



## The Daily Bulletin: 2020-05-02

### PUBLIC/HOUSE BILLS

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.*

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. SL 2020-2. Enacted May 2, 2020. Effective May 2, 2020.

**Intro. by Lewis.**

UNCODIFIED

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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 1043 (2019-2020) [2020 COVID-19 RECOVERY ACT \(NEW\)](#). Filed Apr 28 2020, *AN ACT TO PROVIDE AID TO NORTH CAROLINIANS IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19) CRISIS.*

Senate amendment makes the following changes to the proposed Senate committee substitute to the 3rd edition.

Part III. Transfer, Appropriations, and Allocations

Section 3.3 Allocation of Funds Appropriated to OSBM

Amends subdivision (39) to now allocate \$65 million to the Office of State Budget and Management (OSBM) to establish the COVID-19 Rural Hospital Relief Fund (previously, to OSBM to provide a grant to the NC Healthcare Foundation). Directs OSBM to allocate grants to CMS designated critical access hospitals located in (1) a tier one county, or (2) a tier two county with a population of less than 150,000 (previously, the grants were for CMS designated critical access or non-critical access rural hospitals). Requires grants to be awarded at \$350,000 for each critical access hospital and at least \$250,000 for each eligible hospital located in tier one or tier two county. Makes conforming changes.

**Intro. by Bell, Jackson, Lewis.**

APPROP

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**Business and Commerce, Education, Elementary and Secondary Education, Higher Education, Government, Budget/Appropriations, General Assembly, Public Safety and Emergency Management, State Agencies, Community Colleges System Office, UNC System, Department of Administration, Department of Agriculture and Consumer Services, Department of Commerce, Department of Health and Human Services, Department of Information Technology, Department of Public Instruction, Department of Public Safety, Department of Transportation, Office of State Auditor, Office of State Budget and Management, Local Government, 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 1043 (2019-2020) [2020 COVID-19 RECOVERY ACT \(NEW\)](#). Filed Apr 28 2020, *AN ACT TO PROVIDE AID TO NORTH CAROLINIANS IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19) CRISIS*.

Senate committee substitute makes the following changes to the 3rd edition. Amends the act's titles.

Deletes all provisions of previous Parts I (Economic Support), II (Education), III (Health Care), and V (Continuity of State Government), except as noted below. Please note that provisions removed from this bill may be addressed in Senate Bill 704. We recommend referring to both this bill and the 4<sup>th</sup> edition of Senate Bill 704.

#### Part I. General Provisions

Contains the provisions set forth in previous Part IV, Appropriations, Subpart IV-A, General Provisions, with the following modifications and additions.

##### Section 1.1 Title of the Act

Titles the act as "2020 COVID-19 Recovery Act."

##### Section 1.2 Definitions

Amends previous section IVA.1 to change the definition provided for the term *Coronavirus or COVID-19*, now defining the term as the Coronavirus Disease 2019, rather than by federal statutory cross-reference.

Eliminates the following defined terms: *Coronavirus Relief Fund*; *COVID-19 diagnostic test*; *COVID-19 antibody test*; and *State agency*.

##### Section 1.3 Findings and Purpose

Amends previous section IVA.2, rewriting the act's purpose and findings. Now includes legislative findings regarding State government's role in the facilitation of local government, community, family, worker, and individuals and businesses in accessing federal relief and recovery funds related to the COVID-19 pandemic. States that the act's purpose is to fulfill the NCGA's constitutional duty to appropriate all funds, including federal funds appropriated or otherwise made available under the COVID-19 Recovery Legislation, and to direct the use of those funds consistent with authorizing federal legislation and the public health and economic well-being of the State.

##### Section 1.4 Requirement to Maximize Use of Federal Funds

Substantively identical to previous section IVA.3, with technical changes to conform to the new organization of the act.

##### Section 1.5 Conflict with Federal Law

Substantively identical to previous section IVA.4, with technical changes to conform to the new organization of the act.

##### Section 1.6 General Guidance on Use of Funds

Identical to previous section IVA.5.

##### Section 1.7 Requires Report on Use of Funds

Substantively identical to previous section IVA.6, with technical changes to conform to the new organization of the act.

##### Section 1.8 Audit Requirement

Identical to previous section IVA.7

Eliminates previous section IVA.8, concerning technical language appropriating departmental receipts.

#### Part II. Establishment of Reserves and Funds

Contains the provisions set forth in previous Part IV, Appropriations, Subpart IV- B, COVID-19 Relief Reserve and Funds Established, with the following modifications and additions.

##### Section 2.1 Establishment of Coronavirus Relief Reserve

Substantively identical to previous section IVB.1, with technical changes to conform to the new organization of the act. Changes the section heading.

## Section 2.2 Establishes the Coronavirus Relief Fund

Identical to previous section IVB.2. Changes the section heading.

## Section 2.3 Establishment of Local Government Coronavirus Relief Reserve

Adds the following (identical to section 2.4, S704, 3rd edition). Requires the State Controller to establish a Local Government Coronavirus Relief Reserve (Local Reserve) in the General Fund to maintain certain federal funds transferred from the Reserve that are eligible to mitigate the impact of the COVID-19 outbreak in North Carolina on the revenue of local governments. Requires the transfer of \$300 million from the Reserve to the Local Reserve. States the NCGA's intent to appropriate up to \$150 million if local governments experience a revenue shortfall and the CARES Act is amended to allow the use of federal funds for that purpose. Specifies that funds reserved in the Local Reserve do not constitute an "appropriation made by law," as that phrase is used in Section 7(1) of Article V of the North Carolina Constitution.

## Part III. Transfer, Appropriations, and Allocations

Contains the provisions set forth in previous Part IV, Appropriations, Subpart IV- C, Transfer, Appropriations, and Allocations, with the following modifications and additions.

### Section 3.1 Transfer of Funds from Reserves to Relief Fund

Amends previous section IVC.1. Decreases the amount of funds the State Controller is required to transfer from the Coronavirus Relief Reserve (Reserve) to the Coronavirus Relief Fund (Fund), from \$1,635,567,029 to \$1,275,988,029 for the 2019-20 fiscal year. Adds an additional directive for the State Controller to transfer \$150 million from the Local Government Coronavirus Relief Reserve (Local Government Reserve) to the Fund for the 2019-20 fiscal year.

### Section 3.2 Appropriation of Funds from Relief Fund to OSBM

Amends previous section IVC.2, decreasing the amount appropriated from the Fund to the Office of State Budget and Management (OSBM) in nonrecurring funds for the 2019-20 fiscal year from \$1,635,567,029 to \$1,425,988,029. Makes conforming organizational changes.

### Section 3.3 Allocation of Funds Appropriated to OSBM

Amends previous section IVC.3. Reorganizes the subdivisions, modifies and adds to the allocations of the funds appropriated to OSBM as follows.

#### Subdivision (1)

Adds new subdivision (1), allocating \$50 million to the NC Healthcare Foundation, the NC Senior Living Association, the NC Medical Society, and the Department of Public Safety (DPS), Division of Emergency Management, for the purchase of supplies and personal protective equipment (similar to section 3.3(1), SB704, 3rd edition). Provides for allocations to each entity.

#### Subdivision (2)

Amends previous subdivision IVC.3(35). Allocates \$150 million, rather than \$350 million, to counties ineligible to receive direct funding from the CARES Act. Changes the distribution of the funds, now requiring base allocations of \$250,000 to each eligible county, with the remainder distributed on a per basis (previously, required distribution on a per capita basis with no eligible county receiving less than \$500,000).

#### Subdivision (3)

Amends previous subdivision IVC.3(37), now identical to Section 3.3(11) of S704, 3rd edition. Allocates \$70 million, rather than \$80 million, for the continuity of operation needs across State government. Adds that expenditures incurred during the period that begins on March 1, 2020, and ends on December 30, 2020, are eligible for funding, and expands upon allowable expenditures. Maintains the allowable allocations for establishment of the NC Pandemic Recovery Office and the required audit by the Office of the State Auditor. Eliminates the permitted allocation of up to \$10 million for the Department of Agriculture and Consumer Services for animal depopulation and disposal activities. Maintains reporting requirements.

#### Subdivision (4)

Amends previous section IVC.3(34). More specifically allocates \$300 million to OSBM to allocate to the General Maintenance Reserve in the Highway Fund for the Department of Transportation (DOT). Makes technical and clarifying changes. Adds a new provision prohibiting the Governor from using the funds to make budget adjustment or reallocations under specified state laws. Further, requires

the funds to be transferred and to remain unspent until legislatively appropriated if the previously described conditions concerning the revision of specified US Department of Treasury guidelines has not occurred by June 15, 2020.

#### Subdivision (4a)

Amends previous section IVC.3(36). Allocates \$20 million, rather than \$30 million to OSBM for allocation to State agencies negatively impacted by the loss of anticipated receipts.

#### Subdivision (5)

Adds new subdivision (identical to section 3.3(12), S704, 3rd edition). Allocates \$100,000 to the NCGA to be used to reimburse funds previously provided to Wake Forest University Health Services for COVID-19 research data.

#### Subdivision (6)

Amends previous section IVC.3(1), allocating \$75 million, rather than \$80 million, to the Department of Public Instruction (DPI) for school nutrition services as previously specified.

#### Subdivision (7)

Amends previous section IVC.3(3), allocating \$1 million, rather than \$1,348,500, to DPI to improve internet connectivity for students by installing extended reach mobile wifi gateway router devices in school buses (was, installing internet access points in school buses).

#### Subdivision (8)

Amends previous section IVC.3(4), allocating \$11 million, rather than \$21.2 million, to DPI to improve internet connective for students by providing community and mobile internet access points. Adds a new provision restricting use of the funds to the purchase of devices, and not for subscription services.

#### Subdivision (9)

Amends previous section IVC.3(5), allocating \$30 million, rather than \$35 million, to DPI to purchase computers or other electronic devices for use by elementary and secondary students as previously specified.

#### Subdivision (10)

Amends previous section IVC.3(6), allocating \$5 million, rather than \$7.42 million, to DPI to purchase computers or other electronic devices for use by elementary and secondary school personnel as previously specified.

#### Subdivision (11)

Amends previous section IVC.3(8), allocating \$4.5 million, rather than \$5.55 million to DPI to establish a statewide shared cybersecurity infrastructure and district monitoring and support. Adds a new requirement for DPI to evaluate the described infrastructure and services and report to the specified NCGA committees by October 1, 2020.

#### Subdivision (12)

Amends previous section IVC.3(9), allocating \$10 million, rather than \$35 million, to DPI for contracted services for school health personnel, provided no later than December 30, 2020, consistent with the Instructional Support Allotment (previously, did not specify the school health personnel would be for contracted services within a specified period).

#### Subdivision (13)

Amends previous section IVC.3(10), concerning the \$70 million allocation to DPI for supplemental summer learning programs. Modifies the parameters for the minimally \$35 million that must be used for reading interventions for students in grades two and three during the 2019-20 school year, to require up to 25% of the funds to be used to provide supplemental literacy support for students in grades three and four during the 2020-21 school year who were not on track to meet 2020-21 year-end expectations, as identified by their 2020-21 school year reading teachers; requires these funds to be used prior to December 30, 2020 (previously, required the funds required for the reading interventions for 2019-20 second and third grade students to be used by August 17, 2020, with unexpended funds to be used for supplemental literacy support for those described 2020-21 third and fourth grade students). Eliminates the deadline by which any unexpended funds for the described purposes must be used for reading interventions for the described 2019-20 kindergarten, grade one, and grade four students, and math interventions for 2019-20 grades K-4 students.

Adds that DPI can provide necessary feedback on summer learning programs. Requires each public school unit to begin its summer learning program consistent with its plan submitted to DPI and not delay the start of its summer learning program pending feedback from DPI. Specifies that summer learning programs are not to be included in 2019-21 school year instructional time. Clarifies that

parents or guardians have the final decision regarding qualified student attendance at summer learning programs. Maintains State Board reporting requirements as previously specified.

Subdivision (14)

Identical to previous section IVC.3(11).

Subdivision (15)

Amends previous section IVC.3(12), allocating \$3 million, rather than \$5 million, to DPI to provide nondigital remote instruction resources for students with limited connectivity.

Subdivision (16)

Amends previous section IVC.3(13), allocating \$15 million, rather than \$17.9 million, to DPI for Extended School Services and future services for qualified exceptional children. Specifies that DPI must hold the allocation in reserve and award grants, at DPI's discretion, to provide public school units that apply for funds to support extraordinary costs associated with provided such services.

Subdivision (17)

Amends previous section IVC.3(14), allocating \$660,029, rather than \$621,000, to DPI for the School of the Blind and Schools of the Deaf, for previously specified purposes.

Subdivision (18)

Amends previous section IVC.3(15), allocating \$5 million, rather than \$6 million, to DPI for the Extended Learning and Integrated Student Supports Competitive Grant Program for the 2019-20 and 2020-21 fiscal years.

Subdivision (19)

Identical to previous section IVC.3(16).

Subdivision (20)

Amends previous section IVC.3(17), allocating \$44.4 million, rather than \$48,690,529, to the UNC Board of Governors (UNC BOG) for previously specified purposes.

Subdivision (21)

Amends previous section IVC.3(18), allocating \$20 million, rather than \$30 million, to the UNC BOG to be allocated to the State Education Assistance Authority (Authority) for private secondary institutions. No longer provides for the funds to be used students and families impacted by COVID-19. No longer includes restrictions concerning limiting use to actions taken to respond to COVID-19.

Subdivision (22)

Adds a new provision (identical to section 3.3(13a), S704, 3rd edition). Allocates \$15 million to OSBM to allocate to Duke University Human Vaccine Institute to develop a COVID-19 vaccine.

Subdivision (23)

Amends previous section IVC.3(19), allocating \$29 million, rather than \$110 million, to UNC Chapel Hill to allocate to the NC Policy Collaboratory (Collaboratory) (previously, allocated the \$110 million to ISBM to establish the COVID-19 Response Research Fund, with allocations to the Collaboratory, with specified amounts allocated to specified Schools, and the Campbell University School of Osteopathic Medicine). Maintains the required uses of the funds with clarifying changes and makes conforming changes concerning the Collaboratory's facilitation of best practices and strategies among various entities, and the assembly of an advisory panel. Makes conforming changes to the September 1, 2020, reporting requirement, now applicable to the Collaboratory only. No longer includes in the reporting requirement identification of the source and amount of all other funds received for the purposes of the subdivision.

Subdivision (24)

Adds a new provision. Allocates \$15 million to the Brody School of Medicine at ECU for identical purposes as those required of the allocation to the Collaboratory in subdivision (23). Establishes an identical reporting requirement as that required of the Collaboratory under subdivision (23).

Subdivision (25)

Adds a new provision. Allocates \$6 million to OSBM to allocate to the Campbell University School of Osteopathic Medicine for community- and rural-focused primary care workforce response to COVID-19, as specified. Establishes a reporting requirement, requiring the School to report to the specified NCGA committee by September 1, 2020.

Subdivision (26)

Adds a new provision (identical to section 3.3.(13), S704, 3rd edition). Allocates \$20 million to OSBM to allocate to Wake Forest University Health Services to be used to expand its COVID-19 study to include syndromic surveillance and representative sample antibody testing.

Subdivision (27)

Amends previous section IVC.3(20), allocating \$20 million, rather than \$25 million, to the Department of Health and Human Services (DHHS), for local health departments, rural health providers, the State Laboratory of Public Health, and behavioral health and crises services. Specifies that these supporting funds are flexible funds.

Subdivision (28)

Substantively identical to previous section IVC.3(25)a, allocating \$6 million to DHHS to be allocated equally among the six food banks. Adds that food banks are encouraged to use the funds to purchase food from NC-based farmers and vendors.

Subdivision (29)

Adds a new provision (identical to section 3.3(5), SB704, 3rd edition). Allocates \$290,000 to DHHS, Division of Social Services (DSS), to provide funds for the LINKS program.

Subdivision (30)

Identical to previous section IVC.3(27).

Subdivision (31)

Amends previous section IVC.3(28). Allocates \$50 million, rather than \$25 million, to DHHS to provide funds for rural and underserved communities especially hard hit by the COVID-19 pandemic. Makes technical and clarifying changes. No longer includes the provision permitting funds to be used to fund items not addressed by federal relief funds or as needed to address health care needs until federal funds are received for such purposes.

Subdivision (32)

Adds a new section (similar to section 3.3(7), S704, 3rd edition). Allocated \$5 million to OSBM to be allocated to the NC Association of Free and Charitable Clinics to be used for distribution to its member clinics to cover the cost of eligible health services provided during the COVID-19 emergency. Requires reporting to the specified NCGA committee by August 1, 2020, and February 1, 2021, as specified.

Subdivision (33)

Identical to previous section IVC.3(31).

Subdivision (34)

Amends previous section IVC.3(30). Allocates \$5 million to OSBM to be allocated to the NC Community Health Centers Association (NCHCA) for distribution to its member health centers to cover the cost of eligible health services provided during the COVID-19 emergency (previously, allocated \$1.4 million to DHHS, Division of Central Management and Support, Office of Rural Health, to provide directed grants of equal amounts to member clinics of NCHCA). Requires reporting to the specified NCGA committee by August 1, 2020, and February 1, 2021, as specified.

Subdivision (35)

Identical to previous section IVC.3(24), except makes the provisions subject to new section 4.10 of the act that sets forth conditions that must be met by DHHS prior to release of the \$25 million allocation set aside for COVID-19 testing, contract testing, and trends tracking and analysis.

Subdivision (36)

Amends previous section IVC.3(21), allocating \$20 million, rather than \$25 million, to DHHS to provide funds to support behavioral health and crisis services.

## Subdivision (37)

Amends previous section IVC.3(25). Allocates \$19 million, rather than \$50 million, to DHHS to provide funding for food banks, to support residential settings, for adult and child protective services response, support for homeless and domestic violence shelters and housing security, support for child care response, and costs to expand NCCARE360 (previously, the purposes included funding for adult and child protective services response, support for homeless and domestic violence shelters and housing security, child care response, and technology modifications). Maintains specified allocations of this amount to Reinvestment Partners, as previously specified.

## Subdivision (38)

Adds a new provision (identical to section 3.3(16), S704, 3rd edition). Allocates \$1.8 million to OSBM to be allocated to the Old North State Medical Society, Inc., for targeting rural areas and African American communities with outreach, health education, and testing.

## Subdivision (39)

Amends previous section IVC.3(29). Allocates \$65 million, rather than \$75 million, to OSBM to be allocated to the NC Healthcare Foundation (NCHF) to award grants to hospitals designated by the CMS as critical access hospitals or non-critical access rural hospitals (was, to provide a directed grant to NCHF to funds award grants to rural hospitals). Directs that grants be awarded of at least \$350,000 for each eligible critical access hospital and of at least \$250,000 for each eligible non-critical access rural hospital. Requires that any remaining funds be used to increase the grant amounts based on a pro rata share of the 2018 hospital operating costs for these hospitals. Establishes preconditions for receipt of funds. Requires submission of a written report to the specified NCGA committees by December 1, 2020, concerning expenditure of funds and amounts received from COVID-19 Recovery Legislation. Adds that NCHF must also report to the specified NCGA committees by December 1, 2020, concerning use of funds appropriated, along with recommendations on how grant recipients can prepare for post-COVID-19 sustainability. Makes further conforming and technical changes.

## Subdivision (40)

Amends previous section IVC.3(32). Allocates \$15 million, rather than \$25 million, to OSBM to establish the COVID-19 Teaching Hospitals Relief Fund. Identifies the five teaching hospitals in the State, classified by CMS. Adds a directive to require OSBM to award \$3 million grants to each eligible teaching hospital (previously, based on the amount of charitable care provided in NC and the amount of lost revenue sustained in NC as a result of the COVID-19 pandemic). Makes further clarifying changes. Maintains use restrictions and conditional provisions.

## Subdivision (41)

Amends previous section IVC.3(33). Allocates \$15 million, rather than \$25 million, to OSBM to establish the COVID-19 General Hospitals Relief Fund to allocate as grants to hospital located in the State that are not eligible for grants under subdivisions (39) or (40) (previously, for directed grants for those not classified as rural or teaching hospitals by CMS). Requires the grants to be awarded based on a pro rata share of the 2018 hospital operating costs (previously, based on the amount of charitable care provided in NC and the amount of lost revenue sustained in NC as a result of the COVID-19 pandemic). Makes further clarifying changes. Maintains use restrictions and conditional provisions.

## Subdivision (42)

Identical to previous section IVC.3(26).

## Subdivision (43)

Adds a new provision (similar to previous section IVC.3(37)a.) Allocates \$15 million to the Department of Agriculture and Consumer Services for animal depopulation and disposal activities (section IVC.3(37)a. permitted up to \$10 million of the funds appropriated to OSBM for the continuity of government needs to be allocated to DACS for this purpose).

## Subdivision (44)

Adds a new provision (identical to section 3.3(14), SB704, 3rd edition). Allocates \$5 million to the Department of Commerce to contract with a nonprofit corporation for marketing COVID-19 concepts, strategies, and materials, as specified.

## Subdivision (45)

Adds a new provision (similar to previous section 1C.1(a)). Allocates \$125 million to OSBM for Golden LEAF to provide loans pursuant to the parameters set forth in new section 4.2 of the act (previously, appropriated \$75 million from the Coronavirus Relief Fund to OSBM to provide Golden Leaf with funds to provide the grants as described).

## Subdivision (46)

Adds a new provision (identical to section 3.3(21), S704, 3rd edition). Allocates \$9 million to the Department of Information Technology to use for the Growing Rural Economies with Access to Technology (GREAT) Fund for supplementary project funding for all qualifying GREAT program applicants whose applications are received on or before April 1, 2020, and meet statutory criteria, with application resubmission permitted as specified.

Deletes allocations set forth in the following previous provisions: section IVC.3(2) (to DPI to work with the Friday Institute for Education Innovation at NCSU); section IVC.3(7) (to DPI to purchase pre-packaged digital curricula); section IVC.3(22) (to DHHS, Division of Health Benefits for additional Medicaid costs); and section IVC.3(23) (to DHHS and DPS, Division of Emergency Management for personal protective equipment and other supplies and equipment; now partially covered in new subdivision (1)).

#### Part IV. Additional Allocations, Appropriations, and Other Revisions

##### Section 4.1 Appropriation of COVID-19 Federal Grant Funds and Receipts

Substantively identical to previous Part IV, Appropriations, Part IV-G, Additional Allocations and Appropriations. Makes technical changes to conform to the new organization of the act.

##### Section 4.2 Appropriation for Small Business Loan Assistance

Amends previous section IC.1. Makes conforming changes to reference the funds allocated in new section 3.3(45). Adds a new statement of legislative intent for an equitable portion of funds allocated to be used for the benefit of historically underutilized businesses. Adds to the parameters of the small business loan assistance program to require Golden LEAF to work with the NC Small Business Center Network, the Office of Historically Underutilized Businesses within the Department of Administration, the NC Small Business and Technology Development Center, the NC Institute of Minority Economic Development, Inc., and other similar entities to ensure all qualifying businesses are aware of the program. Adds a new provision authorizing Golden LEAF to use up to \$2 million to provide grants for the purpose of providing technical assistance to businesses working to apply for a loan from the program or for other federal assistance programs.

Makes changes to the definitions set forth applicable to the section. Defines *compensation* by Internal Revenue Code cross-reference, rather than state law. Makes conforming changes to the definition of *net loan funds*, and to eliminate the defined term *Coronavirus Relief Fund*.

Changes the matching requirements to now require Golden LEAF to provide matching funds from other non-State funds at \$15 of non-State funds for every \$125 of State funds allocated.

##### Section 4.3 Establishment of Temporary Pandemic Recovery Office

Identical to previous section IVE.1.

##### Section 4.4 Release of Certain Grant Funds

Adds a new provision (identical to section 6.10, S704, 3rd edition). Directs OSBM to release the \$700,000 allocation authorized in Section 26.2(c)(3) of SL 2017-57, which provides for the amount to be allocated to the NC Symphony upon certain non-State fund fundraising requirements having been met.

##### Section 4.5 Provide Medicaid Coverage for COVID-19 Testing to Uninsured Individuals in NC During the Nationwide Public Health Emergency

Amends previous section IVD.2, which authorizes DHHS, Division of Health Benefits to provide Medicaid coverage described in federal law that covers COVID-19 testing during a declared nationwide public health emergency for COVID-19, to specify that the federal medical assistance percentage is 100% for such coverage.

##### Section 4.6 Medicaid Rate Increases

Amends previous section IVD.1 to set the rate increase expiration on the earlier of (1) the date the declared nationwide public health emergency as a result of the 2019 novel coronavirus expires; (2) the date of Executive Order No. 116 expires or is rescinded; or (3) March 31, 2021 (previously, provided for the rate increase through the duration of the declared nationwide public health emergency as a result of the 2019 novel coronavirus).

##### Section 4.7 Implement Temporary Provider Enrollment Changes Authorized Under the Medicaid 1135 Waiver

Identical to previous section IVD.4.

##### Section 4.8 Disabled Adult Child Passalong Eligibility/Medicaid



Identical to previous section III.E.6.

#### Section 4.9 Use of FY 2019-20 Child Care and Development Fund Block Grant Increased Availability to Address Immediate Child Care Needs

Adds a new section (identical to section 6.11, S704, 3rd edition). Amends Section 1.1 of SL 2019-192 to increase the schedule of appropriations from federal block grant funds made for the 2019-20 fiscal year for child care and development, from \$347,525,572 to \$395,525,572.

#### Section 4.10 Funds for Testing, Contact Tracing, and Trends Tracking and Analysis

Adds a new section (substantively similar to section 6.26, S704, 3rd edition). Prohibits OSBM from releasing the \$25 million allocated to DHHS in section 3.3(35) until DHHS fulfills five detailed requirements, including reporting of all diagnostic service results, posting contractor testing on its website, collection and reporting of recovery rates on its website, reporting of COVID-19-related hospital discharges and underlying health conditions, and provision of comprehensive COVID-19 deaths. Requires DHHS and any public or private entity receiving the allocated funds to report on the use of funds to the specified NCGA committees within six months after receipt of funds.

#### Section 4.11 Funds for Overdose Medications

No longer includes the provisions of previous section IVD.3, concerning temporary Medicaid coverage for the prevention, testing, and treatment of COVID-19.

Identical to previous section IVF.1.

#### Part V.

##### Section 5.1 Effect of Headings

Provides that the act's headings are for reference only.

##### Section 5.2 Severability

Includes the identical severability clause of previous Part VI.

##### Section 5.3 Effective Date

Includes the identical effective date provision of previous Part VII. Now provides that the entire act is repealed if SB704 (COVID-19 Recovery Act) is vetoed. Reenacts the entire act if a veto to SB704 is overridden.

**Intro. by Bell, Jackson, Lewis.**

APPROP

**Business and Commerce, Education, Elementary and Secondary Education, Higher Education, Government, Budget/Appropriations, General Assembly, Public Safety and Emergency Management, State Agencies, Community Colleges System Office, UNC System, Department of Administration, Department of Agriculture and Consumer Services, Department of Commerce, Department of Health and Human Services, Department of Information Technology, Department of Public Instruction, Department of Public Safety, Department of Transportation, Office of State Auditor, Office of State Budget and Management, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Public Health, Mental Health, Social Services, Adult Services, Child Welfare, Public Assistance**

[View summary](#)

H 1058 (2019-2020) **PED/STATE PORTS EFFICIENCY & EFFECTIVENESS**. Filed May 2 2020, *AN ACT TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF NORTH CAROLINA STATE PORTS AND TO MAKE NEEDED STATUTORY CHANGES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.*

Identical to [S 707](#), filed 4/30/20.

Requires the NC Ports Authority, as part of its five-year strategic planning process to implement measures to: (1) address port utilization, throughput, gate times, and ship turnaround times at the Port of Morehead City; and (2) adequately address the dimensions and factors of maritime port service quality identified in the specified finding in the Program Evaluation Division's Report No. 2019-07.

Amends GS 136-263 to expand the requirement for the Ports Authority to provide adequate equipment and facilities in order to maintain existing and future levels of containerized cargo shipping and provide and encourage growth in handling of containerized cargoes so that it applies generally and not specifically to the ports of Morehead City and Wilmington.

Requires the Ports Authority to report annually, beginning June 30, 2020, to the specified NCGA committees and division, on a status update of the Port Authority's implementation of an environmental management system.

**Intro. by Hurley, Horn.**

[View summary](#)

**Transportation**

H 1059 (2019-2020) **STATE OF EM./RELIGIOUS OCCUPANCY EXEMPTS.** Filed May 2 2020, *AN ACT TO ESTABLISH A PROCESS FOR AN ISSUANCE OF A STATEWIDE STATE OF EMERGENCY BY THE GOVERNOR, TO ALLOW RELIGIOUS ORGANIZATIONS TO MEET IN BUILDINGS USED AS PLACES OF WORSHIP LOCATED INSIDE AN EMERGENCY AREA, AND TO APPROPRIATE FUNDS FOR THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT.*

Amends GS 166A-19.20 regarding gubernatorial or legislative declarations of a state of emergency. Conditions the effectiveness of a gubernatorial statewide state of emergency upon (1) the Governor submitting the proposed declaration of a statewide state of emergency to each Council of State member, and (2) the Council of State approving the proposed declaration by majority vote within 24 hours of receipt. Mandates that a executive order or resolution declaring a statewide state of emergency must include a definition of greater than 67 counties in the State constituting the emergency area. Specifies that a gubernatorially declared statewide state of emergency expires upon the earliest of (1) the eight legislative day of the next regular or extra session after the date of issuance, unless approved by joint resolution adopted by the majority of each NCGA chamber, or (2) rescind by the Governor.

Amends GS 166A-19.30 to bar the Governor from prohibiting any religious organization or entity controlled by religious organizations from meeting inside a building that is located inside an emergency area and used as a place of worship. Authorizes the Governor to request religious organizations limit buildings in an emergency area and used as a place of worship to 20% maximum capacity allowed by the certificate of occupancy.

Directs that \$50,000 in nonrecurring funds of the funds from the federal Coronavirus Relief Fund be used for the 2019-20 fiscal year for the purchase of personal protective equipment and other supplies and equipment, to be appropriated in equal amounts to the Department of Revenue, the Department of Transportation, Division of Motor Vehicles, and the State Board of Elections. Specifies that the funds do not revert and remain available for the described authorized purposes.

Applies to all declarations issued on or after the date the act becomes law.

**Intro. by Kidwell, Setzer, Saine, K. Hall.**

**GS 166A**

[View summary](#)

**Government, Budget/Appropriations, General Assembly, Public Safety and Emergency Management, State Agencies, Department of Revenue, Department of Transportation, State Board of Education, State Government, Executive, Health and Human Services, Health, Nonprofits**

## 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.*

House committee substitute to the 3<sup>rd</sup> edition makes the following changes. Deletes Parts I, II, III, and IV. Any section number from the remaining Parts that is not referenced in this summary was also deleted from the previous edition.

Please note that provisions removed from this bill may be addressed in House Bill 1043. We recommend referring to both this bill and the 5<sup>th</sup> edition of House Bill 1043.

#### Part I. Economic Support

##### Section 1.1. Waive Accrual Of Interest On Deferred Payment Of Corporate Income And Franchise Tax And Individual Income Tax And Extend Certain Tax-Related Deadlines

Identical to Section 6.17 of the previous edition.

##### Section 1.2 Flexibility To Administer Unemployment Compensation And Suta Tax Credit

Identical to Section 6.18 of the previous edition.

##### Section 1.3 Changes To The Unemployment Insurance Laws, As Recommended By The Division Of Employment Security And The Joint Legislative Oversight Committee On Unemployment Insurance

This provision and Section 1.4 are identical to Sections 6.19, 6.20, and 6.21 of the previous edition, with some technical changes.

##### Section 1.5 Use Of Buncombe County Occupancy Tax Proceeds

Adds the following (identical to the 1st edition of S705, minus the 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.

#### Part II. Education

##### Section 2.1 Definitions

Amends previous Section 5.1 as follows. Removes the term school closure period. Adds and defines the terms modified school calendar and year-round school.

##### Section 2.2 Introduction

Amends previous Section 5.2 as follows. Amends the purpose of the part to include clarifying or modifying certain requirements in consideration of the closure of schools for in-person instruction during the 2019-2020 school year (as consideration of the school closure period).

##### Section 2.3 Tests and Assessments

Amends previous Section 5.3 as follows. Specifies that for 2019-20 school year, for the diagnostic and formative reading assessments for kindergarten through third grade students, additional assessments beyond those administered prior to March 16, 2020, (previously, no date was set) are not required.

##### Section 2.4 School Performance, Annual Report Cards For Schools, And School Building Reports

Identical to previous Section 5.4.

##### Section 2.5 Low-Performing Schools

Identical to previous Section 5.5.

##### Section 2.6 Innovative School District

Identical to previous Section 5.6.

#### Section 2.7 Third Grade Retention, Reading Camps, And Fourth Grade Reading Assessment

Identical to previous Section 5.7.

#### Section 2.8 Advanced Courses In Mathematics

Amends previous Section 5.8 to now provide as follows (identical to H1043, 3<sup>rd</sup> edition). Requires math placement for the 2020-21 school year to be determined as follows: (1) initial math placements must be made consistent with local policies, in consultation with a student's 2019-20 math teacher; (2) for students not initially placed in advanced courses or advanced learning opportunities in math, allows a student or student's parent to request administration of the end-of-grade or end-of-course math test for the student's grade or course for 2019-20 in order to determine math placement for 2020-21. Specifies that a student scoring at the highest level on the test is to be placed as required by statute.

Requires the Department of Instruction (DPI) to submit its December 15, 2020 report to the specified NCGA committee on the number and demographics of students who were (1) enrolled in advanced math courses, or (2) given other advanced learning opportunities for the 2020-21 school year. Sets out additional information that must be included in the report.

#### Section 2.9 CPR Graduation Requirement

Identical to previous Section 5.9.

#### Section 2.10 School Calendar For The 2019-2020 School Year

Amends previous Section 5.10 to provide that for the 2019-20 school year, the requirements of GS 115C-378(e) through (g) do not apply beginning March 16, 2020 (was, during the school closure period).

#### Section 2.11 School Calendar For The 2020-2021 School Year

Amends previous Section 5.11 as follows. Among the items to be included in a remote instruction plan, clarifies that remote learning day supports must be considered and included, as appropriate for the student, when an IEP or 504 plan is initially developed or at any subsequent review or revision of an IEP or 504 plan.

Adds that under the school calendar requirements, the required opening and closing dates are except for schools defined in subdivision (4) or (6) of Section 2.1 of this Part (modified calendar and year-round schools). Adds that a year-round or modified calendar school must not schedule a remote instruction day prior to the sixth instructional day of the year-round or modified calendar; makes conforming changes.

#### Section 2.12 School Improvement Plans

Adds the following (identical to H1043, 3<sup>rd</sup> edition). Extends the validity of school improvement plans set to expire at the end of the 2019-20 school year until December 31, 2020, to allow additional time for consideration and adoption of a new plan; specifies that the replacement plan for these extended plans expire in 18 months, rather than two years.

#### Section 2.13 Principal Recruitment Supplement

Identical to previous Section 5.12.

#### Section 2.14 Notification Requirement For Teacher Performance Data

Identical to previous Section 5.13.

#### Section 2.15 Teacher Effectiveness Reporting Requirements

Identical to previous Section 5.14.

#### Section 2.16 Teacher Evaluation And Observation Requirements

Amends previous Section 5.15 to provide that for the 2019-20 school year, annual teacher evaluations are to be based on (1) observations completed in the 2019-2020 school year prior to March 16, 2020 (was prior to the school closure period), and (2) other artifacts and evidence from the 2019-20 school year. Specifies that schools are not required to complete any observations required in the 2019-20 school year that were not completed prior to March 22 16, 2020 (was, prior to the school closure period).

#### Section 2.17 Standardized Testing Requirements For Nonpublic Schools

Identical to previous Section 5.16.

#### Section 2.18 Attendance And Calendar Requirements For Nonpublic Schools

Amends previous Section 5.17 to provide that nonpublic schools are not required to make, maintain, and render attendance records of children of compulsory school age, beginning March 16, 2020 (was, during the school closure period). Makes additional clarifying changes.

#### Section 2.19 Standardized Testing And Reporting Requirements For Nonpublic Schools With Students Receiving Opportunity Scholarship Grants

Identical to previous Section 5.18.

#### Section 2.20 Opportunity Scholarship Program Disbursement Of Funds

Amends previous Section 5.19 to clarify that the provisions apply to funds carried forward that were unexpended as a result of the closure of nonpublic schools for in-person instruction (was, closure in general without referring to type of instruction) due to the COVID-19 emergency.

#### Section 2.21 Extension Of K-12 Scholarship Program Report Dates

Identical to previous Section 5.20.

#### Section 2.22 Educator Preparation Programs (EPPs)

Amends previous Section 5.21 to clarify that due to the lack of student assessment data and the closure of schools for in-person instruction (was, due to lack of data and the school closure period), EPPs shall only be required to submit information practicably available in the annual report to the State Board for the 2019-20 academic year.

#### Section 2.23 School Administrator Preparation Programs

Makes a clarifying change to previous Section 5.22 to reflect that school are closed for the remainder of the school year.

#### Section 2.24 Transforming Principal Preparation Grant Program Requirements

Makes a clarifying change to previous Section 5.23 to reflect that school are closed for the remainder of the school year.

#### Section 2.25 Teacher Licensure Requirements

Identical to previous Section 5.24.

#### Section 2.26 Licensure Requirements For Other School Personnel

Identical to previous Section 5.25.

#### Section 2.27 Community College Tuition Waiver For Students In Apprenticeship Programs

Amends previous Section 5.26 to clarify 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 (was, may continue to be eligible) for a tuition waiver.

#### Section 2.28 Waiver Of Interest Charges On UNC Student Debt

Identical to previous Section 5.27.

#### Section 2.29 Extension Of UNC Report Dates

Identical to previous Section 5.28.

Deletes previous Section 5.29 (Funds for Summer Learning Programs).

### Part III. Health Care

#### Subpart III-A. Definitions

Adds the following (identical to H1043, 3rd edition). Sets out definitions to be included in the Part, including the following. Defines COVID-19 diagnostic test as a test the federal Food and Drug Administration has authorized for emergency use or approved to detect the presence of the severe acute respiratory syndrome coronavirus 2. 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. Defines COVID-19 antibody test as a serological blood test the FDA has authorized for emergency use or approved to measure the amount of antibodies or proteins present in the blood when the body is responding to infection caused by the severe acute respiratory syndrome coronavirus 2.

### Subpart III-B. Affirmations Of Actions Taken In Response To Covid-19

Adds the following (identical to H1043, 3rd edition). Affirms specified actions taken by the North Carolina Medical Board, the North Carolina Board of Nursing, other health care provider licensing boards, and the State's teaching institutions for health care providers, 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. Express support for specified initiatives.

### SUBPART IIIC. Increased Access To Medical Supplies Necessary To Respond To Covid-19 And Future Public Health Emergencies

#### Section 3C.1 State Plan For A Strategic State Stockpile Of Personal Protective Equipment And Testing Supplies For Public Health Emergencies

Adds the following (identical to H1043, 3rd edition). 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.

#### Section 3C.2 Priority Consideration Of North Carolina-Based Companies When Addressing Public Health Emergencies

Adds the following (identical to H1043, 3rd edition). Requires the Department of Health and Human Services and the Division of Emergency Management, during a public health emergency, to first consider companies based in the state that can provide mobile response units with capabilities to reach rural areas in the state. Specifies the types of operations that must be considered, including feeding operations and triage facilities.

### SUBPART IIID. Support For Health Care Providers To Respond To Covid-19

#### Section 3D. 1 Dental Board Flexibility During Disasters And Emergencies

Adds the following (identical to H1043, 3rd edition). 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.

#### Section 3D.2 Authorization For Dentists To Administer Covid-19 Tests

Adds the following (identical to H1043, 3rd edition). 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.

#### Section 3D.3 Authorization Process For Immunizing Pharmacists To Administer Covid-19 Immunizations/Vaccinations

Adds the following (identical to H1043, 3<sup>rd</sup> edition). 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. Gives immunity from civil and criminal liability for the State Health Director acting pursuant to this section and any pharmacist who administers a COVID-19 immunization or vaccine pursuant to a

statewide standing order issued under this section. 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.

#### Section 3D.4 Prescription Identification Requirements

Adds the following (identical to H1043, 3rd edition). 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.

#### Section 3D.5 Temporary Flexibility For Quality Improvement Plans

Identical to previous Section 6.2A, but amends the effective date provision to now make the section effective when it becomes law and sets it to expire December 31, 2021.

#### Section 3D.6 Pandemic Health Care Workforce Study

Adds a new section (identical to H1043, 3<sup>rd</sup> edition). 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.

#### Section 3D.7 Health Care Liability Protection For Emergency Or Disaster Treatment

Identical to previous Section 6.6.

#### Section 3D.8 Dispense And Use Of Controlled Substances Temporarily At Additional Places Of Business

Adds the following (identical to H1043, 3rd edition). Adds that for the duration of the COVID-19 emergency, a hospital, nursing home, or clinic with a valid State registration for controlled substances may temporarily dispense or use controlled substances at additional places of business by completing the specified registration process and providing all required information for any temporary overflow facility or satellite facility. Specifies that there is no registration fee for the emergency registration. Expires 60 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

#### Section 3D.9 Pre-Procedure COVID-19 Test Result Reporting

Adds the following (identical to H1043, 3<sup>rd</sup> edition). Adds that all healthcare providers must receive and report to the Commission for Public Health and the Division of Public Health the results of any COVID-19 diagnostic test or antibody test performed on an individual before any non-emergency surgery or procedure. Requires DHHS to report this pre-procedure test result data on its website on a county-by-county basis, updated daily.

#### SUBPART IIIIE.

#### Section 3E.1 Extension Of Time For Establishing Connectivity To The State's Health Information Exchange Network Known As Healthconnex

Adds the following (identical to H1043, 3<sup>rd</sup> edition). 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).

#### Section 3E.2 Temporary Waiver Of Three-Year Fingerprinting Requirement/Child Care Providers/Adoptions/Foster Care

Adds the following (identical to H1043, 3rd edition). Directs the Division of Child Development and Early Education of DHHS to temporarily waive the requirements that all current child care providers complete a fingerprint-based criminal history check every three years. Requires that all available State and federal-name based criminal background checks for prospective employees seeking employment in licensed child care to be completed. Requires that where only State and federal name-based checks were completed, that fingerprint-based checks be done within 60 days of Executive Order 116 being rescinded; if that is not done, then the prospective employee is disqualified until a finger-print based check is completed. Requires that the Division of Social Services is to temporarily waive any requirement to complete a fingerprint-based criminal history check pertaining to adoptions, foster care, or child care institutions. Requires, however, that in accordance with federal guidelines, name-based criminal background checks be completed, and in such situations where only name-based checks were completed, that fingerprint-based criminal history checks be completed within 60 days of Executive Order 116 being rescinded. Sunsets the provision on the earlier of 60 days after Executive Order 116 is rescinded, or December 31, 2020.

#### Section 3E.3 Modification Of Facility Inspections And Training To Address Infection Control Measures For COVID-19

Adds the following (identical to H1043, 3rd edition). Directs DHR and local departments of social services to suspend all annual and biennial inspections 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, Articles 5 (Hospital Licensure Act), 6 (Health Care Facility Licensure Act), and 10 (Hospice Licensure Act) of GS Chapter 131E, as well as any provisions within any rules adopted under the specified chapters that pertain to DHHS or the Division of Health Service Regulation monitoring, inspection, or investigative requirements. However, authorizes DHR 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 DHR 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 DHR to review compliance history for noncompliance with CDC guidelines regarding infection control or the proper use of PPE. Directs DHR to require employees of such identified facilities to undergo immediate training by DHR about infection control and the proper use of PPE. Allows DHR to conduct the training online, by videoconference, or as DHR deems appropriate. Sunsets the provisions on the earlier of 60 days after Executive Order 116 is rescinded, or December 31, 2020.

#### Section 3E.4 Allow Temporary Waiver Of 72-Hour Preservice Training Requirement/Child Welfare Staff

Adds the following (identical to H1043, 3rd edition). 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.

#### Subpart IIIF. Increased Access To Health Care Through Telehealth To Respond To COVID-19

##### Section 3F.1 Expanded Use Of Telehealth To Conduct First And Second Involuntary Commitment Examinations During The COVID-19 Emergency

Amends the previous Section 6.5 as follows. Adds that the first exam of a respondent required by statute to determine whether the respondent will be involuntarily committed due to substance use disorder may be conducted either in the physical face-to-face presence of the commitment examiner or utilizing telehealth equipment and procedures. Requires that the commitment examiner doing the exam by telehealth to be satisfied to a reasonable medical certainty that the determinations would not be different if the exam had been conducted in the physical presence of the commitment examiner. Provides that a commitment examiner who is not so satisfied must note that the exam was not satisfactorily accomplished, and the respondent must be taken for a face-to-face exam.

Extends the sunset date of the provision until 30 days after the Governor rescinds Executive Order No. 116.

##### Section 3F.2 Increased Access To Telehealth Under The Medicare Program

Adds the following (identical to H1043, 3<sup>rd</sup> edition). 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 IV. Continuity Of State Government/Regulatory Relief

##### Section 4.1 Emergency Video Notarization

Amends previous Section 6.12 as follows. Amends proposed GS 10B-10(b1) by providing that if the Secretary grants a notary commission after March 9, 2020, and before August 1, 2020 (was, October 1, 2020), the appointee has 90 days to appear before the register of deeds to take the general oath of office.



#### Section 4.2 Emergency Video Witnessing

Amends previous Section 6.13 as follows. Changes the expiration of new Article 3 to August 1, 2020.

#### Section 4.3 Masks And Hoods For The Protection Of Health

Adds the following. 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 when requested by a law enforcement officer: (1) during a traffic stop, including a checkpoint or roadblock; and (2) when a law enforcement officer has reasonable suspicion or probable cause during a criminal investigation. Expires August 1, 2020.

#### Section 4.4 Clarify Electronic Signatures For Search Warrants And Certain Court Orders

Adds a new section (identical to H1043, 3<sup>rd</sup> edition). Permits use of electronic signature for signatures required for search warrants or any judicial order following a court hearing conducted by remote audio or visual transmission in a civil or criminal case. Expires August 1, 2020.

#### Section 4.5 Extend Time Period To Claim Lottery Prizes

Adds the following (identical to H1043, 3<sup>rd</sup> edition). Allows a lottery prize winner to submit a delayed claim that is expiring or awarded between March 10, 2020, and August 1, 2020. Requires the claim to be submitted to the Lottery Commission in writing no more than 90 days after the date the online game prize was announced or the instant game has closed.

#### Section 4.6 Lottery Commission Report

Identical to Section 6.7 with a technical change.

#### Section 4.7 Division Of Motor Vehicles/Extend Deadlines

Amends previous Section 6.2 as follows. Extends the duration of the credentials for five months (was, six months) from the date it would otherwise expire. Extends the duration of medical waivers by five months (was, six months).

#### Section 4.8 Delay DMV Headquarters Move

Adds the following (identical to H1043, 3<sup>rd</sup> edition). 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 4.9 Dot Emergency Reserve Modification

Adds that the Department of Transportation must not transfer funds to the Transportation Emergency Reserve.

#### Section 4.10 Witness Requirement During State Of Emergency/Health Care Power Of Attorney And Advanced Directive For Natural Death

Identical to previous section 6.14.

#### Section 4.11 Adult Guardianship Service

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 4.12 Disbursement Of Funds Prior To Recordation Of Deed In Certain Circumstances

Identical to previous Section 6.15.

#### Section 4.13 Marriage Licenses

Identical to previous Section 6.16 but makes the changes applicable to any marriage license issued on or after February 1, 2020 (was, March 10, 2020); retains expiration date of August 1, 2020, and that any marriage license issued on or before that date shall be valid for 120 days.

#### Section 4.14 Limited Business Immunity For Essential Businesses

Identical to previous Section 6.27.

#### Section 4.15 Expand The Definition Of Security Guard And Patrol Profession To Include Security Services Providers At State Prisons

Adds the following (identical to H1043, 3rd edition). 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 4.16 New Attorneys' Oath

Adds the following (identical to H1043, 3<sup>rd</sup> edition). 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 December 1, 2020.

#### Section 4.17 Communicable Disease Information To Law Enforcement

Adds the following (identical to H1043, 3<sup>rd</sup> edition). Amends GS 130A-143 to allow the release of confidential information and records identify a person who has or may have a disease or condition when Release is made by the Department or a local health department to a law enforcement official for any of the following purposes: (1) to prevent or lessen a serious or imminent threat to the health or safety of a person or the public, to the extent that disclosure is permitted under federal regulations and not otherwise permitted by the statute; (2) to enforce this Article or Article 22 of this Chapter; or (3) to investigate a terrorist incident using nuclear, biological, or chemical agents. Also allows a release to a tribal health agency for the purpose of preventing or controlling the spread of a communicable disease or condition. Makes additional clarifying changes.

#### Section 4.18 Allow Licensed Soil Scientists To Evaluate, Inspect, And Approve On-Site Wastewater System Projects During The Coronavirus Emergency

Adds the following (identical to H1043, 3rd edition). 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 4.19 and 4.20 (I) Allow The Department Of Environmental Quality To Establish Emergency Measures And Procedures Applicable To Solid Waste Management, (II) Expand Local Government Authority To Request Waivers From The Department With Respect To Certain Items Banned From Landfills, To Include Yard Waste In Consideration Of Impacts To Public Health, During The COVID-19 State Of Emergency, And (III) Allow Private Companies Providing Collection Services For Yard Trash To Request A Waiver From The Department To Allow Disposal Of Yard Trash Collected In A Landfill In Consideration Of Impacts To Public Health, During The COVID-19 State Of Emergency

Adds the following. Defines the term Coronavirus emergency as the period from March 10, 2020, through August 1, 2020. Authorizes the Secretary of the Department of Environmental Quality (DEQ) or an authorized representative to develop and implement any emergency measures and procedures necessary for the proper management of solid waste generated during the Coronavirus emergency, upon request of a public or private landfill operator or the Secretary's own initiative. Requires written notice of emergency measures and procedures to be provided to the news media, waste organizations, governmental organizations and other interested or affected

parties. Provides examples of emergency procedures and measures. Requires State agencies and political subdivisions to cooperate with the implementation of such procedures and measures. Expires August 1, 2020.

Defines the term Coronavirus emergency as the period from March 10, 2020, through August 1, 2020. Allows a county or city, or a private company that is providing collection services for yard trash, to petition DEQ for a waiver from the prohibition or disposal of yard trash in a landfill during the Coronavirus emergency, defined as the same period as above, based on a showing that prohibiting the disposal would constitute an economic hardship or a real or potential health risk. Details specific parameters for a private company's petition. Expires August 1, 2020.

#### Section 4.21 State Health Plan Premium And Debt Payment Deferral Option During Declaration Of Emergency

Deletes previous Section 6.3 and replaces it with the following (identical to H1043, 3<sup>rd</sup> edition).

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 4.22 Interim Determinations And Interim Certifications For Certain Disability Benefits

Adds the following (identical to H1043, 3<sup>rd</sup> edition). 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 4.23 Temporarily Remove Barriers To Allow Retirees Of The Teachers' And State Employees' Retirement System And The Local Governmental Employees' Retirement System To Return To Work On A Part-Time, Temporary, Or Interim Basis During State Of Emergency Related To COVID-19

Adds the following (identical to H1043, 3<sup>rd</sup> edition). 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.

Provides 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 4.24 Flexibility To Waive Of Interest On Procurement

Adds the following (identical to H1043, 3<sup>rd</sup> edition). Allows a State agency to waive any interest due on a past-due account receivable. Excludes money owed to the UNC Health Care System, ECU's Division of Health Sciences for health care services, to the NC Turnpike Authority for money owed for tolls or to the NC State Health Plan for past-due account receivables related to premiums and claims payments. Expires August 1, 2020.

#### Section 4.25 Provide For The Rescheduling Of Public Hearings During Temporary Rule Making

Adds the following (identical to H1043, 3rd edition). 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 4.26 Authorize The Chief Administrative Law Judge To Extend The Time Period For The Filing Of Contested Cases During Catastrophic Conditions

Adds the following (identical to H1043, 3rd edition). 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 4.27 Clarify "Available For Public Inspection"/Local Government Budget Process

Adds the following (identical to H1043, 3rd edition). Adds a new section to amend GS 159G-12 to no longer specifically require local government budget officers to submit copies of the budget submitted to the governing board to the board's clerk in the clerk's office, or for the copy to be available for public inspection in the clerk's office. However, maintains the requirement for submission of a copy of the budget. Adds a new provision allowing for the clerk to post a copy of the budget on the local government's website and requires providing copies pursuant to state public records law.

#### Section 4.28 Daily Deposit Requirement Under The Local Government Budget And Fiscal Control Act

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 4.29 Local Government Commission Revisions

Identical to previous Section 6.8.

#### Section 4.30 Reinstate Special Obligation Bonds

Adds the following (identical to H1043, 3rd edition). 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 4.31 Public Bodies/Remote Meetings During Declared Emergencies

Identical to previous Section 6.24.

#### Section 4.32 Extend The North Carolina Child Well-Being Transformation Council

Adds the following (identical to H1043, 3rd edition). Amends Section 24.1 of SL 2018-5 to postpone the final reporting deadline and termination of the Children's Council from June 30, 2020, to January 15, 2021.

#### Section 4.33 Extend Effective Date Of Chapter 160D Of The General Statutes

Adds the following (identical to H1043, 3rd edition). 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 4.34 Floodplain Maps By Incorporation Into Local Ordinances

Adds the following (identical to H1043, 3<sup>rd</sup> edition). Allows local land use development ordinances to reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by State and federal agencies, subject to the specified parameters and requirements. Expires August 1, 2020.

#### Section 4.35 Extend GSC Ordinance Report

Adds a new section amending Section 6 of SL 2019-198 to extend the deadline by which the General Statutes Commission must report to the NCGA on recommendations regarding whether any conduct currently criminalized either by a county, city, town, or metropolitan sewerage district ordinance or in the North Carolina Administrative Code should have criminal penalties provided by a generally applicable State law. The report is now due March 1, 2021, instead of May 1, 2020. Makes conforming changes.

#### Section 4.36 Transportation Network Company Signage Requirements

Adds the following. Amends Section 2 of SL 2019-194 to postpone the effective date of the signage requirements of GS 20-280.5(e) and (f), as enacted in the act, from July 1, 2020, to September 1, 2020.

#### Section 4.37 Extend The Joint Legislative Study Committee On Small Business Retirement Options

Adds the following (identical to H1043, 3rd edition). Amends SL 2019-205, which establishes the Joint Legislative Study Committee on Small Business Retirement Options (Committee). Currently, the Committee is required to report to the Speaker of the House and the President Pro Tempore of the Senate, and the Fiscal Research Division by March 31, 2020, by which time the Committee is terminated. Amends the provisions to require the Committee to report interim findings by March 31, 2020, and to report its final findings and recommendations by December 1, 2020. Requires the Committee to terminate upon submission of the final report or December 1, 2020, whichever occurs first. Effective retroactively to March 31, 2020.

#### Section 4.38 Authorize State Agencies To Exercise Regulatory Flexibility During The Coronavirus Emergency In Order To Protect The Economic Well-Being Of The Citizens And Businesses Of The State

Amends previous Section 6.1 as follows. Defines "State agency" so that it does not include the Division of Employment Security of the Department of Commerce, the Department of Health and Human Services, the State Board of Education, the Department of Public Instruction, The University of North Carolina, the State Board of Community Colleges, or the State Board of Elections (was, does not include the Department of Justice, the State Board of Education, or the State Board of Elections).

Deletes the requirement for agencies to review their rules, policies, procedures, enforcement actions, and other requirements or actions that affect the economic well-being of citizens and business of the State and determine if, due to coronavirus impacts, a waiver, delay, or modification of the requirements or actions are in the public interest and economic well-being. If so, required the agency to take action to implement the waiver, delay, or modification.

No longer requires agencies to report to the specified NCGA committees on why it did not exercise regulatory flexibility.

Changes the expiration date of an emergency rule adopted pursuant to this section to August 1, 2020.

No longer states that the section is to be construed liberally.

Changes the effective date of the section so that now Subsections (a), (b), (d), and (e) of this section expire August 1, 2020.

#### Section 4.39 Authorize Extension Of Training And Certification Of Law Enforcement Officers By Forensic Tests For Alcohol Branch

Authorizes the Forensic Tests for Alcohol Branch (Branch) of DHHS to delay or modify any educational or exam requirements for recertification of law enforcement officers. Allows the Branch to extend issued certifications if educational and exam requirements are delayed. Provides that certifications issued before March 10, 2020, the Branch may extend that certification no later than December 31, 2020, if the educational or examination requirements associated with renewal or recertification is delayed in accordance with this section. Effective March 10, 2020, and expires January 1, 2021.

#### Section 4.40 Extend Certain Local Government Approvals Affecting The Development Of Real Property Within The State

Adds the following (identical to H1043, 3rd edition). Extends the expiration date and associated vested right of any development approval that is current and valid during the period beginning March 10, 2020, and ending April 28, 2020, for five months. Defines development approval as any of the following land development approval issued by a local government: approval of an erosion and sedimentation control plan; any building permit; approval by a county or city of sketch plans, preliminary plats, subdivision plats, a site specific development plan or phased development plan, a development permit, a development agreement, or a building permit; or any certificate of appropriateness issued by a preservation commission. Defines the term development.

Details construction and implementation of the provisions. Details responsibilities of the holder of any development approval extended by the provisions, including maintaining all performance guarantees imposed as conditional approval.

Provides for possible termination of the extension for failure to comply with the provisions. Provides for notice and appeal of termination of approval.

Expires September 28, 2020.

#### Section 4.41 Authorize Modification Of Criminal Judgments Requiring Intermittent Active Time

Adds the following (identical to H1043, 3rd edition). 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 4.42 Use Of Regional Council Of Governments In Administration Of Fema Public Assistance And Individual Assistance Funds

Adds the following (identical to H1043, 3rd edition). Authorizes the Department of Emergency management to use the NC Regional Councils of Government in administering FEMA public assistance and individual assistance funds. Requires compliance with Article 19 of GS Chapter 153A and Article 160A of GS Chapter 160A. Allows for the provision of assistance with training, grant applications, and other requested services by qualifying local governments and allows a regional council to be designated by a local government to administer any FEMA public assistance funds on its behalf.

#### Section 4.43 Joint Legislative Oversight Committees/Extend Reporting Deadlines

Identical to previous Section 6.9.

#### Part V. Severability

Includes a severability clause.

#### Part VI. Effective Date

Except as otherwise provided, this act is effective when it becomes law. Provides that if House Bill 1043 is vetoed, this act is repealed; if the veto of House 13 Bill 1043 is overridden, this act is reenacted.

**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.**

STUDY, Buncombe, GS 8B, GS 14, GS 32A, GS 35A, GS 45A, GS 51, GS 66, GS 74C, GS 90, GS 96, GS 105, GS 113A, GS 115C, GS 120, GS 130A, GS 135, GS 143, GS 148, GS 150B, GS 153A, GS 159, GS 160A, GS 160D, GS 166A

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**Management, State Agencies, Community Colleges System Office, UNC System, Department of Environmental Quality (formerly DENR), Department of Health and Human Services, Department of Transportation, State Government, State Personnel, Tax, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Health Insurance, Public Health, Mental Health, Social Services, Adult Services, Child Welfare, Public Assistance, Lottery and Gaming, Transportation**

S 709 (2019-2020) **ADOPT RHODODENDRON AS STATE SHRUB**. Filed May 2 2020, *AN ACT TO ADOPT THE RHODODENDRON AS THE STATE SHRUB AND TO APPROPRIATE FUNDS FOR PROMOTION*.

Includes several whereas clauses. Enacts GS 145-52 as title indicates. Appropriates \$10,000 in nonrecurring funds from the General Fund to the Department of Natural and Cultural Resources for the 2019-20 fiscal year to promote the rhododendron as the official State shrub. Effective July 1, 2020.

**Intro. by Hise.**

APPROP, GS 145

[View summary](#)

**Government, Budget/Appropriations, Cultural Resources and Museums, State Agencies, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources)**

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 1041: APPOINTMENTS BILL 2020.**

*Senate: Withdrawn From Com*

*Senate: Placed on Today's Calendar*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

*House: Ratified*

*House: Ch. SL 2020-2*

#### **H 1043: 2020 COVID-19 RECOVERY ACT (NEW).**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Placed on Today's Calendar*

*Senate: Amend Adopted A1*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Engrossed*

*Senate: Special Message Sent To House*

*House: Special Message Received For Concurrence in S Com Sub*

*House: Added to Calendar*

*House: Concurred In S Com Sub*

*House: Ordered Enrolled*

*House: Ratified*

*House: Pres. To Gov. 5/2/2020*

#### **H 1057: WC/COVID-19 FRONT LINE COVERAGE/FUNDS.**

*House: Passed 1st Reading*

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

**H 1058: PED/STATE PORTS EFFICIENCY & AMP EFFECTIVENESS.**

*House: Filed*

*House: Passed 1st Reading*

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

**H 1059: STATE OF EM./RELIGIOUS OCCUPANCY EXEMPTS.**

*House: Filed*

*House: Passed 1st Reading*

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

**S 704: COVID-19 RECOVERY ACT.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Special Message Sent To Senate*

*Senate: Special Message Received For Concurrence in H Com Sub*

*Senate: Ref To Com On Appropriations/Base Budget*

*Senate: Reptd Fav To Concur*

*Senate: Placed on Today's Calendar*

*Senate: Concurred In H Com Sub*

*Senate: Ordered Enrolled*

*Senate: Ratified*

*Senate: Pres. To Gov. 5/2/2020*

**S 709: ADOPT RHODODENDRON AS STATE SHRUB.**

*Senate: Filed*

**No local actions on bills**

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