

## The Daily Bulletin: 2024-10-09

### PUBLIC/HOUSE BILLS

H 149 (2023-2024) **DISASTER RECOVERY ACT OF 2024. (NEW)** Filed Feb 20 2023, *AN ACT TO ENACT THE DISASTER RECOVERY ACT OF 2024.*

Conference report #2 replaces the content of the 3rd edition with the following. Makes conforming changes to the act's titles.

#### Part I. Title of Act

##### Section 1.1

Refers to the act as “The Disaster Recovery Act of 2024.”

#### Part II. Legislative Findings

##### Section 2.1

Sets out legislative findings related to the severity and impact of Hurricane Helene (September 26, 2024), as well as Potential Tropical Cyclone #8 (PTC8) (on or about September 16, 2024).

#### Part III. Extension of State of Emergency

##### Section 3.1

Extends until March 1, 2025, the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State.

#### Part IV. Creation of Hurricane Helene Fund

##### Section 4.1

Establishes the Hurricane Helene Disaster Recovery Fund (Helene Fund) to provide necessary and appropriate relief and assistance from the effects of Hurricane Helene, consistent with the act’s provisions and subsequent legislation addressing the Hurricane’s effects. Requires the Office of State Budget and Management (OSBM) to administer the Helene Fund and to carry out the provisions of this and subsequent acts necessitated as a result of Hurricane Helene. Limits the use of the funds in the Helene Fund to supporting disaster relief and recovery efforts in: (1) any county declared a major disaster by the President as a result of Hurricane Helene (herein referred to as Helene-impacted counties) and (2) Nash County.

Requires that funds be drawn from the Helene Fund only as needed when justified by a State agency as evidence of the need for funds related to Hurricane Helene. Specifies that funds that are not expended, made subject to an encumbrance, or disbursed will remain available to implement the provisions of this act and subsequent acts necessitated as a result of Hurricane Helene until the NCGA directs the reversion of the unexpended funds. Requires the reversion of funds received by a State agency from the Helene Fund that are not expended, made subject to an encumbrance, or disbursed to another entity at the end of each fiscal year to the Helene Fund. Requires that funds received by a non-State entity from the Helene Fund that are not expended, made subject to an encumbrance, or disbursed to a subgrantee be returned to the Helene Fund by June 30, 2030.

#### Part V. Creation of Potential Tropical Cyclone #8 Fund

##### Section 5.1

Establishes the Potential Tropical Cyclone #8 Disaster Recovery Fund (PTC8 Fund) to provide necessary and appropriate relief and assistance from the effects of PTC8, consistent with the provisions of this act, and subsequent legislation addressing the effects of PTC8. Requires OSBM to administer the PTC8 Fund. Limits the use of the funds in the PTC8 Fund to expenditures to support disaster relief and recovery efforts in Brunswick and New Hanover Counties.

Requires that funds be drawn from the PTC8 Fund only as needed when justified by a State agency as evidence of the need for funds related to PTC8. Requires funds in the PTC8 Fund that are not expended, made subject to an encumbrance, or disbursed to remain available to implement the provisions of this act and subsequent acts necessitated as a result of PTC8 until the NCGA directs the reversion of the unexpended funds. Requires the reversion of funds received by a State agency from the PTC8 Fund that are not expended, made subject to an encumbrance, or disbursed to another entity at the end of each fiscal year to the PTC8 Fund. Requires that funds received by a non-State entity from the PTC8 Fund that are not expended, made subject to an encumbrance, or disbursed to a subgrantee be returned to the PTC8 Fund by June 30, 2030.

## Part VI. Funding of Disaster Relief

### Section 6.1

Requires the State Controller to transfer \$273 million for 2024-25 from the Savings Reserve to the Helene Fund and appropriates the following amounts within the Helene Fund for the duration of the recovery efforts: (1) \$250 million to the Department of Public Safety, Division of Emergency Management, for the State match for federal disaster assistance programs for State agencies and units of local governments; requires the Division of Emergency Management to coordinate with OSBM to use a portion of these funds to establish a revolving loan program to assist units of local government and State agencies with cash flow management while waiting for reimbursement and requires funds returned to the Division through the revolving loan fund to be used for additional cash flow loans or to provide matching funds as needed. (2) \$16 million to the Department of Public Instruction (DPI) to supplement or replace lost compensation of school nutrition employees due to school closures resulting from Hurricane Helene, in accordance with Section 8.1(c) of this act. (3) \$2 million for OSBM for grants to the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, and the North Carolina Association of Regional Councils of Governments to provide technical assistance with local recovery funds; requires these entities to give priority to grants to counties with a population of less than 250,000. (4) \$5 million to the State Board of Elections for the purposes in Section 9.1(c) of this act (facilitating voting in specified counties).

States the NCGA's intent to appropriate funds to: (1) the PTC8 Fund after appropriate damage assessments are completed and (2) support disaster relief and recovery efforts in Nash County after appropriate damage assessments are completed.

### Section 6.2

Appropriates funds received on or after September 1, 2024, under the Stafford Act and other federal disaster assistance program for State disasters as a result of Hurricane Helene or PTC8, in the amounts provided in the notifications of award. Sets out reporting requirements on award notifications for OSBM and affected State agencies to the specified NCGA commission and division.

## Part VII. Reversion, Limitation, and Reporting of Funds

### Section 7.1

Specifies that funds appropriated in Part VI revert to the Savings Reserve if they are not expended or encumbered by June 30, 2030.

Requires recipients (local political subdivisions of the State, a State agency, a State department or a non-State entity) of State funds under this act to use best efforts and take reasonable steps to obtain alternative funds to cover the losses or needs for which State funds are provided. Declares that State funds paid under the act are to be excess over funds received by a recipient from the settlement of a claim for loss or damage covered under the recipient's applicant insurance policy. Requires a recipient to remit funds to the appropriating State agency when the recipient obtains alternative funds; the State agency must transfer those funds to the Savings Reserve. Requires any contract or other instrument entered into by a recipient for receipt of funds under this act to include these requirements.

Prohibits the Governor from using the funds in this act to make budget adjustments or reallocations. Requires the Governor to ensure that funds allocated in this act are expended in a way that does not adversely affect any person or entity's eligibility for federal funds, and requires the Governor to avoid using State funds to cover costs that will be, or are likely to be, covered by federal funds.

Sets out reporting requirements for quarterly reports from OSBM to the specified entities at the NCGA on the implementation of this act.

## Part VIII. Education

### Section 8.1

Sets out the following school calendar flexibility for missed instruction time during September and October to be used by a governing body of a public school unit that closed any school due to the weather conditions related to Hurricane Helene or PTC8: (1) if the school is located in a public school unit in a county designated before, on, or after the effective date of this act under a major disaster declaration by the President as a result of Hurricane Helene, in the discretion of its governing body, the public school unit may (a) make up any number of the instructional days or equivalent hours missed, (b) deem as completed any number of the instructional days or equivalent hours missed up to a total of 20 days, or (c) implement a combination of both of the above; or (2) for any public school unit not identified in (1), the governing body of the public school unit may (a) make up any number of the instructional days or equivalent hours missed, (b) deem as completed any number of the instructional days or equivalent hours missed up to a total of two days, or (c) implement a combination of both of the above.

Sets out the following remote instruction limits for the 2024-25 school year: (1) allows public school units located in a county designated before, on, or after the effective date of this act under a major disaster declaration by the President as a result of Hurricane Helene to use additional remote instruction days or equivalent remote instruction hours toward the required instructional days or hours for the school year, up to a total of 30 remote instruction days or 180 remote instruction hours for the public school unit for the school year and (2) allows public school units located in a county identified in Section 5(b) of this act as affected by PTC8 to use additional remote instruction days or equivalent remote instruction hours toward the required instructional days or hours for the school year, up to a total of 10 remote instruction days or 60 remote instruction hours for the public school unit for the school year.

Deems public school (except charter school) employees and contractors to have worked for any scheduled instructional day missed due to Hurricane Helene during September and October that a public school unit deemed completed and is not required to make up; requires compensation in the same manner as if they had worked on those missed days. Allows, but does not require, the board of directors of a charter school to provide such compensation.

Requires \$16 million in nonrecurring funds for 2024-25 of the funds allocated to the Department of Public Instruction from the Helene Fund to be used for compensation under this section to public school unit employees and contractors of schools participating in the National School Lunch Program or School Breakfast Program for scheduled instructional days when compensation would have been provided by school meal receipts or by federal funds; requires compensation in the same manner as if they had worked on those missed days. Sets out requirements for criteria that can be used if the funds are insufficient.

Requires DPI to report to the specified NCGA committee and division on the implementation of this section by March 15, 2025, and to provide any additional reports or information required by the Fiscal Research Division. Sets out the information that must be included in the report. Requires that for each component of the report, separate information must be included on an individual school within the unit whose information differs from the rest of the unit; requires public school units to provide information on implementation of this section by February 15, 2025.

### Section 8.2

Requires the growth bonuses provided to principals under Section 1.3 of SL 2024-39 (2023 Appropriation Act Changes) to be paid no later than November 30, 2024, to qualifying principals employed as of October 1, 2024. Applies to qualifying principals employed in a public school located in a county (1) declared a major disaster by the President as a result of Hurricane Helene or (2) listed in Section 5.1(b) (Brunswick and New Hanover Counties).

### Section 8.3

Sets out conditions under which a student enrolled in an educator preparation program (EPP) assigned the status of initially authorized or authorized by the State Board of Education to have the clinical internship requirement deemed complete: (1) the student is enrolled in an EPP in a county or as been placed in a school in a county (a) declared a major disaster by the President as a result of Hurricane Helene or (b) listed in Section 5.1(b) (Brunswick and New Hanover Counties), (2) student has completed as much time in a clinical internship as practicable during the 2024 fall semester, and (3) the student cannot graduate in December 2024 from the EPP without the clinical internship requirement being complete. Sets out information that an EPP enrolled student who has had the clinical internship requirement deemed complete as described above must report to

the State Board of Education by February 1, 2025. Requires the State Board of Education to report to the specified NCGA committee by March 15, 2025.

## Part IX. Election Modifications

### Section 9.1

Sets out the following provisions that apply for the November 2024 election only in Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, Wilkes and Yancey Counties.

Allows any registered voter of the State otherwise eligible to be appointed to serve as: (1) chief judge and judges for each precinct in the county; (2) assistant or student election assistant at each precinct in the county; (3) a ballot counter at each precinct in the county; (4) staff at an early voting site, all of which are allowed regardless of precinct or county of residence. Specifies that an election official's failure to return contact or confirm availability to serve with the county board of elections office constitutes a vacancy for "any other cause" under GS 163-41(d). Sets out applicable provisions related to the administration of the oath of office, reassignment of election officials to ensure there is sufficient knowledge and experience at each voting site, and required votes for actions required by a county board of elections to appoint, designate, or reassign election officials.

Allows State employees serving as a chief judge or judge, assistant or student election assistant, or ballot counter to do so without taking leave.

Allows the State Board of Elections (SBOE) to develop and implement training programs for specified workers and precinct officials who are appointed to replace, supplement, or assist in the administration of the November 2024 election.

Allows a county board of elections, by bipartisan majority vote, to modify its plan for Implementation for the November 2024 election; sets out the process to be followed when making any modifications. When making such changes, requires minimizing any reduction in the overall number of hours available for voters to participate in early voting in the county. Specifies that modifications may include substituting sites, removing sites that are unusable, adding or reducing days that any site is open within the established early voting period, and extending or reducing hours that any site is open on any days within the established early voting period.

Allows election day polling places to be modified by a bipartisan majority vote of the county board of elections; sets out the process to be followed when making any modifications. Requires striving to maintain voting access as close to existing polling places as possible and resorting to establishing polling places outside of a precinct only as a last resort. Sets out notice requirements for any changes that are made. Specifies that modifications may include: (1) a transfer of voters from a given precinct to another in the county, even if the receiving precinct is not adjacent if not-adjacent precinct is available; (2) the establishment of out-of-precinct polling places; (3) the establishment of more than one polling place in a precinct; and (4) allowing the central transfer precinct to be used by any county voter on Election Day. Sets out additional requirements that apply to each of these modifications.

Changes the date by which all absentee ballots must be returned to 7:30 pm on November 5, 2024. Allows voted absentee ballots to be delivered in person, by a voter registered in an impacted county or that voter's near relative or verifiable legal guardian, by handing the ballot to an election official at (1) any county board of elections in the State at any time that county board is open, (2) any early voting site in this State at any time that the site is open for voting, or (3) the SBOE at any time that office is open.

Allows members, employees, or volunteers of the impacted county boards of elections working as part of a multipartisan team trained and authorized by the county board of elections to assist any voters in requesting an absentee ballot, serve as witnesses to absentee ballots, or otherwise assist in absentee voting; sets out requirements to be met when appointing a multipartisan team for these purposes.

Requires the county board of elections to process an absentee ballot request from a voter or a voter's near relative or verifiable legal guardian in person at the county board of elections office up until 5:00 pm on November 4, 2024, similar to the provision in GS 163-230.1(b) (provisions that apply when a voter expects to be unable to go to the voting place to vote in person on election day because of that voter's sickness or other physical disability). Requires the voter or their relative or verifiable legal guardian to complete the absentee ballot request form with the required personal information, which must be verified; allows

the county board of elections to provide the voter or their near relative or verifiable legal guardian with the voter's absentee ballot envelope at the office location. Requires county boards of elections to maintain a log of any individual (other than a minor child in the voter's care) who presents to submit an absentee ballot request on behalf of a voter; sets out information that must be included in the log. Requires individual's signature to be included in the log in order for the absentee ballot request to be deemed complete.

Requires the county board of elections to process a spoil-and-reissue, or cure, of an absentee ballot at the county board of elections office. Allows, when requested by a voter, their near relative or verifiable legal guardian, or anyone designated by the voter to assist due to the voter's disability, to retrieve any required cure documentation to take to a voter who is required to cure a deficiency with an absentee ballot, if needed. Requires county boards of elections to keep a log of any individual (other than a minor child in the voter's care) who presents to retrieve cure documentation on behalf of a voter. Sets out information that must be included in the log. Requires the individual to sign the log in order for the cure process to be deemed complete.

Requires the county boards of elections to allow the chair of each political party in the county to designate poll observers who are registered voters of any North Carolina county.

Requires funds appropriated in this act to the SBOE to be used for the following purposes to facilitate voting in the counties specified above: (1) technology and access to technology, such as attack response kits, SOSA deployments, and internet connectivity; (2) printing and communications, such as re-printing absentee ballots, mailing materials to registered voters, and purchasing emergency communication systems for counties as needed; (3) temporary staff for counties and the SBOE; and (4) mobile voting units, training, equipment, leases, and supplies to enable voting, including changes in voting sites.

This section applies only to the November 2024 election.

## Section 9.2

Sets out the following applicable to all counties for the November 2024 election.

For returned voted absentee ballots, requires the SBOE to establish a uniform process for transmitting the ballots to the appropriate county board of elections prior to canvass. Sets out the process that must be followed by a county board of elections or SBOE that receives an out-of-county absentee ballot as well as for the delivery of those ballots. Requires receiving counties to daily and on Election night, report to the SBOE the number of voted absentee ballots received in such a manner for each impacted county.

Requires for absentee ballots voted or returned in accordance with Section 9.1 that the SBOE establish a uniform process for bipartisan teams to assist voters in voting absentee ballots and documenting the receipt and transmittal of the voted absentee ballots to the appropriate county board of elections.

Specifies that the provisions of the resolution adopted by the SBOE October 7, 2024, not inconsistent with the provisions of this act, will continue in effect until amended by the SBOE or the certification of the November 2024 election, whichever is sooner. Prohibits the SBOE, in establishing any further emergency measures related to Hurricane Helene and its aftermath, from exercising any emergency powers that are inconsistent with this act.

Requires the SBOE to strive to educate all eligible voters impacted or displaced by the disaster regarding the options to cast a ballot during the November 2024 election, including establishing a resource for voters to obtain answers to individual questions about how to cast a ballot in the November 2024 election. Sets out where educational materials must be made available, including posting on the SBOE's website.

Requires the SBOE to report by April 15, 2025, to the specified NCGA committee on its efforts to implement this Part. Sets out information that must be included in the report.

## Part X. Agriculture and Environmental Quality

### Section 10.1

Defines *infrastructure funding provision* and *local government unit*. Authorizes the Department of Environmental Quality (DEQ) to undertake the following emergency measures, notwithstanding GS Chapters 159G and 143C:

- Transfer funds between the Clean Water Reserve and the Drinking Water Accounts in the Water Infrastructure Fund to provide emergency loans to local governments, while exempting those loans from the limits set forth in GS 159G-36.

- Authorizes local government units within the Helene Impacted Counties described in Section 4.1(b)(1) of the act that were provided funds under an infrastructure funding provision to use the funds for the following:
  1. Mitigation or remediation of disaster-related damage, delay, or other impairment to allow a planned, ongoing, or completed drinking water or wastewater infrastructure project to begin, resume, or continue to operate.
  2. Temporary measures that allow the preservation or restoration of drinking water and wastewater service or emergency operations at a drinking water or wastewater facility.

#### Section 10.2

Expands the powers of DEQ under GS 143-215.3 during a gubernatorially declared state of emergency due to a natural disaster, to allow DEQ, during the state of emergency, to require wastewater treatment plants to accept domestic septage, as that term is defined by GS 130A-290(a)(32)a., including domestic septage originating from beyond the county or municipal boundaries where a plant is located, to the extent that the capacity and capabilities of the plant are not negatively impacted.

#### Section 10.3

Authorizes open burning without an air quality permit of *storm-related debris* (any solid and engineered wood products, vegetative land-clearing debris, or yard trash that originates from designated counties in an emergency area as defined in GS 166A-19.3(7) as a result of the impacts of Hurricane Helene occurring on September 25-30, 2024) from the date that the state of emergency was declared by the Governor through March 31, 2025, if the conditions of 15A NCAC 32 02D.1903(b)(2)(A) through (E) are met. Prevents open burning of *storm-related debris* in a county where DEQ or the Forsyth County of Environmental Assistance and Protection has forecasted an "Air Quality Action Day Code 'Orange' or above" during the 24-hour time period covered by that Air Quality Action Day. Specifies that the authorization does not permit: (i) the burning of inert debris, including asphalt shingles, tar paper, insulation, drywall, concrete, bricks, or glass, (ii) the burning of tires, wire, plastics, refuse, salvageable items, or dangerous or hazardous materials, (iii) any activity that would violate federal law, or (iv) any activity that causes an imminent threat to public health or safety. Specifies that the open burning authority set forth does exempt or excuse a person from the consequences, damages, or injuries that may result from this conduct. Nor does it exempt a person from having to comply with laws, ordinances, rules or orders of other governmental entities having jurisdiction even though the open burning is conducted in compliance with the act.

#### Section 10.4

Adds new GS 106-951 (waiver of permits required for certain open burning during state of emergency) authorizing the Commissioner of the NC Environmental Management Commission (EMC), during a gubernatorially declared state of emergency due to a natural disaster, to waive permitting requirements for the open burning of storm-related debris generated as a result of a natural disaster in areas affected by the disaster. Allows such waivers to include limitations on burning with respect to property setbacks, timing of burns, and other matters as the Commissioner deems necessary or advisable for the protection of health, safety, and protection of property. Defines *storm-related debris* as any solid and engineered wood products, vegetative land-clearing debris, or yard trash that originates from designated counties in an emergency area. Incorporates the definitions from GS 130A-290 (pertaining to solid waste management) into GS 106-951. Requires the Commissioner to terminate or suspend a waiver under GS 106-951 if they determine hazardous forest fire conditions exist in the area or EMC determines that the opening burning is causing significant contravention of ambient air quality standards or that an air pollution episode exists pursuant to GS Chapter 143, Article 21B (concerning air pollution control). Specifies that the waiver authority should not be construed to limit EMC's or DEQ's authority to regulate air quality either under GS Chapter 143, Article 21B or rules adopted thereunder governing open burning. Provides for a press release upon issuance, suspension, or termination of a waiver. Specifies that the open burning authority set forth above does exempt or excuse a person from the consequences, damages, or injuries that may result from this conduct. Nor does it exempt a person from having to comply with laws, ordinances, rules or orders of other governmental entities having jurisdiction even though the open burning is conducted in compliance with the act.

#### Section 10.5

Requires the EMC to implement the Air Curtain Incinerators Rule (15A NCAC 02D .1904) so that, consistent with recent revisions to the federal Clean Air Act's Air Curtain Incinerators Title V Permitting provisions, owners and operators of permanent and temporary air curtain incinerators subject to 40 C.F.R. Part 60, Subparts EEEE and FFFF, are not required to obtain a General Title V Operating Permit. Requires EMC to adopt rules consistent with these provisions. Applies the APA's

effective date provisions triggered when 10 or more written objections are received to the rule (GS 150B-21.3). Sunsets this provision upon adoption of the permanent rule by EMC.

#### Section 10.6

Amends Section 4.2 (loans and grants under the Golden LEAF [Long-Term Economic Advancement Foundation]) of SL 2020-4 (concerning aid in response to COVID-19), as amended, to allow a Golden LEAF lender to extend the term of the loan to 180 months for businesses impacted by Hurricane Helene located in counties defined the Small Business Administration Declaration NC-20007, and any modification or expansion of that declaration. Makes conforming changes.

### Part XI. Transportation

#### Section 11.1

Authorizes the Governor to waive certain DMV fees, including duplicate drivers licenses, duplicate commercial drivers licenses or duplicate identification cards, an initial special identification card, application fees for duplicate or corrected certificate of title, replacement registration plates and cards, or late payments of a motor vehicle registration renewal fee for residents of the Helene Impacted Counties or the PTC8 Counties. Requires that residents who paid such fees assessed and collected by the DMV and waived here be refunded those fees. Requires the DMV to post notice of the availability of a refund on its website. Effective when it becomes law and applies to fees assessed or collected on or after September 15, 2024. Expires December 31, 2024.

#### Section 11.2

Amends GS 116A-19.30 by removing the geographic limit on the governor's authority during a gubernatorially or legislatively declared state of emergency to waive requirements for an environmental document or permit issued under Articles 1, 4, and 7 of GS Chapter 113A for highway repair or replacement. Makes conforming changes.

#### Section 11.3

Notwithstanding any other provision of law and without impact on otherwise established caps on a contracting methodology, authorizes the Department of Transportation (DOT) to utilize five listed methods to contract for the repair and replacement of transportation infrastructure damaged or destroyed as a result of the impacts of Hurricane Helene. Extends the temporary authority to all of the Helene Impacted Counties.

### Part XII. Retirement and State Human Resources

#### Section 12.1

Temporarily changes the six-month separation requirement for Teachers' and State Employee's Retirement System (TSERS) retirees to a one-month separation and applies to individuals retiring on or after April 1, 2024, but before October 1, 2024 (the Retirement Period), who return in a position needed due to Hurricane Helene or associated recovery efforts as certified to the Retirement Systems Division of the Department of State Treasurer by the employing agency. Expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to the act and any other enactment of a general law, expires.

For individuals who retired during the Retirement Period, directs that any time worked between September 25, 2024, and the time the separation modification expires is not considered work for the purposes of the six-month separation so long as the position held by the individual is needed due to the state of emergency related to Hurricane Helene or associated Hurricane Helene recovery efforts, as certified to the Retirement Systems Division of the Department of State Treasurer by the employing agency.

Temporarily lifts the earnings caps for TSERS and Local Governmental Retirement System (LGERS) retirees from September 25, 2024, until expiration for those retirees who retired prior to October 1, 2024, and return in a position needed due to Hurricane Helene, provided those earnings are related to a position needed due to the state of emergency related to Hurricane Helene or associated Hurricane Helene recovery efforts, as certified to the Retirement Systems Division of the Department of State Treasurer by the employing agency. Requires that any work performed between September 25, 2024, and the time that the section expires does not impact a law enforcement officer's or sheriff's special separation allowance benefits if the officer's work performed is needed due to the state of emergency related to Hurricane Helene or associated Hurricane Helene recovery efforts, as documented by the employing unit or agency returns in a position needed due to Hurricane Helene.

## Section 12.2

Effective October 1, 2024, authorizes temporary employees supporting disaster recovery response efforts through Temporary Solutions to continue in their temporary employment beyond the mandatory eleven-month separation time requirement for the duration of the state of emergency. Requires those employees to have a break in service within six months after the end of the emergency.

## Part XIII. Tax

### Section 13.1

Limits the tax provisions described below to taxpayers within the Helene Impacted Counties. Requires the Secretary of Revenue to waive for those taxpayers:

- The accrual of interest from September 25, 2024, through May 1, 2025, on an underpayment of tax imposed on a franchise, corporate income, or individual income tax return, including a partnership and estate and trust tax return, due on September 25, 2024, through May 1, 2025;
- The accrual of interest as described below for an underpayment of State, local, or transit sales and use taxes as follows:
  - For an underpayment of tax due on a quarterly return for the third calendar quarter of 2024, the amount of interest accrued from October 31, 2024, through November 30, 2024, so long as the payment is made on or before November 30, 2024.
  - For an underpayment of tax due on a monthly return for September 2024, the amount of interest accrued from October 20, 2024, through November 20, 2024, so long as the payment is made on or before November 20, 2024.
  - For an underpayment of tax due on a monthly return for October 2024, the amount of interest accrued from November 20, 2024, through December 20, 2024, so long as the payment is made on or before December 20, 2024.
- The accrual of interest as described below for an underpayment of withheld taxes by a taxpayer as follows:
  - For an underpayment of tax due on a quarterly return for the third calendar quarter of 2024, the amount of interest accrued from October 31, 2024, through November 30, 2024, so long as the payment is made on or before November 30, 2024.
  - For an underpayment of tax due on a monthly return for September 2024, the amount of interest accrued from October 15, 2024, through November 15, 2024, so long as the payment is made on or before November 15, 2024.
  - For an underpayment of tax due on a monthly return for October 2024, the amount of interest accrued from November 15, 2024, through December 15, 2024, so long as the payment is made on or before December 15, 2024.

Specifies that the election under GS 105-154.1 (concerning taxation of partnerships as a passthrough entity) for partnerships or GS 105-131.1A (concerning taxation of S Corporations as a passthrough entity) for S Corporations for tax year 2023 will be considered timely on an annual return due after September 25, 2024, and before May 1, 2025, if the election is made on a return filed on or before May 1, 2025.

## Part XIV. Justice and Public Safety

### Section 14.1

Temporarily extends the deadline for preliminary hearings related to post-release supervision and parole violations once a supervisee has been arrested for an alleged violation to twenty-one working days. Authorizes the hearing to be held where the supervisee is presently housed, in addition to option under current law. Applies to preliminary hearings related to violations of post-release supervision or parole occurring on or after the act becomes law. Applies only to the Helene Impacted Counties.

Expires after twenty-one days have passed following the expiration or rescission of the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to the act and any other enactment of a general law.

## Section XV. Health and Human Services

### Section 15.1

Allows the Department of Health and Human Services (DHHS) to temporarily waive or modify certain mandatory standards for a license for child care facilities in an area impacted by Hurricane Helene. Applies only to the Helene Impacted Counties. Effective when it becomes law and expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to the act and any other enactment of a general law.



## Section 15.2

Notwithstanding GS 131E-176 (pertaining to certificates of need for health care facilities and services) or any other provisions of law, authorizes DHHS's Division of Health Service Regulation (DHSR), to do one or more of three listed measures in an area impacted by Hurricane Helene to protect the health, safety, and welfare of home hemodialysis and in-center hemodialysis patients, including allowing temporary relocation of dialysis stations in an existing kidney disease treatment center, including a freestanding dialysis unit to a separate physical space or setting, temporary increases in home hemodialysis training stations in an existing kidney disease treatment center, and temporary increases in the number of dialysis stations in an existing kidney disease treatment center, including a freestanding dialysis unit. Applies only to the Helene Impacted Counties. Effective when it becomes law and expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to the act and any other enactment of a general law.

## Section 15.3

Authorizes DHSR to extend a provisional license issued to an adult care home or a family care home located in an area impacted by Hurricane Helene if the provisional license is due to expire within the six-month period commencing September 25, 2024, and ending March 25, 2025. Directs that the extension period cannot exceed 60 days from the expiration date of the provisional license. Applies only to the Helene Impacted Counties. Effective when it becomes law and expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to the act and any other enactment of a general law.

## Part XVI. General Government

### Section 16.1

Directs that any corporation, nonprofit, or LLC in a county designated by the Federal Emergency Management Authority (FEMA) for individual assistance, including the Eastern Band of Cherokee Indians, will have until 12:01 A.M. on March 1, 2025, to correct each ground for dissolution or demonstrate to the reasonable satisfaction of the Secretary of State that each ground determined by the Secretary of State does not exist, notwithstanding the provisions of GS 55-14-21(b) (administrative dissolution of business corporations), GS 55A-14-21(b) (administrative dissolution of nonprofit corporations), and GS 57D-6-06(b) (administrative dissolution of LLC's).

### Section 16.2

Notwithstanding any other provision of law, for any single commercial or residential project, prevents the Department of Insurance, counties, and cities from imposing any fee associated with a permit, inspection, or certificate of occupancy required by law for construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of a manufactured home, building, dwelling, or structure damaged as a direct result of Hurricane Helene. Specifies that this moratorium only applies to North Carolina counties designated under a major disaster declaration by the President as a result of Hurricane Helene. Specifies that person is allowed a refund of any fee assessed and collected that is subject to the moratorium described in this paragraph. Requires the Department of Insurance, counties, and cities to post a notice of the availability of a refund on their websites. Effective when the act becomes law and applies to applications for issuance of a permit dated on or after September 26, 2024. Expires December 31, 2024.

## Part XVII. Miscellaneous

### Section 17.1

States the General Assembly's intent to: (1) review the funds appropriated by Congress for disaster relief and to consider actions needed to address any remaining unmet needs and (2) review the adequacy of the measures funded by this act at that time.

### Section 17.2

States that the General Assembly intends for each State agency to strive to acquire goods and services from historically underutilized business vendors, whether directly as principal contractors or indirectly as subcontractors or otherwise.

### Section 17.3

Specifies that the appropriations and allocations made in this act are for maximum amounts necessary to implement the act.  
Directs that savings should be effected where the total amounts appropriated or allocated are not required to implement the act.

#### Section 17.4

Authorizes the Governor to establish part-time and full-time personnel positions to implement the act. Directs that those positions established are time-limited and exempt from the State Human Resources Act.

#### Part XVIII. Effective Date

Directs that the act is effective when it becomes law, except as otherwise provided.

#### **Intro. by Elmore, Hardister, Paré.**

APPROP, Alexander, Alleghany, Ashe, Avery, Brunswick, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Nash, New Hanover, Polk, Rutherford, Transylvania, Watauga, Wilkes, Yancey, GS 106, GS 143, GS 166A

[View summary](#)

**Agriculture, Business and Commerce, Corporation and Partnerships, Courts/Judiciary, Motor Vehicle, Criminal Justice, Corrections (Sentencing/Probation), Development, Land Use and Housing, Building and Construction, Education, Elementary and Secondary Education, Higher Education, Employment and Retirement, Environment, Environment/Natural Resources, Government, Budget/Appropriations, Elections, Public Safety and Emergency Management, State Agencies, Department of Environmental Quality (formerly DENR), Department of Transportation, Office of State Controller, State Board of Elections, Office of State Human Resources (formerly Office of State Personnel), State Government, Executive, State Personnel, Tax, Local Government, Health and Human Services, Health, Public Health, Social Services, Adult Services, Child Welfare, Nonprofits, Transportation**

H 1077 (2023-2024) [HELENE/EXTEND CERTAIN DEADLINES](#). Filed Oct 9 2024, *AN ACT TO EXTEND THE VOTER REGISTRATION DEADLINE AND ABSENTEE BALLOT RETURN DEADLINE IN CERTAIN COUNTIES IMPACTED BY HURRICANE HELENE AND ITS AFTERMATH.*

Amends GS 163-82.6 to require a voter registration form to be postmarked by, to be submitted by fax or scanned document, or to be submitted through a delegatee by Wednesday, October 16, 2024 (was, 25 days before the primary or election).

Amends GS 163-231 to changing the deadline for the return of absentee ballots to 5:00 pm on November 8, 2024 (was, 7:30 pm on the day of the statewide primary or general election or county bond election). Makes conforming changes to GS 163-232.1. Applies only to Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, Wilkes, and Yancey counties.

Expires upon certification of the November 2024 election.

**Intro. by Rudow, Morey, Harrison.**

Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, Wilkes, Yancey, GS 163

[View summary](#)

**Government, Elections, Public Safety and Emergency Management**

## PUBLIC/SENATE BILLS

S 919 (2023-2024) **ADJOURNMENT RESOLUTION CHANGES.** Filed Oct 9 2024, *A JOINT RESOLUTION ADJOURNING THE SESSION RECONVENED PURSUANT TO RESOLUTION 2024-2 AND AMENDING RESOLUTION 2024-2.*

Amends Resolution 2024-2 (Adjournment Resolution) by adding a session on Thursday, October 24, 2024, at noon. During that one-day session, allows consideration of: (1) bills vetoed by the Governor for the purpose of considering an override of the veto; (2) bills for the selection, appointment, or confirmation as required by law, including the filling of vacancies of positions for which the appointees were elected by the NCGA Assembly upon recommendation of the Speaker of the House of Representatives, President of the Senate, President Pro Tempore of the Senate, or a minority leader of a chamber of the NCGA; (3) bills providing for action on gubernatorial nominations or appointments; (4) bills responding to actions related to litigation challenging the legality of legislative enactments; (5) bills relating to election laws, including bills concerning the districts for Congressional, State House, State Senate, judicial, municipal, county, and other elected officials, and containing no other matters; (6) bills providing for impeachment pursuant to Article IV of the North Carolina Constitution or GS Chapter 123; (7) simple resolutions addressing organizational matters of each chamber; (8) adoption of conference reports; and (9) a joint resolution further adjourning the 2023 Regular Session, amending a joint resolution adjourning the 2023 Regular Session, or adjourning the 2023 Regular Session, sine die. Makes conforming changes.

**Intro. by Rabon.**

JOINT RES

[View summary](#)

**Government, General Assembly**

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 10: REQUIRE ICE COOPERATION & BUDGET ADJUSTMENTS. (NEW)**

*House: Placed On Cal For 10/24/2024*

#### **H 149: DISASTER RECOVERY ACT OF 2024. (NEW)**

*House: Conf Com Reported*

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

*House: Withdrawn From Com*

*Senate: Conf Com Reported*

*Senate: Placed on Today's Calendar*

*House: Conf Rpt Withdrawn*

*House: Conf Com #2 Reported*

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

*House: Reptd Fav For Adoption*

*House: Cal Pursuant Rule 36(b)*  
*House: Added to Calendar*  
*Senate: Conf Report Adopted*  
*House: Conf Report Adopted*  
*House: Ordered Enrolled*  
*House: Conf Com Reported*  
*House: Ref To Com On Rules, Calendar, and Operations of the House*  
*House: Withdrawn From Com*  
*Senate: Conf Com Reported*  
*Senate: Placed on Today's Calendar*  
*House: Conf Rpt Withdrawn*  
*House: Conf Com #2 Reported*  
*House: Ref To Com On Rules, Calendar, and Operations of the House*  
*House: Reptd Fav For Adoption*  
*House: Cal Pursuant Rule 36(b)*  
*House: Added to Calendar*  
*Senate: Conf Report Adopted*  
*House: Conf Report #2 Adopted*  
*House: Ordered Enrolled*  
*House: Ratified*  
*House: Pres. To Gov. 10/9/2024*

**H 1077: HELENE/EXTEND CERTAIN DEADLINES.**

*House: Filed*

**S 445: RECORDING OF COURT-FILED DOCUMENTS.**

*House: Withdrawn From Cal*  
*House: Placed On Cal For 10/24/2024*

**S 919: ADJOURNMENT RESOLUTION CHANGES.**

*Senate: Filed*  
*Senate: Passed 1st Reading*  
*Senate: Placed On Cal For 10/09/2024*  
*Senate: Passed 2nd Reading*  
*Senate: Passed 3rd Reading*  
*Senate: Special Message Sent To House*  
*House: Special Message Received From Senate*  
*House: Passed 1st Reading*  
*House: Added to Calendar*  
*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Ordered Enrolled*  
*Senate: Ratified*  
*Senate: Ch. Res 2024-5*

**No local actions on bills**

© 2024 School of Government The University of North Carolina at Chapel Hill

This work is copyrighted and subject to "fair use" as permitted by federal copyright law. No portion of this publication may be reproduced or transmitted in any form or by any means without the express written permission of the publisher. Distribution by third parties is prohibited. Prohibited distribution includes, but is not limited to, posting, e-mailing, faxing, archiving in a public database, installing on intranets or servers, and redistributing via a computer network or in printed form. Unauthorized use or reproduction may result in legal action against the unauthorized user.

