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SESSION 2019

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HOUSE BILL 1043  
Committee Substitute Favorable 4/29/20  
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Short Title: COVID-19 Time Sensitive Matters.

(Public)

Sponsors:

Referred to:

April 28, 2020

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

The General Assembly of North Carolina enacts:

**EMERGENCY VIDEO NOTARIZATION**

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

**"§ 10B-10. Commission; oath of ~~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 August 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 2.(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.**



\* H 1 0 4 3 - C S S T F P - 6 8 \*

(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, 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 2.(d) This section is effective when it becomes law.

## EMERGENCY VIDEO WITNESSING

SECTION 3.(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 August 1, 2020.

(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 video conference 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 3.(b) This section is effective when it becomes law.

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

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

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

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

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

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

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

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

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

## **CLARIFY ELECTRONIC SIGNATURES FOR SEARCH WARRANTS AND CERTAIN COURT ORDERS**

**SECTION 4.5.(a)** Notwithstanding any other provision of law, any signature required for the issuance of a search warrant pursuant to Article 11 of Chapter 15A of the General Statutes, or on any judicial order issued following a court hearing conducted by remote audio or visual transmission in a civil or criminal case, may be signed by use of an electronic signature.

**SECTION 4.5.(b)** This section is effective when it becomes law and shall expire on August 1, 2020.

## **AUTHORIZE THE CHAIRMAN OF THE ABC COMMISSION TO ALLOW CERTAIN SALES DURING THE CORONAVIRUS EMERGENCY**

**SECTION 4.7.(a)** Notwithstanding G.S. 18B-1001(10), G.S. 18B-1001.4, and any other provision of law to the contrary, the Chairman of the ABC Commission may allow permittees with a permit issued under G.S. 18B-1001(10) to engage in retail sales for consumption off the premises, including delivery by the permittee or the permittee's employee or independent contractor. The Chairman may also allow permittees with a permit issued under G.S. 18B-1001.4, or the permittee's employee or independent contractor, to deliver products prepared by a permittee with a permit issued under G.S. 18B-1001(10). The Chairman may prescribe the terms and conditions under which sales and deliveries shall be allowed under this section, but shall at least require that products sold or delivered under this section shall be:

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

**SECTION 4.7.(b)** This section is effective when it becomes law and expires on the date that Executive Order 116, a Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, expires or is rescinded.

## **EXTEND TIME PERIOD TO CLAIM LOTTERY PRIZES**

**SECTION 4.8.(a)** Notwithstanding G.S. 18C-132, a lottery prize winner may submit a delayed claim for a lottery prize that is expiring or awarded between March 10, 2020, and August 1, 2020. The claim shall be submitted to the Lottery Commission in writing no later than 90 days after the date the online game prize was announced or the instant game has closed.

**SECTION 4.8.(b)** This section is effective when it becomes law.

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

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

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

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

**SECTION 5.(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 designated by the Division of Motor Vehicles under subsection (b) of this section.

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

**SECTION 5.(f) Validity by Extension a Defense.** – A person may not be convicted or found responsible for any offense resulting from failure to renew a license, permit, registration, or other credential issued by the Division of Motor Vehicles 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 5.(g) Report.** – Within 30 days of any extension made under subsection (b) of this section, the Division of Motor Vehicles shall submit a report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division detailing the credentials affected and the duration of the extension.

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

## REMOTE RENEWAL OF SPECIAL IDENTIFICATION CARDS

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

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

a. Requirements. – To be eligible for remote renewal or conversion under this subdivision, a person must meet all of the following requirements:

1. The license holder possesses either (i) a valid Class C drivers license or (ii) a valid full provisional license and is at least 18 years old at the time of the remote conversion.
2. The license holder's current license includes no restrictions other than a restriction for corrective lenses.
3. The license or identification card holder attests, in a manner designated by the Division, that (i) the license or identification card holder is a resident of the State and currently resides at the address on the license or identification card to be renewed or converted, (ii) the license or identification card holder's name as it appears on the license or identification card to be renewed or converted has not changed, and (iii) all other information required by the Division for an in-person renewal under this Article has been provided completely and truthfully. If the license or identification card holder does not currently reside at the address on the license or identification card to be renewed or converted, the license or identification card holder

may comply with the address requirement of this sub-sub-subdivision by providing the address at which the license or identification card holder resides at the time of the remote renewal or conversion request.

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

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

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

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

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

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

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

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

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

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

#### **DELAY DMV HEADQUARTERS MOVE**

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

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

**SECTION 7.(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 8.(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-16A, 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-16A, 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 8.(b)** Article 3 of Chapter 32A of the General Statutes is amended by adding a new section to read:

**"§ 32A-16A. 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 March 1, 2021; 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 8.(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. 90-321A, 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. 90-321A, 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 8.(d)** Article 23 of Chapter 90 of the General Statutes is amended by adding a new section to read:

**"§ 90-321A. Advanced directive for a natural death executed during 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 8.(e)** This section is effective when it becomes law.

**ADULT GUARDIANSHIP SERVICE AND HEARINGS**

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

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

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

(b) In the event that personal service is not possible because the respondent resides in a facility that restricts visitors due to a public health emergency, the respondent may be served by the sheriff leaving copies of the petition and initial notice of hearing at the facility with a person

employed by the facility who is apparently in charge of the office or who has apparent authority to receive documents intended for residents. The facility employee shall, as soon as practicable, present the copies to the respondent. Proof of service on the respondent shall be by return of service filed with the clerk showing the respondent was personally served or copies were left with the facility as described in this subsection."

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

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

**SECTION 10.(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, upon issuance of a declaration of emergency under G.S. 166A-19.20, 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 not accepting documents for recording in person or by electronic means.

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

## **MARRIAGE LICENSES**

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

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

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

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

...

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

...

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

...."

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

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

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

8             **SECTION 12.(c)** This section is effective when it becomes law and expires August  
9     1, 2020.

#### 11     **NEW ATTORNEYS' OATH**

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

17             **SECTION 12.5.(b)** This section is effective when it becomes law and expires  
18     December 1, 2020.

#### 20     **DELAY SCHOOL CAPITAL OUTLAY REPORT DUE FROM THE LOCAL** 21     **GOVERNMENT COMMISSION**

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

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

#### 30     **CARRYFORWARD OF DRIVERS EDUCATION FUNDS**

31             **SECTION 13.5.(a)** Funds appropriated in the 2019-2020 fiscal year from the Civil  
32     Penalty and Forfeiture Fund to the State Public School Fund for drivers education that are  
33     unexpended and unencumbered at the end of the 2019-2020 fiscal year shall not revert, but shall  
34     remain available until the end of the 2020-2021 fiscal year.

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

#### 37     **INVOLUNTARY COMMITMENT, TRANSPORTATION**

38             **SECTION 14.(a)** Notwithstanding the requirements of G.S. 122C-202.2(a),  
39     122C-251(g), and 122C-261(b) and (d)(4), the governing body of a city or county is authorized  
40     to establish an expedited process for designating and training personnel, other than law  
41     enforcement officers, for custody and transportation of persons as required by involuntary  
42     commitment proceedings.

43             **SECTION 14.(b)** This section is effective when it becomes law and expires August  
44     1, 2020.

#### 46     **INVOLUNTARY COMMITMENT, TELEMEDICINE**

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

48             "(c) The commitment examiner described in subsection (a) of this section shall examine  
49     the respondent as soon as possible, and in any event within 24 hours after the respondent is  
50     presented for examination. When the examination set forth in subsection (a) of this section is  
51     performed by a commitment examiner, the respondent may either be in the physical face-to-face

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

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

15 **"§ 122C-266. Inpatient commitment; second examination and treatment pending hearing.**

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

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

1 originating county or, if requested by the respondent, to another location in  
2 the originating county.

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

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

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

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

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

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

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

40 (1) The respondent's current and previous substance abuse including, if available,  
41 previous treatment history.

42 (2) The respondent's dangerousness to self or others as defined in  
43 G.S. 122C-3(11)."

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

45 **"§ 122C-285. Commitment; second examination and treatment pending hearing.**

46 (a) Within 24 hours of arrival at a 24-hour facility described in G.S. 122C-252, the  
47 respondent shall be examined by a qualified professional. This professional shall be a physician  
48 if the initial commitment evaluation was conducted by a commitment examiner who is not a  
49 physician. The examination shall include the assessment specified in G.S. 122C-283(c). The  
50 respondent may either be in the physical, face-to-face presence of the physician or may be  
51 examined by the physician utilizing telemedicine equipment and procedures. A physician who

examines a respondent by means of telemedicine must be satisfied to a reasonable medical certainty that the findings made in accordance with this subsection would not be different if the examination had been done in the physical presence of the physician. A 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 provided that, if the initial commitment examination was performed by a qualified professional, this professional shall be a physician. If the physician or qualified professional finds that the respondent is a substance abuser and is dangerous to self or others, the physician or qualified professional shall hold and treat the respondent at the facility or designate other treatment pending the district court hearing. If the physician or qualified professional finds that the respondent does not meet the criteria for commitment under G.S. 122C-283(d)(1), the physician or qualified professional shall release the respondent and the proceeding shall be terminated. In this case the reasons for the release shall be reported in writing to the clerk of superior court of the county in which the custody order originated. If the respondent is released, the law enforcement officer or other person designated or required under G.S. 122C-251(g) to provide transportation shall return the respondent to the originating county.

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

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

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

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

## COMMUNICABLE DISEASE INFORMATION TO LAW ENFORCEMENT

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

### "§ 130A-143. Confidentiality of records.

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

- (1) Release is made of specific medical or epidemiological information for statistical purposes in a way that no person can be ~~identified~~; identified.
- (2) Release is made of all or part of the medical record with the written consent of the person or persons identified or ~~their guardian~~; the person's personal representative, as defined in 45 Code of Federal Regulations § 164.502.
- (3) Release is made for purposes of treatment, payment, research, or health care operations to the extent that disclosure is permitted under 45 Code of Federal Regulations §§ 164.506 and 164.512(i). For purposes of this section, the terms "treatment," "payment," "research," and "health care operations" have the meaning given those terms in 45 Code of Federal ~~Regulations § 164.501~~; Regulations § 164.501.
- (4) Release is necessary to protect the public health and is made as provided by the Commission in its rules regarding control measures for communicable diseases and ~~conditions~~; conditions.
- (5) Release is made pursuant to other provisions of this ~~Article~~; Article.

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

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

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

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

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

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

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

16           **SECTION 16.2.(e)** This section is effective when it becomes law and expires August  
17 1, 2020. However, the expiration of this section shall not prevent a licensed soil scientist acting  
18 under this section's authority from completing a proposed wastewater system begun before the  
19 section expires.  
20

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

32           **SECTION 16.3.(a)** For purposes of this section, "Coronavirus emergency" means  
33 the period from March 10, 2020, through August 1, 2020.

34           **SECTION 16.3.(b)** In order to protect public health or the environment, the  
35 Secretary of Environmental Quality, or an authorized representative of the Secretary, may, upon  
36 request of a public or private landfill operator, or on the Secretary's own initiative, develop and  
37 implement any emergency measures and procedures that the Secretary deems necessary for the  
38 proper management of solid waste generated during the Coronavirus emergency. Written notice  
39 of emergency measures and procedures developed and implemented pursuant to this section shall  
40 be provided to news media, waste organizations, governmental agencies, solid waste facilities,  
41 and any other interested or affected parties as determined by the Secretary. Such emergency  
42 procedures and measures may include any of the following:

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

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

50           **SECTION 16.3.(c)** Notwithstanding G.S. 130A-309.10(f)(3) and  
51 G.S. 130A-309.10(k), a county or city may petition the Department of Environmental Quality

for a waiver from the prohibition on disposal of yard trash in a landfill based on a showing that prohibiting the disposal of the material would constitute an economic hardship or a real or potential public health risk.

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

**SECTION 16.4.(a)** For purposes of this section, "Coronavirus emergency" means the period from March 10, 2020, through August 1, 2020.

**SECTION 16.4.(b)** Notwithstanding G.S. 130A-309.10(f)(3) and G.S. 130A-309.10(k), a county or city may petition the Department of Environmental Quality for a waiver from the prohibition on disposal of yard trash in a landfill during the Coronavirus emergency based on a showing that prohibiting the disposal of the material would constitute an economic hardship or a real or potential public health risk.

**SECTION 16.4.(c)** Notwithstanding G.S. 130A-309.10(f)(3), a private company that is providing collection services for yard trash may petition the Department of Environmental Quality for a waiver from the prohibition on disposal of yard trash in a landfill during the Coronavirus emergency based on a showing that prohibiting the disposal of the material would constitute an economic hardship or a real or potential public health risk. The authority granted under this section shall apply to a private company providing collection services for yard trash within a county or city's jurisdiction: (1) whether or not the county or city has elected to request a waiver from the Department pursuant to Section 16.4(b) of this act; and, (2) notwithstanding any requirement under a franchise agreement or other contractual arrangement between the private company and a city or county applicable to yard trash disposal.

**SECTION 16.4.(d)** This section is effective when it becomes law and expires August 1, 2020."

## **EXPAND WHO MAY BE APPOINTED MEDICAL EXAMINER**

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

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

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

## **STATE HEALTH PLAN PREMIUM AND DEBT PAYMENT DEFERRAL OPTION DURING DECLARATION OF EMERGENCY**

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

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

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

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

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

- (1) The Governor or legislature has declared a state of emergency under G.S. 166A-19.20.
- (2) The Governor has issued a disaster declaration under G.S. 116A-19.21.
- (3) The President of the United States has issued a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121, et seq., as amended, for this State, for an area within this State, or for an area in which a member or an employing unit is located.
- (4) The Governor, legislature, or other governing body has declared a state of emergency or disaster, or the equivalent, for an area in which a member or employing unit is located.

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

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

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

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

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

## **INTERIM DETERMINATIONS AND INTERIM CERTIFICATIONS FOR CERTAIN DISABILITY BENEFITS**

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

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

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

**SECTION 20.(c)** The medical board shall review any interim determinations or interim certifications made in accordance with this section as soon as practicable and shall then

1 make a final determination or final certification for disability benefits. If, subsequent to an interim  
2 determination or interim certification, the medical board makes a final determination that a  
3 member or beneficiary is not eligible for disability benefits, then any payment to that member or  
4 beneficiary shall cease and the determination shall be applied prospectively only so that the final  
5 determination will not require any refund by the member or beneficiary to the applicable  
6 retirement system or benefit plan for payments or benefits received during the interim period  
7 before the final determination is made.

8 **SECTION 20.(d)** This section is effective when it becomes law. Subsection (b) of  
9 this section expires August 1, 2020. Any interim determinations or interim certifications made,  
10 as allowed under subsection (b) of this section, will remain valid until a final determination is  
11 made, in accordance with subsection (c) of this section.  
12

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

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

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

40 **SECTION 21.(b)** For individuals who retired prior to April 1, 2020, any earnings  
41 received between March 10, 2020, and the time that this section expires shall not be treated as  
42 earned by a TSERS beneficiary under the provisions of G.S. 135-3(8)c., provided those earnings  
43 are related to a position needed due to the COVID-19 pandemic, as certified to the Retirement  
44 Systems Division of the Department of State Treasurer by the employing agency.

45 **SECTION 21.(c)** For individuals who retired prior to April 1, 2020, any earnings  
46 received between March 10, 2020, and the time that this section expires shall not be treated as  
47 earned by a beneficiary of the Local Governmental Employees Retirement System (LGERS)  
48 under the provisions of G.S. 128-24(5)c., provided those earnings are related to a position needed  
49 due to the COVID-19 pandemic, as certified to the Retirement Systems Division of the  
50 Department of State Treasurer by the employing unit.

1           **SECTION 21.(d)** Any benefits received by or paid to a law enforcement officer or  
2 retired law enforcement officer under Article 12D of Chapter 143 of the General Statutes shall  
3 not be impacted by any work performed between March 10, 2020, and the time that this section  
4 expires, provided that work performed is needed due to the COVID-19 pandemic, as documented  
5 by the employing unit or agency.

6           **SECTION 21.(e)** This section is effective when it becomes law and expires August  
7 1, 2020.

8  
9           **EXTEND VALIDITY OF PROBATIONARY CERTIFICATES ISSUED BY THE**  
10 **NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD**

11           **SECTION 21.2.(a)** Extend Validity of Probationary Certificates. – Notwithstanding  
12 any provision of law to the contrary, any probationary certificates issued to Code-enforcement  
13 officials by the North Carolina Code Officials Qualification Board under G.S. 143-151.13 that  
14 are set to expire between March 10, 2020, and March 10, 2021, shall be deemed valid and  
15 unexpired until March 12, 2021.

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

17  
18           **FLEXIBILITY TO WAIVE OF INTEREST ON PROCUREMENT**

19           **SECTION 21.3.(a)** Notwithstanding G.S.147-86.23, a State agency, as defined in  
20 G.S. 147-86.20(5), may waive any interest due on a past-due account receivable. This section  
21 does not apply to money owed to the University of North Carolina Health Care System or to East  
22 Carolina University's Division of Health Sciences for health care services, to the North Carolina  
23 Turnpike Authority for money owed to the Authority for tolls, or to the North Carolina State  
24 Health Plan for past-due account receivables related to premiums and claims payments.

25           **SECTION 21.3.(b)** This section is effective when it becomes law and expires August  
26 1, 2020.

27  
28           **PROVIDE FOR THE RESCHEDULING OF PUBLIC HEARINGS DURING**  
29 **TEMPORARY RULE MAKING**

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

31           **"§ 150B-21.1. Procedure for adopting a temporary rule.**

32           ...

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

- 34           (1) At least 30 business days prior to adopting a temporary rule, submit the rule  
35 and a notice of public hearing to the Codifier of Rules, and the Codifier of  
36 Rules shall publish the proposed temporary rule and the notice of public  
37 hearing on the Internet to be posted within five business days.
- 38           (2) At least 30 business days prior to adopting a temporary rule, notify persons on  
39 the mailing list maintained pursuant to G.S. 150B-21.2(d) and any other  
40 interested parties of its intent to adopt a temporary rule and of the public  
41 hearing.
- 42           (3) Accept written comments on the proposed temporary rule for at least 15  
43 business days prior to adoption of the temporary rule.
- 44           (4) Hold at least one public hearing on the proposed temporary rule no less than  
45 five days after the rule and notice have been published. If notice of a public  
46 hearing has been published and that public hearing has been cancelled, the  
47 agency shall publish notice at least five days prior to the date of any  
48 rescheduled hearing.

49           ...."

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

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

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

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

...

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

...."

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

**CLARIFY AVAILABLE FOR PUBLIC INSPECTION/LOCAL GOVERNMENT BUDGET PROCESS**

**SECTION 23.5.** G.S. 159-12 reads as rewritten:

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

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

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

**SECTION 23.5.** This section is effective when it becomes law and expires August 1, 2020.

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

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

2   **"§ 159-32. Daily deposits.**

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

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

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

22  
23 **REINSTATE SPECIAL OBLIGATION BONDS**

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

26                               "Article 7A.

27                               "Special Obligation Bonds and Notes.

28 **"§ 159-146. Additional powers of units of local government; issuance of special obligation**  
29 **bonds and notes.**

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

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

- 36       (1) Bonds. – The special obligation bonds authorized to be issued by a unit of  
37 local government under this Article.
- 38       (2) Costs. – The capital cost of acquiring or constructing any project, including,  
39 without limitation, all of the following:
- 40           a. The costs of doing one or more of the following deemed necessary or  
41 convenient by a unit of local government:
- 42               1. Acquiring, constructing, erecting, providing, developing,  
43 installing, furnishing, and equipping.
- 44               2. Reconstructing, remodeling, altering, renovating, replacing,  
45 refurnishing, and re-equipping.
- 46               3. Enlarging, expanding, and extending.
- 47               4. Demolishing, relocating, improving, grading, draining,  
48 landscaping, paving, widening, and resurfacing.
- 49           b. The costs of all property, both real and personal and both improved  
50 and unimproved, and of plants, works, appurtenances, structures,  
51 facilities, furnishings, machinery, equipment, vehicles, easements,

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

- 1                   a.       Solid waste management projects and capital expenditures to  
2                   implement such projects, including, without limitation, the purchase  
3                   of equipment or facilities, construction costs of an incinerator; land to  
4                   be used for recycling facilities or landfills; leachate collection and  
5                   treatment systems; liners for landfills; monitoring wells; recycling  
6                   equipment and facilities; volume reduction equipment; and financing  
7                   charges. This sub-subdivision does not include (i) the operational and  
8                   maintenance costs of solid waste management facilities or programs;  
9                   (ii) general planning or feasibility studies; or (iii) the purchase of land,  
10                  unless the land is to be used for a recycling facility or a landfill.
- 11                  b.       Any of the following as defined in S.L. 1998-132: water supply  
12                  systems, water conservation projects, water reuse projects, wastewater  
13                  collection systems, and wastewater treatment works.
- 14                  c.       With respect to a city, any service or facility authorized by  
15                  G.S. 160A-536 and provided in a municipal service district.
- 16           (8)   Unit of local government or unit. – Any of the following:
- 17                  a.       A unit of local government as defined in G.S. 159-44(4).
- 18                  b.       Any combination of units, as defined in G.S. 160A-460(2), entering  
19                  into a contract or agreement with each other under G.S. 160A-461.
- 20                  c.       Any joint agency established under G.S. 160A-462; as any such  
21                  section may be amended from time to time.
- 22                  d.       Any regional solid waste management authority created pursuant to  
23                  G.S. 153A-421.
- 24                  e.       A consolidated city-county as defined by G.S. 160B-2(1), including  
25                  such a consolidated city-county acting with respect to an urban service  
26                  district defined by a consolidated city-county.

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

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

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

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

46           The sources of payment so pledged and then held or thereafter received by a unit or any  
47           fiduciary thereof shall immediately be subject to the lien of the pledge without any physical  
48           delivery of the sources or further act. The lien shall be valid and binding as against all parties  
49           having claims of any kind in tort, contract, or otherwise against a unit without regard to whether  
50           the parties have notice thereof. The proceedings or any other document or action by which the

1 lien on a source of payment is created need not be filed or recorded in any manner other than as  
2 provided in this section.

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

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

10 a. Continue to provide a service or activity.

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

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

15 a. The order meets the standards set out in G.S. 159-148(a)(1),  
16 159-148(a)(2), and 159-148(a)(3), or involves the construction or  
17 repair of fixtures or improvements on real property.

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

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

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

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

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

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

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

- (1) Any such use of these sources will not constitute a pledge of the unit's taxing power.
- (2) The unit is not obligated to pay the principal or interest or premium except from these sources.

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

- (1) Be made payable from time to time on demand or tender for purchase by the owner thereof as long as a credit facility supports the bonds or notes, unless the Local Government Commission specifically determines that a credit facility is not required upon a finding and determination by the Local Government Commission that the absence of a credit facility will not materially and adversely affect the financial position of the unit and the marketing of the bonds or notes at a reasonable interest cost to the unit.
- (2) Be additionally supported by a credit facility.
- (3) Be made subject to redemption or a mandatory tender for purchase prior to maturity.
- (4) Bear interest at a rate or rates that may vary for such period or periods of time, all as may be provided in the proceedings providing for the issuance of the bonds or notes including, without limitation, such variations as may be permitted pursuant to a par formula.
- (5) Be made the subject of a remarketing agreement whereby an attempt is made to remarket the bonds or notes to new purchasers prior to their presentment for payment to the provider of the credit facility or to the unit.

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

(h) Term; Form. – Notes shall mature at such time or times and bonds shall mature, not exceeding 40 years from their date or dates, as may be determined by the unit of local government, except that no such maturity dates may exceed the maximum maturity periods prescribed by the Local Government Commission pursuant to G.S. 159-122, as it may be amended from time to time. The unit shall determine the form and manner of execution of the bonds or notes, including any interest coupons to be attached thereto, and shall fix the denomination or denominations and the place or places of payment of principal and interest, which may be any bank or trust company within or without the United States. In case any officer of the unit whose signature, or a facsimile of whose signature, appears on any bonds or notes or coupons, if any, ceases to be the officer before delivery thereof, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if the officer had remained in office until the delivery. Any bond or note or coupon may bear the facsimile signatures of such persons who at the actual time or the execution thereof were the proper officers to sign although

1 at the date of the bond or note or coupon these persons may not have been the proper officers.  
2 The unit may also provide for the authentication of the bonds or notes by a trustee or other  
3 authenticating agent. The bonds or notes may be issued as certificated or uncertificated  
4 obligations or both, and in coupon or in registered form, or both, as the unit may determine, and  
5 provision may be made for the registration of any coupon bonds or notes as to principal alone  
6 and also as to both principal and interest, and for the reconversion into coupon bonds or notes of  
7 any bonds or notes registered as to both principal and interest, and for the interchange of  
8 registered and coupon bonds or notes. Any system for registration may be established as the unit  
9 may determine.

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

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

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

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

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

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

(m) Trust. – In the discretion of the unit of local government, any bonds and notes issued under the provisions of this section may be secured by a trust agreement by and between the unit and a corporate trustee or by a resolution providing for the appointment of a corporate trustee. Bonds and notes may also be issued under an order or resolution without a corporate trustee. The corporate trustee may be, in either case any trust company or bank having the powers of a trust company within or without the State. The trust agreement or resolution may pledge or assign such sources of revenue as may be permitted under this section. The trust agreement or resolution may contain such provisions for protecting and enforcing the rights and remedies of the owners of any bonds or notes issued thereunder as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the unit in respect of the purposes to which bond or note proceeds may be applied, the disposition and application of the revenues of the unit, the duties of the unit with respect to the project, the disposition of any charges and collection of any revenues and administrative charges, the terms and conditions of the issuance of additional bonds and notes, and the custody, safeguarding, investment, and application of all moneys. All bonds and notes issued under this section shall be equally and ratably secured by a lien upon the revenues pledged in the trust agreement or resolution, without priority by reasons of number, or dates of bonds or notes, execution, or delivery, in accordance with the provision of this section and of the trust agreement or resolution, except that the unit may provide in the trust agreement or resolution that bonds or notes issued pursuant thereto shall, to the extent and in the manner prescribed in the trust agreement or resolution, be subordinated and junior in standing, with respect to the payment of principal and interest and to the security thereof, to any other bonds or notes. It shall be lawful for any bank or trust company that may act as depository of the proceeds of bonds or notes, revenues, or any other money hereunder to furnish such indemnifying bonds or to pledge such securities as may be required by the unit. Any trust agreement or resolution may set out the rights and remedies of the owners of any bonds or notes and of any trustee, and may restrict the individual rights of action by the owners. In addition to the foregoing, any trust agreement or resolution may contain such other provisions as the unit may deem reasonable and proper for the security of the owners of any bonds or notes. Expenses incurred in carrying out the provisions of any trust agreement or resolution may be treated as a part of the cost of any project or as an administrative charge and may be paid from the revenues or from any other funds available.

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

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

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

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

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

(r) Refunding Bonds – Subject to agreements with the holders of its bonds or notes, a unit may issue bonds to refund outstanding bonds or notes previously issued under this Article or any predecessor provision to this Article, including bonds previously issued under Chapter 159I of the General Statutes, as amended, whether or not they have matured. Bonds may be issued partly for the purpose of refunding outstanding bonds and partly for any other purpose under this Article. Refunding bonds may be issued at any time prior to the final maturity of the debt or obligation to be refunded. The proceeds from the sale of any refunding bonds shall be applied only as follows: either, (i) to the immediate payment and retirement of the obligations being refunded or (ii) if not required for the immediate payment of the obligations being refunded such proceeds shall be deposited in trust to provide for the payment and retirement of the obligations being refunded, and to pay any expenses incurred in connection with such refunding. Money in any such trust fund may be invested in (i) direct obligations of the United States government, or (ii) obligations the principal of and interest on which are guaranteed by the United States government, or (iii) to the extent then permitted by law in obligations of any agency or instrumentality of the United States government, (iv) certificates of deposit issued by a bank or trust company located in the State of North Carolina if such certificates shall be secured by a pledge of any of said obligations described in (i), (ii), or (iii) above having any aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificates so secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption."

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

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

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

...."

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

"(13) To issue revenue bonds and special obligation bonds of the authority and enter into other financial arrangements including those permitted by this Chapter and Chapters ~~159, 159I, 159~~ and 160A of the General Statutes to finance solid waste management activities, including but not limited to systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, and disposal and for related support facilities, to refund any revenue ~~bonds~~ bonds, special obligation bonds or notes

issued by the authority, whether or not in advance of their maturity or earliest redemption date, or to provide funds for other corporate purposes of the authority;"

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

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

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

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

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

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

...

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

...."

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

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

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

...

(b) This Article shall not apply to:

...

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

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

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

Treasurer at public or private sale, upon such terms and conditions, and according to such procedures as the State Treasurer may prescribe."

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

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

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

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

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

#### **FLOODPLAIN MAPS BY INCORPORATION INTO LOCAL ORDINANCES**

**SECTION 26.1.(a)** Land use development ordinances adopted by a county or city may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by State and federal agencies. For these maps, a land use development ordinance or zoning map may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps. When zoning district boundaries are based on these maps, the land use development ordinance may provide that the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection by the county or city.

**SECTION 26.1.(b)** This section is effective when it becomes law and expires August 1, 2021.

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

**SECTION 27.(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 that restricts the number of individuals that may gather in one place in order to protect the public and the public health, 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.**

**c. Prior to voting.**

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

- (4) The method of simultaneous communication shall allow for any member of the public body to do all of the following:
- a. Hear what is said by the other members of the public body.
  - b. Hear what is said by any individual addressing the public body.
  - c. To be heard by the other members of the public body when speaking to the public body.
- (5) All votes shall be roll call; no vote by secret or written ballots, whether by paper or electronic means or in accordance with G.S. 143-318.13(b), may be taken during the remote meeting.
- (6) The public body shall comply with G.S. 143-318.13(c).
- (7) The minutes of the remote meeting shall reflect that the meeting was conducted by use of simultaneous communication, which members were participating by simultaneous communication, and when such members joined or left the remote meeting.
- (8) All chats, instant messages, texts, or other written communications between members of the public body regarding the transaction of the public business during the remote meeting are deemed a public record.
- (9) The remote meeting shall be simultaneously streamed live online with a telephonic option so that simultaneous live audio, and video if any, of such meeting is available to the public. If the public body conducting the remote meeting maintains its own Web site, that live stream shall be available on the Web site of the public body, accessible in a conspicuous location on such Web site. If the remote meeting is conducted by conference call, the public body may comply with this subdivision by providing the public with an opportunity to dial-in or stream the audio live and listen to the remote meeting.
- (c) Quorum. – A member of the public body participating by simultaneous communication under this section shall be counted as present for quorum purposes only during the period while simultaneous communication is maintained for that member. The provisions of G.S. 160A-75 and G.S. 153A-44 shall apply to all votes of each member of a county or municipal governing board taken during a remote meeting.
- (d) Voting by Members of the Public Body. – Votes of each member of a public body made during a remote meeting under this section shall be counted as if the member were physically present only during the period while simultaneous communication is maintained for that member.
- (e) Public Hearings. – A public body may conduct any public hearing required or authorized by law during a remote meeting, and take action thereon, provided the public body allows for written comments on the subject of the public hearing to be submitted between publication of any required notice and 24 hours after the public hearing.
- (f) Quasi-Judicial Hearings. – A public body may conduct a quasi-judicial proceeding as a remote meeting only when all of the following apply:
- (1) The right of an individual to a hearing and decision occur during the emergency.
  - (2) All persons subject to the quasi-judicial proceeding who have standing to participate in the quasi-judicial hearing have been given notice of the quasi-judicial hearing and consent to the remote meeting.
  - (3) All due process rights of the parties affected are protected.
- (g) Not Exclusive. – This section applies only during emergency declarations and does not supersede any authority for electronic meetings under Article 33C of the General Statutes.
- (h) 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 27.(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 27.(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 27.(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. 166A-19.24, 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."

**SECTION 27.(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 27.(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 27.(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

1 treated as if the member were physically present only during the period while simultaneous  
2 communication is maintained for that member.

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

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

14 "**§ 160A-75. (Effective January 1, 2021) Voting.**

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

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

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

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

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

#### 44 **EXTEND ORDINANCE/RULE REPORTING**

45 **SECTION 28.(a)** Section 1 of S.L. 2018-69, as amended by Section 3 of S.L.  
46 2019-198, reads as rewritten:

47 **"SECTION 1.** All State agencies, boards, and commissions that have the power to define  
48 conduct as a crime in the North Carolina Administrative Code shall create a list of all crimes  
49 defined by the agency, board, or commission that are in effect or pending implementation. Each  
50

agency, board, or commission shall submit the list to the Joint Legislative Administrative Procedure Oversight Committee no later than ~~November 1, 2019~~ March 1, 2021."

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

"**SECTION 3.** Every county with a population of 20,000 or more according to the last federal decennial census, city or town with a population of 1,000 or more according to the last federal decennial census, or metropolitan sewerage district that has enacted an ordinance punishable pursuant to G.S. 14-4(a) shall create a list of applicable ordinances with a description of the conduct subject to criminal punishment in each ordinance. Each county, city, town, or metropolitan sewerage district shall submit the list to the Joint Legislative Administrative Procedure Oversight Committee no later than ~~November 1, 2019~~ March 1, 2021."

**SECTION 29.(c)** Section 5 of S.L. 2019-198 is repealed.

**SECTION 29.(d)** No ordinance adopted on or after May 1, 2021, and before May 1, 2023, by a county, city, or town that was required to report pursuant to Section 3 of S.L. 2018-69, as amended by Section 4 of S.L. 2019-198 and further amended by **Section 28 of this act**, shall be subject to the criminal penalty provided by G.S. 14-4 unless that county, city, or town submitted the required report on or before March 1, 2021. Ordinances regulated by this section may still be subject to civil penalties as authorized by G.S. 153A-123 or G.S. 160A-175.

**SECTION 29.(e)** Section 6 of S.L. 2019-198 is repealed.

**SECTION 29.(f)** The General Statutes Commission shall study the reports received pursuant to S.L. 2018-69, as amended by S.L. 2019-198 and further amended by **Section 28 of this act**, and make recommendations regarding whether any conduct currently criminalized either (i) by an ordinance of a county, city, town, or metropolitan sewerage district or (ii) in the North Carolina Administrative Code by an agency, board, or commission, should have criminal penalties provided by a generally applicable State law. The Commission may submit an interim report to the 2020 Regular Session of the 2019 General Assembly and to the Joint Oversight Committee on General Government. The Commission shall report to the 2021 General Assembly and to the Joint Oversight Committee on General Government on or before March 1, 2021.

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

## **EXTEND THE NORTH CAROLINA CHILD WELL-BEING TRANSFORMATION COUNCIL THROUGH JANUARY 15, 2021**

**SECTION 29.1.** Section 24.1(i) of S.L. 2018-5 reads as rewritten:

"**SECTION 24.1.(i)** Reporting; Termination. – By June 30, 2019, the Children's Council shall submit an interim report to the chairs of the Senate Appropriations Committee on Health and Human Services, the chairs of the House of Representatives Appropriations Committee on Health and Human Services, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division. The report shall include a summary of the Council's work for the previous year, any findings and recommendations for change, and a work plan for the upcoming year. By ~~June 30, 2020~~ January 15, 2021 the Children's Council shall submit a final report and shall terminate on that date."

**SECTION 29.1.** This section is effective when it becomes law.

## **TRANSPORTATION NETWORK COMPANY SIGNAGE REQUIREMENTS**

**SECTION 29.2.(a)** Section 2(b) of S.L. 2019-194 reads as rewritten:

"**SECTION 2.(b)** G.S. 20-280.5(e) and (f), as enacted by this section, become effective July 1, ~~2020~~ 2021. The remainder of this section becomes effective October 1, 2019."

**SECTION 29.2.(b)** This section is effective when it becomes law.

## **EXTEND THE JOINT LEGISLATIVE STUDY COMMITTEE ON SMALL BUSINESS RETIREMENT OPTIONS THROUGH DECEMBER 1, 2020**

1           **SECTION 29.3.(a)** Section 5 of S.L. 2019-205 reads as rewritten:

2           **"SECTION 5.** The Committee shall report its interim findings and recommendations,  
3 including any recommended legislation, to the Speaker of the House of Representatives, the  
4 President Pro Tempore of the Senate, and the Fiscal Research Division no later than March 31,  
5 2020. The Committee shall report its final findings and recommendations, including any  
6 recommended legislation, to the Speaker of the House of Representatives, the President Pro  
7 Tempore of the Senate, and the Fiscal Research Division no later than December 1, 2020. The  
8 Committee shall terminate upon submission of the final report or ~~March 31, 2020, December 1,~~  
9 ~~2020, whichever occurs first.~~"

10           **SECTION 29.3.(b)** This act is effective retroactively to March 31, 2020.

11  
12 **AUTHORIZE STATE AGENCIES TO EXERCISE REGULATORY FLEXIBILITY**  
13 **DURING THE CORONAVIRUS EMERGENCY IN ORDER TO PROTECT THE**  
14 **ECONOMIC WELL-BEING OF THE CITIZENS AND BUSINESSES OF THE STATE**

15           **SECTION 30.(a)** For purposes of this section, the following definitions apply:

- 16           (1) "Coronavirus" has the same meaning as defined in Section 506 of the  
17 Coronavirus Preparedness and Response Supplemental Appropriations Act,  
18 2020.  
19           (2) "Coronavirus emergency" means the period from March 10, 2020, through the  
20 date the Governor signs an Executive Order rescinding Executive Order 116,  
21 a Declaration of a State of Emergency to Coordinate Response and Protective  
22 Actions to Prevent the Spread of COVID-19.  
23           (3) "State agency" means an agency or an officer in the executive branch of the  
24 government of this State and includes the Council of State, the Governor's  
25 Office, a board, a commission, a department, a division, a council, and any  
26 other unit of government in the executive branch. "State agency" does not  
27 include the Division of Employment Security of the Department of  
28 Commerce, the Department of Health and Human Services, the State Board  
29 of Education, the Department of Public Instruction, The University of North  
30 Carolina, the State Board of Community Colleges, or the State Board of  
31 Elections.

32           **SECTION 30.(b)** Notwithstanding any other provision of State law, if a State agency  
33 determines that, due to the impacts of the Coronavirus, it is in the public interest, including the  
34 public health, safety, and welfare and the economic well-being of the citizens and businesses of  
35 the State, the agency shall:

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

43           **SECTION 30.(c)** No later than October 1, 2020, each State agency shall report to  
44 the Joint Legislative Administrative Procedure Oversight Committee, the Joint Legislative  
45 Commission on Governmental Operations, and the Office of State Budget and Management on  
46 its specific efforts to exercise regulatory flexibility under this section.

47           **SECTION 30.(d)** State agencies shall exercise the authority granted pursuant to this  
48 section to the maximum extent practicable in order to protect the economic well-being of the  
49 citizens and businesses of the State, while also continuing to protect public health, safety, and  
50 welfare.

**SECTION 30.(e)** 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 expire August 1, 2020.

**SECTION 30.(f)** This section is effective retroactively to March 10, 2020. Subsections (a), (b), (d), and (e) of this section expire August 1, 2020.

**AUTHORIZE EXTENSION OF TRAINING AND CERTIFICATION OF LAW ENFORCEMENT OFFICERS BY FORENSIC TESTS FOR ALCOHOL BRANCH**

**SECTION 30.1.(a)** The Forensic Tests for Alcohol Branch of the Department of Health and Human Services may delay or modify any educational or examination requirements for recertification of law enforcement officers, and may extend any certifications already issued if the educational or examination requirements are delayed.

**SECTION 30.1.(b)** This section is effective March 10, 2020, and expires January 1, 2021.

**EXTEND CERTAIN LOCAL GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE**

**SECTION 30.2.(a)** Definitions. – As used in this section, the following definitions apply:

- (1) Development approval. – Any of the following approvals issued by any unit of local government, regardless of the form of the approval, that are for the development of land:
  - a. Any approval of an erosion and sedimentation control plan granted by a local government under Article 4 of Chapter 113A of the General Statutes.
  - b. Any building permit issued under Article 9 of Chapter 143 of the General Statutes.
  - c. Any approval by a county of sketch plans, preliminary plats, plats regarding a subdivision of land, a site specific development plan or a phased development plan, a development permit, a development agreement, or a building permit under Article 18 of Chapter 153A of the General Statutes.
  - d. Any approval by a city of sketch plans, preliminary plats, plats regarding a subdivision of land, a site specific development plan or a phased development plan, a development permit, a development agreement, or a building permit under Article 19 of Chapter 160A of the General Statutes.
  - e. Any certificate of appropriateness issued by a preservation commission of a city under Part 3C of Article 19 of Chapter 160A of the General Statutes.
- (2) Development. – The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or facility, or any grading, soil removal or relocation, excavation or landfill, or any use or change in the use of any building or other structure or land or extension of the use of land.

**SECTION 30.2.(b)** For any development approval that is current and valid at any point during the period beginning March 10, 2020, and ending April 28, 2020, the expiration date of the period of the development approval and any associated vested right under G.S. 153A-344.1 or G.S. 160A-385.1 is extended for five months.

**SECTION 30.2.(c)** This section shall not be construed or implemented to:

- (1) Extend any permit or approval issued by the United States or any of its agencies or instrumentalities.
- (2) Extend any permit or approval for which the term or duration of the permit or approval is specified or determined pursuant to federal law.
- (3) Shorten the duration that any development approval would have had in the absence of this section.
- (4) Prohibit the granting of such additional extensions as are provided by law.
- (5) Affect any administrative consent order issued by the Department of Environmental Quality in effect or issued at any time from the effective date of this section to September 28, 2020.
- (6) Affect the ability of a government entity to revoke or modify a development approval or to accept voluntary relinquishment of a development approval by the holder of the development approval pursuant to law.
- (7) Modify any requirement of law that is necessary to retain federal delegation by the State of the authority to implement a federal law or program.
- (8) Modify any person's obligations or impair the rights of any party under contract, including bond or other similar undertaking.
- (9) Authorize the charging of a water or wastewater tap fee that has been previously paid in full for a project subject to a development approval.

**SECTION 30.2.(d).** The provisions of this section shall be liberally construed to effectuate the purposes of this section.

**SECTION 30.2.(e)** For any development approval extended by this section, the holder of the development approval shall:

- (1) Comply with all applicable laws, regulations, and policies in effect at the time the development approval was originally issued by the governmental entity.
- (2) Maintain all performance guarantees that are imposed as a condition of the initial development approval for the duration of the period the development approval is extended or until affirmatively released from that obligation by the issuing governmental entity.
- (3) Complete any infrastructure necessary in order to obtain a certificate of occupancy or other final permit approval from the issuing governmental entity.

**SECTION 30.2.(f)** Failure to comply with any condition in this section may result in termination of the extension of the development approval by the issuing governmental entity. In the event of a termination of the extension of a development approval, the issuing governmental entity shall provide written notice to the last known address of the original holder of the development approval of the termination of the extension of the development approval, including the reason for the termination. Termination of an extension of a development approval shall be subject to appeal to the Board of Adjustment under the requirements set forth in law if the development approval was issued by a unit of local government with planning authority under Article 18 of Chapter 153A or Article 19 of Chapter 160A of the General Statutes.

**SECTION 30.2.(g)** This section is effective when it becomes law and expires September 28, 2020.

## **AUTHORIZE MODIFICATION OF CRIMINAL JUDGEMENTS REQUIRING INTERMITTENT ACTIVE TIME**

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

- (1) The defendant is unable to serve one or more ordered periods of confinement or imprisonment due to the local confinement facility's restrictions on inmates during the COVID-19 State of Emergency.
- (2) Without modification, the defendant will be in violation of the criminal judgment.
- (3) The District Attorney consents to modification of the criminal judgment.
- Any modification made pursuant to this authorization shall be as minimal as possible to allow the defendant to comply with the requirements of the criminal judgment.

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

#### **NCDOT CASH FLOOR**

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

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

#### **USE OF REGIONAL COUNCIL OF GOVERNMENTS IN ADMINISTRATION OF FEMA PUBLIC ASSISTANCE AND INDIVIDUAL ASSISTANCE FUNDS**

**SECTION 30.7.** In administering Federal Emergency Management Agency public assistance and individual assistance funds, the North Carolina Department of Emergency Management may utilize the North Carolina Regional Councils of Government established in accordance with Article 19 of Chapter 153A of the General Statutes and Part 2 of Article 20 of Chapter 160A of the General Statutes to provide assistance with training, grant applications, and any other requested service by qualifying units of local government. A regional council of government may be designated by a unit or units of local government to administer any Federal Emergency Management Agency public assistance funds on its behalf.

#### **SEVERABILITY**

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

#### **EFFECTIVE DATE**

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