GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

SESSION LAW 2021-3
HOUSE BILL 196

AN ACT TO MAKE MODIFICATIONS TO COVID-19 RELIEF LEGISLATION AND PROVIDE ADDITIONAL APPROPRIATIONS FOR THE EXPENDITURE OF FEDERAL COVID-19 PANDEMIC RELIEF FUNDS.

The General Assembly of North Carolina enacts:

PART I. APPROPRIATION OF FEDERAL CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT FUNDS

APPROPRIATION OF COVID-19 FEDERAL FUNDS

SECTION 1.1.(a) Federal funds received by the State as authorized under the Consolidated Appropriations Act, 2021, (P.L. 116-260), are appropriated in the amounts provided in the notification of award from the federal government or any entity acting on behalf of the federal government to administer the federal funds. State agencies may, with approval of the Director of the Budget, spend these funds received from federal receipts and federal grants. The programs and grant amounts in the schedule set forth in this subsection are estimates of North Carolina's allocations to be deposited in the State's Treasury and administered by State agencies. This schedule is meant to be illustrative of federal grants that have been, or will be, received by the State from the Consolidated Appropriations Act, 2021, (P.L. 116-260).

Program	Amount
Governor's Emergency Education Relief Fund (GEER II)	$42,920,546
Governor's Emergency Education Relief Fund – Emergency Assistance to Nonpublic Schools (EANS)	$84,824,393
Higher Education Emergency Relief Fund (HEER II)	$292,693,289
Farm Stress Program Block Grants	$500,000
Fisheries Disaster Assistance	$5,202,534
Emergency Food Assistance Program (TEFAP)	$12,813,000
Older Americans Act – Congregate and Home-Delivered Meals	$5,172,595
ELC Enhancing Detection through Coronavirus Response and Relief Supplemental Funds	$603,677,156

SECTION 1.1.(b) The final amount of federal funds awarded for the following programs are not yet known, but are hereby appropriated in the same manner as provided in subsection (a) of this section: Specialty Crop Block Grants, Supplemental Nutrition Assistance Program (SNAP), Commodity Supplemental Food Program, and School Nutrition and Child and Adult Care Food Program.

EMERGENCY NEEDS FOR ELEMENTARY AND SECONDARY SCHOOLS OF THE STATE

SECTION 1.2. S.L. 2021-1 is amended by adding a new section to read:

"**SECTION 5A.** The Department of Public Instruction shall use the funds reserved pursuant to subsection (c1) of Section 5 of this act as follows:

(1) $500,000 shall be transferred to the Department of Natural and Cultural Resources to be allocated to the State Library for the NC Kids Digital Library project to address learning loss resulting from the COVID-19 pandemic by providing children with increased access to digital learning resources in public libraries, including e-books, audiobooks, and videos.

(2) $500,000 to be allocated to the Governor Morehead School for the Blind, Eastern North Carolina School for the Deaf, and North Carolina School for the Deaf for school nutrition, cleaning and sanitizing, learning resources, including providing new instructional materials in braille for students with visual impairments, compensatory services, and Extended School Year Services related to the impacts of COVID-19.

(3) $1,000,000 to be transferred to the Board of Governors of The University of North Carolina for the North Carolina New Teacher Support Program to provide mentoring and coaching support to beginning teachers who are employed in public schools most impacted by COVID-19 at no cost to the local school administrative units.

(4) $1,000,000 to contract with a third-party entity to collect, analyze, and report data related to the overall impacts of COVID-19 on public school units, students, and families of the State, including the State's responsiveness to the COVID-19 pandemic, the transition to remote learning and return to in-person instruction, the systems in place for flexibility in education delivery, assessment of student performance, addressing issues of learning loss, teacher effectiveness and supports, and implementation of best practices and improvements for any significant future challenges. The Department shall submit a preliminary report by March 15, 2022, and a final report by December 15, 2022, to the Joint Legislative Education Oversight Committee on the findings of the third-party entity from the contract required by this subdivision.

(5) $1,200,000 to be transferred to the Wildlife Resources Commission to be allocated to the Outdoor Heritage Special Fund (Budget Code: 24351; Fund Code: 2291) for the Outdoor Heritage Advisory Council's NC Schools Go Outside grant program to provide local opportunities for young people to reengage with learning experiences in safe outdoor settings.

(6) Up to $10,000,000 to be allocated as needed to each public school unit in the State, except for schools operated by the State Board of Education, to ensure that each public school unit receives a total amount from the Elementary and Secondary School Emergency Relief II (ESSER II) Fund of at least one hundred eighty dollars ($180.00) per pupil in federal grant funds according to the following:

a. If a public school unit did not receive funds pursuant to subsection (c) of Section 313 of P.L. 116-260, the public school unit shall receive an amount equal to one hundred eighty dollars ($180.00) per pupil.

b. If a public school unit received funds pursuant to subsection (c) of Section 313 of P.L. 116-260, the per pupil amount allocated under this subdivision shall be reduced so that (i) the total amount in federal grant funds from the ESSER II Fund is equal to one hundred eighty dollars ($180.00) per pupil or (ii) the public school unit receives no additional funding because the total amount from the ESSER II Fund would exceed one hundred eighty dollars ($180.00) per pupil.

The federal grant funds allocated under this subdivision shall be used for the purpose of responding to the impacts of COVID-19, including mitigating learning loss and reopening schools.

(7) $10,000,000 to be allocated in a manner consistent with the formula for the Instructional Support Allotment. These funds shall be used for contracted services for school health support personnel to provide additional physical and mental health support services for students in response to COVID-19, including remote and in-person physical and mental health support services. For purposes of this subdivision, the term "school health support personnel" shall refer to school counselors, school nurses, school psychologists, and school social workers.

(8) $10,000,000 to be allocated to public school units participating in a federal school nutrition program administered by the Food and Nutrition Service of the United States Department of Agriculture for school nutrition services provided in response to COVID-19. The allocation of grants shall be prioritized to public school units based on need as demonstrated by the expenditure of existing federal funding received for COVID-19 related impacts.

(9) $1,000,000, in response to COVID-19, to contract with a third-party entity to conduct a statewide assessment of the cybersecurity capabilities of public schools and threats posed to public schools. In selecting a third-party entity to conduct the assessment, the Department shall not consider any entity currently under contract with the Department to provide services related to cybersecurity. The assessment required under this subdivision is confidential and not a public record as defined in G.S. 132-1. No later than June 20, 2021, the Department shall report the results of the assessment conducted by the third-party entity to the chairs of the Senate Appropriations/Base Budget Committee, the chairs of the House Appropriations Committee, the chairs of the Senate Appropriations Committee on General Government and Information Technology, and the chairs of the House Appropriations Committee on Information Technology. The report submitted by the Department is confidential and not a public record as defined in G.S. 132-1.

(10) $9,000,000, in response to COVID-19, to contract with a third-party entity to implement a statewide cybersecurity program to improve the cybersecurity infrastructure of the public schools. The third-party entity shall be a business entity with broad experience in cybersecurity services, including a history of successful contracts in this State and at least one other state, and shall not have its principal office located in the People's Republic of China or the Russian Federation. Nothing in this subdivision is intended to contravene any existing treaty, law, agreement, or regulation of the United States. The funds shall not be allocated to a public school unit, and the program shall include at least the following components:

a. Funding for all costs related to the following for implementation of the program, as needed: hardware, software, licenses, support, maintenance, training, and labor.

b. Preparation for and understanding of evolving technology and evolving security threats in the State.

c. Adequate review and oversight of the program.

d. Integration among the various elements of the program.

e. Development of systems improving accountability and responsibility related to a security threat or breach.

(11) $12,000,000 to contract with Voyager Sopris Learning, Inc., to provide Language Essentials for Teachers of Reading and Spelling training for teachers for improving the literacy and language development of students, building strong foundational early literacy skills by utilizing the Science of Reading, and recouping learning losses resulting from the COVID-19 pandemic. The funds shall be used for training programs to be delivered to educators working with (i) children in the North Carolina Prekindergarten (NC Pre-K) program, in consultation with the Department of Health and Human Services, and (ii) children in kindergarten through fifth grade. Up to fifty percent (50%) of the funds shall be used for the delivery of training programs to educators in a combination of grade levels from NC Pre-K programs through fifth grade during the 2021-2022 school year. The remaining funds shall be used to provide the training programs to educators through those grade levels during the 2022-2023 school year.

(12) $15,000,000 for the Extended Learning and Integrated Student Supports Competitive Grant Program (Program). Of these funds, the Department of Public Instruction may use up to two hundred thousand dollars ($200,000) to administer the Program. The purpose of the Program is to fund high-quality, independently validated extended learning and integrated student support service programs for at-risk students whose learning has been negatively affected by COVID-19 impacts. The programs funded shall raise standards for student academic outcomes by focusing on the following:

a. Use of an evidence-based model with a proven track record of success.
b. Inclusion of rigorous, quantitative performance measures to confirm effectiveness of the program.
c. Deployment of multiple tiered supports in schools to address student barriers to achievement, such as strategies to improve chronic absenteeism, antisocial behaviors, academic growth, and enhancement of parent and family engagement.
d. Alignment with State performance measures, student academic goals, and the North Carolina Standard Course of Study.
e. Prioritization in programs to integrate clear academic content, in particular, science, technology, engineering, and mathematics (STEM) learning opportunities or reading development and proficiency instruction.
f. Minimization of student class size when providing instruction or instructional supports and interventions.
g. Expansion of student access to high-quality learning activities and academic support that strengthen student engagement and leverage community-based resources, which may include organizations that provide mentoring services and private-sector employer involvement.
h. Utilization of digital content to expand learning time, when appropriate.

Grants shall be used to award funds for new or existing eligible programs for at-risk students operated by (i) nonprofit corporations and (ii) nonprofit corporations working in collaboration with local school administrative units. Grant participants are eligible to receive grants in an amount of up to five hundred thousand dollars ($500,000) each year. Programs should focus on serving (i) at-risk students not performing at grade level as demonstrated by statewide assessments or not on track to meet year-end expectations, as demonstrated by existing indicators, including teacher identification, (ii)

students at risk of dropout, and (iii) students at risk of school displacement due to suspension or expulsion as a result of antisocial behaviors. Priority consideration shall be given to applications demonstrating models that focus services and programs in schools that are identified as low-performing, pursuant to G.S. 115C-105.37. A grant participant shall provide certification to the Department of Public Instruction that the grants received under the program shall be matched on the basis of three dollars ($3.00) in grant funds for every one dollar ($1.00) in nongrant funds. Matching funds shall not include State funds. The Department shall also give priority consideration to an applicant that is a nonprofit corporation working in partnership with a local school administrative unit resulting in a match utilizing federal funds under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended, or Title IV of the Higher Education Act of 1965, as amended, and other federal or local funds. Matching funds may include in-kind contributions for up to fifty percent (50%) of the required match. A nonprofit corporation may act as its own fiscal agent for the purposes of this Program. Grant recipients shall report to the Department of Public Instruction for the year in which grant funds were expended on the progress of the Program, including alignment with State academic standards, data collection for reporting student progress, the source and amount of matching funds, and other measures. Grant recipients shall also submit a final report on key performance data, including statewide test results, attendance rates, graduation rates and promotion rates, and financial sustainability of the program. The Department shall provide a report on the Program to the Joint Legislative Education Oversight Committee by February 15 of each year following the year in which grant funds are awarded. The report shall include the results of the Program and recommendations regarding effective program models, standards, and performance measures based on student performance; leveraging of community-based resources to expand student access to learning activities; academic and behavioral support services; and potential opportunities for the State to invest in proven models for future grants programs. Funds shall be available for grants through the deadline established by applicable federal law and guidance for use of funds from the ESSER II Fund.

(13) $40,000,000 to be held in reserve by the Department to be allocated to public school units to support in-person instruction programs to address learning loss and provide enrichment activities in the summer. The allocation of grants shall be prioritized to public school units based on need, as demonstrated by the expenditure of existing federal funding received for COVID-19 related impacts.

(14) $26,046,144 to be held in reserve by the Department to be allocated to public school units to support COVID-19 related needs, including in-person instruction programs to address learning loss and provide enrichment activities in the summer. The allocation of grants shall be prioritized to public school units based on need, as demonstrated by the expenditure of existing federal funding received for COVID-19 related impacts.

(15) Up to $8,012,955 to be used by the Department for administrative costs.

(16) If, on August 15, 2022, there are any remaining ESSER II funds from the allocations in subdivisions (1) through (11) and (13) and (14) of this section, those funds shall be reallocated to the reserve described under subsection (c1) of Section 5 of this act to be used for expenditure on or after that date to meet

additional emergency needs of the elementary and secondary schools of the State, as determined by the State Board of Education."

ESSER II FUNDS

SECTION 1.3. Section 5 of S.L. 2021-1 is amended by adding a new subsection to read:

"**SECTION 5.(c1)** After the Department of Public Instruction allocates federal grant funds to public school units pursuant to subsection (c) of Section 313 of P.L. 116-260, the State Board of Education shall reserve a portion of the remaining funds made available in the Elementary and Secondary School Emergency Relief II (ESSER II) Fund to be used to meet the emergency needs of the elementary and secondary schools of the State, pursuant to subsection (e) of Section 313 of P.L. 116-260, in accordance with Section 5A of this act."

EMERGENCY RENTAL ASSISTANCE

SECTION 1.4. Section 5 of S.L. 2021-1 reads as rewritten:

"**SECTION 5.(a)** Funds received from federal grants authorized under the Consolidated Appropriations Act, 2021, P.L. 116-260, for COVID-19 Vaccine Preparedness (Division M, Title III), for Elementary and Secondary School Emergency Relief Fund II (Division M, Title III), and for Emergency Rental Assistance (Division N, Title V) are appropriated in the amounts provided in the notification of award from the federal government or any entity acting on behalf of the federal government to administer the federal funds.

"**SECTION 5.(b)** The programs and grant amounts in the schedule set forth in this subsection are estimates of North Carolina's allocations from the Consolidated Appropriations Act, 2021, P.L. 116-260, for the programs listed in this subsection to be deposited in the State's Treasury and administered by the responsible agency. The responsible agencies may, with approval of the Director of the Budget, spend funds in the amounts received from the federal grants in this schedule. Positions created with such funds shall terminate at the earlier of the funds being fully expended or the deadline established by applicable federal law and guidance for use of the funds.

Program (Responsible Agency)	Amount
COVID-19 Vaccine Preparedness (Department of Health and Human Services)	$94,768,784
Elementary and Secondary School Emergency Relief Fund II (Department of Public Instruction)	$1,602,591,000
Emergency Rental Assistance (Office of Recovery and Resiliency, Department of Public Safety; Office of State Budget and Management)	~~$546,597,070~~$546,596,104
Total Estimated Funding	**~~$2,243,956,854~~$2,243,955,888**

…

"**SECTION 5.(e)** To the extent that current or future federal guidelines permit, the Office of Recovery and Resiliency (Office) shall administer the federal funds received for the Emergency Rental Assistance program described in this section in accordance with the following:

(1) Local governments listed in subdivision (3) of this subsection that received direct allocations from the federal Emergency Rental Assistance program shall be provided their maximum allotment, minus any pro-rata adjustments authorized in subsection (f) of this section, from the Office as described in subdivision (3) of this subsection and shall manage those funds in accordance with local priorities and federal requirements. Local governments that received direct allocations from the federal Emergency Rental Assistance program must exhaust their direct allocations before expending any of the State allotment provided in subdivision (3). The State allotments provided to

local governments that received direct allocations from the federal Emergency Rental Assistance program may be reallotted following the submission of the report described in subsection (g) of this section.

(2) Allotments as listed in subdivision (3) of this subsection for counties that did not receive a direct allocation from the federal Emergency Rental Assistance program are the maximum aggregate amount to be provided to recipients renting housing in the respective county and the Office shall reserve the maximum amount to the respective county, minus any pro-rata adjustments authorized in subsection (f). The Office shall provide awards to recipients residing in the local governments described in this subdivision based upon the actual amount of monthly rent owed by the tenant pursuant to the rental agreement or the actual amount of utility costs owed by the recipient and shall not be subject to any allowable average or other formula-based calculation. The Office shall continue to provide awards for each county until the maximum allotment amount has been exhausted.

(3) The Office shall reserve or allot a maximum amount of federal funds it receives to eligible residents in each county in accordance with the following schedule:

COUNTY	**MAXIMUM ALLOCATION**
Alamance County	$11,177,275
Alexander County	2,607,617
Alleghany County	1,027,666
Anson County	2,288,574
Ashe County	2,502,784
Avery County	1,464,404
Beaufort County	3,635,144
Bertie County	1,910,763
Bladen County	2,959,405
Brunswick County	8,567,652
Buncombe County	10,126,014
Burke County	7,221,473
Cabarrus County	4,950,299
Caldwell County	6,474,413
Camden County	596,667
Carteret County	4,421,190
Caswell County	1,686,049
Catawba County	11,358,378
Chatham County	4,051,162
Cherokee County	2,557,195
Chowan County	1,130,810
Clay County	911,054
Cleveland County	8,136,058
Columbus County	5,366,755
Craven County	7,314,289
Cumberland County	17,398,891
Currituck County	1,500,884
Dare County	2,244,054
Davidson County	11,879,803
Davie County	2,565,624
Duplin County	4,996,991
Durham County	9,088,034

Edgecombe County	4,823,644
Forsyth County	16,010,132
Franklin County	4,642,382
Gaston County	8,405,226
Gates County	815,259
Graham County	704,205
Granville County	4,254,418
Greene County	1,803,582
Guilford County	20,578,731
Halifax County	4,935,567
Harnett County	9,344,006
Haywood County	4,614,768
Henderson County	7,279,220
Hertford County	2,135,606
Hoke County	4,359,892
Hyde County	437,682
Iredell County	10,172,569
Jackson County	3,516,245
Johnston County	6,419,397
Jones County	777,951
Lee County	4,445,554
Lenoir County	5,353,061
Lincoln County	4,669,742
McDowell County	3,771,421
Macon County	2,961,393
Madison County	1,660,905
Martin County	2,176,093
Mecklenburg County	27,611,773
Mitchell County	1,199,640
Montgomery County	2,233,607
Moore County	6,029,938
Nash County	7,080,463
New Hanover County	8,580,925
Northampton County	1,872,052
Onslow County	14,937,799
Orange County	7,636,241
Pamlico County	926,072
Pasquotank County	2,970,212
Pender County	3,990,020
Perquimans County	1,012,833
Person County	2,766,703
Pitt County	13,043,584
Polk County	1,483,152
Randolph County	10,953,729
Richmond County	4,228,682
Robeson County	13,728,554
Rockingham County	7,784,158
Rowan County	10,433,316
Rutherford County	5,750,933
Sampson County	5,278,982
Scotland County	3,395,528

Stanly County	4,117,222
Stokes County	3,328,179
Surry County	5,640,906
Swain County	1,183,813
Transylvania County	2,362,488
Tyrrell County	407,359
Union County	3,408,310
Vance County	4,208,012
Wake County	16,789,357
Warren County	2,036,688
Washington County	1,102,152
Watauga County	4,158,631
Wayne County	10,312,712
Wilkes County	5,778,403
Wilson County	7,371,289
Yadkin County	2,826,767
Yancey County	1,448,898
TOTAL	$546,596,104

"**SECTION 5.(f)** In accordance with applicable federal guidelines, the Office shall establish a hotline to provide eligible households with case management and other services related to the COVID-19 pandemic. The Office may use up to ten percent (10%) of funds received from the Emergency Rental Assistance Program for the hotline, housing stability services, and administrative costs; however, no more than five percent (5%) of funds received for the Emergency Rental Assistance program may be used for administrative costs, which include the costs associated with establishing a hotline. Expenses incurred under this subsection for housing stability services or administrative costs shall be deducted pro-rata from the maximum allotments by county listed in subdivision (3) of subsection (e) of this section.

"**SECTION 5.(g)** The Office shall submit a report no later than May 15, 2021, to the Chairs of the House Appropriations Committee, the Chairs of the Senate Appropriations/Base Budget Committee, and the Fiscal Research Division containing at least all of the following:

(1) Amount of federal funds received from the Consolidated Appropriations Act, 2021, P.L. 116-260, actually expended, by county for rent and by county for utilities, under the Emergency Rental Assistance program.

(2) Amount of federal funds received from the Consolidated Appropriations Act, 2021, P.L. 116-260, contractually obligated, by county for rent and by county for utilities, under the Emergency Rental Assistance program.

(3) Recommendations on statewide reallotments, by county, needed in advance of the federal deadline for reallocation of unused funds, including rationale for the recommended reallotments and an estimate of the outstanding needs by county. The recommendation should also include any funds that are not anticipated to be needed for the ten percent (10%) set aside for housing stability services and administrative costs.

"**SECTION 5.(h)** In the event that the actual total amount of federal funds received from the Emergency Rental Assistance program differs from the amount listed in Section 5(b) of S.L. 2021-1, the Office shall distribute the increased or reduced amounts proportionally in accordance with the maximum county allotments."

APPROPRIATION OF CERTAIN FEDERAL BLOCK GRANT FUNDS FOR DHHS

SECTION 1.5.(a) There is appropriated from federal Child Care and Development Block Grant funds received for the fiscal year ending June 30, 2021, pursuant to the federal Consolidated Appropriations Act, 2021, to the Department of Health and Human Services,

Division of Child Development and Early Education (Division), the sum of three hundred thirty-five million nine hundred twelve thousand three hundred ninety-three dollars ($335,912,393) in nonrecurring funds in response to the COVID-19 pandemic. For the remainder of the 2020-2021 fiscal year, the Division shall pay for all copayment assistance for families eligible for subsidized child care with Child Care and Development Block Grant funds received pursuant to this subsection. The Child Care and Development Block Grant funds shall cover all copays for families eligible for subsidized child care through the end of the 2020-2021 fiscal year. Thereafter, the Division may use, in its discretion, the remainder of these funds on cleaning and sanitation needs, operational grants for child care providers, and early childhood education learning loss and summer enrichment activities. However, the Division shall not use funds appropriated pursuant to this subsection for staff bonuses.

SECTION 1.5.(b) There is appropriated from federal Community Mental Health Services Block Grant funds received for the fiscal year ending June 30, 2021, pursuant to the federal Consolidated Appropriations Act, 2021, to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, the sum of forty-seven million four hundred sixty-five thousand eight hundred dollars ($47,465,800) in nonrecurring funds for mental health services in response to the COVID-19 pandemic. Of the funds appropriated under this section, the sum of two million one hundred thousand dollars ($2,100,000) shall be allocated for the North Carolina Statewide Telepsychiatry Program (NC-STeP).

SECTION 1.5.(c) There is appropriated from federal Substance Abuse Prevention and Treatment Block Grant funds received for the fiscal year ending June 30, 2021, pursuant to the federal Consolidated Appropriations Act, 2021, to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, the sum of eleven million two hundred forty-nine thousand forty-six dollars ($11,249,046) in nonrecurring funds to provide services across the State to those in need due to the COVID-19 pandemic.

ALLOCATION OF ELC ENHANCING DETECTION THROUGH CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL FUNDS

SECTION 1.6. Funds received pursuant to Division M, Title III of the Consolidated Appropriations Act, 2021 (P.L. 116-260), and appropriated under Section 1.1(a) of this act as Enhancing Detection Through Coronavirus Response and Relief Supplemental Funds are allocated to the Department of Health and Human Services, Division of Public Health, in the amounts received in the notification of award from the federal government, for use in accordance with guidance and regulations for the Centers for Disease Control and Prevention's Emerging and Infection Disease Program (ELC) Enhancing Detection Expansion cooperative agreement as follows:

(1) $84,000,000 to be allocated to local health departments based upon the percentage of the State population served by each of the local health departments. Local health departments may not use the funds allocated under this subdivision for any purpose other than a purpose allowed under the ELC Enhancing Detection Expansion cooperative agreement grant. Local health departments shall use these allocated funds to supplement and not supplant existing funds for such allowable purposes.

(2) $15,000,000 to be allocated to the North Carolina Policy Collaboratory (Collaboratory) at the University of North Carolina at Chapel Hill through a grant agreement, subcontract, or other subrecipient agreement that addresses, formally and in writing, the arrangements for the Collaboratory to meet the programmatic, administrative, financial, and reporting requirements of the ELC Enhancing Detection Expansion cooperative agreement grant, including

those necessary to ensure compliance with all applicable federal regulations and policies. The Collaboratory shall use these funds to develop and manage a plan for an initiative to implement alternative COVID-19 surveillance methods throughout the State utilizing the resources of The University of North Carolina and other partnerships that complements the activities of the Division of Public Health with respect to alternative COVID-19 surveillance methods. The plan may include, but is not limited to, wastewater surveillance and genetic sequencing to identify and catalog variant strains of SARS-CoV-2. In developing the plan, the Collaboratory, in consultation with the Division of Public Health, shall ensure the following:

a. That all plan components comply with the goals and intent of the ELC Enhancing Detection Expansion cooperative agreement grant.
b. That the plan outlines a method for implementing the alternative COVID-19 surveillance methods utilizing the resources of The University of North Carolina.
c. That the plan includes alternative COVID-19 surveillance methods for as many of the 17 constituent institutions of The University of North Carolina as feasible. The plan may include additional sites at the discretion of the Collaboratory and subject to approval by the Division of Public Health.

The Division of Public Health shall not allocate any funds to the Collaboratory under this subdivision, and the Collaboratory shall not expend any funds allocated under this subdivision, until the CDC approves of expending ELC Enhancing Detection Expansion cooperative agreement grant funds as outlined in this subdivision and in the plan developed pursuant to this subdivision. In the event (i) the CDC disapproves of expending these funds as outlined in this subdivision, including any components of the plan developed pursuant to this subdivision, and (ii) the Collaboratory is unable to gain subsequent CDC approval through revisions to any disapproved plan components, then the CDC-disapproved plan components shall not be implemented, and the Division of Public Health may use unexpended funds from disapproved plan components for any other CDC-approved activity allowed under the ELC Enhancing Detection Expansion cooperative agreement grant.

APPROPRIATION OF FEDERAL GRANT FUNDS TO GDAC FOR COVID-19 UPGRADES TO THE NC COVID VACCINE MANAGEMENT SYSTEM AND NC HEALTHCONNEX

SECTION 1.6A. To the extent allowed under applicable federal laws and guidance, the Department of Health and Human Services (DHHS) shall allocate to the Department of Information Technology, Government Data Analytics Center (GDAC), the sum of up to three million dollars ($3,000,000) from the COVID-19 Vaccine Preparedness grant funds described in Section 5(b) of S.L. 2021-1 or from Federal Emergency Management Agency (FEMA) funds; provided, however, that the total amount of the allocation shall not exceed the actual costs of the projects authorized by this section. These funds shall be used to cover the costs of (i) integration of the NC COVID Vaccine Management System (CVMS) with the statewide health information exchange network known as NC HealthConnex and (ii) added functionality to both CVMS and NC HealthConnex to support existing efforts to improve the State's public health response to COVID-19. In the event the federal government disapproves of the DHHS allocating the COVID-19 Vaccine Preparedness grant funds described in Section 5(b) of S.L. 2021-1 or FEMA funds to the GDAC for these purposes, the DHHS shall allocate to the GDAC up to three million

dollars ($3,000,000) of the ELC Enhancing Detection through Coronavirus Response and Relief Supplemental funds described in Section 1.1(a) of this act to cover the costs of the projects authorized by this section.

APPROPRIATION OF CRRSAA FUNDS RECEIVED FOR TRANSPORTATION PURPOSES AND OTHER ACTIONS TO BE TAKEN BY THE DEPARTMENT OF TRANSPORTATION

SECTION 1.7.(a) Grants-In-Aid for Airports. – Federal funds in the amount of one million eighty-five thousand four hundred eighty-six dollars ($1,085,486) received pursuant to the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA), for Grants-In-Aid for Airports are appropriated to the Department of Transportation (Department) in the amounts set forth in the Federal Aviation Administration (FAA) "Airports Coronavirus Recovery Grants Program Allocations," dated February 19, 2021, and any amendments, to be used and allocated by the Department in accordance with the regulations and guidance issued by the FAA.

SECTION 1.7.(b) Highway Infrastructure Programs. – Federal funds received pursuant to the CRRSAA for Highway Infrastructure Programs are appropriated to the Department of Transportation in the amounts set forth in the Federal Highway Administration (FHWA) "Apportionment of Highway Infrastructure Program Funds Pursuant to The Coronavirus Response and Relief Supplemental Appropriations Act, 2021," dated January 15, 2021 (FHWA Apportionment Notice), and any amendments, for use in accordance with FHWA regulations and guidance, and allocated by the Department as follows:

(1) $229,282,615 to the Highway Fund that thereby fund and bill State Transportation Improvement (STI) projects and use federal cash reimbursements to advance STI projects delayed by the Department to prevent, prepare for, and respond to the coronavirus. All funds shall be used to advance delayed bridge replacement and interstate maintenance.

(2) $29,454,289 to be suballocated to urbanized areas with a population of over 200,000 as set forth in the FHWA Apportionment Notice for use by the recipient in accordance with FHWA regulations and guidelines.

SECTION 1.7.(c) Transit Infrastructure Grants. – Federal funds in the amount of seven hundred eighty-one thousand eight hundred sixty-one dollars ($781,861) received pursuant to the CRRSAA for the Enhanced Mobility of Seniors and People with Disabilities Program (49 U.S.C. § 5310) are appropriated to the Department of Transportation in the amounts set forth in the Federal Transit Administration (FTA) "Table 5: CRRSAA Apportionments for Enhanced Mobility for Seniors and Individuals with Disabilities (Section 5310)," last updated January 11, 2021, and any amendments, to be used and allocated by the Department in accordance with the regulations, guidance, and formulas issued by the FTA and the Department.

SECTION 1.7.(d) Salary Increases Prohibited. – CRRSAA funds appropriated by this section may not be used to increase the salary or benefits, or both, of a Department employee.

SECTION 1.7.(e) Additional Funds for the Roadside Environmental Fund. – Of the funds appropriated from the Highway Fund to the Department of Transportation for the 2020-2021 fiscal year, the sum of thirty million dollars ($30,000,000) in nonrecurring funds shall be allocated to the Roadside Environmental Fund for litter removal and other activities programmed within the Roadside Environmental Unit. Notwithstanding G.S. 143C-6-11, these funds are hereby incorporated into the Department Spend Plan to be spent by the Department as allocated by this subsection. The funds allocated and authorized for expenditure under this subsection are in addition to the ninety million dollars ($90,000,000) authorized in the Spend Plan, dated December 2, 2020 (Spend Plan), for expenditure by the Roadside Environmental Unit. CRRSAA funds appropriated in subsection (b) of this section shall not be used to replace

funds allocated by this subsection or authorized for expenditure by the Roadside Environmental Unit in the Spend Plan.

SECTION 1.7.(f) Report. – Each fiscal quarter, the Department of Transportation shall report to the Joint Legislative Transportation Oversight Committee on the use of the funds appropriated in this section until all the CRRSAA funds are expended or have reverted.

REPORT ON USE OF FEDERAL GRANT FUNDS

SECTION 1.8.(a) The use of federal grant funds received under this Part shall be detailed in quarterly reports as provided in this subsection. A report required under this subsection shall include the amount of federal funds received; the amount of grant funds expended; how the funds were used, including program information such as number of people served and geographic distribution; the amount spent on administration; and the amount of funds that remained unspent. In addition, a report required under this subsection shall provide the number of full-time equivalent (FTE) positions established with funds received and, for each FTE position established, a position number, position status, date the position was established, hire date, and date on which the position is to be abolished. The requirement to submit a report under this subsection shall end upon submission of the final report from each entity that receives federal grant funds under this Part, which shall be no later than 90 days from the date the grant period ends for the relevant funds. The required quarterly report, the reporting entity, and the timing are as follows:

(1) Each public school unit receiving federal grant funds under this Part, beginning April 1, 2021, and quarterly thereafter, shall submit the report to the Department of Public Instruction. The Department of Public Instruction, beginning May 1, 2021, and quarterly thereafter, shall collate and submit the reports into a single, consolidated report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division.

(2) Each State agency or department receiving federal grant funds under this Part, beginning April 1, 2021, shall submit the report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division.

SECTION 1.8.(b) The appropriation of funds under this Part does not obligate the State or create an ongoing obligation of the State for future appropriations for programs or other purposes for which the funds shall be used.

PART II. VARIOUS CHANGES TO COVID-19 PANDEMIC RELIEF LEGISLATION

MEDICAID TEMPORARILY INCREASED REIMBURSEMENT RATES

SECTION 2.1. Section 4.6 of S.L. 2020-4 reads as rewritten:

"**SECTION 4.6.** In addition to the five percent (5%) rate increases already requested by the Department of Health and Human Services (DHHS) in the 1135 Medicaid disaster State Plan amendment (SPA) submitted to the Centers for Medicare and Medicaid Services on April 8, 2020, for certain provider types, DHHS shall increase the fee-for-service Medicaid rates paid directly by the Division of Health Benefits for all remaining provider types by five percent (5%). The rate increases authorized under this section shall be effective March 1, 2020. Any rate increases authorized under this section shall expire on the earlier of the following dates:

(1) The date the declared nationwide public health emergency as a result of the 2019 novel coronavirus expires.

(2) The date Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19 expires or is rescinded.

(3) ~~March 31, 2021.~~June 30, 2021."

STUDENT CONNECTIVITY FUNDS FOR COMPLIMENTARY INTERNET SERVICE

SECTION 2.2. Section 3.3 of S.L. 2020-4, as amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, Section 4.9(a) of S.L. 2020-91, Section 1.2 of S.L. 2020-97, and Section 3.2 of S.L. 2021-1, reads as rewritten:

"**SECTION 3.3.** Allocations of Funds. – OSBM shall allocate the funds appropriated in Section 3.2 of this act as follows:

…

(8) $21,000,000 to the Department of Public Instruction to improve ~~Internet~~ internet connectivity for students, in response to COVID-19, by providing community and home mobile ~~Internet~~ internet access points. These funds shall be used only for the purchase of devices and not for subscription services. For purposes of this subdivision, the term "subscription services" does not include internet service provided as part of the purchase price of a device or internet service purchased for a device without an ongoing monthly subscription.

…."

EXTEND WAIVER OF UNC STUDENT INTEREST CHARGES ON PAST-DUE ACCOUNTS

SECTION 2.3. Section 2.28 of S.L. 2020-3 reads as rewritten:

"**SECTION 2.28.** Notwithstanding G.S. 147-86.23, a constituent institution of The University of North Carolina shall not accrue or charge any interest to a past-due account receivable held by a student between March 13, 2020, and ~~September 15, 2020.~~December 31, 2021."

PROVIDE TEMPORARY EXCEPTION TO LEAVE RULES FOR UNC STATE EMPLOYEES

SECTION 2.4.(a) Employees of The University of North Carolina who are subject to the North Carolina Human Resources Act may use accrued sick, vacation, and bonus leave for any coronavirus disease 2019 (COVID-19) related absences, including child care or inability to telework. This section does not apply to leave options related to (i) terminal leave payouts for transfers, separations, or reductions in force, (ii) terminal use of leave prior to retirement, or (iii) unpaid time due to placement on a temporary emergency furlough.

SECTION 2.4.(b) This section expires December 31, 2021.

EXTEND VIRTUAL CHARTER SCHOOL ENROLLMENT AUTHORITY

SECTION 2.5. Section 3.2 of S.L. 2020-97 reads as rewritten:

"**SECTION 3.2.(a)** Notwithstanding Section 8.35(b) of S.L. 2014-100, as amended by Section 7.13 of S.L. 2018-5, the two virtual charter schools participating in the pilot program pursuant to Section 8.35 of S.L. 2014-100, as amended, shall be permitted to increase student enrollment for the 2020-2021 school year and 2021-2022 school year only as follows: (i) North Carolina Cyber Academy shall be permitted to increase its enrollment by 1,000 students and (ii) North Carolina Virtual Academy shall be permitted to increase its enrollment by 2,800 students. A virtual charter school permitted an increase in student enrollment pursuant to this section shall give enrollment priority to students for the ~~2021-2022~~ 2022-2023 school year who were enrolled in the school for the 2020-2021 school year prior to the date this act became law.

"**SECTION 3.2.(b)** The virtual charter schools shall provide ~~an~~ interim ~~report~~ reports by March 15, 2021, and March 15, 2022, and a final report by November 15, ~~2021,~~ 2022, to the Joint Legislative Education Oversight Committee, on the impact of the increase in student enrollment permitted by subsection (a) of this section, including data on where students had been previously enrolled by local school administrative unit, charter school, or nonpublic school, the

grade level of students, the withdrawal rate of students after enrollment, and any student performance and accountability data."

REQUIRE LOCAL GOVERNMENTS TO ISSUE TEMPORARY CERTIFICATE OF COMPLIANCE/OCCUPANCY TO HEALTH SERVICE FACILITIES

SECTION 2.7.(a) Notwithstanding G.S. 136-18(5), 136-18(29), 136-93, 160D-1116, and any other provision of law to the contrary, a local government shall issue a temporary certificate of compliance and temporary certificate of occupancy to a health service facility (facility) allowing for the full operational use of the facility in the following circumstances:

(1) The facility building is currently under construction, and the scheduled construction completion date for the building will occur before recission of the COVID-19 emergency declaration.

(2) Subject to subdivision (3) of this section, the facility building complies with all applicable State and local laws and the terms of the building permit, and the facility building may be safely occupied.

(3) The only portions of the construction project remaining to be completed are off-site improvements to public roadways that were identified by the Traffic Impact Analysis for the project and required as conditions for the approval of the permit, and the facility agrees to (i) complete the roadway improvements within 18 months of the date of the certificate of occupancy and (ii) post a corresponding performance bond or letter of credit. The performance bond completion date and letter of credit expiration date, and all other terms of both instruments, shall remain in force notwithstanding the recission of the COVID-19 emergency declaration prior to the completion of the roadway improvements.

For purposes of this section, the term "local government" has the same meaning as in G.S. 160D-1116, the term "health service facility" has the same meaning as in G.S. 131E-176, and the term "COVID-19 emergency declaration" means Executive Order No. 116 issued March 10, 2020.

SECTION 2.7.(b) This section is effective when it becomes law and expires upon recission of the COVID-19 emergency declaration or upon completion of the roadway improvements as agreed to by the facility, whichever is later.

VACCINE ADMINISTRATION/PHARMACY TECHNICIANS AND INTERNS

SECTION 2.8.(a) Section 3D.3 of S.L. 2020-3 reads as rewritten:

"…

"**SECTION 3D.3.(c1)** The State Health Director shall amend, reissue, or replace any existing statewide standing order issued pursuant to this section, to ensure that the statewide standing order is consistent with federal law and guidance pertaining to qualified individuals who may administer a COVID-19 vaccine, including P.L. 109-148, "The Public Readiness and Emergence Preparedness Act," as amended, and associated declarations of public health emergencies and advisory opinions issued by the Secretary of the United States Department of Health and Human Services.

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

(1) The State Health Director acting pursuant to this section.

(2) Any pharmacist or qualified individual under State or federal law who administers a COVID-19 immunization or vaccine pursuant to a statewide standing order issued under this section.

…."

SECTION 2.8.(b) This section is effective when it becomes law.

PHARMACISTS/LONG-ACTING INJECTABLES

SECTION 2.9.(a) G.S. 90-85.15B is amended by adding a new subsection to read:

"(c1) An immunizing pharmacist may administer a long-acting injectable medication to persons at least 18 years of age pursuant to a specific prescription order initiated by a prescriber following a physical examination of the patient by the prescriber. An immunizing pharmacist who administers a long-acting injectable medication pursuant to this section shall do all of the following:

(1) Maintain a record of any administration of a long-acting injectable performed by the immunizing pharmacist to the patient in a patient profile or record.

(2) Within 72 hours after the administration of the long-acting injectable performed by the immunizing pharmacist to the patient, notify the prescriber regarding which medication and dosage was administered to the patient."

SECTION 2.9.(b) G.S. 90-85.3(i1) reads as rewritten:

"(i1) "Immunizing pharmacist" means a licensed pharmacist who meets all of the following qualifications:

…

(6) Administers ~~vaccines~~ vaccines, long-acting injectable medications, or immunizations in accordance with G.S. 90-18.15B."

SECTION 2.9.(c) The North Carolina Board of Pharmacy may adopt temporary rules to implement this section.

SECTION 2.9.(d) This section becomes effective October 1, 2021.

NOTARY/VIDEO WITNESS EXTENSIONS

SECTION 2.10.(a) G.S. 10B-25(n) reads as rewritten:

"(n) This section shall expire at 12:01 A.M. on ~~March 1, 2021;~~ December 31, 2021; provided, however, all notarial acts made in accordance with this section and while this section is in effect shall remain effective and shall not need to be reaffirmed."

SECTION 2.10.(b) G.S. 10B-200(b) reads as rewritten:

"(b) This Article expires ~~March 1, 2021.~~December 31, 2021."

SECTION 2.10.(c) This section becomes effective March 1, 2021.

VIRTUAL EDUCATION REQUIREMENTS/REAL ESTATE APPRAISERS

SECTION 2.11.(a) The North Carolina Appraisal Board may amend, extend, or adopt emergency rules to modify any educational requirements implemented by the Board, in accordance with Section 3.20 of S.L. 2020-97. Notwithstanding Section 3.20(e) of S.L. 2020-97, any emergency rules adopted pursuant to this section shall expire on December 31, 2021.

SECTION 2.11.(b) This section is effective when it becomes law.

HEALTH CARE PROVIDER LIABILITY CLARIFICATION

SECTION 2.13.(a) Section 3D.7(b) of S.L. 2020-3 reads as rewritten:

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

SECTION 2.13.(b) The clarifications in this section are consistent with the intent and purpose of this section as originally enacted in S.L. 2020-3.

VACCINE VOLUNTEERS

SECTION 2.14.(a) G.S. 90-21.132(7) is amended by adding a new sub-subdivision to read:

"(7) Health care provider. –

…

j. An individual who volunteers to assist a State agency, department, or approved organization in the administration of COVID-19 vaccinations, including clinical, clinical support, and nonclinical support activities."

SECTION 2.14.(b) This section is effective when it becomes law and applies retroactively to acts or omissions occurring during the time of Executive Order No. 116 issued on March 10, 2020, by Governor Roy A. Cooper.

LIMIT PAPERWORK FOR CERTAIN UNCLAIMED PROPERTY

SECTION 2.16. Section 2.6(b) of S.L. 2020-80 is repealed.

TEMPORARY FLEXIBILITY QIPS/EXTEND SUNSET

SECTION 2.17. Section 3D.5(e) of S.L. 2020-3 reads as rewritten:

"**SECTION 3D.5.(e)** This section is effective when it becomes law and expires ~~December 31, 2021.~~December 31, 2022."

PRESCRIPTION DRUG ACCESS FOR CERTAIN EXPIRED IDENTIFICATION

SECTION 2.18.(a) Notwithstanding the provisions of subsection (h) of G.S. 90-91, subsection (d) of G.S. 90-93, subsection (a) of G.S. 90-106.1, G.S. 90-113.52, or any other provision of law to the contrary, a pharmacist may dispense the following controlled substances to individuals who present (i) a valid prescription for the controlled substance, if one is required under current law, and (ii) a North Carolina drivers license or identification card that expired while Executive Order No. 116 (2020), Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, remains in effect:

(1) Paregoric, U.S.P.
(2) Any Schedule II controlled substances.
(3) Any of the Schedule III controlled substances listed in subdivisions (1) through (8) of subsection (d) of G.S. 90-91.
(4) Any Schedule V controlled substances.
(5) Pseudoephedrine products.

SECTION 2.18.(b) This section is effective when it becomes law and expires six months after the date the Governor signs an executive order rescinding said Executive Order No. 116 (2020), Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, or December 31, 2021, whichever is earlier.

ALLOW TOURISM DEVELOPMENT AUTHORITIES TO ACCESS PPP LOANS

SECTION 2.19.(a) Chapter 153A of the General Statutes is amended by adding a new Article to read:

"Article 21.

"Tourism Development Authorities.

"**§ 153A-406. Definitions.**

The following definitions apply in this Article:

(1) Economic Aid Act. – The Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (Title III) of the Consolidated Appropriations Act, 2021, P.L. 116-260.

(2) PPP loan. – A federal loan enacted under sections 1102 and 1106 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. 116-136, and as amended by the Economic Aid Act.

(3) Tourism development authority. – A public authority under the Local Government Budget and Fiscal Control Act established by resolution adopted by the board of county commissioners to receive and expend the net proceeds of an occupancy tax.

"**§153A-407. Borrowing authority for PPP loans.**

(a) Authority. – A tourism development authority may enter into a PPP loan. A tourism development authority shall comply with all the requirements and limitations of the PPP loan program and shall apply for forgiveness of the loan in a timely manner.

(b) No Power to Obligate State or County. – A tourism development authority may not obligate the State or the county that established the authority to repay a PPP loan and has no power to pledge the credit of the State or the county that established the authority.

(c) Notice. – A tourism development authority shall provide written notice to the board of commissioners within 30 days of its acceptance of a PPP loan. The notice shall include the loan amount, the covered period, and the date by which the authority must apply for forgiveness.

(d) Repayment. – Notwithstanding any limitation on the use or distribution of occupancy tax proceeds in a local act, a tourism development authority for which a PPP loan is not forgiven, in whole or in part, shall repay the loan, including interest, from occupancy tax proceeds remitted to the authority on or after receipt of the PPP loan proceeds.

(e) Sunset. – This Article is repealed effective January 1, 2022."

SECTION 2.19.(b) Chapter 160A of the General Statutes is amended by adding a new Article to read:

"Article 31.

"Tourism Development Authorities.

"**§ 160A-800. Definitions.**

The following definitions apply in this Article:

(1) Economic Aid Act. – The Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (Title III) of the Consolidated Appropriations Act, 2021, P.L. 116-260.

(2) PPP loan. – A federal loan enacted under sections 1102 and 1106 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. 116-136, and as amended by the Economic Aid Act.

(3) Tourism development authority. – A public authority under the Local Government Budget and Fiscal Control Act established by resolution adopted by the council of a municipality to receive and expend the net proceeds of an occupancy tax.

"**§160A-801. Borrowing authority for PPP loans.**

(a) Authority. – A tourism development authority may enter into a PPP loan. A tourism development authority shall comply with all the requirements and limitations of the PPP loan program and shall apply for forgiveness of the loan in a timely manner.

(b) No Power to Obligate State or City. – A tourism development authority may not obligate the State or the city that established the authority to repay a PPP loan and has no power to pledge the credit of the State or the city that established the authority.

(c) Notice. – A tourism development authority shall provide written notice to the city council within 30 days of its acceptance of a PPP loan. The notice shall include the loan amount, the covered period, and the date by which the authority must apply for forgiveness.

(d) Repayment. – Notwithstanding any limitation on the use or distribution of occupancy tax proceeds in a local act, a tourism development authority for which a PPP loan is not forgiven,

in whole or in part, shall repay the loan, including interest, from occupancy tax proceeds remitted to the authority on or after receipt of the PPP loan proceeds.

(e) Sunset. – This Article is repealed effective January 1, 2022."

SECTION 2.19.(c) This section is effective when it becomes law.

PREPAID HEALTH PLAN ACCESS TO NC IMMUNIZATION REGISTRY INFORMATION

SECTION 2.20. Notwithstanding any provision of Chapter 130A of the General Statutes or any other provision of law to the contrary, the Department of Health and Human Services shall, by July 1, 2021, grant each prepaid health plan, as defined in G.S. 108D-1, access to client-specific immunization information contained within the secure, web-based North Carolina Immunization Registry.

CLARIFY DEVELOPMENT APPROVAL EXTENSION

SECTION 2.21.(a) Section 3.21 of S.L. 2020-97 reads as rewritten:

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

…

"**SECTION 3.21.(b)** For any development approval that is current and valid at any point during the period beginning September 2, 2020, and ending 30 days after Executive Order No. 116 is rescinded, the expiration date of the period of the development approval and any associated vested right under G.S. 160D-108 or G.S. 160D-108.1 is automatically extended ~~120~~ 150 days from the ~~expiration date.~~date the Executive Order is rescinded.

…

"**SECTION 3.21.(g)** This section is effective when it becomes law and expires 30 days after Executive Order No. 116 is rescinded. Any development approval extended in accordance with subsection (b) of this section shall remain in effect until ~~its expiration date~~ 150 days from the date the Executive Order is rescinded in accordance with subsection (b) of this section."

SECTION 2.21.(b) This section is effective when it becomes law and applies retroactively to vested rights existing on and after September 4, 2020.

EXPAND ACCESS TO EMERGENCY MEAT PROCESSING GRANTS

SECTION 2.22. Section 4.2A of S.L. 2020-4, as enacted by Section 1.1(e) of S.L. 2020-80 and amended by Section 1.4A of S.L. 2020-97, reads as rewritten:

"**SECTION 4.2A.(a)** Findings. – The General Assembly finds that the COVID-19 emergency has resulted in serious and substantial impacts on the food supply chain. In particular, small livestock producers in the State have found that bottlenecks and lack of capacity among the small and independent meat processors and producers of further processed meat products who serve small livestock producers due to COVID-19 related slowdowns and capacity reductions have had a substantial negative impact on their ability to have their animals slaughtered and processed. Seafood processors lack capacity to meet increased and altered consumer demand for seafood products due to COVID-19 related changes in the market for seafood and seafood products. The General Assembly further finds that financial assistance to these processors for physical expansion and facility improvements, for workforce development, and for the creation of additional processing capacity is necessary to reduce disruptions in the supply chain for fresh meat and seafood and to help small producers get their product to market.

…

"**SECTION 4.2A.(c)** Grant Types and Criteria. – The Department shall develop policies and procedures for the disbursement of the grants authorized by this section that include, at a minimum, the following:

(1) The Department may provide three categories of grants:

a. Capacity enhancement grant. – This grant is available to an eligible meat or seafood processing facility that is experiencing slowdowns in production or has limited capacity to accommodate increased demand for meat processing due to the COVID-19 pandemic. A capacity enhancement grant may be used for expansion of an existing eligible facility and for fixtures or equipment at an existing eligible facility that will expand animal throughput, processing capacity, the amount or type of products produced, or processing speed.

b. Workforce development grant. – This grant is available to an eligible meat processing facility that is experiencing slowdowns in production or has limited capacity to accommodate increased demand for meat processing due to workforce limitations or reductions due to the COVID-19 pandemic. A workforce development grant may be used for educational and workforce training provided either by the facility or by an institution of higher education.

c. Planning grant. – This grant is available to a nonprofit entity or institution of higher education to complete feasibility or siting studies for a new eligible meat processing facility.

(2) Eligible facility. – For purposes of this section, an eligible meat processing facility ~~is~~ includes the following:

a. ~~a~~ A food processing facility that meets both of the following requirements:

~~a.~~1. The plant contracts with independent livestock producers or seafood harvesters to process animals or seafood.

~~b.~~2. The United States Department of Agriculture (USDA) contracts with Department inspectors to conduct federal inspection activities authorized by the Talmadge-Aiken Act of 1962 (7 U.S.C. § 1633) at the plant, the plant is otherwise regulated by the USDA or the FDA, or the plant is a State-inspected facility.

b. A facility producing further processed meat products for which the United States Department of Agriculture (USDA) contracts with Department inspectors to conduct federal inspection activities authorized by the Talmadge-Aiken Act of 1962 (7 U.S.C. § 1633) at the plant, or which is a State-inspected facility, or which is a USDA inspected processor of shelf-stable meat or meat products.

(3) The Department may prioritize projects that will create additional jobs.

(4) Recipients shall provide matching funds for the grant in the amount of one dollar ($1.00) from nongrant sources for every two dollars ($2.00) provided by the grant.

…."

NEW ATTORNEYS' OATH

SECTION 2.23.(a) Notwithstanding G.S. 84-1, in response to the coronavirus emergency, a justice or judge of the General Court of Justice may administer the required oath prescribed for attorneys by G.S. 11-11 to an attorney remotely using a form of live video conferencing technology, provided the individual taking the oath is personally known to the justice or judge or provides satisfactory evidence of identity to the justice or judge.

SECTION 2.23.(b) This section is effective when it becomes law and expires December 1, 2021.

PART III. CORONAVIRUS RELIEF FUND REALLOCATIONS

SECTION 3.1. Section 3.3 of S.L. 2020-4, as amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, Section 4.9(a) of S.L. 2020-91, and Section 1.2 of S.L. 2020-97, reads as rewritten:

"**SECTION 3.3.** Allocations of Funds. – OSBM shall allocate the funds appropriated in Section 3.2 of this act as follows:

…

(45) ~~$75,000,000~~ $83,000,000 to OSBM for Golden LEAF to provide loans in accordance with Section 4.2 of this act.

…

(47) ~~$20,250,000~~ $26,250,000 to the Department of Agriculture and Consumer Services to be used to provide support for meat processing facilities and for seafood processing facilities in accordance with Section 4.2A of this act.

…

(52) ~~$120,000,000~~ $80,000,000 to the Department of Public Safety, Division of Emergency Management to be used as the State match for any Federal Emergency Management Agency public assistance funds provided in response to the COVID-19 pandemic.

…

(94) ~~$14,300,000~~ $5,300,000 to OSBM for ~~the PPE-NC Initiative, a partnership between the Manufacturing Solutions Center (MSC) at Catawba Valley Community College, Gaston College's Textile Technology Center, the City of Conover, Gaston County, and the private sector to create a launch pad for prototyping and testing reusable personal protective equipment (PPE) products for entrepreneurs and existing manufacturers in response to the COVID-19 pandemic. The funds shall be allocated by OSBM as follows:~~

~~a.~~ ~~$9,000,000 as a grant to the City of Conover for the following purposes:~~

~~1.~~ ~~$7,250,000 shall be used to construct a purpose-built facility to house testing labs, rapid prototyping, and a textile sourcing library.~~

~~2.~~ ~~$1,250,000 shall be used for a clean room upfit for MSC facilities.~~

~~3.~~ ~~$500,000 shall be used for equipment, materials, and logistics for a rapid prototyping pilot line to create product and to train a workforce for United States manufacturers of PPE.~~

~~b.~~ ~~$5,300,000 as~~ a grant to Gaston County to construct an Incubator and Extrusion Center for Advanced Fibers for Gaston College's Textile Technology Center.

…

(116) $6,000,000 to the Department of Agriculture and Consumer Services to distribute equally among each of the food banks in this State. The food banks are encouraged to use the funds allocated in this subdivision to purchase food from North Carolina–based farmers and vendors.

(117) $8,000,000 to the Department of Administration for the ReTOOLNC grant program to provide additional funds to assist State-certified, minority-owned, and women-owned businesses in their recovery from the economic impacts of the COVID-19 pandemic.

(118) $3,000,000 to the Department of Commerce for a North Carolina nonprofit corporation with which the Department contracts pursuant to

G.S. 143B-431.01(b) as a stimulus investment in North Carolina's marketing budget to be used to market North Carolina.

(119) $1,000,000 to the Department of Agriculture and Consumer Services to market North Carolina's agricultural products and State-owned attractions.

(120) $2,000,000 to the Department of Agriculture and Consumer Services for the Farm Worker Quarantine Program (Program). The Program shall provide funding to reimburse eligible expenses for eligible farm workers required to quarantine apart from family members or coworkers following a positive test for COVID-19. For purposes of this subdivision, an "eligible expense" is the cost of meals and lodging for the duration of the quarantine period, not to exceed the per diem rates for federal employee travel determined by the United States General Services Administration, and an "eligible farm worker" is a worker who (i) is an alien, as described by 8 U.S.C. § 1101(a)(15)(H)(ii)(a), and (ii) is performing agricultural labor or services on a farm in the State."

SECTION 3.2.(a) There is appropriated from the General Fund to the Office of State Budget and Management the sum of nine million dollars ($9,000,000) in nonrecurring funds for the 2020-2021 fiscal year to be allocated as a grant to the City of Conover for the following purposes:

(1) To construct a purpose-built facility to house testing labs, rapid prototyping, and a textile sourcing library.

(2) For a clean room upfit for MSC facilities.

(3) For equipment, materials, and logistics for a rapid prototyping pilot line to create product and to train a workforce for United States manufacturers of PPE.

SECTION 3.2.(b) The funds appropriated in this section shall not revert until June 30, 2022.

SECTION 3.3.(a) Section 4.1 of S.L. 2021-1 reads as rewritten:

"**SECTION 4.1.(a)** There is transferred from the General Fund to the State Capital and Infrastructure Fund, established pursuant to G.S. 143C-3-4.1, the sum of ~~thirty-nine~~ forty-five million dollars ~~($39,000,000)~~ ($45,000,000) for the 2020-2021 fiscal year.

"**SECTION 4.1.(b)** There is appropriated from the State Capital and Infrastructure Fund to the Growing Rural Economies with Access to Technology Fund, established pursuant to G.S. 143B-1373(b), the sum of ~~thirty-nine~~ forty-five million dollars ~~($39,000,000)~~ ($45,000,000) for the 2020-2021 fiscal year. Of the funds appropriated in this section, ~~thirty~~ thirty-six million dollars ~~($30,000,000)~~ ($36,000,000) shall be distributed in the special supplementary grant process established in Section 4.17 of S.L. 2020-4, as amended in this act. The remaining amount shall be used to fund supplementary project grants previously ~~awarded.~~submitted and ranked for awards. The funds appropriated in this section shall remain available until expended and shall not revert. All grant awards shall be completed by the Department of Information Technology on or before April 15, 2021."

SECTION 3.3.(b) For any grants awarded from the funds appropriated in subsection (a) of this section after the effective date of this section, an unserved area shall not include any location where federal government funding has been awarded pursuant to the Rural Digital Opportunity Fund specifically to support the deployment or expansion of broadband networks. For purposes of this section, an unserved area includes (i) an area that meets the definition of G.S. 143B-1373(a), (ii) an area that received a funding award under the Rural Digital Opportunity Fund but funding was forfeited, or (iii) an area for which the recipient entity awarded funding under the Rural Digital Opportunity Fund is disqualified.

SECTION 3.4. Section 8 of S.L. 2020-64, as amended by Section 3.7 of S.L. 2021-1, reads as rewritten:

"…

"**SECTION 8.(b)** Transfer. – The State Controller shall transfer the sum of six hundred ~~eighty-four~~ ninety-nine million four hundred thousand dollars ~~($684,400,000)~~ ($699,400,000) from the Coronavirus Relief Reserve established in Section 2.1 of S.L. 2020-4 to the Coronavirus Relief Fund established in Section 2.2 of that same act.

"**SECTION 8.(c)** Appropriation. – There is appropriated from the Coronavirus Relief Fund to the Office of State Budget and Management (OSBM) the sum of six hundred ~~eighty-four~~ ninety-nine million four hundred thousand dollars ~~($684,400,000)~~ ($699,400,000) in nonrecurring funds for the 2020-2021 fiscal year to be used to offset General Fund appropriations across State government for allowable expenditures of funds from the Coronavirus Relief Fund.

"**SECTION 8.(d)** Creation of Reserve. – There is created in the General Fund a Statewide Reserve for Appropriations (Reserve) (Budget Code: 190XX). The Reserve shall have a beginning negative appropriation balance of six hundred ~~eighty-four~~ ninety-nine million four hundred thousand dollars ($699,400,000). ~~($684,400,000).~~ By June 30, 2021, the Reserve shall have a balance of zero dollars ($0.00).

…."

SECTION 3.5.(a) Section 3.1 of S.L. 2020-4, as amended by Section 1 of S.L. 2020-32, Section 1.1(b) of S.L. 2020-80, Section 1.1(a) of S.L. 2020-97, and Section 3.8(a) of S.L. 2021-1, reads as rewritten:

"**SECTION 3.1.** Transfer of Funds from Reserves to Relief Fund. – The State Controller shall transfer the sum of two billion three hundred ~~twenty-four~~ nine million three hundred ninety thousand six hundred forty-six dollars ~~($2,324,390,646)~~ ($2,309,390,646) for the 2019-2020 fiscal year from the Reserve established in Section 2.1 of this act, and the sum of three hundred million dollars ($300,000,000) for the 2019-2020 fiscal year from the Local Government Coronavirus Relief Reserve established in Section 2.3 of this act, to the Fund established in Section 2.2 of this act. All interest earned on funds held in the Reserve shall be transferred to the Coronavirus Relief Fund."

SECTION 3.5.(b) Section 3.2 of S.L. 2020-4, as amended by Section 2 of S.L. 2020-32, Section 1.1(c) of S.L. 2020-80, Section 1.1(b) of S.L. 2020-97, and Section 3.8(b) of S.L. 2021-1, reads as rewritten:

"**SECTION 3.2.** Appropriation of Funds from Relief Fund to OSBM. – There is appropriated from the Fund to OSBM the sum of two billion six hundred ~~twenty-four~~ nine million three hundred ninety thousand six hundred forty-six dollars ~~($2,624,390,646)~~ ($2,609,390,646) in nonrecurring funds for the 2019-2020 fiscal year to be allocated and used as provided in Section 3.3 of this act. The funds appropriated in this section shall not revert at the end of the 2019-2020 fiscal year. Notwithstanding any provision of law to the contrary in this act or any other act appropriating funds from the Fund, funds appropriated from the Fund shall (i) remain available to expend until the deadline established by applicable federal law or guidance and (ii) be returned in accordance with that applicable federal law or guidance if unexpended by that deadline."

PART IV. EFFECTIVE DATE

SECTION 4.1. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 4th day of March, 2021.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 4:07 p.m. this 11th day of March, 2021