

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 704
Appropriations/Base Budget Committee Substitute Adopted 4/29/20
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House Committee Substitute Favorable 5/2/20

Short Title: COVID-19 Recovery Act .

(Public)

Sponsors:

Referred to:

April 29, 2020

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

PART I. ECONOMIC SUPPORT

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

SECTION 1.1.(a) Interest Waiver. – As a result of the COVID-19 outbreak, the Secretary of Revenue has extended the franchise, corporate income, and individual income tax payment deadline from April 15, 2020, to July 15, 2020, and pursuant to G.S. 105-249.2, the Secretary will not assess a penalty for failure to file a return or pay a tax due as long as the return is filed and the tax due is paid by July 15, 2020. Notwithstanding G.S. 105-241.21(b), the Secretary of Revenue shall also waive the accrual of interest from April 15, 2020, through July 15, 2020, on an underpayment of tax imposed on a franchise, corporate income, or individual income tax return, including a partnership and estate and trust tax return, due from April 15, 2020, through July 15, 2020. The relief from accrual of interest from April 15, 2020, through July 15, 2020, also includes interest imposed pursuant to G.S. 105-163.15 and G.S. 105-163.41 for payments due on or before July 15, 2020.

SECTION 1.1.(b) Refund Request. – For franchise, corporate income, and individual income tax, the statute of limitations for obtaining a refund is extended to July 15, 2020, for refund claims for which the statute of limitations to seek a refund expires on or after April 15, 2020, and before July 15, 2020.

SECTION 1.1.(c) Time-Sensitive Actions. – Certain actions required to be taken by a taxpayer on or after April 1, 2020, and before July 15, 2020, will be considered timely if the request or petition is filed on or before July 15, 2020. This subsection applies to requests for Departmental review under G.S. 105-241.11, petitions for a contested case hearing at the Office of Administrative Hearings under Article 3 of Chapter 150B of the General Statutes and G.S. 105-241.15, and petitions for judicial review under Article 4 of Chapter 150B of the General Statutes and G.S. 105-241.16.

SECTION 1.1.(d) This section is effective when it becomes law.



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

3 **SECTION 1.2.(a)** Chapter 96 of the General Statutes is amended by adding a new
4 section to read:

5 **"§ 96-14.15. Emergency unemployment benefits and tax credit to respond to the**
6 **coronavirus emergency of 2020.**

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

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

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

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

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

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

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

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

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

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

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

32 If an employer remitted the contributions payable with the report due on or before April 30,
33 2020, the credit will be applied to the contributions payable on the report due on or before July
34 31, 2020. An employer must file the report to receive the credit. If the amount of the credit
35 exceeds the amount of contributions due on the report, the excess credit amount is considered an
36 overpayment and will be refunded pursuant to G.S. 96-9.15(b).

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

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

46 **SECTION 1.2.(b)** Notwithstanding G.S. 96-14.9, an individual may meet the
47 reporting requirements of that section by telephone or via the Internet for the period beginning
48 March 10, 2020, and ending on the earlier of the following: (i) the date the Governor signs an
49 executive order rescinding Executive Order No. 116, Declaration of a State of Emergency to
50 Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, or (ii)
51 December 31, 2020.

1 **SECTION 1.2.(c)** This section is effective when it becomes law.

2
3 **CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, AS RECOMMENDED**
4 **BY THE DIVISION OF EMPLOYMENT SECURITY AND THE JOINT LEGISLATIVE**
5 **OVERSIGHT COMMITTEE ON UNEMPLOYMENT INSURANCE**

6 **SECTION 1.3.(a)** G.S. 96-14.9(e) reads as rewritten:

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

9 ...

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

15 "

16 **SECTION 1.3.(b)** This section becomes effective July 1, 2020.

17 **SECTION 1.4.(a)** G.S. 96-15 is amended by adding a new subsection to read:

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

21 **SECTION 1.4.(b)** G.S. 105-356(a) reads as rewritten:

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

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

33 "

34 **SECTION 1.4.(c)** G.S. 120-70.158 is repealed.

35 **SECTION 1.4.(d)** This section is effective when it becomes law.

36
37 **USE OF BUNCOMBE COUNTY OCCUPANCY TAX PROCEEDS**

38 **SECTION 1.5.(a)** Program. – The Buncombe County Tourism Development
39 Authority (TDA) may, from available funds credited to its Tourism Product Development Fund
40 and without regard for the provisions typically required for the expenditure of monies in that
41 Fund, provide up to five million dollars (\$5,000,000) to an agency experienced in emergency
42 management funding for grants to assist small businesses that have closed or been otherwise
43 significantly affected due to the economic hardship occasioned by the COVID-19 pandemic with
44 the costs of recommencing business activities. The following shall apply to the grants made under
45 the program:

46 (1) Grants shall be available only to businesses meeting all of the following
47 requirements:

48 a. Prior to January 1, 2020, the business has been engaged in Buncombe
49 County primarily in an activity that, in the determination of the TDA,
50 promotes tourism and patronage of lodging facilities in the county,
51 including, at a minimum, restaurants, retail establishments, studios and

- 1 galleries, visitor attractions, tours and activities, breweries, wineries,
2 cideries, distilleries, entertainment and event venues, and other
3 providers of food, drink, or entertainment to patrons. A business
4 engaged, in whole or in part, in providing lodging is not eligible for a
5 grant.
- 6 b. The business employed at least two but not more than 200 full-time
7 equivalent employees, determined as of the state of emergency.
- 8 c. The business has, after the state of emergency, ceased and not
9 recommenced operations as a result of demonstrable economic loss in
10 revenue due to the COVID-19 pandemic at the time of application or
11 can otherwise demonstrate significant economic loss and change in
12 operations due to the COVID-19 pandemic at the time of application.
- 13 d. The business certifies in writing that it (i) will use the grant for
14 employee compensation, inventory, mortgage, rent, utilities, and other
15 operating costs and expenses incurred in reopening or otherwise
16 resuming normal operations of a business and hiring employees in
17 Buncombe County and (ii) will report on the financial condition of the
18 business and use of funds received six months and one year following
19 the receipt of funds.
- 20 e. The business applies for funds detailing the business's plans to
21 recommence operations or resume normal operations following the
22 end of the state of emergency. The plans must, to the satisfaction of
23 the TDA, show the ongoing business concern is sustainable for at least
24 one year.
- 25 f. The recommenced operations of the business will, in the determination
26 of the TDA, significantly increase patronage of lodging facilities in
27 Buncombe County.
- 28 (2) A grant provided under the program is limited to no more than fifty thousand
29 dollars (\$50,000) per business.
- 30 (3) In awarding the grant, the TDA shall (i) prioritize independently owned
31 businesses and (ii) state, with specificity, the reasons for the determination
32 that the recommenced operations of the business will significantly increase
33 patronage of lodging facilities in Buncombe County.
- 34 (4) The TDA shall establish and publish a method for determining compliance
35 with the program.
- 36 (5) The TDA shall recapture grants for noncompliance with the program if the
37 TDA determines there is a reasonable expectation that the recovery of funds
38 will exceed the cost of recovery.
- 39 (6) The awarding of grants made available in this section shall cease six months
40 following the date the state of emergency ends.
- 41 (7) Every six months until six months following the date the state of emergency
42 ends, the TDA shall submit a report on the program to the Buncombe County
43 Board of Commissioners containing all of the following:
- 44 a. The number of recipients of grants for each represented North
45 American Industry Classification System Code.
- 46 b. The number of jobs retained.
- 47 c. The number of grants awarded.
- 48 d. The average grant amount.
- 49 e. The total amount granted to date.

- 1 f. The number of recipients who have failed to comply with the
2 requirements of the program and the total amount of grant funds that
3 have been recaptured, if any.

4 **SECTION 1.5.(b)** This section is effective when it becomes law.
5

6 **PART II. EDUCATION**

7 **DEFINITIONS**

8 **SECTION 2.1.** For the purposes of this Part, the following definitions apply:

- 9 (1) Authority. – State Education Assistance Authority.
10 (2) Coronavirus disease 2019 (COVID-19) emergency. – The period beginning
11 March 10, 2020, and continuing until the Governor signs an executive order
12 rescinding Executive Order No. 116 (Declaration of a State of Emergency to
13 Coordinate Response and Protective Actions to Prevent the Spread of
14 COVID-19).
15 (3) Federal testing waiver. – The testing waiver granted to the State Board of
16 Education by the United States Department of Education for the 2019-2020
17 school year, pursuant to section 8401(b) of the Elementary and Secondary
18 Education Act of 1965 (ESEA), as amended, which, pursuant to
19 G.S. 115C-174.11, eliminated the collection of certain student assessment
20 data for the 2019-2020 school year.
21 (4) Modified calendar school. – A school that a local board designated as having
22 a modified calendar for the 2003-2004 school year or any school that was part
23 of a planned program in the 2003-2004 school year for a system of modified
24 calendar schools, so long as the school operates under a modified calendar.
25 (5) State Board. – The State Board of Education.
26 (6) Year-round school. – A school with a single or multi-track instructional
27 calendar that provides instructional days in compliance with Section
28 2.11(b)(1) of this Part throughout the entire school calendar year, beginning
29 July 1 and ending June 30, by utilizing at least one of the following plans:
30 a. A plan dividing students into four groups and requiring each group to
31 be in school for assigned and staggered quarters each school calendar
32 year.
33 b. A plan providing students be scheduled to attend 45 instructional days
34 followed by 15 days of vacation, repeated throughout the school
35 calendar year.
36 c. A plan dividing the school calendar year into five nine-week sessions
37 of classes and requiring each student to attend four assigned and
38 staggered sessions out of the five nine-week sessions to complete the
39 student's instructional year.
40

41 **INTRODUCTION**

42 **SECTION 2.2.** The purpose of this Part is to clarify or modify certain requirements
43 in consideration of actions and circumstances related to the COVID-19 emergency, including,
44 but not limited to, the federal testing waiver and the closure of schools for in-person instruction
45 during the 2019-2020 school year.
46

47 **TESTS AND ASSESSMENTS**

48 **SECTION 2.3.(a)** EOGs and EOCs. – Consistent with the provisions of
49 G.S. 115C-174.11(d), for the 2019-2020 school year, end-of-grade and end-of-course tests are
50 waived.
51

1 **SECTION 2.3.(b)** ACT. – Notwithstanding G.S. 115C-174.11(c)(4), during the fall
2 semester of the 2020-2021 school year, public school units shall administer the norm-referenced
3 college admissions test made available by the State Board to all students who were in the eleventh
4 grade during the 2019-2020 school year who were not administered the test during the 2019-2020
5 school year, unless a student has already taken a comparable test and scored at or above a level
6 set by the State Board.

7 **SECTION 2.3.(c)** Diagnostic and Formative Assessments. – For the 2019-2020
8 school year, for the diagnostic and formative reading assessments for kindergarten, first, second,
9 and third grade students described in G.S. 115C-83.6 and G.S. 115C-174.11(a), additional
10 assessments beyond those administered prior to March 16, 2020, are not required.

11 **SECTION 2.3.(d)** WorkKeys. – For the spring semester of the 2019-2020 school
12 year only, notwithstanding G.S. 115C-174.25, a local school administrative unit shall not be
13 required to administer the WorkKeys tests to any students who complete a concentration in career
14 and technical education courses.

15 16 **SCHOOL PERFORMANCE, ANNUAL REPORT CARDS FOR SCHOOLS, AND** 17 **SCHOOL BUILDING REPORTS**

18 **SECTION 2.4.(a)** Calculation and Issuance of School Performance Grades. – For
19 the 2020-2021 school year, based on data from the 2019-2020 school year, the provisions of
20 G.S. 115C-12(9)c1. and G.S. 115C-83.15(a) through (f) shall not apply. Notwithstanding
21 G.S. 115C-83.15(g), the State Board is not required to display school report card information for
22 the 2020-2021 school year based on data from the 2019-2020 school year, but shall display a
23 brief explanation that school report cards were not issued for the 2020-2021 school year because
24 assessment data was not collected during the 2019-2020 school year due to COVID-19.

25 **SECTION 2.4.(b)** Display of School Report Cards. – Notwithstanding
26 G.S. 115C-47(58), 115C-75.8(d)(7), 115C-218.65, 115C-238.66(11), 116-239.8(b)(14), and
27 Section 6(d)(2) of S.L. 2018-32, public school units are not required to display school report card
28 information for the 2020-2021 school year based on data from the 2019-2020 school year, but
29 shall display a brief explanation that school report cards were not issued for the 2020-2021 school
30 year because assessment data was not collected during the 2019-2020 school year due to
31 COVID-19.

32 **SECTION 2.4.(c)** Evaluation of Alternative Programs. – Notwithstanding
33 G.S. 115C-12(24), to the extent educational performance and growth of students in alternative
34 schools and alternative programs are measured based on the accountability system developed
35 under G.S. 115C-83.15 and G.S. 115C-105.35, educational performance and growth of students
36 in alternative schools and alternative programs shall not be evaluated based on data from the
37 2019-2020 school year.

38 **SECTION 2.4.(d)** School Building Reports. – The requirement for local school
39 administrative units to produce and make public a school building report under
40 G.S. 115C-12(9)c3. and G.S. 115C-47(35) shall not apply for the October 15, 2020, report based
41 on building-level data from the 2019-2020 school year.

42 43 **LOW-PERFORMING SCHOOLS**

44 **SECTION 2.5.(a)** Low-Performing Schools. – Notwithstanding G.S. 115C-105.37
45 and G.S. 115C-218.94(a), for the 2020-2021 school year, the following applies:

- 46 (1) The State Board shall not identify additional low-performing schools based
47 on data from the 2019-2020 school year.
- 48 (2) Schools previously identified as low-performing based on data from the
49 2018-2019 school year shall continue to be identified as low-performing.

- 1 (3) Previously identified low-performing schools shall continue to carry out the
2 final plan approved by the local board of education pursuant to
3 G.S. 115C-105.37(a1).
4 (4) The State Board and the local board of education shall continue to provide
5 online access to each low-performing school's plan in accordance with
6 G.S. 115C-105.37(a1)(5).
7 (5) The written parental notice required by G.S. 115C-105.37(b) is not required
8 to be provided again, but local boards of education of low-performing schools
9 shall include with their online final plans a brief explanation that
10 low-performing identification continues pending assessment data from the
11 2020-2021 school year.

12 **SECTION 2.5.(b)** Continually Low-Performing Schools. – Notwithstanding
13 G.S. 115C-105.37A and G.S. 115C-218.94(b), for the 2020-2021 school year, the following
14 applies:

- 15 (1) The State Board shall not identify additional continually low-performing
16 schools based on data from the 2019-2020 school year.
17 (2) Schools previously identified as continually low-performing based on data
18 from the 2018-2019 school year shall continue to be identified as continually
19 low-performing.
20 (3) Previously identified continually low-performing schools shall continue to
21 carry out the plan approved by the State Board pursuant to
22 G.S. 115C-105.37A(a).
23 (4) Assistance and intervention levels provided for the 2019-2020 school year
24 based on designation as low-performing for two years under
25 G.S. 115C-105.37A(b) or low-performing for three years under
26 G.S. 115C-105.37A(c) shall continue.
27 (5) Local boards of education may request to reform a continually
28 low-performing school in accordance with G.S. 115C-105.37B.

29 **SECTION 2.5.(c)** Low-Performing Local School Administrative Units. –
30 Notwithstanding G.S. 115C-105.39A, for the 2020-2021 school year, the following applies:

- 31 (1) The State Board shall not identify additional low-performing local school
32 administrative units based on data from the 2019-2020 school year.
33 (2) Local school administrative units previously identified as low-performing
34 based on data from the 2018-2019 school year shall continue to be identified
35 as low-performing.
36 (3) Previously identified low-performing local school administrative units shall
37 continue to carry out the final plan approved by the local board of education
38 pursuant to G.S. 115C-105.39A(b).
39 (4) The State Board and the local board of education shall continue to provide
40 online access to each low-performing local school administrative unit's plan
41 in accordance with G.S. 115C-105.39A(b)(5).
42 (5) The written parental notice required by G.S. 115C-105.39A(c) is not required
43 to be provided again, but the local board of education shall include with its
44 online final plan a brief explanation that low-performing identification
45 continues pending assessment data from the 2020-2021 school year.
46 (6) The provisions of G.S. 115C-105.39(c) through (e) shall not apply.
47

48 **INNOVATIVE SCHOOL DISTRICT**

49 **SECTION 2.6.(a)** Notwithstanding the provisions of G.S. 115C-75.7 and
50 G.S. 115C-105.37A(d), for the 2020-2021 school year, the following applies:

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

8 **SECTION 2.6.(b)** Section 1(c) of S.L. 2019-248 reads as rewritten:

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

- 12 (1) ~~The lowest scoring qualifying school in the State identified based on the~~
13 ~~school performance score calculated from data for the 2019-2020 school year~~
14 ~~to become an innovative school in the 2021-2022 school year.~~
15 (2) The lowest scoring qualifying school in the State identified based on the
16 school performance score calculated from data for the 2020-2021 school year
17 to become an innovative school in the 2022-2023 school year."
18

19 **THIRD GRADE RETENTION, READING CAMPS, AND FOURTH GRADE READING** 20 **ASSESSMENT**

21 **SECTION 2.7.(a)** Third Grade Retention Determination. – For grade level
22 determination for the 2020-2021 school year, the following applies:

- 23 (1) Notwithstanding the provisions of G.S. 115C-83.7 and the requirement in
24 G.S. 115C-288(a) that a principal's authority to grade and classify pupils is
25 limited by the requirements of G.S. 115C-83.7(a), principals shall have
26 authority to determine the appropriate 2020-2021 school year grade level for
27 students in the third grade during the 2019-2020 school year in the same
28 manner as for students in all other grade levels. Principals shall designate
29 whether a retained third grade student is retained due to reading deficiencies.
30 Principals are encouraged to consult with a student's 2019-2020 third grade
31 teacher in determining grade classification.
32 (2) Notwithstanding the provisions of G.S. 115C-218.85(b), charter schools shall
33 have authority to determine the appropriate 2020-2021 school year grade level
34 for third grade students in the same manner that grade level classification is
35 determined for other grade levels.

36 **SECTION 2.7.(b)** Parental Notice and Interventions. – Consistent with
37 G.S. 115C-83.9(a), parents or guardians shall receive notice that a first, second, or third grade
38 student demonstrated difficulty with reading development or was not reading at grade level
39 during the 2019-2020 school year based on assessments completed on or before March 13, 2020.
40 The provisions of G.S. 115C-83.9(d) shall apply to this notice.

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

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

48 **SECTION 2.7.(c)** Reading Camps. – Notwithstanding G.S. 115C-83.6(a),
49 115C-83.8(a), and 115C-83.11, and any other provision of law to the contrary, local school
50 administrative units are not required to provide reading camps corresponding to the 2019-2020
51 school year.

1 **SECTION 2.7.(d)** Fourth Grade Reading Assessment. – No later than the tenth day
2 that school buildings are open to students for the 2020-2021 school year, public school units shall
3 administer to all fourth grade students the end-of-year diagnostic assessment otherwise required
4 for third grade students pursuant to G.S. 115C-174.11(a) and State Board policy. The results of
5 the assessment shall be used to identify reading deficiencies and inform instruction and
6 remediation needs in order to ensure that all students achieve proficiency at the earliest date
7 possible.

8 **SECTION 2.7.(e)** Reporting Requirements. – For the 2020-2021 school year, the
9 following applies:

10 (1) Accountability reporting described in G.S. 115C-83.10 shall not be required
11 based on data from the 2019-2020 school year, except that by September 1,
12 2020, local boards of education shall report to the State Board the following:

13 a. The number and percentage of first grade students on track and not on
14 track to meet year-end expectations based on assessments completed
15 on or before March 13, 2020.

16 b. The number and percentage of second grade students on track and not
17 on track to meet year-end expectations based on assessments
18 completed on or before March 13, 2020.

19 c. The number and percentage of third grade students on track and not on
20 track to meet year-end expectations based on assessments completed
21 on or before March 13, 2020.

22 d. The number and percentage of third grade students retained pursuant
23 to subsection (a) of this section for reading deficiencies.

24 (2) Reporting requirements described in G.S. 115C-218.85(b)(4) shall not be
25 required based on data from the 2019-2020 school year, except that by
26 September 1, 2020, charter schools and other public school units subject to
27 charter school statutory requirements shall report to the State Board the
28 following:

29 a. The number and percentage of third grade students on track and not on
30 track to meet year-end expectations based on assessments completed
31 on or before March 13, 2020.

32 b. The number and percentage of third grade students retained pursuant
33 to subsection (a) of this section for reading deficiencies.

34 (3) The State Board shall compile the information described in this subsection
35 and shall submit a State-level summary of each component by local school
36 administrative unit and charter school to the Joint Legislative Education
37 Oversight Committee by October 15, 2020.

38 39 **ADVANCED COURSES IN MATHEMATICS**

40 **SECTION 2.8.(a)** Notwithstanding G.S. 115C-81.36(a1) and (b), math placement
41 for the 2020-2021 school year shall be determined as follows:

42 (1) Initial math placements for all students shall be made consistent with local
43 policies, in consultation with a student's 2019-2020 school year math teacher.

44 (2) For students not initially placed in advanced courses or advanced learning
45 opportunities in math, a student or student's parent may request administration
46 of the end-of-grade or end-of-course test for the mathematics grade or course
47 in which the student was enrolled for the 2019-2020 school year solely for the
48 purpose of determining math placement for the 2020-2021 school year. Any
49 student scoring at the highest level on the math end-of-grade or end-of-course
50 test shall be placed as provided in G.S. 115C-81.36(a1) and (b).

1 **SECTION 2.8.(b)** For the purposes of G.S. 115C-81.36(c), the Department of Public
2 Instruction shall submit its December 15, 2020, report to the Joint Legislative Education
3 Oversight Committee on the number and demographics of students who were (i) enrolled in
4 advanced mathematics courses, including high school level mathematics courses in eighth grade,
5 or (ii) given other advanced learning opportunities for the 2020-2021 school year. The report
6 shall include information on the type and format of advanced mathematics courses or advanced
7 learning opportunities provided and shall also include any feedback provided by local boards of
8 education on the implementation of G.S. 115C-81.36.

9 10 **CPR GRADUATION REQUIREMENT**

11 **SECTION 2.9.** Notwithstanding G.S. 115C-12(9d)a., for the 2019-2020 school year,
12 any student in grade 12 who has not satisfied the requirement for completion of instruction in
13 cardiopulmonary resuscitation shall be eligible to graduate if both of the following apply:

- 14 (1) Instruction in cardiopulmonary resuscitation cannot be completed due to the
15 COVID-19 emergency.
- 16 (2) The student is eligible to graduate in all respects other than the statutory
17 requirement described in this section, as determined by the principal of the
18 school to which the student is assigned.

19 20 **SCHOOL CALENDAR FOR THE 2019-2020 SCHOOL YEAR**

21 **SECTION 2.10.(a)** Instructional Time Requirements. – A public school unit that
22 provides remote instruction as required by this subsection shall be deemed to have satisfied the
23 minimum days and hours required by G.S. 115C-75.8(d)(9), 115C-84.2(a)(1), 115C-150.12,
24 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d., 116-239.8(b)(2)c., and Section 6(e) of
25 S.L. 2018-32 for the 2019-2020 school year. For the purposes of this subsection for the
26 2019-2020 school year, remote instruction is defined as learning that takes place outside of the
27 traditional school setting using various media and formats, including, but not limited to, video
28 conference, telephone conference, print material, online material, or learning management
29 systems. Each public school unit shall provide remote instruction for the remainder of its
30 scheduled 2019-2020 school year.

31 **SECTION 2.10.(b)** Student Attendance Enforcement. – For the 2019-2020 school
32 year, the requirements of G.S. 115C-378(e) through (g) shall not apply beginning March 16,
33 2020.

34 35 **SCHOOL CALENDAR FOR THE 2020-2021 SCHOOL YEAR**

36 **SECTION 2.11.(a)** Remote Instruction Plans. – The governing body of each public
37 school unit shall develop a Remote Instruction Plan (Plan) for the 2020-2021 school year and
38 shall submit its Plan to the State Board no later than July 20, 2020. The purpose of the Plan is to
39 provide a detailed framework for delivering quality remote instruction to all students within the
40 public school unit during the 2020-2021 school year, as provided in subsection (b) of this section.
41 In describing how the public school unit will implement remote instruction, the Plan shall address
42 all of the following:

- 43 (1) Consulting with teachers, administrators and instructional support staff,
44 parents, students, community partners, and other stakeholders in developing
45 the Plan and effectively communicating the Plan to all involved parties.
- 46 (2) Training for teachers and staff on effective use of the remote instruction
47 resources utilized by the public school unit and the process for student
48 submission of completed work. The Plan shall identify any learning
49 management system, online instructional resource, or offline instructional
50 resource that will be made available to all students in a grade-level across the
51 public school unit.

- 1 (3) Defining and clearly communicating staff roles and expectations for remote
2 instruction days, including teacher workdays, teacher accessibility, and
3 noncertified staff workdays and responsibilities. The Plan may include
4 variances for staff expectations when remote instruction days are also used as
5 teacher workdays.
- 6 (4) Surveying student and teacher home connectivity and providing for remote
7 instruction that is appropriate for teachers and students with limited
8 connectivity capability, including the opportunity for students to download
9 remote learning materials in advance when practicable.
- 10 (5) Engaging with community partners on services that parents and students can
11 utilize on remote instruction days, including community partners willing to
12 provide free broadband access or connectivity for remote instruction and
13 community partners with child care options, and communicating remote
14 instruction schedules with those partners.
- 15 (6) Developing effective design and delivery of remote instruction lessons within
16 professional learning communities.
- 17 (7) Teaching and practice opportunities for students on accessing and using
18 remote instruction platforms and methods, including how to locate, complete,
19 and submit assignments. The Plan shall include regular opportunities for
20 students to use the platforms and methods during nonremote instruction days
21 to ensure student success during remote instruction.
- 22 (8) Communicating learning targets to students on each remote instruction day
23 and ensuring that lesson design provides instructional time, practice, and
24 application components to demonstrate learning. The Plan shall include a
25 process for monitoring the quality of remote instruction materials.
- 26 (9) Ensuring that remote instructional time, practice, and application components
27 support learning growth that continues towards mastery of the standard course
28 of study. The Plan shall include work measurement guidelines appropriate to
29 each grade level, including deadlines for submission of assignments and
30 methods to assess and grade learning during remote instruction.
- 31 (10) Ensuring that students with disabilities have equal access to the remote
32 instruction provided by their public school units and that remote instruction is
33 provided in a manner consistent with each student's individualized education
34 program (IEP) or 504 plan. Remote learning day supports shall be considered
35 and included, as appropriate for the student, when an IEP or 504 plan is
36 initially developed or at any subsequent review or revision of an IEP or 504
37 plan.
- 38 (11) Tracking and reporting attendance on remote instruction days, including
39 protocols for determining attendance, the reporting system to be used, and
40 how attendance procedures will be communicated to parents before remote
41 instruction begins.
- 42 (12) Providing online and offline contact options for students to communicate with
43 teachers or staff for remote instruction days that are not used as teacher
44 workdays.
- 45 (13) Providing technology support for students experiencing technical difficulties
46 on remote instruction days.

47 **SECTION 2.11.(b)** School Calendar. – Except as otherwise provided in this
48 subsection, the requirements of G.S. 115C-84.2, including the requirement that a school calendar
49 consist of 215 days, apply to the 2020-2021 school calendar for local school administrative units.
50 The provisions of this subsection supersede any school calendar adopted by a public school unit

1 prior to the enactment of this Part. For the 2020-2021 school year only, the following applies to
2 the school calendar for public school units:

- 3 (1) Notwithstanding any provisions of G.S. 115C-75.8(d)(9), 115C-84.2(a)(1),
4 115C-150.12, 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d.,
5 116-239.8(b)(2)c., and Section 6(e) of S.L. 2018-32 to the contrary, each
6 public school unit shall adopt a calendar that includes 190 days of instruction
7 as follows:
- 8 a. 185 days or 1,025 hours of instruction that include five remote
9 instruction days in accordance with the Plan developed pursuant to
10 subsection (a) of this section. Each of the five remote instruction days
11 may be scheduled in the discretion of the public school unit, except as
12 provided in subdivision (2) of this subsection.
 - 13 b. An additional five instructional days that shall be satisfied only by five
14 individually separate and distinct full instructional days and not by an
15 accumulation of instructional hours.
- 16 (2) Notwithstanding any provisions of G.S. 115C-84.2(d) to the contrary, each
17 local school administrative unit shall adopt a school calendar in accordance
18 with the following:
- 19 a. Except for schools defined in subdivision (4) or (6) of Section 2.1 of
20 this Part, an opening date for students of August 17, 2020.
 - 21 b. Except for schools defined in subdivision (4) or (6) of Section 2.1 of
22 this Part, a closing date for students no later than June 11, 2021.
 - 23 c. No remote instruction day shall be scheduled prior to August 24, 2020,
24 unless the school operates on a year-round or modified calendar
25 schedule. A year-round or modified calendar school shall not schedule
26 a remote instruction day prior to the sixth instructional day of the
27 year-round or modified calendar.
 - 28 d. Remote instruction days may be scheduled for use as teacher
29 workdays, including as teacher workdays on which teachers may take
30 accumulated vacation leave, provided that remote instruction material
31 is prepared and provided for students to use during the remote
32 instruction days. Local school administrative units may, in their
33 discretion, schedule remote instruction days as teacher workdays to
34 facilitate completion of first semester course exams prior to a winter
35 holiday period.
 - 36 e. The following apply for a local school administrative unit granted a
37 good cause waiver for the 2020-2021 school year:
 - 38 1. The opening date for students shall not be earlier than August
39 17, 2020, except for schools defined in subdivision (4) or (6)
40 of Section 2.1 of this Part.
 - 41 2. Up to an additional five remote instruction days may be used,
42 if those days are (i) provided in accordance with the
43 requirements of this subsection for remote instruction days and
44 (ii) used solely as make-up days for days on which schools
45 have been closed due to inclement weather or other emergency
46 situations.
- 47 (3) If, during the 2020-2021 school year, a state of emergency or disaster is
48 declared under Chapter 166A of the General Statutes ordering school closure
49 for more than five days, a public school unit providing remote instruction in
50 accordance with the Plan developed pursuant to subsection (a) of this section

1 may use additional remote instruction days as necessary to satisfy
2 instructional time requirements.

3 **SECTION 2.11.(c)** Reporting Requirement. – No later than September 15, 2020, the
4 State Board shall report to the Joint Legislative Education Oversight Committee on the
5 implementation of subsection (a) of this section. The State Board shall submit with its report a
6 copy of each Remote Instruction Plan submitted, and the report shall provide a statewide
7 summary that includes the following:

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

20 **SCHOOL IMPROVEMENT PLANS**

21 **SECTION 2.12.** Notwithstanding G.S. 115C-105.27, the following shall apply:

- 22 (1) For any school improvement plan set to expire at the end of the 2019-2020
23 school year, that school improvement plan may remain in effect until
24 December 31, 2020, to allow additional time for consideration and adoption
25 of the new school improvement plan.
- 26 (2) For any school improvement plan extended to December 31, 2020, the
27 replacement plan shall expire in 18 months, rather than two years.

28 **PRINCIPAL RECRUITMENT SUPPLEMENT**

29 **SECTION 2.13.(a)** Notwithstanding G.S. 115C-285.1, as enacted by S.L. 2019-247,
30 for the 2020-2021 school year, a school identified as an eligible school in the 2019-2020 school
31 year pursuant to G.S. 115C-285.1(a)(2) shall continue to be an eligible school in the 2020-2021
32 school year.

33 **SECTION 2.13.(b)** G.S. 115C-285.1(e), as enacted by S.L. 2019-247, reads as
34 rewritten:

35 "(e) Additional Funds. – In the event an eligible employer is unable to award funds for the
36 salary supplement because of resignation, dismissal, reduction in force, death, retirement, or
37 failure to execute a contract with a qualifying principal, the Department shall award the funds,
38 as soon as is practicable, to another eligible employer identified in subdivision ~~(a)(2)~~(a)(1) of
39 this section."
40
41
42

43 **NOTIFICATION REQUIREMENT FOR TEACHER PERFORMANCE DATA**

44 **SECTION 2.14.** Notwithstanding G.S. 115C-333.2, for the 2020-2021 school year,
45 principals are not required to notify teachers that Education Value-Added Assessment System
46 (EVAAS) data has been updated to reflect teacher performance from the 2019-2020 school year.
47

48 **TEACHER EFFECTIVENESS REPORTING REQUIREMENTS**

49 **SECTION 2.15.(a)** Notwithstanding G.S. 115C-299.5(d), for the 2020-2021 school
50 year, local school administrative units are not required to provide teacher effectiveness data from
51 the 2019-2020 school year to the State Board, and the State Board is not required to include any

1 disaggregated data on teacher effectiveness from the 2019-2020 school year in its December 15,
2 2020, report on the state of the teaching profession in North Carolina.

3 **SECTION 2.15.(b)** G.S. 115C-299.5(d) reads as rewritten:

4 "(d) Teacher Effectiveness. – The annual teacher transition report by the State Board of
5 Education shall disaggregate the data included in subsection (c) of this section by teacher
6 effectiveness status at a statewide level. The report shall not disaggregate data on teacher
7 effectiveness status at a local school administrative unit level. Notwithstanding Article 21A of
8 this Chapter, local school administrative units shall provide to the State Board of Education, for
9 the purposes of this report, any North Carolina Educator Evaluation System (NCEES)
10 effectiveness status assigned to teachers who left employment. The State Board of Education
11 shall not report disaggregated data that reveals confidential information in a teacher's personnel
12 file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally
13 identifiable to an individual teacher."
14

15 **TEACHER EVALUATION AND OBSERVATION REQUIREMENTS**

16 **SECTION 2.16.** Notwithstanding G.S. 115C-333(a) and G.S. 115C-333.1(a), for the
17 2019-2020 school year, annual teacher evaluations required pursuant to G.S. 115C-333(a) and
18 G.S. 115C-333.1(a) shall be based on (i) observations completed in the 2019-2020 school year
19 prior to March 16, 2020, and (ii) other artifacts and evidence from the 2019-2020 school year.
20 Schools are not required to complete any observations required in the 2019-2020 school year
21 pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) that were not completed prior to March
22 16, 2020.
23

24 **STANDARDIZED TESTING REQUIREMENTS FOR NONPUBLIC SCHOOLS**

25 **SECTION 2.17.** Notwithstanding G.S. 115C-549, 115C-550, 115C-557, 115C-558,
26 and 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either
27 of the following:

- 28 (1) Administer nationally standardized tests or other nationally standardized
29 equivalent measurements for the 2019-2020 school year.
- 30 (2) Make, maintain, or make available records of test results received by their
31 students in the 2019-2020 school year.
32

33 **ATTENDANCE AND CALENDAR REQUIREMENTS FOR NONPUBLIC SCHOOLS**

34 **SECTION 2.18.** Notwithstanding G.S. 115C-378, 115C-548, 115C-556, and
35 115C-564, for the 2019-2020 school year, nonpublic schools, as defined in G.S. 115C-591(4),
36 are not required to do either of the following:

- 37 (1) Make, maintain, and render attendance records of children of compulsory
38 school age, beginning March 16, 2020.
- 39 (2) Operate on a regular schedule at least nine calendar months of the year.
40

41 **STANDARDIZED TESTING AND REPORTING REQUIREMENTS FOR NONPUBLIC 42 SCHOOLS WITH STUDENTS RECEIVING OPPORTUNITY SCHOLARSHIP 43 GRANTS**

44 **SECTION 2.19.(a)** For purposes of this section, the definitions from
45 G.S. 115C-562.1 shall apply.

46 **SECTION 2.19.(b)** Notwithstanding G.S. 115C-562.5, for the 2019-2020 school
47 year, a nonpublic school that accepts eligible students receiving scholarship grants is not required
48 to do any of the following:

- 49 (1) Provide to the parent or guardian of an eligible student, whose tuition and fees
50 are paid in whole or in part with a scholarship grant, the student's scores on
51 standardized achievement tests.

- 1 (2) Administer a nationally standardized test or other nationally standardized
- 2 equivalent measurement to any eligible students whose tuition and fees are
- 3 paid in whole or in part with a scholarship grant in grades three and higher.
- 4 (3) Submit standardized test performance data from the 2019-2020 school year to
- 5 the Authority.
- 6 (4) If the nonpublic school enrolls more than 25 students whose tuition and fees
- 7 are paid in whole or in part with a scholarship grant, either of the following:
- 8 a. Report to the Authority on the aggregate standardized test performance
- 9 of eligible students.
- 10 b. Provide standardized test performance data from the 2019-2020 school
- 11 year to an independent research organization.
- 12

13 **OPPORTUNITY SCHOLARSHIP PROGRAM DISBURSEMENT OF FUNDS**

14 **SECTION 2.20.** Notwithstanding G.S. 115C-562.8, from the funds carried forward
15 at the end of the 2019-2020 fiscal year pursuant to G.S. 115C-562.8 that were unexpended as a
16 result of the closure of nonpublic schools for in-person instruction due to the COVID-19
17 emergency, the Authority may remit a scholarship grant awarded to a student for the spring
18 semester of the 2019-2020 school year to a nonpublic school on or before October 1, 2020.

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

21 **SECTION 2.21.(a)** Opportunity Scholarship Grant Program. – Notwithstanding
22 G.S. 115C-562.7, the Authority shall submit by November 15, 2020, its annual report due by
23 October 15 each year to the Joint Legislative Education Oversight Committee on the Opportunity
24 Scholarship Grant Program.

25 **SECTION 2.21.(b)** Disabilities Grant Program. – Notwithstanding
26 G.S. 115C-112.8, the Authority shall submit by November 15, 2020, its annual report due by
27 October 15 each year to the Joint Legislative Education Oversight Committee on the Special
28 Education Scholarships for Children with Disabilities Program.

30 **EDUCATOR PREPARATION PROGRAMS (EPPs)**

31 **SECTION 2.22.(a)** Minimum Admission Requirements for EPPs. –
32 Notwithstanding the minimum admission requirements required by G.S. 115C-269.15, for the
33 2020-2021 academic year only, a recognized EPP shall be permitted to admit students as follows:

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

44 **SECTION 2.22.(b)** Clinical Internships. – Notwithstanding
45 G.S. 115C-269.25(d)(1), a student who is enrolled in a recognized EPP pursuant to
46 G.S. 115C-269.5 may have the clinical internship requirement set forth in
47 G.S. 115C-269.25(d)(1) deemed completed for the 2019-2020 academic year under the following
48 conditions:

- 49 (1) The student has completed as much time in a clinical internship as practicable
- 50 prior to March 10, 2020.

- 1 (2) The student would be unable to complete the EPP by August 15, 2020, unless
- 2 the clinical internship is deemed completed pursuant to this section.
- 3 (3) The student has been engaged in remote instruction as practicable while the
- 4 school is closed for the remainder of the 2019-2020 school year.
- 5 (4) The student has otherwise met the descriptors identified on the certification of
- 6 teacher capacity utilized by the EPP and the elementary or secondary school
- 7 partner.

8 **SECTION 2.22.(c)** Pedagogy Assessments. – Notwithstanding

9 G.S. 115C-269.25(g), for individuals who have their clinical internship deemed completed

10 pursuant to subsection (b) of this section, the following shall apply:

- 11 (1) The State Board shall not require EPPs to require these individuals for the
- 12 2019-2020 academic year to complete a nationally normed and valid
- 13 pedagogy assessment to determine clinical practice performance.
- 14 (2) The State Board shall not require these individuals for the 2019-2020
- 15 academic year to complete the pedagogy assessment as a condition of EPP
- 16 completion.
- 17 (3) These individuals shall attempt the pedagogy assessment by the end of their
- 18 first year of licensure and shall pass the assessment by the end of their third
- 19 year of licensure.

20 **SECTION 2.22.(d)** Accountability. – Due to the lack of student assessment data and

21 the closure of schools for in-person instruction, notwithstanding the requirements of

22 G.S. 115C-269.35(a), EPPs shall only be required to submit information that is practicably

23 available in the annual report to the State Board required under G.S. 115C-269.35(b) for the

24 2019-2020 academic year.

25 **SECTION 2.22.(e)** Sanctions. – Notwithstanding G.S. 115C-269.45(c), the State

26 Board shall not consider data that was not practicably available related to the 2019-2020 school

27 year when assigning sanctions for an EPP under G.S. 115C-269.45(c).

28 **SECTION 2.22.(f)** EPP Report Cards. – Due to limited available information and

29 the waiver of the requirement to submit certain information to the State Board under subsection

30 (c) of this section, notwithstanding G.S. 115C-269.50, the State Board shall create and submit

31 annual report cards for EPPs as required by G.S. 115C-269.50 by December 15, 2020, to the

32 Joint Legislative Education Oversight Committee (Committee) but shall not make the annual

33 report cards created pursuant to this section available to the public through the State Board's Web

34 site for the 2019-2020 academic year. The State Board shall also include in its report to the

35 Committee aggregated information on the following:

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

41 **SCHOOL ADMINISTRATOR PREPARATION PROGRAMS**

42 **SECTION 2.23.** Notwithstanding G.S. 115C-284(c2), a school administrator

43 candidate who is enrolled in a school administrator preparation program meeting the approval

44 standards established by the State Board pursuant to G.S. 115C-284 may have certain

45 requirements of G.S. 115C-284(c2) deemed completed for the 2019-2020 academic year as

46 follows:

- 47 (1) The requirement that a candidate shall complete a year-long internship under
- 48 G.S. 115C-284(c2)(7) shall be deemed completed under the following
- 49 conditions:
- 50

- 1 a. The candidate has completed as much time in the year-long internship
2 as practicable prior to March 10, 2020.
- 3 b. The candidate would be unable to complete the program by August
4 15, 2020, unless the internship is deemed completed pursuant to this
5 section.
- 6 c. The candidate has been engaged in administrative duties as practicable
7 while the school is closed for the remainder of the 2019-2020 school
8 year.
- 9 d. The candidate has otherwise met the competencies identified in the
10 certification of capacity utilized by the school administrator
11 preparation program.
- 12 (2) The candidate shall complete a portfolio for emerging leaders to demonstrate
13 the application of his or her training to actual school needs and training to the
14 extent practicable prior to completion of the school administrator preparation
15 program.
16

17 **TRANSFORMING PRINCIPAL PREPARATION GRANT PROGRAM**
18 **REQUIREMENTS**

19 **SECTION 2.24.(a)** Notwithstanding G.S. 116-209.72(a)(2)e., a school leader
20 candidate who is enrolled in a school leader preparation program receiving a grant pursuant to
21 Part 4 of Chapter 116 of the General Statutes shall have the clinical practice requirement under
22 G.S. 116-209.72(a)(2)e. deemed completed for the 2019-2020 academic year under the following
23 conditions:

- 24 (1) The candidate has completed as much time in the clinical practice as
25 practicable prior to March 10, 2020.
- 26 (2) The candidate has been engaged in school leader duties as practicable while
27 the school is closed for the remainder of the 2019-2020 school year.

28 **SECTION 2.24.(b)** Notwithstanding G.S. 116-209.73(c)(1a)a., the Authority shall
29 not retrieve grant funds for the 2019-2020 fiscal year from a grant recipient based solely on a
30 recipient's failure to require school leader candidates to complete a full-time paid clinical practice
31 of at least five months and 750 hours in duration as required by G.S. 116-209.72(a)(2)e. as part
32 of the program during the 2019-2020 academic year.
33

34 **TEACHER LICENSURE REQUIREMENTS**

35 **SECTION 2.25.(a)** Extension for Licensure Requirements. – Notwithstanding
36 G.S. 115C-270.15, G.S. 115C-270.20, and Section 1.2 of S.L. 2019-71, as amended by Section
37 8(d) of S.L. 2019-212, the State Board shall allow applicants for educator licensure additional
38 time to meet the requirements under G.S. 115C-270.15 and G.S. 115C-270.20 as follows:

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

1 (3) An applicant for a CPL whose IPL expires June 30, 2020, who has not met the
2 examination requirement established by the State Board as of March 10, 2020,
3 shall be provided an extension until June 30, 2021.

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

10 **SECTION 2.25.(b)** Extension for CEU Requirement. – Notwithstanding
11 G.S. 115C-270.30(b), any teacher who is required to have at least eight continuing education
12 credits for continuing licensure by June 30, 2020, shall have until June 30, 2021, to meet the
13 requirements under G.S. 115C-270.30(b).
14

15 **LICENSURE REQUIREMENTS FOR OTHER SCHOOL PERSONNEL**

16 **SECTION 2.26.(a)** Extension for Examination Requirement. – Notwithstanding
17 G.S. 115C-284 and G.S. 115C-315(d), the State Board shall allow applicants for licensure
18 additional time to meet the examination requirements as follows:

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

23 (2) Pursuant to G.S. 115C-315(d), an individual applying for licensure for a
24 professional position in a public elementary or secondary school who has not
25 met the examination requirements established by the State Board as of March
26 10, 2020, shall be permitted to meet the examination requirements in the first
27 year of licensure.

28 **SECTION 2.26.(b)** Extension for CEU Requirement. – Notwithstanding
29 G.S. 115C-284(c3), a school administrator who is required to meet continuing education credits
30 in high-quality, integrated digital teaching and learning for licensure renewal by June 30, 2020,
31 shall have until June 30, 2021, to meet the requirements under G.S. 115C-284(c3).
32

33 **COMMUNITY COLLEGE TUITION WAIVER FOR STUDENTS IN** 34 **APPRENTICESHIP PROGRAMS**

35 **SECTION 2.27.** Notwithstanding G.S. 115D-5(b)(16), a student who is unable to
36 continue participation in a pre-apprenticeship or apprenticeship program due to the COVID-19
37 emergency may be eligible for a tuition waiver for community college courses in the student's
38 documented plan of study related to a job-specific occupational or technical skill until December
39 31, 2020.
40

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

42 **SECTION 2.28.** Notwithstanding G.S. 147-86.23, a constituent institution of The
43 University of North Carolina shall not accrue or charge any interest to a past-due account
44 receivable held by a student between March 13, 2020, and September 15, 2020.
45

46 **EXTENSION OF UNC REPORT DATES**

47 **SECTION 2.29.(a)** Notwithstanding G.S. 116-11(12d), 116-74.21, and
48 143-613(b1), the Board of Governors of The University of North Carolina shall have an
49 additional 60 days to submit the following reports to the Joint Legislative Education Oversight
50 Committee:

- 1 (1) The annual report due by April 15 each year on teacher education efforts at
2 The University of North Carolina.
- 3 (2) The annual report due by April 15 each year on the supply and demand of
4 school administrators to determine the number of school administrators to be
5 trained in school administrator training programs within the constituent
6 institutions of The University of North Carolina in each year of the fiscal
7 biennium.
- 8 (3) The biennial report due by May 15 every two years on the goals for
9 State-operated health professional schools that offer training programs for
10 licensure or certification of physician assistants, nurse practitioners, and nurse
11 midwives for increasing the percentage of the graduates of those programs
12 who enter clinical programs and careers in primary care.

13 **SECTION 2.29.(b)** Notwithstanding Section 9.7(c) of S.L. 2008-107, as amended
14 by Section 9.3(c) of S.L. 2010-31, the Board of Governors of The University of North Carolina
15 shall submit by June 15, 2020, its annual report on the UNC-NCCCS 2+2 E-Learning Initiative
16 due by April 15 each year to the Joint Legislative Education Oversight Committee, the State
17 Board of Education, the Office of State Budget and Management, and the Fiscal Research
18 Division.

19 **SECTION 2.29.(c)** Notwithstanding Section 9.3(c) of S.L. 2005-276, as amended
20 by Section 9.3(d) of S.L. 2010-31, The University of North Carolina System Office shall submit
21 by June 15, 2020, its annual report on the UNC-NCCCS Joint Initiative for Teacher Education
22 and Recruitment due by April 15 each year to the State Board of Education, the Board of
23 Governors of The University of North Carolina, the State Board of Community Colleges, the
24 Education Cabinet, the Joint Legislative Education Oversight Committee, and the Office of State
25 Budget and Management.

26 **PART III. HEALTH CARE**

27 **SUBPART IIIA. DEFINITIONS**

28 **SECTION 3A.1.(a)** Unless the context clearly indicates otherwise, the following
29 definitions apply in this Part:

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

44 **SECTION 3A.1.(b)** This section is effective when it becomes law.

45 **SUBPART IIIB. AFFIRMATIONS OF ACTIONS TAKEN IN RESPONSE TO COVID-19**

46 **SECTION 3B.1.(a)** The North Carolina General Assembly supports the various
47 actions taken by the North Carolina Medical Board, the North Carolina Board of Nursing, other
48 health care provider licensing boards, and the State's teaching institutions for health care
49
50
51

1 providers and their efforts to address the workforce supply challenges presented by the
2 COVID-19 emergency. Further, the General Assembly supports each of the following initiatives,
3 including, but not limited to:

- 4 (1) As COVID-19 antibody tests become available in the State, encouraging all
5 persons authorized under State law to administer such tests to give priority to
6 front-line care providers, including emergency medical services personnel,
7 firefighters, rescue squad workers, law enforcement officers, licensed health
8 care providers, long-term care providers, child care providers, and other
9 persons essential to the provision of medical care, dental care, long-term care,
10 or child care.
- 11 (2) Pursuing any federally available waiver or program allowance regarding child
12 welfare, including, but not limited to, waivers regarding virtual visitation for
13 children in foster care, temporary suspension of relicensing requirements for
14 foster parents, and the continuation of payments for youth in foster care ages
15 18-21 years, regardless of education or employment requirements.
- 16 (3) Providing ongoing flexibility to teaching institutions to ensure students
17 seeking degrees in health care professions can complete necessary clinical
18 hours.

19 **SECTION 3B.1.(b)** This section is effective when it becomes law.

20
21 **SUBPART IIIC. INCREASED ACCESS TO MEDICAL SUPPLIES NECESSARY TO**
22 **RESPOND TO COVID-19 AND FUTURE PUBLIC HEALTH EMERGENCIES**

23
24 **STATE PLAN FOR A STRATEGIC STATE STOCKPILE OF PERSONAL**
25 **PROTECTIVE EQUIPMENT AND TESTING SUPPLIES FOR PUBLIC HEALTH**
26 **EMERGENCIES**

27 **SECTION 3C.1.(a)** As used in this section, the following terms have the following
28 meanings:

- 29 (1) Acute care providers. – Includes hospitals, freestanding emergency
30 departments, urgent care centers, and dialysis centers.
- 31 (2) First responders. – Includes local health departments, law enforcement, fire
32 departments, search and rescue personnel, and emergency medical services
33 providers.
- 34 (3) Health care providers. – As defined in G.S. 90-21.50.
- 35 (4) Long-term care providers. – Includes skilled nursing facilities, intermediate
36 care facilities as defined in G.S. 131A-3, adult care homes licensed under
37 G.S. 131D-2.4, group homes, home health agencies, and palliative and
38 hospice care providers.
- 39 (5) Non-health care entities. – Includes child care providers, local departments of
40 social services, hotels and motels used for isolation and quarantine, shelters,
41 and correctional facilities.

42 **SECTION 3C.1.(b)** By July 1, 2020, the Division of Public Health (DPH) and the
43 Division of Health Service Regulation (DHSR) within the Department of Health and Human
44 Services, in conjunction with the North Carolina Division of Emergency Management within the
45 Department of Public Safety, shall develop and submit to the Joint Legislative Oversight
46 Committee on Health and Human Services and the Joint Legislative Oversight Committee on
47 Justice and Public Safety a plan for creating and maintaining a Strategic State Stockpile of
48 personal protective equipment (PPE) and testing supplies. It is the intent of the General Assembly
49 that the Strategic State Stockpile would be accessible by both public and private acute care
50 providers, first responders, health care providers, long-term care providers, and non-health care

1 entities located within the State for the purposes of addressing the COVID-19 pandemic and
2 future public health emergencies.

3 **SECTION 3C.1.(c)** The plan shall include at least all of the following components:

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

33 **SECTION 3C.1.(d)** This section is effective when it becomes law.
34

35 **PRIORITY CONSIDERATION OF NORTH CAROLINA-BASED COMPANIES WHEN** 36 **ADDRESSING PUBLIC HEALTH EMERGENCIES**

37 **SECTION 3C.2.(a)** During a public health emergency, the Department of Health
38 and Human Services and the North Carolina Division of Emergency Management within the
39 Department of Public Safety shall first consider North Carolina-based companies that can
40 provide mobile response units with capabilities to reach rural areas of the State. Operations that
41 shall be considered include patient testing or sample collections, feeding operations, triage
42 facilities, and other operations where it is necessary to deliver mobile services to individuals.

43 **SECTION 3C.2.(b)** This section is effective when it becomes law.
44

45 **SUBPART IIID. SUPPORT FOR HEALTH CARE PROVIDERS TO RESPOND TO** 46 **COVID-19**

48 **DENTAL BOARD FLEXIBILITY DURING DISASTERS AND EMERGENCIES**

49 **SECTION 3D.1.(a)** Article 2 of Chapter 90 of the General Statutes is amended by
50 adding a new section to read:

51 **"§ 90-28.5. Disasters and emergencies.**

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

6 **SECTION 3D.1.(b)** This section is effective when it becomes law.
7

8 **AUTHORIZATION FOR DENTISTS TO ADMINISTER COVID-19 TESTS**

9 **SECTION 3D.2.(a)** G.S. 90-29(b) is amended by adding a new subdivision to read:

10 "(14) The administration by dentists of diagnostic tests and antibody tests for
11 coronavirus disease 2019 to patients only if such tests have been approved or
12 authorized for emergency use by the United States Food and Drug
13 Administration."

14 **SECTION 3D.2.(b)** This section is effective when it becomes law.
15

16 **AUTHORIZATION PROCESS FOR IMMUNIZING PHARMACISTS TO** 17 **ADMINISTER COVID-19 IMMUNIZATIONS/VACCINATIONS**

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

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

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

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

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

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

5 6 **PRESCRIPTION IDENTIFICATION REQUIREMENTS**

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

16 **SECTION 3D.4.(b)** This section is effective when it becomes law and expires 60
17 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

18 19 **TEMPORARY FLEXIBILITY FOR QUALITY IMPROVEMENT PLANS**

20 **SECTION 3D.5.(a)** For purposes of this section, the following definitions apply:

- 21 (1) Quality improvement plan rules. – The rules regulating the quality
22 improvement process for physician assistants and nurse practitioners found in
23 21 NCAC 32S .0213, 21 NCAC 32M .0110, and 21 NCAC 36 .0810.
- 24 (2) Application fee rules. – The portions of rules found in 21 NCAC 32S .0204,
25 21 NCAC 32M .0115, and 21 NCAC 36 .0813 that require the payment of an
26 application fee.
- 27 (3) Annual review rules. – The portions of rules requiring the annual review or
28 renewal of a practice arrangement between a physician and a physician
29 assistant or nurse practitioner found in 21 NCAC 32S .0201, 21 NCAC 32M
30 .0110, and 21 NCAC 36 .0806.

31 **SECTION 3D.5.(b)** Notwithstanding any other provision of law to the contrary,
32 neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce
33 any provision of the quality improvement plan rules to the extent they require any of the
34 following:

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

44 **SECTION 3D.5.(c)** Notwithstanding any other provision of law to the contrary,
45 neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce
46 any provision of the quality improvement plan rules or the application fee rules to the extent they
47 require any individual to fill out an application or pay a fee, provided that individual is providing
48 volunteer health care services within the scope of his or her license in response to the COVID-19
49 pandemic state of emergency declared by the Governor of North Carolina on March 10, 2020.

1 **SECTION 3D.5.(d)** Notwithstanding any other provision of law to the contrary,
2 neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce
3 any provision of the annual review rules.

4 **SECTION 3D.5.(e)** This section is effective when it becomes law and expires
5 December 31, 2021.

6
7 **PANDEMIC HEALTH CARE WORKFORCE STUDY**

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

17 **SECTION 3D.6.(b)** The study shall include input from universities, colleges, and
18 community colleges that educate health care providers; health care provider licensing boards; the
19 Department of Health and Human Services; the Department of Public Safety; and geographically
20 disbursed rural and urban hospitals, ambulatory surgical centers, primary care practices, specialty
21 care practices, correctional facilities, group homes, home care agencies, nursing homes, adult
22 care homes, and other residential care facilities.

23 **SECTION 3D.6.(c)** The study shall include, but is not limited to, examination of,
24 and reporting on, the issues outlined below:

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

- 1 (11) Ability of telehealth options to deliver routine and emergent health and
2 behavioral health services to patients.
3 (12) Impact of telehealth on hospitals during the COVID-19 pandemic.
4 (13) Support necessary to resume health care delivery to pre-pandemic levels.
5 (14) Ability of the health care workforce and health care delivery structure to
6 respond to the needs of minority populations, individuals with health
7 disparities, and individuals and communities with increased health risks,
8 during a pandemic.
9 (15) Impact of the COVID-19 pandemic, including concerns surrounding PPE
10 availability, on current health sciences students and implications for future
11 students contemplating a career in health sciences.

12 **SECTION 3D.6.(d)** The NC AHEC shall report findings and recommendations to
13 the House Select Committee on COVID-19, Health Care Working Group, on or before November
14 15, 2020. The report shall include a summary section to provide a high-level debriefing to the
15 State's leaders, health care providers, and others, on successes and priority items to address as
16 the State moves forward.

17 **SECTION 3D.6.(e)** Due to the evolving nature of the COVID-19 pandemic, the NC
18 AHEC has authority to report subsequent study findings and recommendations, as appropriate,
19 to the House Appropriations Subcommittee on Health and Human Services, the Senate
20 Appropriations Committee on Health and Human Services, and the Joint Legislative Oversight
21 Committee on Health and Human Services.

22 **SECTION 3D.6.(f)** This section is effective when it becomes law.
23

24 **HEALTH CARE LIABILITY PROTECTION FOR EMERGENCY OR DISASTER** 25 **TREATMENT**

26 **SECTION 3D.7.(a)** Chapter 90 of the General Statutes is amended by adding a new
27 Article to read:

28 "Article 1L.

29 "Emergency or Disaster Treatment Protection Act.

30 **"§ 90-21.130. Short title.**

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

33 **"§ 90-21.131. Purpose.**

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

43 **"§ 90-21.132. Definitions.**

44 The following definitions apply in this Article:

- 45 (1) COVID-19. – Coronavirus disease 2019.
46 (2) COVID-19 emergency declaration. – Executive Order No. 116 issued March
47 10, 2020, by Governor Roy A. Cooper, including any amendments issued by
48 executive order, subject to extensions under Chapter 166A of the General
49 Statutes.
50 (3) COVID-19 emergency rule. – Any executive order, declaration, directive,
51 request, or other State or federal authorization, policy statement, rule making,

1 or regulation that waives, suspends, or modifies applicable State or federal
2 law regarding scope of practice, including modifications authorizing health
3 care providers licensed in another state to practice in this State, or the delivery
4 of care, including those regarding the facility space in which care is delivered
5 and which equipment is used during the COVID-19 emergency declaration.

6 (4) Damages. – Economic or noneconomic losses for harm to an individual.

7 (5) Harm. – Physical and nonphysical contact that results in injury to or death of
8 an individual.

9 (6) Health care facility. – Any entity licensed pursuant to Chapter 122C, 131D,
10 or 131E of the General Statutes or Article 64 of Chapter 58 of the General
11 Statutes, and any clinical laboratory certified under the federal Clinical
12 Laboratory Improvement Amendments in section 353 of the Public Health
13 Service Act (42 U.S.C. § 263a).

14 (7) Health care provider. –

15 a. An individual who is licensed, certified, or otherwise authorized under
16 Chapter 90 or 90B of the General Statutes to provide health care
17 services in the ordinary course of business or practice of a profession
18 or in an approved education or training program.

19 b. A health care facility where health care services are provided to
20 patients, residents, or others to whom such services are provided as
21 allowed by law.

22 c. Individuals licensed under Chapter 90 of the General Statutes or
23 practicing under a waiver in accordance with G.S. 90-12.5.

24 d. Any emergency medical services personnel as defined in
25 G.S. 131E-155(7).

26 e. Any individual providing health care services within the scope of
27 authority permitted by a COVID-19 emergency rule.

28 f. Any individual who is employed as a health care facility administrator,
29 executive, supervisor, board member, trustee, or other person in a
30 managerial position or comparable role at a health care facility.

31 g. An agent or employee of a health care facility that is licensed, certified,
32 or otherwise authorized to provide health care services.

33 h. An officer or director of a health care facility.

34 i. An agent or employee of a health care provider who is licensed,
35 certified, or otherwise authorized to provide health care services.

36 (8) Health care service. – Treatment, clinical direction, supervision, management,
37 or administrative or corporate service, provided by a health care facility or a
38 health care provider during the period of the COVID-19 emergency
39 declaration, regardless of the location in this State where the service is
40 rendered:

41 a. To provide testing, diagnosis, or treatment of a health condition,
42 illness, injury, or disease related to a confirmed or suspected case of
43 COVID-19.

44 b. To dispense drugs, medical devices, medical appliances, or medical
45 goods for the treatment of a health condition, illness, injury, or disease
46 related to a confirmed or suspected case of COVID-19.

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

50 (9) Volunteer organization. – Any medical organization, company, or institution
51 that has made its facility or facilities available to support the State's response

1 and activities under the COVID-19 emergency declaration and in accordance
2 with any applicable COVID-19 emergency rule.

3 **"§ 90-21.133. Immunity.**

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

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

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

15 a. By a health care facility, health care provider, or entity's decisions or
16 activities in response to or as a result of the COVID-19 pandemic; or
17 b. By the decisions or activities, in response to or as a result of the
18 COVID-19 pandemic, of a health care facility or entity where a health
19 care provider provides health care services.

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

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

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

34 **"§ 90-21.134. Severability.**

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

39 **SECTION 3D.7.(b)** This section is effective when it becomes law and applies to acts
40 or omissions occurring during the time of Executive Order No. 116 issued on March 10, 2020,
41 by Governor Roy A. Cooper, and any subsequent time period during which a state of emergency
42 is declared to be in effect during calendar year 2020 by the Governor in response to COVID-19.

43
44 **DISPENSE AND USE OF CONTROLLED SUBSTANCES TEMPORARILY AT**
45 **ADDITIONAL PLACES OF BUSINESS**

46 **SECTION 3D.8.(a)** Notwithstanding any provision of law to the contrary, for the
47 duration of the COVID-19 emergency, a hospital, nursing home, or clinic holding a valid State
48 registration for controlled substances under Article 5 of Chapter 90 of the General Statutes may
49 temporarily dispense or use controlled substances at additional places of business by completing
50 the registration process developed by the Division of Mental Health, Developmental Disabilities
51 and Substance Abuse Services of the North Carolina Department of Health and Human Services,

1 and providing all information required pursuant to said emergency registration process for any
2 overflow facility or satellite facility that may be established temporarily by the hospital, nursing
3 home, or clinic registrant in response to the COVID-19 emergency, and no registration fee shall
4 be required in connection with any such emergency registration.

5 **SECTION 3D.8.(b)** This section is effective when it becomes law and expires 60
6 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

7 8 **PRE-PROCEDURE COVID-19 TEST RESULT REPORTING**

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

15 **SECTION 3D.9.(b)** This section is effective when it becomes law.

16 17 **SUBPART III.E. INCREASED FLEXIBILITY FOR THE DEPARTMENT OF HEALTH 18 AND HUMAN SERVICES TO RESPOND TO COVID-19**

19 20 **EXTENSION OF TIME FOR ESTABLISHING CONNECTIVITY TO THE STATE'S 21 HEALTH INFORMATION EXCHANGE NETWORK KNOWN AS HEALTHCONNEX**

22 **SECTION 3E.1.(a)** G.S. 90-414.4(a1)(2) reads as rewritten:

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

26 **SECTION 3E.1.(b)** G.S. 90-414(a2) reads as rewritten:

27 "(a2) Extensions of Time for Establishing Connection to the HIE Network. – The
28 Department of Information Technology, in consultation with the Department of Health and
29 Human Services and the State Health Plan for Teachers and State Employees, may establish a
30 process to grant limited extensions of the time for providers and entities to connect to the HIE
31 Network and begin submitting data as required by this section upon the request of a provider or
32 entity that demonstrates an ongoing good-faith effort to take necessary steps to establish such
33 connection and begin data submission as required by this section. The process for granting an
34 extension of time must include a presentation by the provider or entity to the Department of
35 Information Technology, the Department of Health and Human Services, and the State Health
36 Plan for Teachers and State Employees on the expected time line for connecting to the HIE
37 Network and commencing data submission as required by this section. Neither the Department
38 of Information Technology, the Department of Health and Human Services, nor the State Health
39 Plan for Teachers and State Employees shall grant an extension of time (i) to any provider or
40 entity that fails to provide this information to both Departments, and the State Health Plan for
41 Teachers and State Employees, (ii) that would result in the provider or entity connecting to the
42 HIE Network and commencing data submission as required by this section later than ~~June 1,
43 2020~~October 1, 2021, or (iii) that would result in any provider or entity specified in subdivisions
44 (4) and (5) of subsection (a1) of this section connecting to the HIE Network and commencing
45 data submission as required by this section later than June 1, 2022. The Department of
46 Information Technology shall consult with the Department of Health and Human Services and
47 the State Health Plan for Teachers and State Employees to review and decide upon a request for
48 an extension of time under this section within 30 days after receiving a request for an extension."

49 **SECTION 3E.1.(c)** This section is effective when it becomes law.

1 **TEMPORARY WAIVER OF THREE-YEAR FINGERPRINTING**
2 **REQUIREMENT/CHILD CARE PROVIDERS/ADOPTIONS/FOSTER CARE**

3 **SECTION 3E.2.(a)** Notwithstanding G.S. 110-90.2(b), the Department of Health
4 and Human Services, Division of Child Development and Early Education, shall temporarily
5 waive the requirement that current child care providers complete a fingerprint-based criminal
6 history check every three years.

7 **SECTION 3E.2.(b)** In accordance with federal guidance, all available State and
8 federal name-based criminal background checks for prospective employees seeking employment
9 in licensed child care shall be completed. Prospective employees will be issued a provisional
10 qualification status. In situations where only State and federal name-based checks were
11 completed, fingerprint-based criminal history checks shall be completed within 60 days of
12 Executive Order No. 116 being rescinded, in compliance with State law and rules. If
13 fingerprint-based checks are not completed within 60 days of Executive Order No. 116 being
14 rescinded, the prospective employee will be disqualified until a fingerprint-based check is
15 completed.

16 **SECTION 3E.2.(c)** Notwithstanding any provision of law or rules to the contrary,
17 the Department of Health and Human Services, Division of Social Services, shall temporarily
18 waive any requirement to complete a fingerprint-based criminal history check pertaining to
19 adoptions, foster care, or child care institutions. However, in accordance with federal guidance,
20 all available name-based criminal background checks for prospective foster parents, adoptive
21 parents, legal guardians, and adults working in child care institutions shall be completed, and, in
22 situations where only name-based checks were completed, fingerprint-based criminal history
23 checks shall be completed within 60 days of Executive Order No. 116 being rescinded, in
24 compliance with State law and rules.

25 **SECTION 3E.2.(d)** This section is effective when it becomes law and expires 60
26 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

27
28 **MODIFICATION OF FACILITY INSPECTIONS AND TRAINING TO ADDRESS**
29 **INFECTION CONTROL MEASURES FOR COVID-19**

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

41 **SECTION 3E.3.(b)** DHR shall review the compliance history of all facilities
42 licensed under Article 2 of Chapter 122C of the General Statutes and Article 1 of Chapter 131D
43 of the General Statutes that were determined to be in violation, assessed penalties, or placed on
44 probation within the six-month period preceding the beginning of the COVID-19 emergency, for
45 noncompliance with rules or statutes or Centers for Disease Control and Prevention guidelines
46 regarding infection control or the proper use of personal protective equipment. DHR shall
47 require employees of these facilities to undergo immediate training designated by DHR about
48 infection control and the proper use of personal protective equipment. The training required by
49 this section may be conducted online, by video conference, or in such manner as DHR
50 determines appropriate under the circumstances.

1 **SECTION 3E.3.(c)** This section is effective when it becomes law and expires 60
2 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

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

6 **SECTION 3E.4.(a)** Notwithstanding G.S. 131D-10.6A(b)(1), the Department of
7 Health and Human Services, Division of Social Services, is authorized to temporarily waive the
8 72-hour requirement of preservice training before child welfare services staff assumes direct
9 client contact responsibilities. The Division is authorized to identify and use web-based training
10 as an acceptable equivalent in meeting preservice training requirements.

11 **SECTION 3E.4.(b)** This section is effective when it becomes law and expires 60
12 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

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

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

20 **SECTION 3F.1.(a)** The following words have the following meanings in this
21 section:

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

26 **SECTION 3F.1.(b)** Notwithstanding any provision of Chapter 122C of the General
27 Statutes or any other provision of law to the contrary, the first examination of a respondent
28 required by G.S. 122C-283(a) to determine whether the respondent will be involuntarily
29 committed due to substance use disorder may be conducted either in the physical face-to-face
30 presence of the commitment examiner or utilizing telehealth equipment and procedures. A
31 commitment examiner who examines a respondent by means of telehealth must be satisfied to a
32 reasonable medical certainty that the determinations made in accordance with G.S. 122C-283(d)
33 would not be different if the examination had been conducted in the physical presence of the
34 commitment examiner. A commitment examiner who is not so satisfied must note that the
35 examination was not satisfactorily accomplished, and the respondent must be taken for a
36 face-to-face examination in the physical presence of a person authorized to perform examinations
37 under G.S. 122C-283.

38 **SECTION 3F.1.(c)** Notwithstanding any provision of Chapter 122C of the General
39 Statutes or any other provision of law to the contrary, the second examination of a respondent
40 required by G.S. 122C-266(a) to determine whether the respondent will be involuntarily
41 committed due to mental illness or required by G.S. 122C-285(a) to determine if the respondent
42 will be involuntarily committed due to substance use disorder may be conducted either in the
43 physical face-to-face presence of a physician or utilizing telehealth equipment and procedures,
44 provided that the following conditions are met:

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

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

14 **SECTION 3F.1.(d)** This section is effective when it becomes law and expires 30
15 days after Executive Order No. 116 is rescinded.

16

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

18 **SECTION 3F.2.** The General Assembly urges the federal Centers for Medicaid and
19 Medicare Services to provide reimbursement for health care delivered through audio-only
20 communication, such as over the telephone, under the Medicare program in order to reduce
21 barriers and increase access to health care for older adults.

22

23 **PART IV. CONTINUITY OF STATE GOVERNMENT/REGULATORY RELIEF**

24

25 **EMERGENCY VIDEO NOTARIZATION**

26 **SECTION 4.1.(a)** G.S. 10B-3 is amended by adding a new subdivision to read:

27 "(7a) Emergency video notarization. – An acknowledgement, affirmation, or oath
28 notarization completed by a notary in compliance with the requirements of
29 G.S. 10B-25. Emergency video notarization shall not include a verification
30 proof as defined in G.S. 10B-3(28)."

31 **SECTION 4.1.(b)** G.S. 10B-10 reads as rewritten:

32 "**§ 10B-10. Commission; oath of ~~office~~.office; emergency extension.**

33 ...

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

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

45 ...

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

1 SECTION 4.1.(c) Part 3 of Article 1 of Chapter 10B of the General Statutes is
2 amended by adding a new section to read:

3 **"§ 10B-25. Emergency video notarization.**

4 (a) Notwithstanding any other provision of law, a notary may perform an emergency
5 video notarization using video conference technology provided all of the requirements of this
6 section are satisfied. A notary who is not satisfied that the principal's identity has been proven by
7 satisfactory evidence shall not be required to complete an emergency video notarization. An
8 emergency video notarization shall not change any originality verification requirements for
9 recording with a register of deeds, clerk of superior court, or other government or private office
10 in this State. Nothing in this section shall apply to any notarization under Article 20 of Chapter
11 163 of the General Statutes.

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

14 (1) Occurs in real time.

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

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

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

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

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

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

27 b. An independent video recording device.

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

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

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

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

46 (2) Is issued by a federal, state, or federal or state-recognized tribal government
47 agency.

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

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

50 (e) The notary shall use video conference technology to observe each principal sign each
51 document that is to be notarized. The principal shall verbally state what documents are being

1 signed for the notarial record. After the document is signed by the principal, the principal or the
2 principal's designee shall do the following:

3 (1) If an original wet-signed notarization on an original wet-signed document is
4 not required, transmit a legible copy of the signed document to the notary by
5 fax or other electronic means on the same day it was signed. The notary shall
6 notarize the document on the same day the notary receives the document, and
7 the notary shall transmit the notarized document back to the principal or the
8 principal's designee by physical delivery, fax, or other electronic means on the
9 same day the notary signed the document.

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

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

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

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

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

30 (3) The following statement:

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

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

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

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

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

49 (2) The date of the completion of the emergency video notarization notarial
50 certificate.

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

- 1 (2) The attesting witness immediately thereafter signs such record while the video
2 conference technology still allows for direct, real-time audio and video
3 interaction between the principal signer and the attesting witness.
4 (c) Any record witnessed pursuant to this section shall contain all of the following:
5 (1) A conspicuous statement indicating that the record was witnessed by one or
6 more witnesses physically located in the State of North Carolina pursuant to
7 this Article.
8 (2) The county in which each remote witness was physically located when
9 witnessing execution of the record.
10 (3) The county in which each principal signer was physically located during the
11 witnessed execution of the record.
12 (d) Notwithstanding any general or special law to the contrary, absent an express
13 prohibition in a legal document against signing in counterparts, any record witnessed pursuant to
14 this Article may be signed in counterpart, which counterparts, when combined, shall create a
15 single original record."

16 **SECTION 4.2.(b)** This section is effective when it becomes law.

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

19 **SECTION 4.3.(a)** G.S. 14-12.11 reads as rewritten:

20 **"§ 14-12.11. Exemptions from provisions of Article.**

21 (a) ~~The~~ Any of the following are exempted from the provisions of G.S. 14-12.7, 14-12.8,
22 14-12.9, 14-12.10 and 14-12.14:

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

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

50 (b) Notwithstanding G.S. 14-12.7 and G.S. 14-12.8, a person may wear a mask for the
51 purpose of protecting the person's head, face, or head and face, when operating a motorcycle, as

1 defined in G.S. 20-4.01. A person wearing a mask when operating a motorcycle shall remove the
2 mask during a traffic stop, including at a checkpoint or roadblock under G.S. 20-16.3A, or when
3 approached by a law enforcement officer.

4 (c) A person wearing a mask for the purpose of ensuring the physical health or safety of
5 the wearer or others shall remove the mask, upon request by a law enforcement officer, in any of
6 the following circumstances:

7 (1) During a traffic stop, including a checkpoint or roadblock pursuant to
8 G.S. 20-16.3A.

9 (2) When a law enforcement officer has reasonable suspicion or probable cause
10 during a criminal investigation."

11 **SECTION 4.3.(b)** This section is effective when it becomes law and expires August
12 1, 2020.

13 14 **CLARIFY ELECTRONIC SIGNATURES FOR SEARCH WARRANTS AND CERTAIN** 15 **COURT ORDERS**

16 **SECTION 4.4.(a)** Notwithstanding any other provision of law, any signature
17 required for the issuance of a search warrant pursuant to Article 11 of Chapter 15A of the General
18 Statutes, or on any judicial order issued following a court hearing conducted by remote audio or
19 visual transmission in a civil or criminal case, may be signed by use of an electronic signature.

20 **SECTION 4.4.(b)** This section is effective when it becomes law and shall expire on
21 August 1, 2020.

22 23 **EXTEND TIME PERIOD TO CLAIM LOTTERY PRIZES**

24 **SECTION 4.5.(a)** Notwithstanding G.S. 18C-132, a lottery prize winner may submit
25 a delayed claim for a lottery prize that is expiring between March 10, 2020, and August 1, 2020.
26 The claim shall be submitted to the Lottery Commission in writing no later than November 1,
27 2020.

28 **SECTION 4.5.(b)** This section is effective when it becomes law.

29 30 **LOTTERY COMMISSION REPORT**

31 **SECTION 4.6.(a)** The North Carolina State Lottery Commission shall submit a
32 report relating to COVID-19 and associated economic impacts that contains at least all of the
33 following:

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

39 **SECTION 4.6.(b)** The report shall be submitted to the Joint Legislative Oversight
40 Committee on the North Carolina State Lottery and the Fiscal Research Division on or before
41 September 1, 2020.

42 43 **DIVISION OF MOTOR VEHICLES/EXTEND DEADLINES**

44 **SECTION 4.7.(a)** Definition. – For purposes of this section, "credential" means any
45 of the following issued by the Division of Motor Vehicles:

- 46 (1) Drivers license.
- 47 (2) Learner's permit.
- 48 (3) Limited learner's permit.
- 49 (4) Limited provisional license.
- 50 (5) Full provisional license.
- 51 (6) Commercial drivers license.

- 1 (7) Commercial learner's permit.
- 2 (8) Temporary driving certificate.
- 3 (9) Special identification card.
- 4 (10) Handicapped placard.
- 5 (11) Vehicle registration.
- 6 (12) Temporary vehicle registration.
- 7 (13) Dealer license plate.
- 8 (14) Transporter plate.
- 9 (15) Loaner/Dealer "LD" plate.
- 10 (16) Vehicle inspection authorization.
- 11 (17) Inspection station license.
- 12 (18) Inspection mechanic license.
- 13 (19) Transportation network company permit.
- 14 (20) Motor vehicle dealer license.
- 15 (21) Sales representative license.
- 16 (22) Manufacturer license.
- 17 (23) Distributor license.
- 18 (24) Wholesaler license.
- 19 (25) Driver training school license.
- 20 (26) Driver training school instructor license.
- 21 (27) Professional housemoving license.

22 **SECTION 4.7.(b)** Extend Validity of Credentials. – Notwithstanding renewal,
23 duration, or expiration provisions of G.S. 20-7, 20-11, 20-37.6, 20-37.7, 20-37.13, 20-50, 20-66,
24 20-79, 20-79.02, 20-79.2, 20-183.4B, 20-183.4D, 20-280.3, 20-288, 20-324, and 20-359, or any
25 other provision of law to the contrary, the Division of Motor Vehicles shall extend for a period
26 of five months the validity of any credential that expires on or after March 1, 2020, and before
27 August 1, 2020. A credential extended under this section shall expire five months from the date
28 it otherwise expires as prescribed by law prior to this section. However, the subsequent expiration
29 of a credential extended under this section shall occur on the date prescribed by law prior to this
30 section without regard to the extension. The Division shall notify individuals affected by an
31 extension granted under this section, including information on new expiration dates and how the
32 extension affects subsequent renewal and expiration dates.

33 **SECTION 4.7.(b1)** Extension of Intrastate Medical Waivers. – Notwithstanding the
34 limitation on duration of waivers in G.S. 20-37.13A(b), the Division of Motor Vehicles may
35 extend for up to five months the validity of a medical waiver issued by the Division under
36 G.S. 20-37.13A if the waiver expires on or after March 1, 2020, and before August 1, 2020, and
37 the Division's Medical Review Unit determines the extension is appropriate.

38 **SECTION 4.7.(c)** Driving Eligibility Certificates. – Notwithstanding
39 G.S. 20-11(n)(3), a driving eligibility certificate dated on or after February 9, 2020, and before
40 March 10, 2020, remains valid and may be accepted by the Division of Motor Vehicles to meet
41 the requirements for a license or permit issued under G.S. 20-11 until 30 days after the date the
42 Governor rescinds Executive Order No. 116 or the date the Division reopens all drivers license
43 offices, whichever is earlier.

44 **SECTION 4.7.(d)** Waive Penalties. – Notwithstanding any provision of law to the
45 contrary, the Division shall waive any fines, fees, or penalties associated with failing to renew a
46 credential during the period of time the credential is valid by extension under subsection (b) of
47 this section.

48 **SECTION 4.7.(e)** Motor Vehicle Taxes. – Notwithstanding any provision of law to
49 the contrary, due dates for motor vehicle taxes that are tied to registration expiration under Article
50 22A of Chapter 105 of the General Statutes shall be extended to correspond with extended
51 expiration dates under subsection (b) of this section.

1 **SECTION 4.7.(f)** Validity by Extension a Defense. – A person may not be convicted
2 or found responsible for any offense resulting from failure to renew a credential issued by the
3 Division if, when tried for that offense, the person shows that the offense occurred during the
4 period of time the credential is valid by extension under subsection (b) of this section.

5 **SECTION 4.7.(g)** Report. – Within 30 days of the extensions made under subsection
6 (b) of this section, the Division shall submit a report to the Joint Legislative Transportation
7 Oversight Committee and the Fiscal Research Division detailing implementation of this section.

8 **SECTION 4.7.(h)** Effective Date. – This section is effective retroactively to March
9 1, 2020, and applies to expirations occurring on or after that date.

10 11 **DELAY DMV HEADQUARTERS MOVE**

12 **SECTION 4.8.(a)** Section 34.24(a) of S.L. 2018-5 reads as rewritten:

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

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

17 18 **DOT EMERGENCY RESERVE MODIFICATION**

19 **SECTION 4.9.** Notwithstanding G.S. 136-44.2E, as enacted by S.L. 2019-251, for
20 the fiscal year 2020-2021, the Department of Transportation shall not transfer funds to the
21 Transportation Emergency Reserve.

22 23 **WITNESS REQUIREMENT DURING STATE OF EMERGENCY/HEALTH CARE** 24 **POWER OF ATTORNEY AND ADVANCED DIRECTIVE FOR NATURAL DEATH**

25 **SECTION 4.10.(a)** G.S. 32A-16 reads as rewritten:

26 **"§ 32A-16. Definitions.**

27 The following definitions apply in this Article:

28 ...

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

39 ...

40 (6) Qualified witness. – ~~A-Except as provided in G.S. 32A-16.1, a~~ witness in
41 whose presence the principal has executed the health care power of attorney,
42 who believes the principal to be of sound mind, and who states that he or she
43 (i) is not related within the third degree to the principal nor to the principal's
44 spouse, (ii) does not know nor have a reasonable expectation that he or she
45 would be entitled to any portion of the estate of the principal upon the
46 principal's death under any existing will or codicil of the principal or under
47 the Intestate Succession Act as it then provides, (iii) is not the attending
48 physician or mental health treatment provider of the principal, nor a licensed
49 health care provider who is a paid employee of the attending physician or
50 mental health treatment provider, nor a paid employee of a health facility in
51 which the principal is a patient, nor a paid employee of a nursing home or any

1 adult care home in which the principal resides, and (iv) does not have a claim
2 against any portion of the estate of the principal at the time of the principal's
3 execution of the health care power of attorney.

4"

5 **SECTION 4.10.(b)** Article 3 of Chapter 32A of the General Statutes is amended by
6 adding a new section to read:

7 **"§ 32A-16.1. Health care powers of attorney executed during state of emergency.**

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

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

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

22 **SECTION 4.10.(c)** G.S. 90-321 reads as rewritten:

23 **"§ 90-321. Right to a natural death.**

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

25 ...

26 (1a) Declaration. – ~~Any~~ Except as provided in G.S. 90-321.1, any signed,
27 witnessed, dated, and proved document meeting the requirements of
28 subsection (c) of this section.

29 ...

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

32 ...

33 (3) ~~That~~ Except as provided in G.S. 90-321.1, that has been signed by the
34 declarant in the presence of two witnesses who believe the declarant to be of
35 sound mind and who state that they (i) are not related within the third degree
36 to the declarant or to the declarant's spouse, (ii) do not know or have a
37 reasonable expectation that they would be entitled to any portion of the estate
38 of the declarant upon the declarant's death under any will of the declarant or
39 codicil thereto then existing or under the Intestate Succession Act as it then
40 provides, (iii) are not the attending physician, licensed health care providers
41 who are paid employees of the attending physician, paid employees of a health
42 facility in which the declarant is a patient, or paid employees of a nursing
43 home or any adult care home in which the declarant resides, and (iv) do not
44 have a claim against any portion of the estate of the declarant at the time of
45 the declaration; and

46"

47 **SECTION 4.10.(d)** Article 23 of Chapter 90 of the General Statutes is amended by
48 adding a new section to read:

49 **"§ 90-321.1. Advanced directive for a natural death executed during a state of emergency.**

50 (a) The requirement of G.S. 90-321 that an advanced directive for a natural death
51 declaration be executed in the presence of two qualified witnesses shall be waived for all

1 instruments executed on or after the effective date of this section and prior to termination of the
2 state of emergency declared by Governor Roy Cooper in Executive Order No. 116, on March 10,
3 2020, as the same may be extended by any subsequent executive order, such that an instrument
4 that is signed by the declarant, properly acknowledged before a notary public, and otherwise
5 executed in compliance with the provisions of this Article, shall not be invalidated by the
6 declarant's failure to execute the advanced directive for a natural death declaration in the presence
7 of two qualified witnesses.

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

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

15 **SECTION 4.10.(e)** This section is effective when it becomes law.

17 **ADULT GUARDIANSHIP SERVICE**

18 **SECTION 4.11.(a)** G.S. 35A-1109 reads as rewritten:

19 **"§ 35A-1109. Service of notice and petition.**

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

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

38 **SECTION 4.11.(b)** This section is effective when it becomes law and expires August
39 1, 2020.

41 **DISBURSEMENT OF FUNDS PRIOR TO RECORDATION OF DEED IN CERTAIN** 42 **CIRCUMSTANCES**

43 **SECTION 4.12.(a)** Chapter 45A of the General Statutes is amended by adding a new
44 section to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 **SECTION 4.12.(b)** This section is effective when it becomes law and expires August
50 1, 2020.
51

MARRIAGE LICENSES

SECTION 4.13.(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 4.13.(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,"

1 "Mexican-American," "Chicano," "Puerto Rican," "Cuban," "Other Spanish/Hispanic/Latino," or
2 "other," as the case may be. The certificate shall be filled out and signed by the minister, officer,
3 or other authorized individual celebrating the marriage, and also be signed by two witnesses
4 present at the marriage, who shall add to their names their place of residence, as follows:

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

9 _____ N.O.

10 Witness present at the marriage:

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

12 **SECTION 4.13.(c)** This section is effective when it becomes law, applies to any
13 marriage license issued on or after February 1, 2020, and expires August 1, 2020, and any
14 marriage license issued on or before that date shall be valid for 120 days.

15 **LIMITED BUSINESS IMMUNITY FOR ESSENTIAL BUSINESSES**

16 **SECTION 4.14.(a)** Chapter 66 of the General Statutes is amended by adding a new
17 Article to read:

18 "Article 48.

19 "Limited Business Immunity.

20 **"§ 66-460. Essential businesses; emergency response entities; liability limitation.**

21 (a) Notwithstanding any other provision of law and subject to G.S. 66-461, the following
22 entities shall have immunity from civil liability:

23 (1) An essential business that provides goods or services in this State with respect
24 to claims from any customer or employee for any injuries or death alleged to
25 have been caused as a result of the customer or employee contracting
26 COVID-19 while doing business with or while employed by the essential
27 business.

28 (2) An emergency response entity with respect to claims from any customer, user,
29 or consumer for any injuries or death alleged to have been caused as a result
30 of the COVID-19 pandemic or while doing business with the emergency
31 response entity.

32 (b) The immunity from civil liability provided in this section shall not apply if the injuries
33 or death were caused by an act or omission of the essential business or emergency response entity
34 constituting gross negligence, reckless misconduct, or intentional infliction of harm. This section
35 does not preclude an employee of an essential business or emergency response entity from
36 seeking an appropriate remedy under Chapter 97 of the General Statutes for any injuries or death
37 alleged to have been caused as a result of the employee contracting COVID-19 while employed
38 by the essential business or emergency response entity.

39 **"§ 66-461. Applicability.**

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

43 **"§ 66-462. Definitions.**

44 The following definitions apply in this Article:

45 (1) COVID-19. – The coronavirus disease 2019.

46 (2) COVID-19 emergency declaration. – Executive Order No. 116 issued March
47 10, 2020, by Governor Roy A. Cooper, including any amendments issued by
48 executive order, subject to extensions under Chapter 166A of the General
49 Statutes.

- 1 (3) COVID-19 essential business executive order. – Executive Order No. 121
 2 issued March 27, 2020, by Governor Roy A. Cooper, including any
 3 amendments issued by executive order, subject to extensions under Chapter
 4 166A of the General Statutes.
- 5 (4) Emergency response entity. – Businesses, not-for-profit organizations,
 6 educational institutions, and governmental entities that manufacture, produce,
 7 or distribute personal protective equipment, testing equipment, or ventilators,
 8 or process COVID-19 testing results.
- 9 (5) Essential business. – Businesses, not-for-profit organizations, educational
 10 institutions, and governmental entities identified in the COVID-19 essential
 11 business executive order. The term also applies to any business that the
 12 Department of Revenue determines is essential.

13 **"§ 66-463. Severability.**

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

19 **SECTION 4.14.(b)** This section is effective when it becomes law and applies to
 20 claims filed on or after March 27, 2020.

21
 22 **EXPAND THE DEFINITION OF SECURITY GUARD AND PATROL PROFESSION**
 23 **TO INCLUDE SECURITY SERVICES PROVIDERS AT STATE PRISONS**

24 **SECTION 4.15.(a)** G.S. 74C-3(a) reads as rewritten:

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

- 27 ...
- 28 (6) Security guard and patrol profession. – Any person, firm, association, or
 29 corporation that provides a security guard on a contractual basis for another
 30 person, firm, association, or corporation for a fee or other valuable
 31 consideration and performs one or more of the following functions:
 32 ...
- 33 e. Security services related to entry and exit, direction and movement of
 34 individuals at entry and exit, security working towers, and perimeter
 35 security patrols at State prison facilities.

36 "

37 **SECTION 4.15.(b)** Article 1 of Chapter 148 of the General Statutes is amended by
 38 adding a new section to read:

39 **"§ 148-5.5. Training and authority of security guards.**

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

47 **SECTION 4.15.(c)** This section is effective when it becomes law and expires August
 48 1, 2020.

49
 50 **NEW ATTORNEYS' OATH**

1 **SECTION 4.16.(a)** Notwithstanding G.S. 84-1, in response to the coronavirus
2 emergency, a justice or judge of the General Court of Justice may administer the required oath
3 prescribed for attorneys by G.S. 11-11 to an attorney remotely using a form of live video
4 conferencing technology, provided the individual taking the oath is personally known to the
5 justice or judge or provides satisfactory evidence of identity to the justice or judge.

6 **SECTION 4.16.(b)** This section is effective when it becomes law and expires
7 December 1, 2020.

8 9 **COMMUNICABLE DISEASE INFORMATION TO LAW ENFORCEMENT**

10 **SECTION 4.17.(a)** G.S. 130A-143 reads as rewritten:

11 **"§ 130A-143. Confidentiality of records.**

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

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

1 enforcement official in preventing or controlling the spread of the disease or
2 condition and expressly authorizes the disclosure as necessary for that
3 ~~purpose;~~purpose.

4 (8) Release is made by the Department or a local health department to another
5 federal, ~~state~~State, tribal, or local public health agency for the purpose of
6 preventing or controlling the spread of a communicable disease or
7 communicable ~~condition;~~condition.

8 (9) Release is made by the Department for bona fide research purposes. The
9 Commission shall adopt rules providing for the use of the information for
10 research ~~purposes;~~purposes.

11 (10) Release is made pursuant to ~~G.S. 130A-144(b); or~~G.S. 130A-144(b).

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

14 **SECTION 4.17.(b)** This section is effective when it becomes law.

15
16 **ALLOW LICENSED SOIL SCIENTISTS TO EVALUATE, INSPECT, AND APPROVE**
17 **ON-SITE WASTEWATER SYSTEM PROJECTS DURING THE CORONAVIRUS**
18 **EMERGENCY**

19 **SECTION 4.18.(a)** Notwithstanding G.S. 130A-336.2(a), an individual licensed as
20 a soil scientist pursuant to Chapter 89F of the General Statutes may, at the direction of the owner
21 of a proposed on-site wastewater system, prepare signed and sealed soil and site evaluations,
22 specifications, plans, and reports for the site layout, construction, operation, and maintenance of
23 a wastewater system without also obtaining further certification from the North Carolina On-Site
24 Wastewater Contractors and Inspectors Board.

25 **SECTION 4.18.(b)** In addition to the authority granted pursuant to subsection (a) of
26 this section, an individual licensed as a soil scientist pursuant to Chapter 89F of the General
27 Statutes and engaged by the owner of a proposed on-site wastewater system may conduct all
28 necessary inspections, certifications, and approvals, including the issuance of the final inspection
29 and report certifying that the system has been installed according to the approved plans and
30 specifications for the construction, installation, and operation of a proposed wastewater system.

31 **SECTION 4.18.(c)** Wastewater systems constructed, installed, and operated under
32 authority of this section shall otherwise comply with the requirements of G.S. 130A-336.2 and
33 rules adopted thereunder. The owner of a proposed wastewater system shall notify the local
34 health department that the owner is engaging a licensed soil scientist pursuant to the authority
35 granted in this section.

36 **SECTION 4.18.(d)** The Department of Health and Human Services, the
37 Department's authorized agents, and local health departments shall have no liability for
38 wastewater systems developed, constructed, installed, or approved by a licensed soil scientist
39 acting pursuant to the authority granted in this section; however, nothing in this section shall
40 relieve the Department, the Department's authorized agents, and local health departments from
41 any of their other obligations under State law or administrative rule. The licensed soil scientist
42 conducting the evaluation, installation, and construction of a proposed wastewater system
43 pursuant to this section shall maintain an errors and omissions liability insurance policy issued
44 by an insurer licensed under Chapter 58 of the General Statutes in an amount commensurate with
45 the risk.

46 **SECTION 4.18.(e)** This section is effective when it becomes law and expires August
47 1, 2020. However, the expiration of this section shall not prevent a licensed soil scientist acting
48 under this section's authority from completing a proposed wastewater system begun before this
49 section expires.

1 **(I) ALLOW THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ESTABLISH**
2 **EMERGENCY MEASURES AND PROCEDURES APPLICABLE TO SOLID WASTE**
3 **MANAGEMENT, (II) EXPAND LOCAL GOVERNMENT AUTHORITY TO REQUEST**
4 **WAIVERS FROM THE DEPARTMENT WITH RESPECT TO CERTAIN ITEMS**
5 **BANNED FROM LANDFILLS, TO INCLUDE YARD WASTE IN CONSIDERATION**
6 **OF IMPACTS TO PUBLIC HEALTH, DURING THE COVID-19 STATE OF**
7 **EMERGENCY, AND (III) ALLOW PRIVATE COMPANIES PROVIDING**
8 **COLLECTION SERVICES FOR YARD TRASH TO REQUEST A WAIVER FROM**
9 **THE DEPARTMENT TO ALLOW DISPOSAL OF YARD TRASH COLLECTED IN A**
10 **LANDFILL IN CONSIDERATION OF IMPACTS TO PUBLIC HEALTH, DURING**
11 **THE COVID-19 STATE OF EMERGENCY**

12 **SECTION 4.19.(a)** For purposes of this section, "coronavirus emergency" means the
13 period from March 10, 2020, through August 1, 2020.

14 **SECTION 4.19.(b)** In order to protect public health or the environment, the
15 Secretary of Environmental Quality, or an authorized representative of the Secretary, may, upon
16 request of a public or private landfill operator, or on the Secretary's own initiative, develop and
17 implement any emergency measures and procedures that the Secretary deems necessary for the
18 proper management of solid waste generated during the coronavirus emergency. Written notice
19 of emergency measures and procedures developed and implemented pursuant to this section shall
20 be provided to news media, waste organizations, governmental agencies, solid waste facilities,
21 and any other interested or affected parties as determined by the Secretary. Such emergency
22 procedures and measures may include any of the following:

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

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

30 **SECTION 4.19.(c)** This section is effective when it becomes law and expires August
31 1, 2020.

32 **SECTION 4.20.(a)** For purposes of this section, "coronavirus emergency" means the
33 period from March 10, 2020, through August 1, 2020.

34 **SECTION 4.20.(b)** Notwithstanding G.S. 130A-309.10(f)(3) and
35 G.S. 130A-309.10(k), a county or city may petition the Department of Environmental Quality
36 for a waiver from the prohibition on disposal of yard trash in a landfill during the coronavirus
37 emergency based on a showing that prohibiting the disposal of the material would constitute an
38 economic hardship or a real or potential public health risk.

39 **SECTION 4.20.(c)** Notwithstanding G.S. 130A-309.10(f)(3), a private company
40 that is providing collection services for yard trash may petition the Department of Environmental
41 Quality for a waiver from the prohibition on disposal of yard trash in a landfill during the
42 coronavirus emergency based on a showing that prohibiting the disposal of the material would
43 constitute an economic hardship or a real or potential public health risk. The authority granted
44 under this section shall apply to a private company providing collection services for yard trash
45 within a county or city's jurisdiction: (i) whether or not the county or city has elected to request
46 a waiver from the Department pursuant to subsection (b) of this section and (ii) notwithstanding
47 any requirement under a franchise agreement or other contractual arrangement between the
48 private company and a city or county applicable to yard trash disposal.

49 **SECTION 4.20.(d)** This section is effective when it becomes law and expires August
50 1, 2020.

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

3 **SECTION 4.21.(a)** G.S. 135-48.30(a) is amended by adding a new subdivision to
4 read:

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

8 **SECTION 4.21.(b)** Part 3 of Article 3B of Chapter 135 of the General Statutes is
9 amended by adding a new section to read:

10 **"§ 135-48.39. Operations during state of disaster or emergency.**

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

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

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

16 (3) The President of the United States has issued a major disaster declaration
17 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act,
18 42 U.S.C. § 5121, et seq., as amended, for this State, for an area within this
19 State, or for an area in which a member or an employing unit is located.

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

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

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

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

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

46 **SECTION 4.21.(c)** This section is effective retroactively to January 1, 2020.

47
48 **INTERIM DETERMINATIONS AND INTERIM CERTIFICATIONS FOR CERTAIN**
49 **DISABILITY BENEFITS**

50 **SECTION 4.22.(a)** This section shall apply to the following General Statutes:

51 (1) Article 1A of Chapter 120.

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

5 **SECTION 4.22.(b)** Whenever the medical board, as established under
6 G.S. 128-28(l), 135-6(k), or 135-102(d), is required to make a determination or certification of
7 eligibility for disability benefits, the Director of the Retirement Systems Division of the
8 Department of State Treasurer, or the Director's designee, may make an interim determination or
9 an interim certification that a member or beneficiary is eligible for disability benefits. The
10 Director may not make a determination or certification that a member or beneficiary is not
11 eligible for disability benefits.

12 **SECTION 4.22.(c)** The medical board shall review any interim determinations or
13 interim certifications made in accordance with this section as soon as practicable and shall then
14 make a final determination or final certification for disability benefits. If, subsequent to an interim
15 determination or interim certification, the medical board makes a final determination that a
16 member or beneficiary is not eligible for disability benefits, then any payment to that member or
17 beneficiary shall cease and the determination shall be applied prospectively only so that the final
18 determination will not require any refund by the member or beneficiary to the applicable
19 retirement system or benefit plan for payments or benefits received during the interim period
20 before the final determination is made.

21 **SECTION 4.22.(d)** This section is effective when it becomes law. Subsection (b) of
22 this section expires August 1, 2020. Any interim determinations or interim certifications made,
23 as allowed under subsection (b) of this section, will remain valid until a final determination is
24 made, in accordance with subsection (c) of this section.

25
26 **TEMPORARILY REMOVE BARRIERS TO ALLOW RETIREES OF THE TEACHERS'**
27 **AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL**
28 **GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO WORK**
29 **ON A PART-TIME, TEMPORARY, OR INTERIM BASIS DURING STATE OF**
30 **EMERGENCY RELATED TO COVID-19**

31 **SECTION 4.23.(a)** For individuals who retired under the Teachers' and State
32 Employees' Retirement System (TSERS) on or after October 1, 2019, but before April 1, 2020,
33 the six-month separation from service from an employer that is required under G.S. 135-1(20) in
34 order for a retirement to become effective shall not apply and instead a one-month separation
35 shall be required, provided that the position to which the individual returns is needed due to the
36 COVID-19 pandemic, as certified to the Retirement Systems Division of the Department of State
37 Treasurer by the employing agency. Upon the expiration of this section, all of the following shall
38 apply:

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

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

3 **SECTION 4.23.(b)** For individuals who retired prior to April 1, 2020, any earnings
4 received between March 10, 2020, and the time that this section expires shall not be treated as
5 earned by a TSERS beneficiary under the provisions of G.S. 135-3(8)c., provided those earnings
6 are related to a position needed due to the COVID-19 pandemic, as certified to the Retirement
7 Systems Division of the Department of State Treasurer by the employing agency.

8 **SECTION 4.23.(c)** For individuals who retired prior to April 1, 2020, any earnings
9 received between March 10, 2020, and the time that this section expires shall not be treated as
10 earned by a beneficiary of the Local Governmental Employees Retirement System (LGERS)
11 under the provisions of G.S. 128-24(5)c., provided those earnings are related to a position needed
12 due to the COVID-19 pandemic, as certified to the Retirement Systems Division of the
13 Department of State Treasurer by the employing unit.

14 **SECTION 4.23.(d)** Any benefits received by or paid to a law enforcement officer or
15 retired law enforcement officer under Article 12D of Chapter 143 of the General Statutes shall
16 not be impacted by any work performed between March 10, 2020, and the time that this section
17 expires, provided that work performed is needed due to the COVID-19 pandemic, as documented
18 by the employing unit or agency.

19 **SECTION 4.23.(e)** This section is effective when it becomes law and expires August
20 1, 2020.

21 **FLEXIBILITY TO WAIVE INTEREST ON PROCUREMENT**

22 **SECTION 4.24.(a)** Notwithstanding G.S. 147-86.23, a State agency, as defined in
23 G.S. 147-86.20(5), may waive any interest due on a past-due account receivable. This section
24 does not apply to money owed to the University of North Carolina Health Care System or to East
25 Carolina University's Division of Health Sciences for health care services, to the North Carolina
26 Turnpike Authority for money owed to the Authority for tolls, or to the North Carolina State
27 Health Plan for past-due account receivables related to premiums and claims payments.

28 **SECTION 4.24.(b)** This section is effective when it becomes law and expires August
29 1, 2020.

30 **PROVIDE FOR THE RESCHEDULING OF PUBLIC HEARINGS DURING** 31 **TEMPORARY RULE MAKING**

32 **SECTION 4.25.(a)** G.S. 150B-21.1 reads as rewritten:

33 **"§ 150B-21.1. Procedure for adopting a temporary rule.**

34 ...

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

- 36 (1) At least 30 business days prior to adopting a temporary rule, submit the rule
37 and a notice of public hearing to the Codifier of Rules, and the Codifier of
38 Rules shall publish the proposed temporary rule and the notice of public
39 hearing on the Internet to be posted within five business days.
 - 40 (2) At least 30 business days prior to adopting a temporary rule, notify persons on
41 the mailing list maintained pursuant to G.S. 150B-21.2(d) and any other
42 interested parties of its intent to adopt a temporary rule and of the public
43 hearing.
 - 44 (3) Accept written comments on the proposed temporary rule for at least 15
45 business days prior to adoption of the temporary rule.
 - 46 (4) Hold at least one public hearing on the proposed temporary rule no less than
47 five days after the rule and notice have been published. If notice of a public
48 hearing has been published and that public hearing has been cancelled, the
49 hearing shall not be held.
- 50

1 agency shall publish notice at least five days prior to the date of any
 2 rescheduled hearing.

3 "

4 **SECTION 4.25.(b)** This section is effective retroactively to March 10, 2020.

5
 6 **AUTHORIZE THE CHIEF ADMINISTRATIVE LAW JUDGE TO EXTEND THE TIME**
 7 **PERIOD FOR THE FILING OF CONTESTED CASES DURING CATASTROPHIC**
 8 **CONDITIONS**

9 **SECTION 4.26.(a)** G.S. 150B-23 reads as rewritten:

10 **"§ 150B-23. Commencement; assignment of administrative law judge; hearing required;**
 11 **notice; intervention.**

12 ...

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

34 "

35 **SECTION 4.26.(b)** This section is effective retroactively to March 10, 2020.

36
 37 **CLARIFY "AVAILABLE FOR PUBLIC INSPECTION"/LOCAL GOVERNMENT**
 38 **BUDGET PROCESS**

39 **SECTION 4.27.(a)** G.S. 159-12 reads as rewritten:

40 **"§ 159-12. Filing and publication of the budget; budget hearings.**

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

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

1 **SECTION 4.27.(b)** This section is effective when it becomes law and expires August
2 1, 2020.

3
4 **DAILY DEPOSIT REQUIREMENT UNDER THE LOCAL GOVERNMENT BUDGET**
5 **AND FISCAL CONTROL ACT**

6 **SECTION 4.28.(a)** G.S. 159-32 reads as rewritten:

7 **"§ 159-32. Daily deposits.**

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

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

26 **SECTION 4.28.(b)** This section is effective when it becomes law.

27
28 **LOCAL GOVERNMENT COMMISSION REVISIONS**

29 **SECTION 4.29.(a)** G.S. 159-33.1 reads as rewritten:

30 **"§ 159-33.1. Semiannual reports of financial information.**

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

38 (b) Notwithstanding the provisions of subsection (a) of this section or any rule or
39 regulation prescribed by the secretary, the finance officer of each county, municipality, water
40 district or authority, sewer district or authority, sanitary district, and metropolitan sewage district
41 shall submit to the secretary a statement of financial information concerning the impact of
42 COVID-19 on the finances of the unit or public authority no later than February 15, 2021. The
43 information in the statement shall include monthly data for the time period of July 1, 2019,
44 through December 31, 2020, on the following: (i) utility payments, including water, sewer, and
45 electric, (ii) reductions in tax revenue, (iii) reductions in services due to reductions in tax revenue,
46 (iv) total revenues received from building inspections, by type, (v) the ability to meet debt service
47 obligations, (vi) the balances of any capital reserve funds, (vii) the purpose of any withdrawals
48 from capital reserve funds, and (viii) any other information prescribed by the secretary. The Local
49 Government Commission shall use the information provided pursuant to this subsection to
50 identify units and public authorities that require assistance similar to that provided to units and
51 public authorities on the Unit Assistance List compiled by the Commission.

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

5 **SECTION 4.29.(b)** G.S. 159-33.1(b), as enacted by subsection (a) of this section,
6 expires February 15, 2021, and G.S. 159-33.1(c), as enacted by subsection (a) of this section,
7 expires March 15, 2021.

9 REINSTATE SPECIAL OBLIGATION BONDS

10 **SECTION 4.30.(a)** G.S. 159I-30 is reenacted as it existed immediately before its
11 expiration, is recodified as G.S. 159-146, and is rewritten to read:

12 "Article 7A.

13 "Special Obligation Bonds and Notes.

14 "§ 159-146. Additional powers of units of local government; issuance of special obligation 15 bonds and notes.

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

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

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

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

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

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

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

32 3. Enlarging, expanding, and extending.

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

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

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

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

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

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

50 g. Administrative and legal expenses and administrative charges.

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

- 1 c. With respect to a city, any service or facility authorized by
2 G.S. 160A-536 and provided in a municipal service district.
- 3 (8) Unit of local government or unit. – Any of the following:
- 4 a. A unit of local government as defined in G.S. 159-44(4).
- 5 b. Any combination of units, as defined in G.S. 160A-460(2), entering
6 into a contract or agreement with each other under G.S. 160A-461.
- 7 c. Any joint agency established under G.S. 160A-462; as any such
8 section may be amended from time to time.
- 9 d. Any regional solid waste management authority created pursuant to
10 G.S. 153A-421.
- 11 e. A consolidated city-county as defined by G.S. 160B-2(1), including
12 such a consolidated city-county acting with respect to an urban service
13 district defined by a consolidated city-county.

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

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

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

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

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

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

- 45 (1) No bond order may contain a nonsubstitution clause that restricts the right of
46 a unit of local government to do any of the following:
- 47 a. Continue to provide a service or activity.
- 48 b. Replace or provide a substitute for any municipal purpose financed
49 pursuant to the bond order.
- 50 (2) A bond order is subject to approval by the Commission under Article 8 of this
51 Chapter if both of the following apply:

- 1 a. The order meets the standards set out in G.S. 159-148(a)(1),
2 159-148(a)(2), and 159-148(a)(3), or involves the construction or
3 repair of fixtures or improvements on real property.
- 4 b. The order is not exempted from the provisions of that Article by one
5 of the exemptions contained in G.S. 159-148(b)(1) and (2).
- 6 The Commission approval required by this subdivision is in addition to the
7 Commission approval required by subsection (i) of this section.
- 8 (3) No deficiency judgment may be rendered against any unit of local government
9 in any action for breach of a bond order authorized by this section, and the
10 taxing power of a unit of local government is not and may not be pledged
11 directly or indirectly to secure any moneys due under a bond order authorized
12 by this section. This prohibition does not impair the right of the holder of a
13 bond or note to exercise a remedy with respect to the revenues pledged to
14 secure the bond or note, as provided in the bond order, resolution, or trust
15 agreement under which the bond or note is authorized and secured. A unit of
16 local government may, in its sole discretion, use tax proceeds to pay the
17 principal of or interest or premium on bonds or notes, but shall not pledge or
18 agree to do so.
- 19 (4) Before granting a security interest under this subsection, a unit of local
20 government shall hold a public hearing on the proposed security interest. A
21 notice of the public hearing shall be published once at least 10 days before the
22 date fixed for the hearing.
- 23 (c) Payment; Call. – Any bond anticipation notes may be made payable from the proceeds
24 of bonds or renewal notes or, in the event bond or renewal note proceeds are not available, the
25 notes may be paid from any sources available under subsection (b) of this section. Bonds or notes
26 may also be paid from the proceeds of any credit facility. The bonds and notes of each issue shall
27 be dated and may be made redeemable prior to maturity at the option of the unit of local
28 government or otherwise, at such price or prices, on such date or dates, and upon such terms and
29 conditions as may be determined by the unit. The bonds or notes may also be made payable from
30 time to time on demand or tender for purchase by the owner, upon terms and conditions
31 determined by the unit.
- 32 (d) Interest. – The interest payable by a unit on any special obligation bonds or notes may
33 be at such rate or rates, including variable rates as authorized in this section, as may be determined
34 by the Local Government Commission with the approval of the governing body of the unit. This
35 approval may be given as the governing body of the unit may direct, including, without limitation,
36 a certificate signed by a representative of the unit designated by the governing body of the unit.
- 37 (e) Nature of Obligation. – Special obligation bonds and notes shall be special obligations
38 of the unit of local government issuing them. The principal of, and interest and any premium on,
39 special obligation bonds and notes shall be secured solely by any one or more of the sources of
40 payment authorized by this section as may be pledged in the proceedings, resolution, or trust
41 agreement under which they are authorized or secured. Neither the faith and credit nor the taxing
42 power of the unit of local government are pledged for the payment of the principal of, or interest
43 or any premium on, any special obligation bonds or notes, and no owner of special obligation
44 bonds or notes has the right to compel the exercise of the taxing power by the unit in connection
45 with any default thereon. Every special obligation bond and note shall recite in substance that the
46 principal and interest and any premium on the bond or note are secured solely by the sources of
47 payment pledged in the bond order, resolution, or trust agreement under which it is authorized or
48 secured. The following limitations apply to payment from the specified sources:
- 49 (1) Any such use of these sources will not constitute a pledge of the unit's taxing
50 power.

- 1 (2) The unit is not obligated to pay the principal or interest or premium except
2 from these sources.
- 3 (f) Details. – In fixing the details of bonds or notes, the unit of local government may
4 provide that any of the bonds or notes may do any of the following:
- 5 (1) Be made payable from time to time on demand or tender for purchase by the
6 owner thereof as long as a credit facility supports the bonds or notes, unless
7 the Local Government Commission specifically determines that a credit
8 facility is not required upon a finding and determination by the Local
9 Government Commission that the absence of a credit facility will not
10 materially and adversely affect the financial position of the unit and the
11 marketing of the bonds or notes at a reasonable interest cost to the unit.
- 12 (2) Be additionally supported by a credit facility.
- 13 (3) Be made subject to redemption or a mandatory tender for purchase prior to
14 maturity.
- 15 (4) Bear interest at a rate or rates that may vary for such period or periods of time,
16 all as may be provided in the proceedings providing for the issuance of the
17 bonds or notes including, without limitation, such variations as may be
18 permitted pursuant to a par formula.
- 19 (5) Be made the subject of a remarketing agreement whereby an attempt is made
20 to remarket the bonds or notes to new purchasers prior to their presentment
21 for payment to the provider of the credit facility or to the unit.
- 22 (g) Credit Facility. – The obligation of a unit of local government under a credit facility
23 to repay any drawing thereunder may be made payable and otherwise secured, to the extent
24 applicable, as provided in this section.
- 25 (h) Term; Form. – Notes shall mature at such time or times and bonds shall mature, not
26 exceeding 40 years from their date or dates, as may be determined by the unit of local
27 government, except that no such maturity dates may exceed the maximum maturity periods
28 prescribed by the Local Government Commission pursuant to G.S. 159-122, as it may be
29 amended from time to time. The unit shall determine the form and manner of execution of the
30 bonds or notes, including any interest coupons to be attached thereto, and shall fix the
31 denomination or denominations and the place or places of payment of principal and interest,
32 which may be any bank or trust company within or without the United States. In case any officer
33 of the unit whose signature, or a facsimile of whose signature, appears on any bonds or notes or
34 coupons, if any, ceases to be the officer before delivery thereof, the signature or facsimile shall
35 nevertheless be valid and sufficient for all purposes the same as if the officer had remained in
36 office until the delivery. Any bond or note or coupon may bear the facsimile signatures of such
37 persons who at the actual time or the execution thereof were the proper officers to sign although
38 at the date of the bond or note or coupon these persons may not have been the proper officers.
39 The unit may also provide for the authentication of the bonds or notes by a trustee or other
40 authenticating agent. The bonds or notes may be issued as certificated or uncertificated
41 obligations or both, and in coupon or in registered form, or both, as the unit may determine, and
42 provision may be made for the registration of any coupon bonds or notes as to principal alone
43 and also as to both principal and interest, and for the reconversion into coupon bonds or notes of
44 any bonds or notes registered as to both principal and interest, and for the interchange of
45 registered and coupon bonds or notes. Any system for registration may be established as the unit
46 may determine.
- 47 (i) Local Government Commission Approval. – No bonds or notes may be issued by a
48 unit of local government under this section unless the issuance is approved and the bonds or notes
49 are sold by the Local Government Commission as provided in this section. The unit shall file
50 with the Secretary of the Local Government Commission an application requesting approval of
51 the issuance of the bonds or notes, which application shall contain such information and shall

1 have attached to it such documents concerning the proposed financing as the Secretary of the
2 Local Government Commission may require. The Commission may prescribe the form of the
3 application. Before the Secretary accepts the application, the Secretary may require the governing
4 body of the unit or its representatives to attend a preliminary conference, at which time the
5 Secretary or the deputies of the Secretary may informally discuss the proposed issue and the
6 timing of the steps taken in issuing the special obligation bonds or notes.

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

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

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

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

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

38 (m) Trust. – In the discretion of the unit of local government, any bonds and notes issued
39 under the provisions of this section may be secured by a trust agreement by and between the unit
40 and a corporate trustee or by a resolution providing for the appointment of a corporate trustee.
41 Bonds and notes may also be issued under an order or resolution without a corporate trustee. The
42 corporate trustee may be, in either case any trust company or bank having the powers of a trust
43 company within or without the State. The trust agreement or resolution may pledge or assign
44 such sources of revenue as may be permitted under this section. The trust agreement or resolution
45 may contain such provisions for protecting and enforcing the rights and remedies of the owners
46 of any bonds or notes issued thereunder as may be reasonable and proper and not in violation of
47 law, including covenants setting forth the duties of the unit in respect of the purposes to which
48 bond or note proceeds may be applied, the disposition and application of the revenues of the unit,
49 the duties of the unit with respect to the project, the disposition of any charges and collection of
50 any revenues and administrative charges, the terms and conditions of the issuance of additional
51 bonds and notes, and the custody, safeguarding, investment, and application of all moneys. All

1 bonds and notes issued under this section shall be equally and ratably secured by a lien upon the
2 revenues pledged in the trust agreement or resolution, without priority by reasons of number, or
3 dates of bonds or notes, execution, or delivery, in accordance with the provision of this section
4 and of the trust agreement or resolution, except that the unit may provide in the trust agreement
5 or resolution that bonds or notes issued pursuant thereto shall, to the extent and in the manner
6 prescribed in the trust agreement or resolution, be subordinated and junior in standing, with
7 respect to the payment of principal and interest and to the security thereof, to any other bonds or
8 notes. It shall be lawful for any bank or trust company that may act as depository of the proceeds
9 of bonds or notes, revenues, or any other money hereunder to furnish such indemnifying bonds
10 or to pledge such securities as may be required by the unit. Any trust agreement or resolution
11 may set out the rights and remedies of the owners of any bonds or notes and of any trustee, and
12 may restrict the individual rights of action by the owners. In addition to the foregoing, any trust
13 agreement or resolution may contain such other provisions as the unit may deem reasonable and
14 proper for the security of the owners of any bonds or notes. Expenses incurred in carrying out
15 the provisions of any trust agreement or resolution may be treated as a part of the cost of any
16 project or as an administrative charge and may be paid from the revenues or from any other funds
17 available.

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

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

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

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

48 (q) Tax Exemption. – All of the bonds and notes authorized by this Article shall be
49 exempt from all State, county, and municipal taxation or assessment, direct or indirect, general
50 or special, whether imposed for the purpose of general revenue or otherwise, excluding income

1 taxes on the gain from the transfer of the bonds and notes, and franchise taxes. The interest on
2 the bonds and notes shall not be subject to taxation as income.

3 (r) Refunding Bonds. – Subject to agreements with the holders of its bonds or notes, a
4 unit may issue bonds to refund outstanding bonds or notes previously issued under this Article
5 or any predecessor provision to this Article, including bonds previously issued under Chapter
6 159I of the General Statutes, as amended, whether or not they have matured. Bonds may be issued
7 partly for the purpose of refunding outstanding bonds and partly for any other purpose under this
8 Article. Refunding bonds may be issued at any time prior to the final maturity of the debt or
9 obligation to be refunded. The proceeds from the sale of any refunding bonds shall be applied
10 only as follows: either, (i) to the immediate payment and retirement of the obligations being
11 refunded or (ii) if not required for the immediate payment of the obligations being refunded such
12 proceeds shall be deposited in trust to provide for the payment and retirement of the obligations
13 being refunded, and to pay any expenses incurred in connection with such refunding. Money in
14 any such trust fund may be invested in (i) direct obligations of the United States government, or
15 (ii) obligations the principal of and interest on which are guaranteed by the United States
16 government, or (iii) to the extent then permitted by law in obligations of any agency or
17 instrumentality of the United States government, (iv) certificates of deposit issued by a bank or
18 trust company located in the State of North Carolina if such certificates shall be secured by a
19 pledge of any of said obligations described in (i), (ii), or (iii) above having any aggregate market
20 value, exclusive of accrued interest, equal at least to the principal amount of the certificates so
21 secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust
22 for the retirement of obligations being refunded but which shall not have matured and which shall
23 not be presently redeemable or, if presently redeemable, shall not have been called for
24 redemption."

25 **SECTION 4.30.(b)** G.S. 113A-115.1(h) reads as rewritten:

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

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

30"

31 **SECTION 4.30.(c)** G.S. 153A-427(a)(13) reads as rewritten:

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

42 **SECTION 4.30.(d)** G.S. 159-7(4) reads as rewritten:

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

49 **SECTION 4.30.(e)** G.S. 159-35(c) reads as rewritten:

50 "(c) The secretary shall mail to each unit of local government not later than 30 days prior
51 to the due date of each payment due to the State under debt instruments issued pursuant to Article

1 ~~7A of this Chapter or Chapter 159G of the General Statutes or Chapter 159I of the General~~
2 ~~Statutes~~ a statement of the amount so payable, the due date, the amount of any moneys due to the
3 unit of local government that will be withheld by the State and applied to the payment, the amount
4 due to be paid by the unit of local government from local sources, the place to which payment
5 should be sent, and a summary of the legal penalties for failing to honor the debt instrument
6 according to its terms. Failure of the secretary timely to mail such statement or otherwise comply
7 with the provisions of this subsection (c) shall not affect in any manner the obligation of a unit
8 of local government to make payments to the State in accordance with any such debt instrument."

9 **SECTION 4.30.(f)** G.S. 159-123(b) reads as rewritten:

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

11 ...

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

15"

16 **SECTION 4.30.(g)** G.S. 159-148 reads as rewritten:

17 "**§ 159-148. Contracts subject to Article; exceptions.**

18 (a) Except as provided in subsection (b) of this section, this Article applies to any
19 contract, agreement, memorandum of understanding, and any other transaction having the force
20 and effect of a contract (other than agreements made in connection with the issuance of revenue
21 bonds, special obligation bonds issued pursuant to ~~Chapter 159I of the General Statutes,~~ Article
22 7A of this Chapter, or of general obligation bonds additionally secured by a pledge of revenues)
23 made or entered into by a unit of local government (as defined by G.S. 159-7(b) or, in the case
24 of a special obligation bond, as ~~defined in Chapter 159I of the General Statutes~~), authorized in
25 G.S. 159-146), relating to the lease, acquisition, or construction of capital assets, which contract
26 does all of the following:

27 ...

28 (b) This Article shall not apply to:

29 ...

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

33 **SECTION 4.30.(h)** G.S. 159-165(a) reads as rewritten:

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

40 **SECTION 4.30.(i)** G.S. 130A-291(c)(2) reads as rewritten:

41 "(2) If the unit of local government incurs debt after September 1, 2017, and the
42 issuance of the debt will be conditioned upon the unit of local government
43 requiring that all waste collected within the county be disposed of within the
44 landfill, for expansion of a landfill or construction of a new landfill after all
45 necessary approvals for issuance of the debt have been obtained from the
46 Local Government Commission in compliance with Chapter 159 of the
47 General Statutes, including the demonstration of need and cost required by
48 ~~G.S. 159-211,~~ G.S. 159-216, the unit of local government may adopt and
49 enforce such an ordinance until the date the debt associated with expansion of
50 the landfill, or construction of the new landfill, has matured."

51 **SECTION 4.30.(j)** This section is effective retroactively to July 1, 2019.

PUBLIC BODIES/REMOTE MEETINGS DURING DECLARED EMERGENCIES

SECTION 4.31.(a) Article 1A of Chapter 166A of the General Statutes is amended by adding a new section to read:

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

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

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

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

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

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

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

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 so that simultaneous live audio, and video, if any, of such meeting is available to the public. 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. 153A-44 and G.S. 160A-75 shall apply to all votes of each member of a county or municipal governing board taken during a remote meeting.

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

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

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

11 (1) The right of an individual to a hearing and decision occur during the
12 emergency.

13 (2) All persons subject to the quasi-judicial proceeding who have standing to
14 participate in the quasi-judicial hearing have been given notice of the
15 quasi-judicial hearing and consent to the remote meeting.

16 (3) All due process rights of the parties affected are protected.

17 (g) Closed Sessions. – The public body may conduct a closed session as authorized in
18 G.S. 143-318.11. While in closed session, the public body is not required to provide access to the
19 remote meeting to the public.

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

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

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

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

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

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

31 **SECTION 4.31.(b)** G.S. 143-318.10(a) reads as rewritten:

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

36 **SECTION 4.31.(c)** G.S. 143-318.13 is amended by adding a new subsection to read:

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

40 **SECTION 4.31.(d)** G.S. 143-318.14A(e) reads as rewritten:

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

45 **SECTION 4.31.(e)** G.S. 153A-43 reads as rewritten:

46 "**§ 153A-43. Quorum.**

47 (a) A majority of the membership of the board of commissioners constitutes a quorum.
48 The number required for a quorum is not affected by vacancies. If a member has withdrawn from
49 a meeting without being excused by majority vote of the remaining members present, he shall be
50 counted as present for the purposes of determining whether a quorum is present. The board may

1 compel the attendance of an absent member by ordering the sheriff to take the member into
2 custody.

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

6 **SECTION 4.31.(f)** G.S. 160A-74 reads as rewritten:

7 **"§ 160A-74. Quorum.**

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

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

15 **SECTION 4.31.(g)** G.S. 160A-75, effective until January 1, 2021, reads as rewritten:

16 **"§ 160A-75. (Effective until January 1, 2021) Voting.**

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

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

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

39 **SECTION 4.31.(h)** G.S. 160A-75, effective January 1, 2021, reads as rewritten:

40 **"§ 160A-75. (Effective January 1, 2021) Voting.**

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

49 (b) Notwithstanding subsection (a) of this section, a vote or failure to vote by any member
50 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, except an
8 ordinance on which a public hearing must be held pursuant to G.S. 160D-601 before the
9 ordinance may be adopted, may be finally adopted on the date on which it is introduced except
10 by an affirmative vote equal to or greater than two thirds of all the actual membership of the
11 council, excluding vacant seats and not including the mayor unless the mayor has the right to
12 vote on all questions before the council. For purposes of this section, an ordinance shall be
13 deemed to have been introduced on the date the subject matter is first voted on by the council."

14 **SECTION 4.31.(i)** This section does not affect the validity of S.L. 2008-111.

15 **SECTION 4.31.(j)** This section is effective when it becomes law and applies
16 throughout the duration of any declaration of emergency issued under G.S. 166A-19.20 in effect
17 on or after that date. The actions of any public body in an open meeting conducted via
18 simultaneous communication between March 10, 2020, and the effective date of this section are
19 not deemed invalid due to the use of simultaneous communication to conduct that open meeting.
20

21 **EXTEND THE NORTH CAROLINA CHILD WELL-BEING TRANSFORMATION** 22 **COUNCIL**

23 **SECTION 4.32.(a)** Section 24.1(i) of S.L. 2018-5 reads as rewritten:

24 **"SECTION 24.1.(i)** Reporting; Termination. – By June 30, 2019, the Children's Council
25 shall submit an interim report to the chairs of the Senate Appropriations Committee on Health
26 and Human Services, the chairs of the House of Representatives Appropriations Committee on
27 Health and Human Services, the Joint Legislative Oversight Committee on Health and Human
28 Services, and the Fiscal Research Division. The report shall include a summary of the Council's
29 work for the previous year, any findings and recommendations for change, and a work plan for
30 the upcoming year. By ~~June 30, 2020, August 1, 2020,~~ the Children's Council shall submit a final
31 report and shall terminate on that date."

32 **SECTION 4.32.(b)** This section is effective when it becomes law.
33

34 **EXTEND EFFECTIVE DATE OF CHAPTER 160D OF THE GENERAL STATUTES**

35 **SECTION 4.33.(a)** Section 3.2 of S.L. 2019-111 reads as rewritten:

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

40 **SECTION 4.33.(b)** This section is effective when it becomes law.
41

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

43 **SECTION 4.34.(a)** Land use development ordinances adopted by a county or city
44 may reference or incorporate by reference flood insurance rate maps, watershed boundary maps,
45 or other maps officially adopted or promulgated by State and federal agencies. For these maps, a
46 land use development ordinance or zoning map may reference a specific officially adopted map
47 or may incorporate by reference the most recent officially adopted version of such maps. When
48 zoning district boundaries are based on these maps, the land use development ordinance may
49 provide that the zoning district boundaries are automatically amended to remain consistent with
50 changes in the officially promulgated State or federal maps, provided a copy of the currently

1 effective version of any incorporated map shall be maintained for public inspection by the county
2 or city.

3 **SECTION 4.34.(b)** This section is effective when it becomes law and expires August
4 1, 2021.

6 **EXTEND GSC ORDINANCE REPORT**

7 **SECTION 4.35.(a)** Section 6 of S.L. 2019-198 reads as rewritten:

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

16 **SECTION 4.35.(b)** This section is effective when it becomes law.

18 **TRANSPORTATION NETWORK COMPANY SIGNAGE REQUIREMENTS**

19 **SECTION 4.36.(a)** Section 2(b) of S.L. 2019-194 reads as rewritten:

20 "**SECTION 2.(b)** G.S. 20-280.5(e) and (f), as enacted by this section, become effective ~~July~~
21 ~~1, 2020~~ September 1, 2020. The remainder of this section becomes effective October 1, 2019."

22 **SECTION 4.36.(b)** This section is effective when it becomes law.

24 **EXTEND THE JOINT LEGISLATIVE STUDY COMMITTEE ON SMALL BUSINESS** 25 **RETIREMENT OPTIONS**

26 **SECTION 4.37.(a)** Section 5 of S.L. 2019-205 reads as rewritten:

27 "**SECTION 5.** The Committee shall report its interim findings and recommendations,
28 including any recommended legislation, to the Speaker of the House of Representatives, the
29 President Pro Tempore of the Senate, and the Fiscal Research Division no later than March 31,
30 2020. The Committee shall report its final findings and recommendations, including any
31 recommended legislation, to the Speaker of the House of Representatives, the President Pro
32 Tempore of the Senate, and the Fiscal Research Division no later than December 1, 2020. The
33 Committee shall terminate upon submission of the final report or ~~March 31, 2020~~ August 1,
34 2020, whichever occurs first."

35 **SECTION 4.37.(b)** This section is effective retroactively to March 31, 2020.

37 **AUTHORIZE STATE AGENCIES TO EXERCISE REGULATORY FLEXIBILITY** 38 **DURING THE CORONAVIRUS EMERGENCY IN ORDER TO PROTECT THE** 39 **ECONOMIC WELL-BEING OF THE CITIZENS AND BUSINESSES OF THE STATE**

40 **SECTION 4.38.(a)** For purposes of this section, the following definitions apply:

- 41 (1) "Coronavirus" has the same meaning as defined in Section 506 of the
42 Coronavirus Preparedness and Response Supplemental Appropriations Act,
43 2020.
- 44 (2) "Coronavirus emergency" means the period from March 10, 2020, through the
45 date the Governor signs an executive order rescinding Executive Order No.
46 116, Declaration of a State of Emergency to Coordinate Response and
47 Protective Actions to Prevent the Spread of COVID-19.
- 48 (3) "State agency" means an agency or an officer in the executive branch of the
49 government of this State and includes the Council of State, the Governor's
50 Office, a board, a commission, a department, a division, a council, and any
51 other unit of government in the executive branch. "State agency" does not

1 include the Division of Employment Security of the Department of
2 Commerce, the Department of Health and Human Services, the State Board
3 of Education, the Department of Public Instruction, The University of North
4 Carolina, the State Board of Community Colleges, or the State Board of
5 Elections.

6 **SECTION 4.38.(b)** Notwithstanding any other provision of State law, if a State
7 agency determines that, due to the impacts of the coronavirus, it is in the public interest, including
8 the public health, safety, and welfare and the economic well-being of the citizens and businesses
9 of the State, the agency shall:

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

17 **SECTION 4.38.(c)** No later than October 1, 2020, each State agency shall report to
18 the Joint Legislative Administrative Procedure Oversight Committee, the Joint Legislative
19 Commission on Governmental Operations, and the Office of State Budget and Management on
20 its specific efforts to exercise regulatory flexibility under this section.

21 **SECTION 4.38.(d)** State agencies shall exercise the authority granted pursuant to
22 this section to the maximum extent practicable in order to protect the economic well-being of the
23 citizens and businesses of the State, while also continuing to protect public health, safety, and
24 welfare.

25 **SECTION 4.38.(e)** State agencies may adopt emergency rules for the
26 implementation of this section in accordance with G.S. 150B-21.1A. Notwithstanding
27 G.S. 150B-21.1A(a), an agency shall not commence the adoption of temporary rules pursuant to
28 this section. Notwithstanding G.S. 150B-21.1A(d)(4), an emergency rule adopted pursuant to this
29 section shall expire August 1, 2020.

30 **SECTION 4.38.(f)** This section is effective retroactively to March 10, 2020.
31 Subsections (a), (b), (d), and (e) of this section expire August 1, 2020.

32 **AUTHORIZE EXTENSION OF TRAINING AND CERTIFICATION OF LAW 33 ENFORCEMENT OFFICERS BY FORENSIC TESTS FOR ALCOHOL BRANCH**

34 **SECTION 4.39.(a)** The Forensic Tests for Alcohol Branch of the Department of
35 Health and Human Services (Branch) may delay or modify any educational or examination
36 requirements for recertification of law enforcement officers. For any certification issued prior to
37 March 10, 2020, the Branch may extend that certification no later than December 31, 2020, if the
38 educational or examination requirements associated with renewal or recertification are delayed
39 in accordance with this section.

40 **SECTION 4.39.(b)** This section is effective retroactively to March 10, 2020, and
41 expires January 1, 2021.

42 **EXTEND CERTAIN LOCAL GOVERNMENT APPROVALS AFFECTING THE 43 DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE**

44 **SECTION 4.40.(a)** Definitions. – As used in this section, the following definitions
45 apply:

- 46 (1) Development approval. – Any of the following approvals issued by any unit
47 of local government, regardless of the form of the approval, that are for the
48 development of land:
49
50

- 1 a. Any approval of an erosion and sedimentation control plan granted by
2 a local government under Article 4 of Chapter 113A of the General
3 Statutes.
4 b. Any building permit issued under Article 9 of Chapter 143 of the
5 General Statutes.
6 c. Any approval by a county of sketch plans, preliminary plats, plats
7 regarding a subdivision of land, a site-specific development plan or a
8 phased development plan, a development permit, a development
9 agreement, or a building permit under Article 18 of Chapter 153A of
10 the General Statutes.
11 d. Any approval by a city of sketch plans, preliminary plats, plats
12 regarding a subdivision of land, a site-specific development plan or a
13 phased development plan, a development permit, a development
14 agreement, or a building permit under Article 19 of Chapter 160A of
15 the General Statutes.
16 e. Any certificate of appropriateness issued by a preservation
17 commission of a city under Part 3C of Article 19 of Chapter 160A of
18 the General Statutes.

- 19 (2) Development. – The division of a parcel of land into two or more parcels, the
20 construction, reconstruction, conversion, structural alteration, relocation, or
21 enlargement of any building or other structure or facility, or any grading, soil
22 removal or relocation, excavation or landfill, or any use or change in the use
23 of any building or other structure or land or extension of the use of land.

24 **SECTION 4.40.(b)** For any development approval that is current and valid at any
25 point during the period beginning March 10, 2020, and ending April 28, 2020, the expiration date
26 of the period of the development approval and any associated vested right under G.S. 153A-344.1
27 or G.S. 160A-385.1 is extended for five months.

28 **SECTION 4.40.(c)** This section shall not be construed or implemented to:

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

48 **SECTION 4.40.(d)** The provisions of this section shall be liberally construed to
49 effectuate the purposes of this section.

50 **SECTION 4.40.(e)** For any development approval extended by this section, the
51 holder of the development approval shall:

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

10 **SECTION 4.40.(f)** Failure to comply with any condition in this section may result
11 in termination of the extension of the development approval by the issuing governmental entity.
12 In the event of a termination of the extension of a development approval, the issuing
13 governmental entity shall provide written notice to the last known address of the original holder
14 of the development approval of the termination of the extension of the development approval,
15 including the reason for the termination. Termination of an extension of a development approval
16 shall be subject to appeal to the Board of Adjustment under the requirements set forth in law if
17 the development approval was issued by a unit of local government with planning authority under
18 Article 18 of Chapter 153A of the General Statutes or Article 19 of Chapter 160A of the General
19 Statutes.

20 **SECTION 4.40.(g)** This section is effective when it becomes law and expires
21 September 28, 2020.

22 23 **AUTHORIZE MODIFICATION OF CRIMINAL JUDGMENTS REQUIRING** 24 **INTERMITTENT ACTIVE TIME**

25 **SECTION 4.41.(a)** Any criminal judgment requiring a defendant to serve periods of
26 confinement or imprisonment in a local confinement facility may be modified by the chief district
27 court judge of the judicial district in which the order was issued if the chief district court judge
28 finds that all of the following requirements are met:

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

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

37 **SECTION 4.41.(b)** This section is effective when it becomes law and expires August
38 1, 2020.

39 40 **USE OF REGIONAL COUNCIL OF GOVERNMENTS IN ADMINISTRATION OF** 41 **FEMA PUBLIC ASSISTANCE AND INDIVIDUAL ASSISTANCE FUNDS**

42 **SECTION 4.42.(a)** In administering Federal Emergency Management Agency
43 public assistance and individual assistance funds, the North Carolina Department of Emergency
44 Management may utilize the North Carolina Regional Councils of Government established in
45 accordance with Article 19 of Chapter 153A of the General Statutes and Part 2 of Article 20 of
46 Chapter 160A of the General Statutes to provide assistance with training, grant applications, and
47 any other requested service by qualifying units of local government. A regional council of
48 government may be designated by a unit or units of local government to administer any Federal
49 Emergency Management Agency public assistance funds on its behalf.

50 **SECTION 4.42.(b)** This section is effective when it becomes law.
51

1 **JOINT LEGISLATIVE OVERSIGHT COMMITTEES/EXTEND REPORTING**
2 **DEADLINES**

3 **SECTION 4.43.** Notwithstanding any other provision of law, any report required by
4 law to be submitted to a joint legislative oversight committee of the General Assembly after
5 March 10, 2020, but before July 15, 2020, shall be held in abeyance until July 15, 2020.
6 Thereafter, the report shall be submitted to the appropriate oversight committee and shall contain
7 the information required by law. Any report required by law to be submitted to a joint legislative
8 oversight committee on or after July 15, 2020, shall be submitted as provided by law.

9
10 **PART V. SEVERABILITY**

11 **SECTION 5.** If any provision of this act or its application is held invalid, the
12 invalidity does not affect other provisions or applications of this act that can be given effect
13 without the invalid provisions or application, and to this end, the provisions of this act are
14 severable.

15
16 **PART VI. EFFECTIVE DATE**

17 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
18 law. If House Bill 1043, 2019 Regular Session, is vetoed, this act is repealed. If the veto of House
19 Bill 1043, 2019 Regular Session, is overridden, this act is reenacted.