part or subpart.  
38

39 **SEVERABILITY**

40 **SECTION 7.2.** If any provision of this act or its application is held invalid, the  
41 invalidity does not affect other provisions or applications of this act that can be given effect  
42 without the invalid provisions or application, and to this end the provisions of this act are  
43 severable.  
44

45 **EFFECTIVE DATE**

46 **SECTION 7.3.** Except as otherwise provided, this act is effective when it becomes  
47 law.