



The Daily Bulletin: 2020-04-28

PUBLIC/HOUSE BILLS

H 1033 (2019-2020) [EXTRA SESSION/STATEWIDE STATE OF EMERGENCY](#). Filed Apr 28 2020, *AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO REQUIRE THE GENERAL ASSEMBLY TO CONVENE AN EXTRA SESSION UPON A DECLARATION OF A STATEWIDE STATE OF EMERGENCY BY THE GOVERNOR.*

Subject to voter approval at the statewide general election in November 2020 and effective January 1, 2021, amends Section 11 of Article II of the NC Constitution to require the President of the Senate and the Speaker of the House of Representatives to convene the General Assembly in an extra session by joint proclamation upon a gubernatorial declaration of a statewide state of emergency if the General Assembly has jointly adjourned for more than 15 days and is not scheduled to reconvene regular session within 15 days of the date of the declaration.

Intro. by Kidwell, Hanig, Pittman, Carter.

CONST

[View summary](#)

Constitution, Government, General Assembly, Public Safety and Emergency Management

H 1034 (2019-2020) [SMALL BUSINESS EMERGENCY LOANS](#). Filed Apr 28 2020, *AN ACT TO PROVIDE EMERGENCY LOANS FOR SMALL BUSINESSES AFFECTED BY THE COVID-19 EPIDEMIC.*

Directs the Office of State Budget and Management (OSBM) to make \$75 million available for Golden LEAF to provide grants to entities capable of making emergency loans to assist small businesses during periods of economic hardship occasioned by the COVID-19 epidemic. Details nine requirements and criteria for the loans, including setting a maximum term of the loan to 66 months and a maximum amount of the loan at \$50,000 per qualifying business, and barring the award of new loans using State funds appropriated in the act at six months following the date the state of emergency, defined by Executive Order No. 116 issued on March 10, 2020, ends. Additionally, directs Golden LEAF to require lenders to prioritize loans for establishments with 100 or fewer full-time equivalent employees as of the State of Emergency, and that are independently owned by a qualifying business. Sets forth seven defined terms. Defines a qualifying business to mean a business with a physical presence in the State that is able to show economic losses as a result of COVID-19.

Predicates the appropriations upon Golden LEAF matching State funds at \$15 of non-State funds for every \$75 of State funds appropriated by the act. Allows for matching by prior non-State fund expenditures as specified. Requires Golden LEAF to remit the net loan funds that have been received to OSBM every six months following the end of the state of emergency. Requires OSBM to deposit the funds into the General Fund.

Appropriates \$75 million from the General Fund to OSBM for the 2019-20 fiscal year for the act's purposes.

Establishes biannual reporting requirements for Golden LEAF to report to specified NCGA committees and division on the program. Terminates the reporting requirement after submission of the report following remittance of the entirety of the net loan fund to OSBM. Details required contents of the reports, including the number of loans awarded and jobs retained, and the amount of loans repaid and defaulted to date.

Intro. by Ross, B. Jones, Wray.

APPROP

[View summary](#)

Business and Commerce, Government, Budget/Appropriations

H 1035 (2019-2020) [EDUCATION OMNIBUS/COVID-19](#). Filed Apr 28 2020, *AN ACT TO PROVIDE RELIEF TO ELEMENTARY AND SECONDARY SCHOOL STUDENTS, POSTSECONDARY SCHOOL STUDENTS, SCHOOL PERSONNEL, AND EDUCATIONAL ENTITIES OF THE STATE TO ACCOMMODATE EXTRAORDINARY CIRCUMSTANCES DUE TO CORONAVIRUS DISEASE 2019 (COVID-19), AS RECOMMENDED BY THE EDUCATION WORKING GROUP OF THE HOUSE SELECT COMMITTEE ON COVID-19.*

Parts I and II

Sets forth defined terms applicable to the act and states the act's purpose.

Part III

Section 3.1

Waives end-of-grade and end-of-course tests for the 2019-20 school year.

Requires public school units to administer the norm-referenced college admissions tests made available by the State Board of Education (State Board) during the fall semester of the 2020-21 school year to all 2019-20 eleventh grade students who were not administered the test during the 2019-20 school year, unless a student has already taken a comparable test and scored at or above a level set by the State Board. Defines *school closure period* to mean the period beginning March 16, 2020, and continuing until the latest of: May 15, 2020, the date specified by an executive order superseding the school closure period in Executive Order No. 120, or the date specified in any executive order superseding the executive order superseding Executive Order No. 120.

Specifies that no additional diagnostic and formative reading assessments beyond those administered prior to the school closure period, as defined, are required for the 2019-20 school year for kindergarten through third grade students.

Specifies that local administrative units are not required to administer the WorkKeys tests to any students who complete a concentration in career and technical education courses for the spring semester of the 2019-20 school year.

Section 3.2

Makes the provisions of GS 115C-12(9)c1., which sets out the State Board's duty to issue State report cards for each local school administrative unit, and GS 115C-83.15(a) through (f), which requires the State Board to award school achievement, growth, and performance scores and sets forth calculation factors, inapplicable for the 2020-21 school year based on data from the 2019-20 school year. Requires the State Board to display a brief explanation that report cards for schools were not issued for the 2020-21 school year on the Department of Public Instruction (DPI)'s website, as required under GS 115C-83.15(g). Similarly, requires public school units to display a brief explanation that report cards for schools were not issued for the 2020-21 school year, as required by specified state laws requiring distribution of issued report cards.

Directs that educational performance and growth of students in alternative schools and alternative programs are not to be evaluated based on data for the 2019-20 school year to the extent those performance and growth measures of students in alternative schools and alternative programs are measured based on the performance accountability system developed under GS 115C-83.15 and GS 115C-105.35.

Directs that the requirements for local school administrative units to produce and make public a school building report under GS 115C-12(9)c3. and GS 115C-47(35) does not apply for the October 15, 2020, report based on building level data from the 2019-20 school year.

Section 3.3

Sets forth parameters regarding low-performing schools, continually low-performing schools, and low-performing local school administrative units for the 2020-21 school year. Prohibits the State Board from identifying additional low-performing schools, continually low-performing schools, and low-performing local school administrative units based on data from the 2019-20 school year and requires those previously identified based on data from the 2018-19 school year to continue to be identified as low-performing or continually low-performing and continue to carry out the final plan approved by the local board of education. Requires the State Board and local board of education to continue to provide access to each low-performing school and low-performing local school administrative unit's plan. Specifies that local boards of education must include with their online final plans a brief explanation that low-performing identification continues pending assessment data from the 2020-21 school year for both low-performing schools and low-performing local school administrative units, though written parental

notice is not required to be provided again. Additionally, suspends the authority of the State Board to appoint an interim superintendent in an identified local school administrative unit under GS 115C-105.39(c) through (e). For continually low-performing schools, requires assistance and intervention levels provided for the 2019-20 school year based on designation as low-performing for two or three years to continue and allows local boards of education to request to reform a continually low-performing school pursuant to GS 115C-105.37B.

Section 3.4

Prohibits the State Board from identifying any additional schools as qualifying schools for the Innovative School District (ISD) based on data from the 2019-20 school year for the 2020-21 school year. Additionally, directs that schools identified as qualifying schools for the 2019-20 school year based on data from the 2018-19 school year must remain on the qualifying list, and the provisions of GS 115C-75.7(b1) (concerning support by the State Board and consultants), (b2) (concerning support by local boards), and (d) (concerning public notification of identified schools on the ISD website) remain applicable. Makes conforming changes to SL 2018-248 concerning the identification of an innovative school for the 2021-22 school year.

Section 3.5

Sets forth parameters for grade level determination for the 2020-21 school year. Grants principals the authority to determine the appropriate 2020-21 school year grade level for students in the third grade during the 2019-20 school year in the same manner as for students in all other grade levels. Requires principals to designate whether a retained third grade student is retained due to reading deficiencies and encourages principals to consult with a student's 2019-20 third grade teacher. Additionally, authorizes charter schools to determine the appropriate 2020-21 school year grade level for third grade students in the same manner that grade level classification is determined for other grade levels.

Requires parental (or guardian) notice that a first, second, or third grade student demonstrated difficulty with reading development or was not reading at grade level during the 2019-20 school year based on assessments completed on or before March 13, 2020. Requires the notice to be consistent with the requirements of GS 115C-83.9(a) and (d), which require the notification to be written and requires teachers and principals to offer opportunities to discuss the notification. Directs that the monthly written reports for parents and guardians on student progress required by GS 115C-83.9(c) do not apply during the school closure period, as defined and beginning March 16, 2020, for third-grade students retained for the 2019-20 school year based on data from the 2018-19 school year. Directs that the successful reading development strategies and requirements of GS 115C-83.8(b) through (e) and GS 115C-83.9 apply for third-grade students retained for the 2020-21 school year due to reading deficiencies in the same manner they would have had the student been retained pursuant to GS 115C-83.7(a), except that the notification regarding the exemptions in GS 115C-83.7(a) do not apply.

States that local school administrative units are not required to provide reading camps corresponding to the 2019-20 school year. Requires the State Board to submit to the specified NCGA committee recommendations for alternative interventions to summer instruction to be offered to at-risk students and students recommended for additional support by their 2019-20 teachers based on student outcome data available up until March 16, 2020. Specifies that recommendations are limited to alternatives to reading camps and summer school that could have been offered but for the COVID-19 emergency, as defined.

Requires public school units to administer to all fourth grade students the end-of-year diagnostic assessment otherwise required for third grade students under GS 115C-174.11 and State Board policy no later than the tenth day that school buildings are open to students for the 2020-21 school year. Mandates that the assessment results be used to identify reading deficiencies and inform instruction and remediation needs in order to ensure that all students achieve proficiency at the earliest date possible.

Sets forth parameters for the 2020-21 school year reporting requirements. Establishes that reading proficiency accountability reporting described in GS 115C-83.10 is not required based on the 2019-20 school year. Instead, requires local boards to report to the State Board specified information by September 1, 2020, including the number and percentage of students on track and not on track to meet year-end expectations based on assessments completed on or after March 13, 2020, at each of the first, second, and third grade levels, and the number and percentage of third grade students retained pursuant to principal authority set forth in the act. Additionally, establishes that reading proficiency reporting requirements established in GS 115C-218.85(b) (4) are not required based on data from the 2019-20 school year. Instead, requires charter schools and other public school units subject to charter school statutory requirements to report specified information to the State Board by September 1, 2020, including the number and percentage of third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020, and the number and percentage of third grade students retained pursuant to charter school authority set forth in the act. Requires the State Board to compile the information required to be reported

under these provisions and submit a State-level summary of each component by local school administrative unit and charter school to the specified NCGA committee by October 15, 2020.

Section 3.6

Establishes that the provisions of GS 115C-81.36(a1) and (b) concerning advanced math placement for grades three through five and six and higher do not apply for the 2020-21 school year based on the data for the 2019-20 school year. Provides that 2020-21 math placement may be determined based on local board policy in consultation with the student's 2019-20 school year math teacher. For purposes of reporting on eligibility and placement in advanced math pursuant to GS 115C-81.36(c), requires DPI to submit its December 15, 2020, report to the specified NCGA committee on the number of students who were enrolled in advanced math courses or given other advanced learning opportunities for the 2020-21 school year. Requires the report to include information on the type and format of advanced math courses or advanced learning opportunities provided and include any feedback provided by local boards of education on the implementation of GS 115C-81.36.

Section 3.7

Allows for any student in grade 12 who has not satisfied the requirement for completion of CPR instruction to be eligible for graduation if CPR instruction cannot be completed due to the COVID-19 emergency, as defined by the act, and the student is eligible to graduate in all other respects as determined by the student's principal.

Section 3.8

Mandates all public school units to provide remote instruction for the remainder of the 2019-20 school year and provides that a public school unit that provides remote instruction is deemed to have satisfied the instructional time requirements under specified state law for the 2019-20 school year. Defines *remote instruction*.

Waives attendance enforcement requirements under GS 115C-378 for the 2019-20 school year during the school closure period, as defined.

States the legislative intent for at-risk students and students recommended for additional support by their 2019-20 teachers to receive two weeks of supplemental jump start instruction during the month of August 2020, based on State Board recommendations. Clarifies that this supplemental instruction is not intended to be included in scheduled instructional time for the 2020-21 school year.

Authorizes public school units to schedule their opening date for the 2020-21 school year as early as August 17, 2020, at the discretion of each school's governing body.

Part IV

Section 4.1

Provides local boards of education budget flexibility for the 2019-20 and 2020-21 school years. Allows local boards to transfer and approve transfers of any unexpended cash balance in an allotment category to another allotment category subject to eight detailed limitations, including barring transfers out of children with disabilities, students with limited English proficiency, and academically or intellectually gifted students categories, and barring transfers into the central office allotment category. Specifically allows for the transfer of the unexpended cash balance in the driver's education allotment category pursuant to these provisions. Sunsets the provisions applicable to the 2019-20 fiscal year on June 30, 2020, and makes the provisions applicable to the 2020-21 fiscal year effective July 1, 2020.

Section 4.2

Amends Part II of SL 2018-2, which provides for phasing in smaller class size requirements. Provides for the described average class size requirements for kindergarten through third grade for the 2019-20 school year to also apply to the 2020-21 school year, and delays the remaining reduction requirements by one school year. Makes conforming changes to corresponding teacher allotment changes and the allotted funding for program enhancement teachers.

Part V

Section 5.1

Provides that a school identified as an eligible school in the 2019-20 school year for the principal supplement program under GS 115C-285.1, as enacted by SL 2019-247, continues to be an eligible school in the 2020-21 school year. Makes a technical correction to GS 115C-285.1.

Section 5.2

States the legislative intent that for purposes of establishing the 2020-21 Principal Salary Schedule, 2019-20 school growth scores will not be used and where data is used to calculate school growth scores from other school years, data from the 2018-19 school year or earlier will be used.

Section 5.3

Directs that principals are not required to notify teachers that Education Value-Added Assessment System (EVAAS) data has been updated for the 2020-21 school year to reflect teacher performance from the 2019-20 school year.

Section 5.4

Provides that for the 2020-21 school year, local school administrative units are not required to provide teacher effectiveness data from the 2019-20 school year to the State Board, and the State Board is not required to include any disaggregated data on teacher effectiveness from the 2019-20 school year in its December 15, 2020, teaching profession report.

Amends GS 115C-299.5(d) to add a subsection heading.

Section 5.5

Provides that for the 2019-20 school year, annual teacher evaluations required pursuant to GS 115C-333(a) and GS 115C-333.1, concerning teacher evaluation and observation, must be based on observations completed in the 2019-20 school year prior to the closure period, as defined, and other artifacts and evidence from the 2019-20 school year. Waives the observation requirement for the 2019-20 school year for those not completed prior to the school closure period.

Part VI

Section 6.1

Establishes that nonpublic schools are not required to administer nationally recognized tests or standardized equivalent measurements for the 2019-20 school year nor make, maintain, or make available test results received by their students in the 2019-20 school year.

Section 6.2

Establishes that nonpublic schools are not required to make, maintain, and render attendance records of children of compulsory school age during the school closure period, nor operate on a regular schedule at least nine months of the 2019-20 school year.

Part VII

Section 7.1

Waives several testing and reporting requirements mandated in GS 115C-562.5 for nonpublic schools that accept eligible students receiving opportunity scholarship grants for the 2019-20 school year, including required administration of nationally standardized tests to eligible students whose tuition and fees are paid in whole or in part with a scholarship grant in grades three and higher, and the reporting of standardized test performance of eligible students if the nonpublic school enrolls more than 25 students whose tuition and fees are paid in whole or in part with a scholarship grant.

Section 7.2

Authorizes the State Education Assistance Authority (Authority) to remit an opportunity scholarship grant awarded to a student for the spring semester of the 2019-20 school year that was unexpended and carried forward due to school closure during the COVID-19 emergency to a nonpublic school on or before October 1, 2020.

Section 7.3

Extends the annual reporting deadlines of the Authority regarding opportunity scholarships and disability grants to now require the Authority to report to the specified NCGA committees by November 15, 2020, rather than October 1, 2020.

Part VIII

Section 8.1

Sets forth parameters for minimum admission to a recognized Educator Preparation Program (EPP) for the 2020-21 academic year, including waiving certain skills tests, minimum SAT/ACT scores, degree requirements, GPA requirements, and minimum cohort GPA requirements described in GS 115C-269.15.

Sets forth parameters for students enrolled in a recognized EPP to have the clinical internship requirement deemed completed if four specified conditions are met, including that the student has completed as much time in the clinical internship as practicable prior to March 10, 2020, and that the student would be unable to complete the EPP by August 15, 2020, unless the clinical internship is deemed completed pursuant to the provision.

With regards to individuals who have their clinical internship deemed completed pursuant to the act's provisions, prohibits the State Board from requiring EPPs to require the individuals for the 2019-20 academic year to complete a nationally normed and valid pedagogy assessment to determine clinical practice performance, and from requiring the individuals for the 2019-20 academic year to complete the pedagogy assessment as a condition of EPP completion. Requires the individuals to attempt the pedagogy assessment by the end of their first year of licensure and pass the assessment by the end of their third year of licensure.

Specifies that EPPs are only required to submit information that is practically available in the annual report to the school board under GS 115C-269.35(b) for the 2019-20 school year.

Prohibits the State Board from considering any data that was not practically available related to the 2019-20 school year when assigning sanctions for an EPP under GS 115C-269.45(c).

Requires the State Board to create and submit annual report cards for EPPs pursuant to GS 115C-269.50 by December 15, 2020, to the specified NCGA committee, and include in its report aggregated information on the number and overall percentage of students who were admitted to an EPP with the waived minimum GPA requirement and the number and overall percentage of students who had their clinical internships deemed completed under the provisions of the act. Prohibits making the annual report cards available to the public on the State Board's website for the 2019-20 school year.

Section 8.2

Sets forth parameters for school administrator candidates who are enrolled in a school administrator program to have certain requirements of GS 115C-284(c2) deemed completed for the 2019-20 academic year if the candidates meet the approval standards established by the State Board under GS 115C-284. Provides that the internship requirement is deemed to be completed if four conditions are met, including that the candidate has completed as much time in the year-long internship as practicable prior to March 10, 2020, and that the candidate would be unable to complete the program by August 15, 2020, unless the internship is deemed completed pursuant to the provision. Requires the candidates to complete a portfolio for emerging leaders to demonstrate the application of his or her training to actual school needs and training to the extent practicable prior to completion of the preparation program.

Section 8.3

Sets forth parameters for a school leader candidate enrolled in a school leader preparation program receiving a grant to have the clinical practice requirement deemed completed for the 2019-20 academic year if the candidate has completed as much time in the clinical practice as practicable prior to March 10, 2020, and the candidate has engaged in school leader duties as practicable while the school is closed during the school closure period. Prohibits the Authority from retrieving grant funds from a recipient for the 2019-20 school year based solely on a recipient's failure to require school leader candidates to complete a full-time paid clinical practice as specified in GS 116-209.72(a)(2)e. for the 2019-20 academic year.

Part IX

Section 9.1

Requires the State Board to allow education licensure applicants additional time to meet the examination and course requirements under GS 115C-270.15 and GS 115C-270.20, consistent with four specified parameters. Allows an individual who is in the first year of licensure who has not taken the examination required by the State Board to take the examination during the individual's second year of licensure. Allows an applicant for a continuing professional license (CPL) whose lateral entry license expires June 30, 2020, including a teacher granted an extension pursuant to Section 1.2 of SL 2019-71, as amended, who has not met the examination and coursework requirements established by the State Board as of March 10, 2020, to be provided an extension until June 30, 2021. Allows an applicant for a CPL whose initial professional license (IPL) expires June 30, 2020, who has not met the examination requirement established by the State Board as of March 10, 2020, to be provided an extension until June 30, 2021. Allows an applicant for a CPL who is an elementary education or special education general curriculum teacher with an IPL or a residency license who was granted an extension until June 30, 2020, under SL 2019-71, as amended, who has not met the examination requirement established by the State Board as of March 10, 2020, to be provided an extension until June 30, 2021.

Additionally, allows any teacher required to have at least eight continuing education credits for continuing licensure by June 30, 2020, until June 30, 2021, to meet the requirements under GS 115C-270.30(b).

Section 9.2

Directs the State Board to allow applicants applying for a school administrator licensure who have not met the examination requirements established by the State Board as of March 10, 2020, to be permitted to meet the examination requirement in the first year of licensure, and applicants applying for licensure for a professional position in a public elementary or secondary school who have not met the examination requirements established by the State Board as of March 10, 2020, to be permitted to meet the examination requirements in the first year of licensure.

Additionally, allows any school administrator who is required to meet continuing education credits in high quality, integrated digital teaching and learning for licensure renewal by June 30, 2020, to have until June 30, 2021, to meet the requirements under GS 115C-284(c3).

Part X

Section 10

Provides that a student who is unable to continue participation in a pre-apprenticeship or apprenticeship program due to the COVID-19 emergency may be eligible for a tuition waiver for community college courses in the student's document study plan related to a job specific occupational or technical skill until December 21, 2020.

Part XI

Section 11.1

Prohibits UNC constituent institutions from accruing or charging interest to any past-due student account between March 13, 2020, and September 15, 2020.

Section 11.2

Extends three specified reporting deadlines of the UNC Board of Governors (BOG) to the specified NCGA committee by 60 days, including reporting on teacher education efforts, the supply and demand of school administrators, and the goals for State-operated health professional schools.

Additionally, extends the deadline by which the BOG must submit its annual report on the UNC-NCCCS 2+2 E-Learning Initiative to the specified NCGA committee and state entities from April 15 to June 15, 2020.

Extends the deadline by which the UNC System Office must submit its annual report on the UNC-NCCCS Joint Initiative for Teacher Education and Recruitment to the specified NCGA committee and state entities from April 15 to June 15, 2020.

Part XII

Section 12

Waives the time period limitation set forth in GS 143B-1225 for students receiving a scholarship under the Children of Wartime Veterans scholarship program, allowing scholarship students in the spring semester of the 2019-20 academic year to

return for an additional semester at the institution in which the student was enrolled if the institution submits documentation of the waiver to the Department of Military and Veterans Affairs.

Part XIII

Provides for the act's effective date.

Intro. by Horn, Fraley, Clemmons.

UNCODIFIED

[View summary](#)

Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, Community Colleges System Office, UNC System, Department of Public Instruction, Military and Veteran's Affairs

H 1036 (2019-2020) **TOWN OF LOCUST/FUNDS**. Filed Apr 28 2020, *AN ACT TO APPROPRIATE FUNDS FOR INFRASTRUCTURE FOR THE TOWN OF LOCUST*.

Appropriates \$1 million in nonrecurring funds for 2020-21 from the General Fund to the Division of Water Infrastructure of the Department of Environmental Quality to provide a grant to the Town of Locust for a water and sewer line extension project. Effective July 1, 2020.

Intro. by Sasser.

APPROP, Cabarrus, Stanly

[View summary](#)

Environment, Government, Budget/Appropriations, State Agencies, Department of Environmental Quality (formerly DENR), Health and Human Services, Health, Public Health

H 1037 (2019-2020) **COVID-19 HEALTH CARE WORKING GROUP POLICY REC**. Filed Apr 28 2020, *AN ACT EXPANDING THE STATE'S CAPACITY TO TAKE PUBLIC HEALTH AND SAFETY MEASURES TO ADDRESS THE COVID-19 EMERGENCY, AS RECOMMENDED BY THE HEALTH CARE WORKING GROUP OF THE HOUSE SELECT COMMITTEE ON COVID-19*.

Part I

Sets forth definitions applicable to the act.

Part II

Affirms specified actions taken by the Governor and the Department of Health and Human Services (DHHS) in response to the COVID-19 emergency, as well as actions taken by health care licensing boards and health care teaching institutions to address the workforce supply challenges presented by the COVID-19 emergency. Defines *COVID-19 emergency* to mean the period beginning March 10, 2020, and ending on the date the Governor signs an executive order rescinding Executive Order 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19. Additionally, states legislative support for the following initiatives: (1) encouraging authorized administration of COVID-19 antibody tests, as defined, as soon as they become available in the State, with priority to workers essential to the provision of medical care, dental care, long-term care or child care; (2) pursuing any federally available waiver or program allowance regarding child welfare; and (3) providing ongoing flexibility to teaching institutions to ensure students seeking degrees in health care professions can complete necessary clinical hours.

Part III

Directs the Division of Public Health (DPH) and the Division of Health Service Regulation (DHSR) of DHHS, in conjunction with the NC Division of Emergency Management (DEM) of the Department of Public Safety, to develop and submit to the specified NCGA committees a plan for creating and maintaining a Strategic State Stockpile (Stockpile) of personal protective equipment (PPE) and testing supplies. Specifies the legislative intent for the Stockpile to be accessible by both public and private acute care providers, first responders, health care providers, long-term care providers, and non-health care entities, as those terms are defined in Part III of the act, that are located in the State for the purpose of addressing both COVID-19 pandemic and future public health emergencies. Details nine components that the plan must encompass, including (1) designation of agency oversight and the specified divisions' roles and collaboration strategy; (2) recommendations for improvements to existing procurement, allocation, and distribution of PPE; (3) recommendations for how to increase the manufacture of PPE consistent with CDC guidelines; (4) identification of available locations to maintain the Stockpile; and (5) an estimated five-year budget. Allows DPH and DHSR to include any other component deemed appropriate in conjunction with DEM. Requires submission of the report by June 1, 2020.

Part IV

Enacts GS 90-28.5 to allow the NC Board of Dental Examiners to waive the requirements of Articles 2 and 16 of GS Chapter 90 (governing dentistry and dental hygiene services) in the event of a gubernatorial or local declaration of a state of emergency under specified state law, in order to permit the provision of dental and dental hygiene services to the public during the state of emergency.

Amends GS 90-29 to expand the practice of dentistry to include the administration of diagnostic tests and antibody tests for coronavirus disease by dentists to patients. Conditions the authority on US FDA approval of the tests or authorization of the use of the tests for emergencies.

Provides for a petition process for the State Health Director to authorize immunizing pharmacists to administer a COVID-19 immunization or vaccination by statewide standing order in the event the CDC recommends an immunization or vaccinations at a time when the NCGA is not in regular session. Allows for any person to submit a written petition to the State Health Director. Requires the State Health Director to approve or deny the petition within 30 days of receipt after consultation with specified entities representative of health care providers. Within ten days of approval of the petition, requires the State Health Director to further consult with the specified entities to develop a minimum standard screening questionnaire and safety procedures for written protocols for the recommended immunization or vaccination administration and submit them to the NC Board of Medicine, the NC Board of Nursing, the NC Board of Pharmacy, and the specified NCGA committee. Requires the Immunization Branch of DPH to develop and submit the questionnaire and recommended standards within the following ten days if the State Health Director fails to do so in the ten days after the petition's approval. Specifies that administering pharmacists must meet the statutory requirements of immunizing pharmacists under GS 90-85.15B. Establishes that a statewide standing order by the State Health Director under this provision expires upon the adjournment of the next regular session of the NCGA.

Authorizes licensed pharmacists to confirm the identity of any individual seeking dispensation of a prescription by the visual inspection of any form of government-issued photo ID for the duration of the COVID-19 emergency. Further, allows the pharmacist to confirm identity of known customers by referencing existing records. Requires pharmacists to review the patient's information in the controlled substances reporting system for the preceding 12-month period before filling a Schedule II controlled substance prescription. Requires couriers to confirm the identity of a mail-ordered prescription recipient through the visual inspection of any form of government-issued photo ID. These provisions sunset on the earlier of 60 days after Executive Order 116 is rescinded, or December 31, 2020.

Prohibits the NC Medical Board and the NC Board of Nursing from enforcing any provision of the Quality Improvement Plan Rules, as defined, to the extent that they (1) require quality improvement process meetings between providers, so long as the provider was practicing within the scope of his or her license prior to February 1, 2020, and continues to practice within that scope while the provisions are effective and (2) require monthly quality improvement process meetings between providers during the first six months of the practice arrangement. Additionally, prohibits the NC Medical Board and the NC Board of Nursing from enforcing any provision of the Quality Improvement Rules or the Application Fee Rules, as defined, to the extent they require an individual to fill out an application or pay a fee, so long as the individual is providing volunteer healthcare services within the scope of his or her license in response to the COVID-19 pandemic state of emergency. Finally, prohibits the NC Medical Board and the NC Board of Nursing from enforcing any provision of the Annual Review Rules for practice

arrangements, as defined. These provisions sunset on the earlier of 60 days after Executive Order 116 is rescinded, or December 31, 2020.

Directs the NC Area Health Education Center (NC AHEC) to study the issues that impact health care delivery and the health care workforce during a pandemic, consistent with NC AHEC's mission, as described. Requires the study to focus on the impact of the COVID-19 pandemic, issues that need to be addressed in the aftermath of the pandemic, and plans that should be implemented in the event of a future health crisis. Requires the study to include input from higher education institutions that educate health care providers, as well as health care licensing boards, DHHS, the Department of Public Safety, geographically disbursed hospitals, and other specified health care facilities. Details 15 issues that the study must examine, at minimum, including (1) the adequacy of the health care workforce supply to respond to a pandemic in specified health care setting, (2) the adequacy of health care workforce training, (3) the impact of postponing or eliminating non-essential services and procedures on both the health care workforce and hospitals, (4) interruptions in the delivery of routine health care during the COVID-19 pandemic and the impact of the interruptions, and (5) the impact of telehealth on hospitals during the COVID-19 pandemic. Requires NC AHEC to report its findings and recommendations to the specified NCGA working group by November 15, 2020, and include a summary section. Allows NC AHEC to report subsequent study findings and recommendations to the specified NCGA committees.

Enacts new Article 1L, Emergency or Disaster Treatment Protection Act, in GS Chapter 90. Provides for the Article's short title and purpose, and sets forth nine defined terms. Grants civil and criminal immunity to any health care facility, health care provider, or entity that holds legal responsibility for the acts or omission of a health care professional for any harm or damages alleged to have been sustained as a result of an act or omission in the course of arranging for or providing health care services, as defined. Conditions the immunity granted on three conditions: (1) that the health care facility, health care provider, or entity is arranging for or providing health care services pursuant to a COVID-19 emergency rule, as defined, or otherwise in accordance with applicable laws at the time of the COVID-19 emergency declaration, as defined; (2) the act or omission occurs in the one of three specified ways by the health care facility, health care provider, or entity; and (3) the arrangement for or the provision of health care services is made in good faith. Limits the described immunity to exclude acts or omissions that constitute willful or intentional criminal misconduct, gross negligence, reckless misconduct, or intentional infliction of harm; specifies that acts or omissions resulting from a resource or staffing shortage are not willful, intentional, or the like. Provides for similar immunity provisions for volunteer organizations, as defined. Applies retroactively to all acts, omissions, or decisions on or after March 10, 2020, that serve as a basis to a claim.

Part V

Amends GS 90-414.4(a1)(2) to extend the date by which all providers of Medicaid and State-funded care services, unless specifically excepted, must begin submitting demographic and clinical data to the State's Health Information Exchange (HIE) network from June 1, 2020, to October 1, 2020. Makes conforming changes to GS 90-414.4(a2).

Directs the Division of Child Development and Early Education of DHHS to temporarily waive the requirements that all child care providers complete a fingerprint-based criminal history check every three years. Specifies that the every five-year federal requirement remains applicable. Sunsets the provision on the earlier of 60 days after Executive Order 116 is rescinded, or December 31, 2020.

Authorizes the Division of Health Benefits (DHB) of DHHS to provide Medicaid coverage described in identified federal law, which covers COVID-19 testing for certain uninsured individuals during the period in which there is a declared nationwide public health emergency as a result of COVID-19.

Authorizes DHB to provide temporary, targeted Medicaid coverage to individuals with incomes up to 200% of the federal poverty level, as requested by DHHS in the 1115 waiver application submitted on March 27, 2020. Allows DHB to implement CMS approved temporary coverage that is different than that requested in the waiver so long as the coverage is for a limited period related to the declared nationwide public health emergency due to COVID-19; the coverage is limited to only prevention, testing, or treatment of COVID-19; and the income level to qualify for the coverage does not exceed 200% of the federal poverty level. Authorizes DHB to provide this coverage retroactively to the earliest date allowable.

States the legislative intent to adhere to all federal requirements for obtaining enhanced federal Medicaid funding under the Families First Coronavirus Response Act, as amended, for the period required under the Act and during which there is a declared nationwide public health emergency as a result of COVID-19. Directs DHB to adhere to and implement all federal law and regulation necessary for receipt of the enhanced federal Medicaid funding, and states that federal law and regulation

applicable to the NC Medicaid program or the NC Health Choice program supersede and preempt any conflicting state law during the period in which such nationwide public health emergency is declared for COVID-19.

Sets forth eligibility parameters for the Disabled Adult Child Passalong authorized under the Social Security Act for the Medicaid program to include only: (1) that the adult is currently entitled to and received federal Retirement, Survivors, and Disability Insurance (RSDI) benefits as a disabled adult child on a parent's record, (2) that the adult is blind or has a disability that began before age 22, (3) that the adult would currently be eligible for Supplemental Security Income (SSI) or State-County Special Assistance if the current RSDI benefit is disregarded, and (4) that eligibility based on former receipt of State-County Special Assistance or SSI requires the adult to currently reside in an adult care home.

Directs DHSR and local departments of social services to suspend all annual inspection and regular monitoring requirements for licensed facilities under Article 2 of GS Chapter 122C, concerning facilities for the mentally ill, the developmentally disabled, and substance abusers; and Articles 1 and 3 of GS Chapter 131D, concerning adult care homes, or any rules adopted thereunder. However, authorizes DSHR to conduct inspections and regular monitoring as it deems necessary to avoid serious injury, harm, impairment, or death to employees, residents, or patients of the facilities, or if directed by CMS. Directs DSHR to review the compliance history of all of the facilities licensed under Article 2 of GS Chapter 122C and Article 1 of GS Chapter 131D that were determined to be in violation, assessed penalties, or placed on probation within the six-month period preceding the beginning of the COVID-19 emergency. Specifically requires DSHR to review compliance history for noncompliance with CDC guidelines regarding infection control or the proper use of PPE. Directs DSHR to require employees of such identified facilities to undergo immediate training by DSHR about infection control and the proper use of PPE. Allows DSHR to conduct the training online, by videoconference, or as DSHR deems appropriate. Sunsets the provisions on the earlier of 60 days after Executive Order 116 is rescinded, or December 31, 2020.

Authorizes the Division of Social Services (DSS) of DHHS to temporarily waive the 72-hour requirement of preservice training before child welfare services staff assumes direct client contact responsibilities. Allows DSS to use online training as an acceptable equivalent in meeting preservice training requirements. Sunsets the provisions on the earlier of 60 days after Executive Order 116 is rescinded, or December 31, 2020.

Part VI

Allows the first examination for involuntary commitment due to substance use disorder under GS 122C-283 to be conducted face-to-face or utilizing telehealth equipment and procedures. Defines *telehealth* to mean the use of two-way real-time interactive audio and video where the respondent and the commitment examiner can hear and see each other. Requires the commitment examiner who examines a respondent by telehealth to be satisfied to a reasonable medical certainty that the determinations made pursuant to state law would not be different if the examination were conducted face-to-face; otherwise the examiner must note that the examination was not satisfactorily accomplished whereby the respondent must be taken for a face-to-face commitment examination.

Similarly, allows the second examination for involuntary commitment due to mental illness under GS 122C-266 or due to substance use disorder under GS 122C-285 to be conducted face-to-face or utilizing telehealth equipment and procedures, so long as the commitment examiner who examines a respondent by telehealth is satisfied to a reasonable medical certainty that the determinations made pursuant to the relevant state law would not be different if the examination were conducted face-to-face; otherwise the examiner must note that the examination was not satisfactorily accomplished whereby the respondent must be taken for a face-to-face commitment examination with a physician (for commitment due to mental illness, and commitment due to substance use disorder if the initial examination was performed by a qualified professional) or a qualified professional (for commitment due to substance use disorder). Sunsets the provisions on the earlier of 60 days after Executive Order 116 is rescinded, or December 31, 2020.

Enacts GS 58-50-310 to set forth seven provisions applicable to health benefit plans offered in the state from March 10, 2020, through the date Executive Order 116 expires or is rescinded, as well as the period of any subsequent state of emergency gubernatorially declared in the 2020 calendar year in response to COVID-19 through 30 days after that subsequent state of emergency expires or is extended. Defines *health benefit plan* by statutory cross-reference. Among others, the parameters provided include requirements for health benefit plans to provide coverage and reimbursement for virtual health care, as defined, including mental and behavioral health care; coverage and reimbursement for physical therapy, occupational therapy, and speech therapy delivered through telehealth; and reimbursement of providers for a covered health care service delivered by telehealth at a level no less than the reimbursement for the service had it been provided in-person. Prohibits requiring prior authorization for telehealth services or virtual healthcare services, and allows requiring a deductible, copayment, or

coinsurance for a covered health care service delivered by telehealth by a preferred or contracted provider to a covered individual. Makes the new statute applicable to the State Health Plan for Teachers and State Employees. Sunsets the statute on December 31, 2020.

Encourages CMS to provide reimbursement for health care delivered through audio-only communication under the Medicaid program to increase access to health care for older adults.

Part VII

Includes a severability clause.

Part VIII

Includes a standard effective date provision.

Intro. by P. Jones, White, Cunningham, Dobson.

STUDY, GS 58, GS 90

[View summary](#)

Government, Public Safety and Emergency Management, State Agencies, Department of Health and Human Services, Department of Public Safety, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Public Health, Mental Health, Social Services, Adult Services, Child Welfare, Public Assistance

H 1038 (2019-2020) **COVID-19 HEALTH CARE WORKING GRP FUNDING RECS.** Filed Apr 28 2020, *AN ACT PROVIDING RELIEF TO VARIOUS PUBLIC AND PRIVATE ENTITIES OF THE STATE IN ORDER TO EXPAND CAPACITY FOR PUBLIC HEALTH AND SAFETY TO ADDRESS THE COVID-19 EMERGENCY, AS RECOMMENDED BY THE HEALTH CARE WORKING GROUP OF THE HOUSE SELECT COMMITTEE ON COVID-19.*

Part I.

Sets out and defines six terms that are used in the act. Defines *COVID-19 emergency* as the period beginning March 10, 2020, and ending on the date the Governor signs an executive order rescinding Executive Order No. 116 (Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19). Defines *Coronavirus Relief Fund* as funds received by the State during the 2019-20 fiscal year from the Coronavirus Relief Fund created by the Coronavirus Aid, Relief, and Economic Security Act of 2020 (PL 116-136).

Part II.

Appropriates \$25 million in nonrecurring funds from the Coronavirus Relief Fund (hereinafter Relief Fund) to the Department of Health and Human Services (DHHS) to support public health efforts, the State Laboratory of Public Health, local health departments, and rural health providers in building capacity to respond to the COVID-19 pandemic.

Appropriates \$25 million in nonrecurring funds from the Relief Fund to DHHS to support behavioral health and crisis services to respond to the COVID-19 pandemic. Requires that the funds be used for at least the following: (1) to divert individuals experiencing behavioral health emergencies from emergency departments and (2) to allocate \$12.6 million in nonrecurring funds to be distributed as a one-time payment to each LME/MCO for temporary additional funding assistance for Intermediate Care Facilities for Individuals with Intellectual Disabilities services on a per diem basis.

Part III.

Appropriates \$40 million in nonrecurring funds from the Relief Fund to DHHS, Division of Health Benefits (DHB), for coverage of additional costs related to the Medicaid program, including: (1) funding for the support of COVID-19 related priorities in the Medicaid program as they evolve, (2) additional funding for COVID-19 testing and treatment of patients who test positive for COVID-19, and (3) costs associated with increased enrollment due to the COVID-19 pandemic.

Requires DHHS to increase the fee-for-service Medicaid rates paid directly by the DHB for all remaining provider types by 5 percent. The rate increases are effective March 1, 2020, through the duration of the declared nationwide public health emergency as a result of the 2019 novel coronavirus.

Authorizes DHB to provide Medicaid coverage described in the specified federal law that covers COVID-19 testing for certain uninsured individuals during the period in which there is a declared nationwide public health emergency as a result of the 2019 novel coronavirus. Authorizes providing this assistance retroactively to the earliest date allowable.

Authorizes DHB to provide temporary, targeted Medicaid coverage to individuals with incomes up to 200 percent of the federal poverty level, as requested in the 1115 waiver application submitted on March 27, 2020. If approval is granted for different coverage or a different population than requested in the application, allows DHB to implement the approved temporary coverage, if (1) the coverage is only provided for a limited time period related to the declared nationwide public health emergency as a result of the 2019 novel coronavirus; (2) the coverage is not provided for services other than those for the prevention, testing, or treatment of COVID-19; and (3) the income level to qualify for the coverage does not exceed 200 percent of the federal poverty level. Authorizes DHB to provide this coverage retroactively to the earliest date allowable.

Specifies that the following do not apply to the North Carolina Medicaid program and NC Health Choice program from March 1, 2020, through the duration of the declared nationwide public health emergency as a result of the 2019 novel coronavirus: (1) GS 108C-2.1 (Medicaid Provider application and recredentialing fee); (2) GS 108C-4(a) (requirement to conduct criminal history records checks of provider applicants and enrolled providers); (3) GS 108C-9(a) with respect to any required trainings prior to enrollment (requires applicants submitting an initial application for enrollment in North Carolina Medicaid or North Carolina Health Choice to submit an attestation and to complete trainings prior to being enrolled); and (4) GS 108C-9(c) (requires that prior to being initially enrolled in the North Carolina Medicaid or Health Choice programs, an applicant's representative attend trainings as designated by the Department in rules, including the five specified topics).

Part IV.

Appropriates \$50 million in nonrecurring funds from the Relief Fund to the Office of State Budget and Management (OSBM) to be allocated to DHHS and the Division of Emergency Management (DEM) to: (1) purchase personal protective equipment, as defined, that meets CDC guidelines for infection control; (2) purchase other supplies and equipment related to emergency protective measures to address immediate threats to life, public health, and safety related to COVID-19, with examples provided; and (3) meet State match requirements for FEMA public assistance funds for the COVID-19 pandemic. Allows any supplies and equipment purchased with the funds to be available to both public and private health care providers and other entities DHHS or DEM deem essential to the State's response. Requires DHHS and DEM to ensure that these funds are expended in a way that does not adversely affect eligibility for federal funds. Also requires DHHS and DEM to avoid using State funds to cover costs that will be, or likely will be, covered by federal funds.

Part V.

Appropriates \$25 million in nonrecurring funds from the Relief Fund to DHHS to expand public and private initiatives for COVID-19 testing, contact tracing, and trends tracking and analysis through, but not limited to, the four specified methods.

Part VI.

Appropriates \$25 million in nonrecurring funds from the Relief Fund to DHHS for (1) adult and child protective services response, (2) support for homeless and domestic violence shelters and house security, (3) child care response, and (4) technology modifications to support COVID-19 emergency relief beneficiaries. Requires that \$6 million of these funds be allocated equally among each of the state's six food banks. Allocates \$2.5 million of these funds to Reinvestment Partners, for its Produce Prescription Program, which provides a \$40 a month per household benefit for each eligible Food and Nutrition Services recipient enrolled by the recipient's health care provider; this provision expires three months from the date this section becomes effective.

Appropriates \$2.25 million in nonrecurring funds from the Relief Fund to DHHS, Division of Social Services (DSS), to assist in serving children in foster care; requires the funds to be used for \$100 monthly supplemental payments for each child receiving foster care assistance payments for April through June 2020.

Appropriates \$25 million in nonrecurring funds from the Relief Fund to DSS for facilities licensed to accept State-County Special Assistance (defined as any residential care facility that is (1) licensed by DHHS and (2) authorized to accept State-

County Special Assistance payments from its residents). Requires each eligible facility to receive \$1,325 for each resident of the facility who is a recipient of State-County Special Assistance between March 10 through June 30, 2020.

Part VII.

Appropriates \$25 million in nonrecurring funds from the Relief Fund to DHHS to support rural and underserved communities especially hard hit by the COVID-19 pandemic, and provides examples of such support. Allows the funds to be used to fund items not addressed by federal relief funds, or as needed to address critical health care needs until federal funds are received for such purposes.

Appropriates \$75 million in nonrecurring funds from the Relief Fund to the North Carolina Healthcare Foundation (NCHF) as a directed grant. Requires that the funds be used to provide grants to rural hospitals; grants are to be awarded within 30 days of receiving an application on the basis of need according to tier designation, county health ranking, and hospital-specific financial data. Requires NCHF to provide technical assistance to grant recipients for five years. Requires grant recipients to use the funds for offsetting nine categories of costs related to patient care provided in the state as a result of the COVID-19 pandemic; cost categories include supplies and equipment purchased in accordance with Centers for Disease Control guidelines, increasing the number of patient care beds to provide surge capacity, and salary support for furloughed employees. Requires grant recipients to report to NCHF by November 1, 2020, on the use of the funds. Requires NCHF to submit a report by December 1, 2020, to the specified NCGA committee and division on the use of the appropriated funds and recommendations on how recipient facilities can prepare for post COVID-19 sustainability.

Appropriates \$1.4 million in nonrecurring funds from the Relief Fund to DHHS, Division of Central Management and Support, Office of Rural Health, to provide directed grants in equal amounts to the 67 member clinics of the North Carolina Association of Free and Charitable Clinics, to offset costs for providing health care and prescription medications during the COVID-19 emergency.

Appropriates \$1.5 million in nonrecurring funds from the Relief Fund to NC MedAssist, as a directed grant to offset increased costs for providing prescription assistance services during the COVID-19 pandemic to indigent or uninsured individuals.

Part VIII.

Appropriates \$25 million in nonrecurring funds from the Relief Fund to OSBM to establish the COVID-19 Teaching Hospitals Relief Fund. Requires money in the fund to be allocated as directed grants to teaching hospitals in the state to offset expenses incurred for providing patient care as a result of the COVID-19 pandemic. Grants are to be awarded based on the amount of charitable care provided in the state, and the amount of lost revenue sustained within the state as a result of the COVID-19 pandemic. Requires grant recipients to use the funds for offsetting nine categories of costs related to patient care provided in the state as a result of the COVID-19 pandemic; cost categories include supplies and equipment purchased in accordance with Centers for Disease Control guidelines, increasing the number of patient care beds to provide surge capacity, and salary support for furloughed employees. Requires grant recipients to report to OSBM by November 1, 2020, on the use of the funds. Requires OSBM to submit a report by December 1, 2020, to the specified NCGA committee on the use of the appropriated funds.

Appropriates \$25 million in nonrecurring funds from the Relief Fund to OSBM to establish the COVID-19 General Hospital Relief Fund. Requires money in the fund to be allocated as directed grants to hospitals in the state that are not rural or teaching hospitals to offset expenses incurred for providing patient care as a result of the COVID-19 pandemic. Grants are to be awarded based on the amount of charitable care provided in the state, and the amount of lost revenue sustained within the state as a result of the COVID-19 pandemic. Requires grant recipients to use the funds for offsetting nine categories of costs related to patient care provided in the state as a result of the COVID-19 pandemic; cost categories include supplies and equipment purchased in accordance with Centers for Disease Control guidelines, increasing the number of patient care beds to provide surge capacity, and salary support for furloughed employees. Requires grant recipients to report to OSBM by November 1, 2020, on the use of the funds. Requires OSBM to submit a report by December 1, 2020, to the specified NCGA committee on the use of the appropriated funds.

Part IX.

Appropriates \$110 million in nonrecurring funds from the Relief Fund to OSBM to establish the COVID-19 Response Research Fund. Requires the fund to be allocated as follows. Requires \$100 million to be allocated to the North Carolina Policy Collaboratory (Collaboratory) at UNC-Chapel Hill to coordinate efforts among entities being provided funds. Allows

the Collaboratory to put together an advisory panel of representatives from entities receiving funds as necessary to discuss, review, and analyze progress toward meeting goals for the use of the funds. Funds are to be used for (1) the rapid development of a countermeasure of neutralizing antibodies for COVID-19, (2) bringing a safe and effective COVID-19 vaccine to the public as soon as possible, (3) community testing initiatives, and (4) other research related to COVID-19. Allocates the \$100 million to the following entities in the amount of \$25 million each: (1) Duke University Human Vaccine Institute, (2) Gillings School of Global Public Health at UNC-Chapel Hill, (3) Brody School of Medicine at East Carolina University, and (4) Wake Forest School of Medicine. Allocates \$10 million to the Campbell University School of Osteopathic Medicine for a community and rural-focused primary care workforce response to COVID-19. Requires the above entities to report to the specified NCGA committee by September 1, 2020.

Part X.

Specifies that funds appropriated in this act that are unexpended or unencumbered on June 30, 2020, do not revert to the General Fund.

Part XI.

Appropriates departmental receipts for the 2019-20 and 2020-21 fiscal years up to the amounts needed to implement the provisions of the act for the corresponding fiscal year.

Part XII.

Includes a severability clause.

Intro. by Lambeth, Carney, Dobson, P. Jones.

APPROP

Education, Higher Education, Government, Budget/Appropriations, Public Safety and Emergency Management, State Agencies, UNC System, Department of Health and Human Services, Department of Public Safety, Office of State Budget and Management, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Public Health, Mental Health, Social Services, Adult Services, Child Welfare, Public Assistance

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H 1039 (2019-2020) **COVID-19 RESPONSE ACT - ECONOMIC SUPPORT**. Filed Apr 28 2020, *AN ACT TO PROVIDE AID TO NORTH CAROLINIANS IN RESPONSE TO THE CORONAVIRUS CRISIS BY INCREASING ACCESS TO UNEMPLOYMENT BENEFITS, PROVIDING EMPLOYERS A SUTA TAX CREDIT, WAIVING THE ACCRUAL OF INTEREST ON CERTAIN TAX PAYMENTS, AND EXTENDING CERTAIN TAX-RELATED DEADLINES, AS RECOMMENDED BY THE ECONOMIC SUPPORT WORKING GROUP OF THE HOUSE SELECT COMMITTEE ON COVID-19.*

Part I.

Specifies that the Secretary of Revenue (Secretary) will not assess a penalty for failure to file a tax return or pay a tax due if returned or paid by July 15, 2020, as the Secretary has extended the franchise, corporate, and individual income tax payment deadline to July 15, 2020, as a result of the COVID-19 outbreak. Directs the Secretary to also waive the accrual of interest from April 15, 2020, to July 15, 2020, on an underpayment of tax, including partnership and estate and trust tax returns, due during that period. Clarifies that the relief from interest accrual during the stated period also applies to interest imposed under GS 105-163.15 (concerning installments and interest for unpaid individual income tax) and GS 105-163.41 (concerning installments and interest for unpaid corporate income tax).

Extends the statute of limitations for obtaining a refund for franchise, corporate, and individual income tax 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.

Makes certain actions that are required to be taken by a taxpayer on or after April 1, 2020, and before July 15, 2020, considered timely if taken on or before July 15, 2020. Actions include requests for the Department of Revenue to review of a proposed denial of a refund or a proposed assessment under GS 105-241.11, petitions for a contested case hearing on a final determination at the Office of Administrative Hearings under Article 3 of GS Chapter 150B and GS 105-241.15, and petitions for judicial review of a decision after a contested case hearing under Article 4 of GS Chapter 150B and GS 105-241.16.

Part II.

Enacts GS 96-14.15, making unemployment benefits payable in four specified circumstances in response to the coronavirus emergency. Defines coronavirus by referencing the term's definition stated in the federal Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020. Payable circumstances under the act include: (1) when an employer temporarily ceases operations due to the coronavirus thereby preventing the individual from going to work; (2) when an employer reduces the hours of employment due to the coronavirus; (3) when an individual has a current coronavirus diagnosis; or (4) when an individual is quarantined at the instruction of a health care provider or a local, state, or federal official. Makes the Chapter's employment security provisions applicable to the new coronavirus emergency unemployment benefits, with five exceptions, including: (1) no waiting week applies; (2) work search requirements do not apply; (3) benefits paid are not charged to the account of any base period employer of the individual; and (4) employers may file an attached claim for benefits, as specified. Provides for an employer tax credit for contributions to the Unemployment Insurance Fund for contributions due for the calendar year 2020, equal to the amount of contributions payable on the report due on or before April 30, 2020. Provides for instances in which employers have remitted the contributions payable on the report due on or before April 30, 2020. Limits the scope of the act to include only unemployment benefits filed for periods beginning on or after March 10, 2020, through those filed for periods beginning on or after the earlier of either the date the Governor signs an Executive Order rescinding Executive Order 116 (Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of Covid-19), or December 31, 2020.

Allows for individuals to meet the reporting requirements of GS 96-14.9 (weekly certification) by phone or Internet for the period defined by new GS 96-14.15.

Amends GS 96-14.9, concerning the requirement for an individual seeking unemployment benefits to be actively seeking work. Current law requires the individual to have made at least three job contacts with potential employers during the week, among other criteria. Allows an individual to satisfy one of the weekly job contacts by attending a reemployment activity offered by a local career center. Requires the Division of Employment Security to verify the suitability of the activity for credit and the claimant's attendance at the activity. Effective July 1, 2020.

Amends GS 96-15 to authorize employers to file unemployment claims for employees if unemployment is due directly to a disaster covered by a federal disaster declaration.

Amends GS 105-356 to clarify that priority liens for State taxes on real property under the Revenue Act include a lien for unpaid employer contributions under GS 96-10.

Repeals GS 120-70.158, which sunsets Article 12R, establishing the Joint Legislative Oversight Committee on Unemployment Insurance, on July 1, 2023.

Intro. by Howard, Saine, Wray.

GS 96, GS 105, GS 120

[View summary](#)

**Employment and Retirement, Government, State Agencies,
Department of Revenue, Tax, Health and Human Services,
Social Services, Public Assistance**

H 1040 (2019-2020) [HEALTHCARE FOR WORKING NORTH CAROLINIANS](#). Filed Apr 28 2020, *AN ACT TO PROVIDE HEALTH CARE FOR THE UNDEREMPLOYED AND UNEMPLOYED WORKERS OF NORTH CAROLINA AND THEIR FAMILIES*.

Includes several whereas clauses.

Section 1

Repeals Section 3 of SL 2013-5, which states that the State will not expand the State's Medicaid eligibility under the Affordable Care Act and prohibits State entities from attempting to expand the Medicaid eligibility standards provided in SL 2011-145 (Appropriations Act of 2011), as amended, or other state law, unless upon legislative directive.

Section 2

Enacts GS 108A-54.3B to define a class of eligible beneficiaries for the Medicaid program to receive benefits through an Alternative Benefit Plan established by the Department of Health and Human Services (DHHS) consistent with federal requirements, unless the beneficiary is exempt from mandatory enrollment in the Alternative Benefit Plan under specified federal law. Defines the class of eligible individuals considered part of the Medicaid coverage gap and eligible for Medicaid benefits by four requirements: (1) the individual has a modified adjusted gross income that is at or below 133 percent of the federal poverty level; (2) the individual is at least 19 and younger than 65 years old; (3) the individual is not entitled to or enrolled in Medicare benefits under Parts A or B of Title XVIII of the Social Security Act; and (4) the individual is not otherwise eligible for Medicaid coverage under the State Plan as it existed on January 1, 2020. Provides that co-payments for benefits under the Alternative Benefit Plan for the described eligible beneficiaries must be the same as co-payments for other Medicaid beneficiaries not under the Alternative Benefit Plan.

Directs DHHS to provide coverage for the described eligible individuals pursuant to new GS 108A-54.3B consistent with SL 2015-245 (Medicaid Transformation and Reorganization), as amended.

Effective on the date that capitated coverage required under SL 2015-245, as amended, begins. Requires the DHHS Secretary to report to the Revisor of Statutes when the provision of capitated coverage has commenced.

Section 3

States the legislative intent to enact legislation during the 2019 Regular Session to replace the Hospital Provider Assessment Act, Article 7, GS Chapter 108A, with a similar hospital provider assessment that includes imposition of a Medicaid Coverage Gap Assessment that will pay for the State share of the program and administrative costs associated with Medicaid expansion.

Section 4

Appropriates from the General Fund to the Division of Health Benefits (DHB), DHHS, \$250,000 in nonrecurring funds for the 2019-20 fiscal year for purposes of planning and preparation related to implementation of the Medicaid coverage provided in the act. Provides that unexpended or unencumbered funds do not revert at the end of the fiscal year.

Intro. by Batch, Brewer, Clark, Gailliard.

APPROP, GS 108A

[View summary](#)

Government, Budget/Appropriations, General Assembly, State Agencies, Department of Health and Human Services, Health and Human Services, Health, Health Insurance, Social Services, Public Assistance

H 1041 (2019-2020) **APPOINTMENTS BILL 2020**. Filed Apr 28 2020, *AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PRESIDENT PRO TEMPORE OF THE SENATE.*

Includes whereas clauses.

Part I appoints the specified persons to the following boards and commissions upon the recommendation of the Speaker of the House of Representatives, effective on the specified date, with terms expiring as provided: the 911 Board, the NC Brain Injury Advisory Council, the Charter School Advisory Committee, the Ferry Transportation Authority, the NC Board of Funeral Service, the NC Board of Locksmith Licensing, the NC Marine Industrial Park, the State Board of Proprietary Schools, the NC Respiratory Care Board, and the East Carolina University Board of Trustees.

Part II appoints the specified persons to the following boards and commissions upon the recommendation of the President Pro Tempore, effective on the specified date, with terms expiring as provided: the NC Center for the Advancement of Teaching Board of Trustees, the UNC-Pembroke Board of Trustees, Western Carolina University Board of Trustees, the Fayetteville

State University Board of Trustees, the Board of Trustees of the State Health Plan for Teachers and State Employees, the NC Boxing Commission Board, the NC Capital Facilities Finance Agency Board of Directors, the Alarm Systems Licensing Board, the NC Industrial Hemp Commission, and the NC State Ports Authority.

Part III provides that appointments begin on the date the act becomes law, unless otherwise provided.

Intro. by Lewis.

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Business and Commerce, Occupational Licensing, Education, Higher Education, Government, General Assembly, Public Safety and Emergency Management, State Agencies, UNC System, State Government, Executive, State Personnel, Health and Human Services, Health, Public Health, Transportation

H 1042 (2019-2020) **INCREASE IN-SERVICE DEATH BENEFIT/LRS**. Filed Apr 28 2020, *AN ACT TO INCREASE THE DEATH BENEFIT FOR MEMBERS OF THE LEGISLATIVE RETIREMENT SYSTEM WHO DIE WHILE IN SERVICE AND TO MAKE TECHNICAL CHANGES TO REORGANIZE THE LEGISLATIVE RETIREMENT SYSTEM DEATH BENEFIT STATUTE.*

Section 1

Amends GS 120-4.27, concerning the death benefit for members of the Legislative Retirement System (LRS). Makes organizational, technical, and clarifying changes to the statute. Additionally, increases the death benefit payment to a designated beneficiary of a member who dies while in service after completing one year of creditable service from a lump-sum payment of an amount equal to the deceased member's highest annual salary, up to \$15,000, to instead provide for a lump-sum payment of \$50,000.

Effective retroactively to January 1, 2020, and applies to eligible deaths occurring on or after that date.

Section 2

Amends Section 3.15(b) of SL 2019-209, which sets the State's employer contribution rates budgeted for retirement and related benefits for the 2019-20 fiscal year, effective July 1, 2019, for teachers and State employees, State law enforcement officers, the University and Community Colleges Optional Retirement Programs, the Consolidated Judicial Retirement System, and the Legislative Retirement System. Makes the schedule effective July 1, 2019, through December 31, 2019.

Adds a new subsection to SL 2019-209 to set the State's employer contribution rates budgeted for retirement and related benefits for the 2019-20 fiscal year, effective January 1, 2020, for teachers and State employees, State law enforcement officers, the University and Community Colleges Optional Retirement Programs, the Consolidated Judicial Retirement System, and the Legislative Retirement System. The schedule sets contribution rates equal to those set forth in Section 3.15(b) of SL 2019-209, except increases the contribution rates for retirement and death benefits for LRS, as specified, from 32.93% total, to 33.52% total.

Additionally, amends Section 3.15(c) of SL 2019-209, which sets the State's employer contribution rates budgeted for retirement and related benefits for the 2020-21 fiscal year, effective July 1, 2020, for teachers and State employees, State law enforcement officers, the University and Community Colleges Optional Retirement Programs, the Consolidated Judicial Retirement System, and the Legislative Retirement System. Increases the contribution rates for retirement and death benefits for LRS, as specified, from 35.82% total, to 36.41% total.

Appropriates from the General Fund to the General Assembly \$10,679 and \$21,358 in recurring funds for the 2019-20 and 2020-21 fiscal years, respectively, for the purpose of paying salary-related contributions related to the LRS death benefit, as amended.

Intro. by Howard, Jackson, Moore, Carney.

APPROP, GS 120

[View summary](#)

Employment and Retirement, Government, Budget/Appropriations, General Assembly, State

Government, State Personnel

H 1043 (2019-2020) **COVID-19 TIME SENSITIVE MATTERS**. Filed Apr 28 2020, *AN ACT TO MAKE VARIOUS CHANGES TO THE LAW RELATED TO THE COVID-19 PUBLIC HEALTH CRISIS*.

Section 1

Amends Rule 5, GS 1A-1 to allow service upon a party's attorney of record by email, requiring the email to be sent by 5:00 pm on a regular business day; if it is sent after that time, it will be deemed to have been sent on the next business day. Similarly allows service upon a party by email, if the party has consented to email service in the case and a copy of the consent is filed with the court. Requires when email is used to provide service that the certificate of service include the email addresses of each person served by email. Expires August 1, 2020.

Section 2

Enacts new GS 10B-25 to allow a notary to perform an emergency video notarization using video conference technology if the requirements of the statute are met (new GS 10B-25 does not apply to any notarization under Article 20 of GS Chapter 163, addressing absentee ballots). Specifies that a notary not satisfied that the principal's identify has been proven by satisfactory evidence is not required to complete an emergency video notarization. Provides that an emergency video notarization does not change any originality verification requirements for recording with a Register of Deeds, Clerk of Superior Court, or other government or private office in this State.

Specifies that video conference technology is electronic communication that: (1) occurs in real time; (2) allows direct interaction between the principal seeking the notary's services and the notary so that each can communicate simultaneously by sight and sound through an electronic device or process; (3) includes audio with sound clear enough that each participant in the notarial act can hear and understand all other participants; (4) has sufficient quality to allow a clear and unobstructed visual observation of each participant's face and any identification provided by the principal for a sufficient time to allow the notary to determine if it is satisfactory evidence; (5) is not pre-recorded video or audio or both; and (6) may be capable of recording (a) the video conference technology's recording and storage services, (b) an independent video recording device, or (c) electronically-saved screen shots clearly showing each participant's face, identification presented by the principal, and the notarized document.

Provides that the requirement of personal appearance, appear in person before a notary, physical presence, and presence are satisfied for emergency video notarization purposes if (1) notary is physically present in North Carolina, (2) the principal verifies to the notary that he or she is physically present in the state at the time of the notarization, (3) the notary identifies the county where he or she is located at the time of the notarial act, and (4) the principal and notary use video conference technology that complies with the requirements in this statute.

Allows a notary with personal knowledge of a principal to rely on the video conference technology to verify the principal's identity unless the notary requires satisfactory evidence. Requires a notary who does not have personal knowledge of a principal to require satisfactory evidence of the principal's identity; sets out requirements for documents that are used as satisfactory evidence.

Sets out the process for signing the document to be notarized. Sets out the procedure for submitting the signed document to the notary and for the notary notarizing the document, with procedures varying according to whether or not an original wet-signed notarization on an original wet-signed document is required.

Requires that a notary administer an oath or affirmation using video conference technology. Sets out the items that must be included in an acknowledgement or jurat certificate for an emergency video notarization, including a specified statement.

Requires a notary performing an emergency video notarization to record information about the notarization in a notary journal that is to be retained by the notary for at least 10 years; allows the journal to be maintained electronically. Specifies nine pieces of information that, at a minimum, must be recorded in the journal for each emergency video notarization. Allows a third party involved in an emergency video notarization transaction to require additional information to be included in the journal.

Requires a notary to maintain the confidentiality of a principal's documents at all times. Allows for the issuance of interpretive guidance or emergency or temporary rules to assure the integrity of the emergency video notarization measures.

Sets the statute to expire at 12:01 a.m. on August 1, 2020; however, specifies that all notarial acts made in accordance with the statute and while the statute is in effect remain effective and do not need to be reaffirmed.

Makes a conforming change to GS 10B-3 by adding and defining the term emergency video notarization. Specifies that emergency video notarization must not include a verification of proof.

Amends GS 10B-10 to provide that if the North Carolina Secretary of State grants a notary commission after March 9, 2020, and before August 1, 2020, the appointee has 90 days (instead of the usual 45 days) to appear and take the oath of office. Allows the oath to be administered using video conference technology, as specified. Makes conforming changes.

Section 3

Enacts new Article 3, Video Witnessing During State of Emergency, in GS Chapter 10B, applicable to the witnessing and signature of all records signed on after the effective date of this act; sets the Article to expire on August 1, 2020. Specifies that no action described in the Article (1) constitutes a notarial act and (2) is governed by Article 1 (Notary Public Act) or Article 2 (Electronic Notary Act).

Provides that any person who witnesses the signature of a record through videoconference technology is considered to be an "in-person" witness and the record is considered to have been signed by the principal signer "in the presence of" such witness, provided that the video conference technology allows for direct, real-time audio and video interaction between each principal signer and the witness. Considers an attesting witness to a record to have signed the record in the presence of the principal signer, if: (1) the signature of the principal signer is witnessed by the attesting witness in accordance with the requirements the statute; and (2) the attesting witness immediately thereafter signs the record while the video conference technology still allows for direct, real-time audio and video interaction between the principal signer and the attesting witness. Sets out information that must be included in a record witnessed under the statute. Allows any record witnessed under this Article to be signed in counterpart.

Section 4

Amends GS 14-12.11 by adding to the instances in which a person may wear a mask without violating the specified prohibitions on masks on certain public and private premises to include wearing a mask for the purpose of ensuring the physical health or safety of the wearer or others. Requires a person wearing a mask for that purpose to remove the mask during a traffic stop or when approached by a law enforcement officer. Makes technical changes.

Section 5

Allows the Commissioner of Motor Vehicles to extend for up to six months the validity of any license, permit, registration, or other credential issued by the Division of Motor Vehicles (DMV) under GS Chapter 20 that expires during the Coronavirus emergency (the period from March 10, 2020, through August 1, 2020). Sets any credential so extended to expire on the date designated by the DMV up to six months from the date it otherwise expired. Requires DMV to waive any fines, fees, or penalties associated with failing to renew a license, permit, registration, or other credential during the period of time the credential is valid by extension. Extends due dates for motor vehicle taxes that are tied to registration expiration to correspond with extended expiration dates designated by DMV. Specifies that nothing in this section waives a vehicle owner's duty to maintain continuous financial responsibility. Provides that a person may not be convicted or found responsible for any offense resulting from failure to renew a license, permit, registration, or other credential issued by the DMV if, when tried for that offense, the person shows that the offense occurred during the period of time the credential is valid by extension. Requires DMV, within 30 days of making any extension, to report to the specified NCGA committee and division on the credentials affected and the duration of the extension. Effective retroactively to March 10, 2020, and applies to expirations occurring on or after that date.

Section 6

Amends GS 20-7 to allow DMV to offer remote renewal of identification cards under the same procedures used for remote renewal of a driver's license.

Section 7

Amends Section 34.24(a) of SL 2018-5 to require DMV employees and contractors working at the building on New Bern Avenue in Raleigh to begin vacating the property by October 1, 2020 (was, must vacate by October 1, 2020).

Section 8

Enacts new GS 32A-16A to waive the requirement that a health care power of attorney be executed in the presence of two qualified witnesses for all instruments executed on or after the effective date of this section and prior to termination of the State of Emergency declared by Governor Cooper in Executive Order No. 116, on March 10, 2020, as may be extended by any subsequent Executive Order, such that an instrument that is signed by the principal, properly acknowledged before a notary public, and otherwise executed in compliance with the provisions of this Article, governing health care powers of attorney, are not invalidated by the principal's failure to execute the health care power of attorney in the presence of two qualified witnesses. Requires health care powers of attorney executed during this time without two qualified witnesses to contain a statement indicating that the instrument was executed in accordance with this statute. Expires at 12:01 a.m. on March 1, 2021, but all instruments made in accordance with the statute and while the statute is in effect remain effective and do not need to be reaffirmed.

Makes conforming changes to GS 32A-16.

Enacts GS 90-321A enacting the same waiver of the witness requirement as above, applicable to advance directive for a natural death declarations. Sets this statute to expire at 12:01 am on August 1, 2020.

Makes conforming changes to 90-321A.

Section 9

Amend GS 35A-1109 by adding that if personal service is not possible because the respondent resides in a facility that restricts visitors due to a public health emergency, the respondent may be served by the sheriff leaving copies of the petition and initial notice of hearing at the facility with a person employed by the facility who is apparently in charge of the office or who has apparent authority to receive documents intended for residents. Requires that employee present the copies to the respondent as soon as practicable. Provides that proof of service is by return of service filed with the clerk showing the respondent was personally served or copies were left with the facility. Expires August 1, 2020.

Section 10

Enacts new GS 45A-4.1 allowing, upon issuance of a declaration of emergency, in real estate transactions involving one-to-four family residential dwelling or a lot restricted to residential use, a settlement agent to disburse closing funds before recording the deeds, deeds of trust, and any other required loan documents with the register of deeds.

Sets out the following requirements to be met in order to allow the disbursement of closing fund before recordation: (1) on the date of closing, the office of the register of deeds where the deeds, deeds of trust, and any other required loan documents are to be recorded, is located within the emergency area, closed to the public as a result of the declaration of emergency, and unable to accept documents for recording by any method; (2) the lender's closing instructions authorize disbursement of closing funds prior to recording; (3) all parties agree in writing to all the following: (a) to waive the requirement that the settlement agent not disburse closing funds until the deeds, deeds of trust, and any other required loan documents are recorded in the office of the register of deeds and the requirement closing funds be disbursed only upon collected funds excepted as provided; (b) that they acknowledge that the recordation date may not be known on the date of closing and the date of recordation by the settlement agent is governed by this statute; (c) that they are aware of the risks and implications of proceeding with disbursement of closing funds and, if applicable, transfer of possession of property prior to recordation; (d) that after disbursement of closing funds and prior to recordation no party to the transaction will take any action to impair the quality of the title in law or equity; and (e) any other terms the parties or the closing instructions require as a condition of disbursement of closing funds prior to recording; and (4) the settlement agent complies with all conditions of the closing instructions, procures a commitment of title insurance providing for title insurance that includes indemnity coverage for the gap period, and updates the applicable title from the date of the preliminary title opinion to the time of disbursement using those public records reasonably available to the settlement agent on the date of disbursement.

Requires in all transactions under this statute in which funds are disbursed prior to recordation, the settlement agent must hold in a fiduciary capacity until the time provided below, all deeds, deeds of trust, and any other required loan documents that are to be recorded.

Terminates the authority under this statute for the settlement agent to disburse closing proceeds prior to recordation of the deeds, deeds of trust, and any other required loan documents on the earlier of the date the office of the register of deeds

reopens for public business or begins to accept documents for electronic recording. Requires within three business days of this time frame, that the settlement agent record all deeds, deeds of trust, and any other required loan documents being held under the statute and immediately notify all parties that the documents have been recorded.

Section 11

Amends GS 51-8 to allow a register of deeds, throughout the duration of any declaration of emergency, to issue a license for marriage through remote audio-video communication if the register of deeds can positively identify each applicant.

Amends GS 51-16 by extending the validity of a marriage license from 60 to 120 days.

Applies to marriage licenses issued on or after February 1, 2020, and expires August 1, 2020, and makes any marriage license issued on or before that date valid for 120 days.

Section 12

Amends GS 74C-3 by including in the term private protective services profession, any person, firm, association, or corporation providing a security guard on a contractual basis for another for a fee or consideration and performing security services related to entry and exit, direction and movement of individuals at entry and exit, security working towers, and perimeter security patrols at State prisons.

Enacts new GS 148-5.5 to require any licensed security guard and patrol professional who is employed to provide security services related to entry and exit, direction and movement of individuals at entry and exit, security working towers, or perimeter security patrols at a State prison facility, to be trained on State prison policies, including on the use of force, before providing security services at a State prison. Gives security guard and patrol professionals receiving such training the authority to detain and use necessary force to prevent contraband entry or inmate escape.

Expires August 1, 2020.

Section 12.5

Allows, in response to the coronavirus emergency, a justice or judge to administer the required new attorney oath remotely using live video conferencing, so long as the individual taking the oath is personally known to the justice or judge or provides satisfactory evidence of identity. Expires August 1, 2020.

Section 13

Provides that the 2020 report by the Local Government Commission to the NCGA on the level of each county's appropriations for public school capital outlay, is due July 1, 2020.

Section 13.5

Provides that funds appropriated for 2019-20 from the Civil Penalty and Forfeiture Fund to the State Public School Fund for drivers education that are unexpended and unencumbered at the end of the 2019-20 fiscal do not revert, but remain available until the end of 2020-21. Effective June 30, 2020.

Section 14

Authorizes a city or county's governing board to establish an expedited process for designating and training personnel, other than law enforcement officers, for custody and transportation of persons as required by involuntary commitment proceedings. Expires August 1, 2020.

Section 15

Amends GS 122C-263 by expanding the definition of telemedicine, as used for involuntary commitment exams, to be the use of two-way real-time interactive audio and video where the respondent and commitment examiner can hear and see each other (was, two-way real-time interactive audio and video between places of lesser and greater medical capability or expertise to provide and support health care when distance separates participants who are in different geographical locations; also previously required a referral).

Amends GS 122C-266, GS 122C-283, and GS 122C-285 to allow exams after commitment to be conducted face-to-face, or through telemedicine. Requires a respondent to be taken for a face-to-face-exam in the physical presence of a physician when a

physician is not satisfied to a reasonable medical certainty that the required findings would not be different if the exam was done in person instead of via telemedicine.

Expires August 1, 2020.

Section 16

Amends GS 130A-143 to allow for the release of confidential information and records that identify a person with a disease or reportable condition, when the release is made to a local enforcement official to (1) prevent or lessen a serious or imminent threat to the health or safety of a person or the public to the extent that disclosure is allowed under HIPPA; (2) enforce this Article (Communicable Diseases) or Article 22 (Terrorist Incident Using Nuclear, Biological, or Chemical Agents); or (3) investigate a terrorist incident using nuclear, biological or chemical agents (this is the only of the three instances already in current law). These releases are subject to limitations on further release of the information, as they exist in current law. Also allows the release when the release is made to another tribal health agency for preventing or controlling the spread of a communicable disease or communicable condition. Makes additional clarifying and technical changes.

Section 16.2

Allows a licensed soil scientist to prepare signed and sealed soil and site evaluations, specifications, plans, and reports for a site layout, construction, operations, and maintenance of a wastewater system at the owner's request without obtaining further certification from the NC On-Site Wastewater On-Site Contractors and Inspectors Board. Additionally, allows a licensed soil scientist engaged by the owner of a proposed on-site wastewater system to conduct all necessary inspection, certifications, and approvals, including a final inspection and certifying report. Requires compliance with GS 130A-336.2, which governs improvement permits and authorization for wastewater system construction, and rules adopted thereunder. Requires the owner to notify the local health department if engaging a licensed soil scientist pursuant to the authority of this act. Grants the Department of Health and Human Services (DHHS), its agents, and local health departments immunity from liability for systems developed, constructed, installed, or approved pursuant to the authority in this act. Requires the licensed soil scientists to maintain an errors and omissions insurance policy by a licensed insurer in an amount commensurate with the risk. Expires August 1, 2020, but allows a licensed soil scientist to complete a proposed system begun before the sunset date.

Section 16.3

Allows a county or city to petition the Department of Environmental Quality (DEQ) for a waiver from the prohibition on disposal of yard trash in a landfill if the county or city can show that the prohibition would constitute economic hardship or a real potential public health risk. Expires August 1, 2020.

Section 17

Amends GS 130A-382 to allow the Chief Medical Examiner to appoint as county medical examiners retired physicians previously licensed in the State, certified medicolegal death investigators, and pathologists' assistants.

Amends GS 130A-383 to require the medical examiner to release the body to the next of kin or other person who will assume responsibility for the final disposition upon collection of investigative information necessary as determined by the medical examiner (was, upon completion of the investigation). Adds that if the body is unclaimed, the Chief Medical Examiner must dispose of the body by cremation. Sets parameters for unclaimed to mean either (1) that no individual has notified the person in possession of the body of the desire to dispose of the body within 10 days after the date of death, or (2) individuals that have expressed interest in arranging for disposition have ceased communication with the person in possession for at least five consecutive days, the person in possession has used reasonable efforts to contact all interested individuals, and at least ten 10 days have passed since the date of death.

Section 18

Amends GS 131F-5 to extend the time by which the Secretary of State must notify a charitable organization or sponsor that requirements for a submitted charitable solicitation application have not been satisfied from 10 to 20 days after receipt of the application. Additionally, allows the Department of State to extend the time for any license renewal and the annual filing of updated information until August 1, 2020. Expires August 1, 2020.

Section 19

Effective retroactively to January 1, 2020, enacts GS 135-48.39 to authorize the State Treasurer to allow State Health Plan members, employing units, or both, adversely affected by a state of disaster, as defined, to have the option to defer premiums or debt payments that are due during the state of disaster, subject to approval of the State Health Plan's Board of Trustees. Allows the State Treasurer to order the expiration of this option prior to the end of the state of disaster, but prohibits extension beyond the period of the state of disaster. Sets a 30-day deferral period and specifies that the deferral period can include any state law or contract provision that imposes a time limit on the Plan or a member to perform an act during the time period in which there is a state of disaster. Allows the deferral period to be extended in 30-day increments, subject to Board of Trustees' approval, but prohibits a deferral period from lasting beyond 90 days from the last day of the state of disaster. Provides for the option to be limited to specific categories of members or employing units. Specifies that the statute does not authorize the non-payment of premiums or debt and requires all payments in arrears to be paid. Failure to pay premiums in arrears results in lapse as of the last day of the month for which premiums were paid in full. Provides that members are responsible for all medical expenses incurred since an effective lapse in coverage. Makes conforming changes to GS 135-48.30, concerning the authority of the State Treasurer.

Section 20

Allows for the Director of the Retirement Systems Division (Director) of the Department of State Treasurer, or the Director's designee, to make interim determinations or certifications regarding member eligibility for disability benefits for members of the following retirement systems: Legislative Retirement System; Retirement System for Counties, Cities, and Towns; Retirement System for Teachers and State Employees; Judicial Retirement System; and the State Disability Income Plan. Sunsets this authority on August 1, 2020. Prohibits the Director from making a determination of ineligibility. Specifies that interim determinations and certifications are valid until final determinations and certifications are made. Requires the respective medical board to review any interim determinations or certifications as soon as practicable and make final determinations and certifications for disability benefits. Allows a subsequent determination by a medical board of ineligibility to apply prospectively only.

Section 21

Institutes a one-month, rather than a six-month, separation requirement for retirement to become effective for retirees of the Teachers' and State Employees' Retirement System (TSERS) for individuals that retired on or after October 1, 2019, but before April 1, 2020. Sets forth further provisions applicable upon the expiration of the temporary changes to TSERS, August 1, 2020, including that for eligible retirees during the identified period, any time worked between March 10, 2020, and the time the changes expire is not considered work for purposes of the separation requirement.

Adds that any earnings received between March 10, 2020, and August 1, 2020, are not earnings by a TSERS beneficiary law or earnings by a beneficiary of the Local Government Employees Retirement System under state law.

Provides that any benefits received by or paid to a law enforcement officer or retired law enforcement officer for separation allowances under Article 12D of GS Chapter 143 cannot be impacted by any work performed between March 10, 2020, and August 1, 2020.

Expires August 1, 2020.

Section 21

Extends the validity of any probationary certificates issued to Code-enforcement officials by the NC Code Officials Qualification Board that are set to expire between March 10, 2020, and July 31, 2020, to August 1, 2020.

Section 22

Amends GS 150B-21.1 to require an agency that published notice of a public hearing on proposed temporary rules which was subsequently canceled to publish five days' notice of any rescheduled hearing. Effective retroactively to March 10, 2020.

Section 23

Effective retroactively to March 10, 2020, amends GS 150B-23 to authorize an Administrative Law Judge (ALJ) to extend the time period limiting the filing of a petition for a contested case when the Chief Justice of the Supreme Court declares that catastrophic conditions exist or have existed in one or more counties and issues an order to that effect. Requires the ALJ's extension order to be written and extend the limitation to a date certain that must be no fewer than 10 days after the effective

date of the order. Provides that the order is effective for each affected county upon the date set forth in the order or the date the order is signed, if no date is set forth. Requires that the order state its expiration upon the expiration of the Chief Justice's order.

Section 24

Amends GS 159-32, concerning the daily deposit requirement under the Local Government Budget and Fiscal Control Act, to allow the Secretary of the Local Government Commission to set the amount of moneys on hand requiring daily deposits and require deposits on less than a daily basis during an emergency declaration. Requires moneys to be maintained in a secure location and deposited at least weekly.

Section 25

Effective retroactively to July 1, 2019, reenacts GS 159I-30, repealed by SL 2019-32 (Reconstitute/Clarify Boards and Commissions), as it existed immediately before its repeal on July 1, 2019. Recodifies GS 159I-30 as GS 159-146 of Article 7A of GS Chapter 159, Special Obligation Bonds and Notes. Grants local governments the authority to borrow money for financing or refinancing its cost of the acquisition or construction of a project and issue obligation bonds and notes subject to the requirements and restrictions set forth in the statute. Specifies that the authority extends to any unit of local government, any combination of units, any joint agency of units, any regional solid waste management authority, and any consolidated city-county. Limits the scope of the act to the following projects: (1) solid waste management projects and capital expenditures to implement such projects (excluding operational and maintenance costs of solid waste management facilities or programs, general planning or feasibility studies, or the purchase of land unless purchased for recycling or a landfill); (2) water supply systems, water conservation projects, water reuse projects, wastewater collection systems, and wastewater treatment works; and (3) any service or facility provided in a municipal service district in a city. Details requirements, restrictions, and powers regarding issuance of special obligation bonds and notes under the statute, including pledging sources of payment, granting a security interest in the project financed and/or the property on which the project is located. Limits maturity to 40 years from the bond date(s), subject to state law amendment. Subjects issuance to Local Government Commission approval and requires sale by the Commission. Details further parameters for special obligation bonds and notes, including payment and interest specifications, proceed restrictions, interim document and replacement bond or note issuance, supremacy of the statute's provisions, security by trust agreement, remedies for bond or note owners, application of the UCC, investment eligibility, and tax exemption. Makes conforming changes to GS 113A-115.1(h), GS 153A-427(a)(13), GS 159-7(4), GS 159-35(c), GS 159-123(b), GS 159-148, and GS 159-165. Makes technical change to GS 159-148.

Section 26

Amends Section 3.2 of SL 2019-11 to postpone the effective date of Part II of the act, which reorganizes, consolidates and makes changes to local planning and development statutes and enacts new GS Chapter 160D, from January 1, 2021, to August 1, 2021.

Section 27

Enacts GS 166A-19.24 to authorize any public body to conduct remote meetings upon a gubernatorial or legislative declaration of emergency under GS 166A-19.20 that restricts the number of individuals that can gather in one place in order to protect the public and the public health. Limits the authority to public bodies within the emergency area during the declaration and requires compliance with Article 33 of GS Chapter 143, which governs meetings of public bodies.

Details nine requirements remote meetings must meet, including (1) proper notice of the remote meeting and notice of the means of public access, (2) identification of members participating by simultaneous communication for roll call, participation in deliberation, and voting, (3) roll call voting for every vote taken, and (4) simultaneous streaming live online with a telephonic option for the public. Defines *simultaneous communication* as any communication by conference telephone, conference video, or other electronic means. Specifies that a member participating by simultaneous communication is present for quorum purposes and voting as if physically present while that communication is maintained for that member.

Allows for a public body to conduct public hearings during a remote meeting and take action thereon so long as written comments are allowed to be submitted between publication of any required notice and 24 hours after the public hearing. Allows for a public body to conduct a quasi-judicial proceeding as a remote meeting if (1) the right of an individual to a hearing and decision occurring during an emergency, (2) all persons subject to the proceeding who have standing to participate have been given notice and consent, and (3) all due process rights of the parties affected are protected.

Clarifies that the statute applies only during emergency declarations and does not supersede any authority for electronic meetings under Article 33C of GS Chapter 143. Makes conforming changes to GS 143-318.10(a), GS 143-318.14A(e), GS 153A-43, GS 160A-74, and GS 160A-75. Amends GS 166A-318.13 to exclude meetings conducted under new GS 166A-19.24 from electronic meetings requirements, except for compliance with subsection (c) prohibiting actions by reference.

Applies throughout the duration of any emergency declaration issued under GS 166A-19.20 in effect on or after the date the act becomes law. Provides a savings clause for the actions of any public body in an open meeting conducted by simultaneous communication between March 10, 2020, and the date the act becomes law. Specifies that new GS 166A-19.24 does not affect SL 2008-111, which amends GS 143-318.13 to authorize electronic meetings.

Section 28

Extends the date by which all State agencies, boards, and commissions that have power to define conduct as a crime in the Administrative Code must create a list of all crimes so defined that are in effect or pending implementation, as well as certain described counties, cities, towns, and metropolitan sewerage districts that have adopted an ordinance subject to criminal punishment must create a list of applicable ordinances, and submit the lists to the specified NCGA committee, as required by SL 2018-69 from November 1, 2019, to March 1, 2021.

Section 29

Amends Section 5 of SL 2019-198 to prohibit any county, city, or town ordinance adopted on or after May 1, 2021 (was, January 1, 2020), and before May 1, 2023 (was, January 1, 2022), by a municipality required to report pursuant to SL 2018-69, as amended, from being subject to criminal penalty under GS 14-4 unless the required report is submitted on or before March 1, 2021 (was, November 1, 2019). Further amends SL 2019-198 to require the General Statutes Commission to report the 2021 General Assembly, rather than the 2020 Regular Session of the 2019 General Assembly, and the specified NCGA committee on or before March 1, 2021 (was, May 1, 2020), regarding its study of the reports received pursuant to SL 2018-69, as amended.

Section 30.5

Authorizes the chief district judge of a judicial district in which a criminal judgement requiring a defendant to serve periods of confinement or imprisonment in a local confinement facility to modify the order if the chief district court judge finds three requirements are met. Requirements are: (1) the defendant is unable to serve one or more periods of confinement or imprisonment due to the local confinement facility's restrictions on inmates during the COVID-19 State of Emergency; (2) without modification, the defendant will be in violation of the judgement; and (3) the District Attorney consents to modification. Requires any modification to be as minimal as possible to allow for compliance. Expires August 1, 2020.

Section 30.6

Section 4.1

Requires the Department of Transportation to maintain an available cash balance at the end of each month equal to at least \$125 million. Provides that if this amount is not maintained, no further transportation project contracts can be entered into until the cash balance has been regained. Expires one year from the date that it becomes effective.

Section 31

Includes a severability clause.

Section 32

Provides for a standard effective date provision.

Intro. by Bell, Jackson, Lewis.

[GS 1A](#), [GS 10B](#), [GS 14](#), [GS 20](#), [GS 32A](#), [GS 35A](#), [GS 45A](#), [GS 51](#), [GS 74C](#), [GS 90](#), [GS 113A](#), [GS 122C](#), [GS 130A](#), [GS 131F](#), [GS 135](#), [GS 143](#), [GS 143C](#), [GS 148](#), [GS 150B](#), [GS 153A](#), [GS 159](#), [GS 160A](#), [GS 166A](#)

[View summary](#)

Courts/Judiciary, Civil, Civil Law, Civil Procedure, Family Law, Motor Vehicle, Criminal Justice, Corrections (Sentencing/Probation), Criminal Law and Procedure, Development, Land Use and Housing, Building and Construction, Property and Housing, Education, Employment and Retirement, Environment, Government, APA/Rule Making, Public Records and Open Meetings, Public Safety and Emergency Management, State Agencies, Department of Environmental Quality (formerly DENR), Department of Transportation, Secretary of State, State Government, State Personnel, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Public Health, Mental Health, Social Services, Adult Services

H 1044 (2019-2020) **AMEND RULES/STATE OF EMERGENCY**. Filed Apr 28 2020, *A HOUSE RESOLUTION AMENDING THE 2019 HOUSE PERMANENT RULES OF THE 2019 GENERAL ASSEMBLY DURING EMERGENCIES*.

Includes whereas clauses.

Makes the following changes to the 2019 House Permanent Rules, House Resolution 16, as a result of the public health dangers resulting from the COVID-19 pandemic.

Amends Rule 1 to provide that the House will convene at 10:00 A.M. on the next legislative day if the House adjourns without having fixed an hour for reconvening. Removes evening hour limitations on session.

Amends Rule 2 to require the Sergeant-at-Arms or the Principal Clerk (currently, only the Sergeant-at-Arms) to clear the House 10 minutes before the convening hour (currently, no time period is specified). Removes requirements for the Speaker to have session begin with prayer and for the Speaker or his or her designee to lead members in the Pledge of Allegiance. Makes conforming changes to Rule 4(b).

Rewrites Rule 3(b) to require the Clerk to open an electronic roll call and enter as present any member responding by vote in the event the point of quorum is raised. Requires the time allowed for response to be the greater of 40 minutes, unless the Chair directs otherwise without objection, or the time at which the sixty-first vote is recorded. Limits action to recess or adjournment in the absence of a quorum. Removes provisions regarding compelling member attendance.

Amends Rule 7(a) to set forth the procedure for when any member has designated a Leader to case the member's vote and desires to propound a question. Requires the member to submit the question to the Majority or Minority Leader to have the question brought forward.

Adds to Rule 8.1 to require Representative Statements to be read following session only.

Adds to Rule 12(i) to allow the Majority Leader and the Minority Leader to use electronic technology to communicate in real time with members who have filed a voting designation pursuant to Rule 22.1, so long as the use does not otherwise disrupt chamber decorum. Additionally, adds new Rule 12(k) to allow the chamber to be used for committees and committee purposes as deemed necessary by the Chair of the Standing Committee on Rules, Calendar, and Operations of the House.

Adds to Rule 13(a) to prohibit any motion from being made or any business from being presented by a member who has filed a voting designation pursuant to Rule 22.1 affirming the member will not be present in the House during the time the designation is in effect and has not been revoked.

Amends Rule 15(a) to no longer require a motion to adjourn to be seconded.

Amends Rule 15.1 to include the receiving of petitions, memorials, and papers addressed to the House in a motion to adjourn or stand in recess subject to the standard stipulations.

Amends Rule 20(c) to allow 40 minutes, rather than 15 seconds, for electronic voting, unless the Chair directs otherwise without objection (currently, does not provide for objection to other direction by the Chair). Adds that the Chair can direct a

procedure whereby members vote at designated times within the time allowed for voting.

Adds new Rule 22.1 to allow a member who is not present to designate either the Majority or Minority Leader to cast the member's vote if the following three requirements are met: a voting designation is filed that identifies the member's voting designee and a commencement and expiration date with the Clerk, Leaders cast designated votes after at least 61 members have voted in the chamber when the question is put, and at least three hours have elapsed from the time the bill to be voted on was placed on the calendar. Allows for designated Leaders to appoint another member to cast all designated votes in the event of the designated Leader's excused absence. Provides for the form and content of any designation or appointment. Makes conforming changes to Rule 22(b).

Amends Rule 26(f) to allow the Chair of the Standing Committee on Rules, Calendar, and Operations of the House; the Speaker Pro Tempore; the Majority Leader; and the Deputy Majority Leader to be who are serving as ex officio members to be counted among the membership of the committee or subcommittee for purposes of determining quorum when participating remotely pursuant to Rule 28(a) (currently, only when present). Additionally, provides that a committee member who is participating remotely under Rule 28(a) must be counted as present for quorum purposes.

Adds to Rule 28(a) to allow committees to conduct remote meetings if three requirements are met: (1) each member is able to communicate in real time with all other members by either in-person communication, remote communication using devices or programs that transmit audio or audio and video, or both; (2) all documents considered by the committee are provided to members; and (3) the committee otherwise complies with GS 143-318.13(a), concerning public access to electronic meetings.

Amends Rule 30 to prohibit forming a Committee of the Whole House, without exception (currently, permitted with leave of the House).

Amends Rule 31(a) to require all bills and resolutions to be introduced to be submitted to the Principal Clerk's office using the electronic dashboard only. Changes the daily submission deadlines to require submission by 3:00 P.M. or 30 minutes after adjournment of a session later than 3:00 P.M. in order to be read a first time on that legislative day (currently, provides for the 30-minute-post-adjournment rule on Monday and 3:00 P.M. on Tuesday, Wednesday and Thursday).

Allows for a resolution or bill to be placed on the calendar without committee referral on the same legislative day of its introduction or receipt from the Senate, so long as at least three hours have elapsed from the time it is placed on the calendar and the time the question is put to a vote.

Repeals Rule 32(e), which requires all public bills and resolutions reported by a standing committee or a permanent subcommittee to be reported by the House Standing Committee on Rules, Calendar, and Operations of the House before being calendared.

Rewrites Rule 34(b) to allow a bill to be filed without the signature of each member who appears on the pre-printed bill jacket as a primary sponsor if each such member has approved being included as a primary sponsor using the member's electronic dashboard (currently, sponsor signatures are required on the jacket).

Allows for a bill reported favorably by a committee or received for concurrence to be placed on the favorable calendar on the same day it is reported. Requires the Speaker to provide notice as soon as practicable to the Majority and Minority Leaders if the Speaker anticipates this situation.

No longer requires a proposed committee substitute to be distributed electronically to committee members on the preceding calendar day in order to be considered by the committee.

Amends Rule 39(a) to allow members to submit a discharge petition or submit their name to be added to the petition by submitting an email so indicating with the office of the Principal Clerk (currently, requires signing the petition in the Principal Clerk's office).

Requires first reading and reference to a standing committee of House bills on the legislative day of their introduction, and of Senate bills on the legislative day of their receipt on messages from the Senate. Requires the Speaker to give notice at each subsequent reading whether it is second or third reading. Allows for all bills to be read more than once on the same day, except for revenue bills.

Allows for conference reports to be placed on the calendar of the legislative day on which the report is received. Requires the Speaker to provide notice to the Majority and Minority Leaders if the Speaker anticipates this situation.

Rewrites Rule 52 to close the galleries to the public. Allows members and reporters to be seated in designated areas of the gallery (currently, Rule 52 provides for courtesies of the gallery).

Allows for any member to cosponsor a bill or resolution that has been introduced on the day during which the bill or resolution was first read and referred, so long as the bill or resolution remains in the possession of the House.

Adds new Rule 61.3 to require a modification to the 2019 House Permanent Rules, as described in the act, to expire at midnight on any day a written objection is submitted by the Majority Leader or the Minority Leader. Provides for the form and content of the objection to be considered effective, including receipt by the Principal Clerk on either May 4, 2020, May 11, 2020, or May 18, 2020; provision of copies to the Speaker on the same day as submission to the Clerk; and reading of the objection into the record if the House is in session on the day the objection is filed, or the next legislative day following submission of the objection if the House is not in session.

Expires on the earlier of May 31, 2020, or an objection submitted pursuant to Rule 61.3.

Intro. by Lewis.

[HOUSE RES](#)

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[Government, General Assembly](#)

H 1045 (2019-2020) [EMERGENCY ASSISTANCE FOR COMMERCIAL FISHERMEN](#). Filed Apr 28 2020, *AN ACT TO PROVIDE DEDICATED FUNDS FOR EMERGENCY ASSISTANCE TO COMMERCIAL FISHERMEN*.

Appropriates \$10 million on a nonrecurring basis for 2020-21 from the General Fund to the Department of Environmental Quality (DEQ), to be allocated to the Division of Marine Fisheries (DMF) for an emergency assistance program for commercial fishermen and for-hire fishing operation license holder suffering an economic loss due to COVID-19.

Sets out the following requirements for the assistance program. Prohibits the grants from exceeding \$2,500 to each qualifying person (after deducting administrative costs) and limits persons with more than one qualifying license to a grant for only one of those licenses. Requires DMF to notify qualifying persons that funds are not subject to State income tax. Reverts back to the General Fund any grants that are unclaimed after six months after all grants have been awarded. Allows DEQ to use up to 5% of the funds for the program's administrative costs.

Defines terms as they are used in the act. Defines qualifying license as a standard commercial fishing license, a retired standard commercial fishing license, a shellfish license, or a for-hire license, all of which must have been issued in accordance with the specified statutes. Defines qualifying person, with respect to a person holding a standard commercial fishing license, retired standard commercial fishing license, or a shellfish license, as a person holding one or more qualifying licenses on March 10, 2020, and engaged in an activity allowed by the license between July 1, 2019, and March 10, 2020, as demonstrated by landings reported on a trip ticket; with respect to other qualifying licenses, requires that the person have held the license on March 10, 2020.

Makes a conforming change to GS 105-153.5.

Requires DEQ to report on the implementation of the program by September 1, 2020, and quarterly thereafter to the specified NCGA committee and division. Reporting duties end with the submission of the quarterly report for the quarter in which all funds appropriated by the act have been distributed.

Intro. by Richardson.

[APPROP, GS 105](#)

[View summary](#)

[Business and Commerce, Environment, Aquaculture and Fisheries, Government, Budget/Appropriations, State Agencies, Department of Environmental Quality \(formerly DENR\), Tax](#)

H 1046 (2019-2020) [COVID-19 PAID SICK LEAVE](#). Filed Apr 28 2020, *AN ACT PROVIDING PAID SICK LEAVE IN RESPONSE TO THE COVID-19 OUTBREAK FOR THE PERIOD FROM APRIL 1, 2020, THROUGH DECEMBER 31, 2020.*

Establishes legislative findings regarding the COVID-19 emergency impact and response.

Mandates employers to provide at least two weeks of COVID-19 paid sick leave to each full-time employee and the equivalent of a typical two-week period for part-time employees working for the employer for the following six reasons: (1) the employee is subject to federal, state, or local quarantine or isolation order; (2) the employee has been advised by a health care provider to self-quarantine; (3) the employee is experiencing COVID-19 symptoms and seeking a medical diagnosis; (4) the employee is caring for an individual subject to a quarantine or isolation order or has been advised by a health care provider to self-quarantine; (5) the employee is caring for a son or daughter of the employee if the school or place of care of the son or daughter has been closed or a child care provider is unavailable due to COVID-19 precautions; or (6) the employee is experiencing any other substantially similar condition specified by US DHHS in consultation with the US Secretary of Treasury and US Secretary of Labor. Defines *employer* to include any individual, organization, or governmental body, partnership, association, corporation, legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier in rail, motor, water, or air or express company doing business or operating within the state.

Requires employers to pay employees for earned sick leave at the same rate of pay with the same benefits as the employee normally earns. Requires COVID-19 paid sick time to be paid on the same schedule and in the same paycheck as regular wages. Prohibits employers from delaying COVID-19 sick time compensation.

Prohibits employers from requiring employees to use other paid leave prior to using COVID-19 paid sick leave or requiring employees to find a replacement to cover his or her scheduled work hours.

Explicitly prohibits retaliation by an employer against an employee for taking COVID-19 sick leave, as specified.

Deems violation of the act a failure to meet the wage payment requirements of Article 2A of GS Chapter 95, the NC Wage and Hour Act.

Requires employers to provide written notice to employees of the rights and remedies provided under the act.

Details construction of the act relating to collective bargaining rights and employer policy.

Effective April 1, 2020, through December 31, 2020, and applies to employers employing 500 or more employees in the state on April 1, 2020.

Intro. by Fisher, Batch.

UNCODIFIED

[View summary](#)

Business and Commerce, Employment and Retirement, Health and Human Services, Health

PUBLIC/SENATE BILLS

S 704 (2019-2020) [COVID-19 RECOVERY ACT](#). Filed Apr 28 2020, *AN ACT TO PROVIDE AID TO NORTH CAROLINIANS IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19) CRISIS.*

To be summarized.

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

[View summary](#)

LOCAL/SENATE BILLS

S 705 (2019-2020) BUNCOMBE COUNTY JOB RECOVERY ACT. Filed Apr 28 2020, *AN ACT TO AUTHORIZE THE USE OF OCCUPANCY TAX PROCEEDS CREDITED TO THE TOURISM PRODUCT DEVELOPMENT FUND TO BE USED IN BUNCOMBE COUNTY FOR ECONOMIC ASSISTANCE TO BUSINESSES SIGNIFICANTLY AFFECTED BY THE COVID-19 EPIDEMIC.*

Includes several whereas clauses.

Authorizes the Buncombe County Tourism Development Authority (TDA) to provide up to \$5 million to an agency experienced in emergency management funding for grants to assist small businesses that have closed or been otherwise significantly affected due to the economic hardship occasioned by the COVID-19 epidemic with the cost of recommencing business activities. Requires TDA to provide the funding from available funds credited to the Tourism Product Development Fund and without regard for the provisions typically required for the expenditure of monies in that Fund.

Details seven requirements and restrictions for grants made under the program, including a grant cap of \$50,000 per business and reporting requirements for TDA to report to the Buncombe County Board of Commissioners on the program. Sets out six criteria businesses must meet to be eligible for grants, including that the business has been engaged in Buncombe County primarily prior to January 1, 2020, in an activity that promotes tourism and patronage of lodging facilities in the county, that the business employed at least two but less than 200 full-time equivalent employees, that after the state of emergency the business has ceased as a result of demonstrable economic loss in revenue due to the epidemic at the time of application or can demonstrate significant economic loss and change in operations due to the epidemic at the time of application. Excludes businesses engaged in lodging from eligibility. Requires awards to cease six months following the date the state of emergency ends.

Intro. by Edwards.

[Buncombe](#)

[View summary](#)

[Business and Commerce, Development, Land Use and Housing, Community and Economic Development](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 1033: EXTRA SESSION/STATEWIDE STATE OF EMERGENCY.

House: Filed

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 1034: SMALL BUSINESS EMERGENCY LOANS.

House: Filed

House: Passed 1st Reading

House: Ref to the Com on Finance, if favorable, Rules, Calendar, and Operations of the House

H 1035: EDUCATION OMNIBUS/COVID-19.

House: Filed

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 1036: TOWN OF LOCUST/FUNDS.

House: Filed

House: Passed 1st Reading

House: Ref to the Com on Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 1037: COVID-19 HEALTH CARE WORKING GROUP POLICY REC.

House: Filed

House: Passed 1st Reading

House: Ref to the Com on Health, if favorable, Rules, Calendar, and Operations of the House

H 1038: COVID-19 HEALTH CARE WORKING GRP FUNDING RECS.

House: Filed

House: Passed 1st Reading

House: Ref to the Com on Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 1039: COVID-19 RESPONSE ACT - ECONOMIC SUPPORT.

House: Filed

House: Passed 1st Reading

House: Ref to the Com on Finance, if favorable, Rules, Calendar, and Operations of the House

H 1040: HEALTHCARE FOR WORKING NORTH CAROLINIANS.

House: Filed

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 1041: APPOINTMENTS BILL 2020.

House: Filed

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 1042: INCREASE IN-SERVICE DEATH BENEFIT/LRS.

House: Filed

House: Passed 1st Reading

House: Ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House

House: Withdrawn From Com

House: Re-ref to the Com on Pensions and Retirement, if favorable, Rules, Calendar, and Operations of the House

H 1043: COVID-19 TIME SENSITIVE MATTERS.

House: Filed

House: Passed 1st Reading

House: Ref to the Com on Pensions and Retirement, if favorable, Rules, Calendar, and Operations of the House

H 1044: AMEND RULES/STATE OF EMERGENCY.

House: Rules Suspended

House: Filed

House: Passed 1st Reading

House: Added to Calendar

House: Adopted

H 1045: EMERGENCY ASSISTANCE FOR COMMERCIAL FISHERMEN.

House: Filed

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

H 1046: COVID-19 PAID SICK LEAVE.

House: Filed

House: Passed 1st Reading

House: Ref to the Com on Finance, if favorable, Commerce, if favorable, Health, if favorable, Rules, Calendar, and Operations of the House

S 704: COVID-19 RECOVERY ACT.

Senate: Filed

LOCAL BILLS**S 705: BUNCOMBE COUNTY JOB RECOVERY ACT.**

Senate: Filed

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