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GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2019

SESSION LAW 2020-90

HOUSE BILL 902

AN ACT TO PROVIDE THAT THE DIVISION OF PURCHASE AND CONTRACT OF THE DEPARTMENT OF ADMINISTRATION SHALL REVIEW PROTESTS ON CONTRACTS AND RECEIVE REPORTS ON EMERGENCY PURCHASES BY STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES IF THE DOLLAR AMOUNT EXCEEDS THE EXPENDITURE BENCHMARK ESTABLISHED BY THE SECRETARY OF ADMINISTRATION; TO ELIMINATE OBSOLETE LANGUAGE RELATING TO FURNITURE CONTRACTS FROM THE GENERAL STATUTES; TO PROVIDE PROCUREMENT SIMPLIFICATION AND INCREASED ACCOUNTABILITY; TO CLARIFY PLAN REVIEW, CODE ENFORCEMENT, AND CREATE AN EXEMPTION FROM THE STATE PROPERTY FIRE INSURANCE FUND FOR CERTAIN BUILDINGS WITHIN NC GLOBAL TRANSPARK; TO CREATE A PRISON SOFTWARE MANAGEMENT PILOT PROGRAM; TO CLARIFY THE AUTHORITY OF OWNERS ASSOCIATIONS TO IMPOSE CHARGES FOR STATEMENTS OF UNPAID ASSESSMENTS; TO CLARIFY DISTRICT ATTORNEY DISCRETION IN REGISTRATION REQUIREMENT REVIEWS; AND TO PROVIDE LIMITED IMMUNITY FROM COVID-19 RELATED CLAIMS ARISING FROM THE REOPENING OF PRIVATELY OWNED COMMUNITY SWIMMING POOLS IN ACCORDANCE WITH EXECUTIVE ORDERS ISSUED BY THE GOVERNOR DURING THE COVID-19 STATE OF EMERGENCY.

The General Assembly of North Carolina enacts:

PART I. PURCHASE AND CONTRACTS CHANGES

SECTION 1.1. G.S. 143-52.1 reads as rewritten:

"§ 143-52.1. Award recommendations; State Purchasing Officer action.

(a) Award Recommendation. – When the dollar value of a contract to be awarded under Article 3 of Chapter 143 of the General Statutes exceeds the benchmark established pursuant to G.S. 143-53.1, an award recommendation shall be submitted to the State Purchasing Officer for approval or other action. The State Purchasing Officer shall promptly notify the agency or institution making the recommendation, or for which the purchase is to be made, of the action taken.

(b) through (d) Repealed by Session Laws 2013-234, s. 4, effective July 3, 2013.

(e) Reporting. – The State Procurement Officer shall provide a monthly report of all contract awards greater than ~~twenty-five thousand dollars ($25,000)~~ the benchmark established under G.S. 143-53.1 approved through the Division of Purchase and Contract to the Cochairs of the Joint Legislative Committee on Governmental Operations. The report shall include the amount of the award, the award recipient, the using agency, and a short description of the nature of the award."

SECTION 1.2. G.S. 143-53 reads as rewritten:

"§ 143-53. Rules.

(a) The Secretary of Administration may adopt rules governing the following:

(1) Prescribing the routine and procedures to be followed in canvassing bids and awarding contracts, and for reviewing decisions made pursuant thereto, and the decision of the reviewing body shall be the final administrative review. The Division of Purchase and Contract shall review and decide a protest on a contract valued at ~~twenty-five thousand dollars ($25,000) or more.~~ an amount that exceeds the benchmark established under G.S. 143-53.1. The Secretary shall adopt rules or criteria governing the review of and decision on a protest on a contract ~~of less than twenty-five thousand dollars ($25,000)~~ valued at or below the benchmark established under G.S. 143-53.1 by the agency that awarded the contract.

...

(5) Prescribing conditions under which purchases and contracts for the purchase, installment or lease-purchase, rental or lease of goods and services may be entered into by means other than competitive bidding, including, but not limited to, negotiation, reverse auctions, and acceptance of electronic bids. Notwithstanding the provisions of subsections (a) and (b) of this section, any waiver of competition for the purchase, rental, or lease of goods and services is subject to prior review by the Secretary, if the expenditure exceeds ~~ten thousand dollars ($10,000).~~ the benchmark established under G.S. 143-53.1. The Division may levy a fee, not to exceed one dollar ($1.00), for review of each waiver application.

...."

SECTION 1.3. G.S. 143-53.1(a) reads as rewritten:

"(a) On and after July 1, 2014, the procedures prescribed by G.S. 143-52 with respect to competitive bids and the bid value benchmark authorized by G.S. 143-53(a)(2) with respect to rule making by the Secretary of Administration for competitive bidding shall promote compliance with the principles of procurement efficiency, transparency, and fair competition to obtain the State's business. For State departments, institutions, and agencies, except the President of The University of North Carolina or a special responsibility constituent institution of The University of North Carolina and community colleges, the benchmark shall not be greater than one hundred thousand dollars ($100,000). For the President of The University of North Carolina or a special responsibility constituent institution of The University of North Carolina, the benchmark prescribed in this section is as provided in G.S. 116-31.10. For community colleges, the benchmark prescribed in this section is as provided in G.S. 115D-58.14."

SECTION 1.4. G.S. 143-57 reads as rewritten:

"§ 143-57. Purchases of articles in certain emergencies.

In case of any emergency or pressing need arising from unforeseen causes including but not limited to delay by contractors, delay in transportation, breakdown in machinery, or unanticipated volume of work, the Secretary of Administration shall have power to obtain or authorize obtaining in the open market any necessary supplies, materials, equipment, printing or services for immediate delivery to any department, institution or agency of the State government. A report on the circumstances of such emergency or need and the transactions thereunder shall be made a matter of record promptly thereafter. If the expenditure exceeds ~~ten thousand dollars ($10,000),~~ the benchmark established under G.S. 143-53.1, the report shall also be made promptly thereafter to the Division of Purchase and Contract."

SECTION 1.5. G.S. 143-57.1 reads as rewritten:

"§ 143-57.1. Furniture requirements contracts.

(a) State Furniture Requirements Contract. – To ensure agencies access to sufficient sources of furniture supply and service, to provide agencies the necessary flexibility to obtain furniture that is compatible with interior architectural design and needs, to provide small and disadvantaged businesses additional opportunities to participate on State requirements contracts, and to restore the traditional use of multiple award contracts for purchasing furniture requirements, each State furniture requirements contract shall be awarded on a multiple award basis, subject to the following conditions:

...

(3) For each category of goods under each State requirements furniture contract, awards shall be made to at least three qualified vendors unless three qualified vendors are not available. Additionally, if the State Purchasing Officer determines that there are no qualified vendors within the three best qualified vendors who offer furniture manufactured or produced in North Carolina or who are incorporated in the State, the State Purchasing Officer shall expand the number of qualified vendors awarded contracts to as many qualified vendors as is necessary to include a qualified vendor who offers furniture manufactured or produced in North Carolina or who is incorporated in the State, but the State Purchasing Officer shall not be required to expand the number of qualified vendors to more than six qualified vendors. A vendor is qualified under this subsection if the vendor's products conform to the term contract ~~specifications, the vendor is listed on the State's qualified products list,~~ specifications and the vendor submits a responsive bid.

...."

SECTION 1.6. Part I of this act is effective when it becomes law and applies to contracts entered into on or after that date.

PART II. GLOBAL TRANSPARK PROVISIONS

SECTION 2.1. Article 31 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-31-2. Certain buildings of North Carolina Global TransPark exempt.

(a) A building located on State lands that is privately owned or privately leased, and located within the North Carolina Global TransPark, is exempt from application of this Article provided that (i) the North Carolina Global TransPark Authority requires a private owner or private lessee to obtain adequate insurance to cover fire losses to underlying and surrounding real property owned by the State, (ii) the private owner or private lessee obtains and maintains adequate insurance naming the Authority and the Department of Transportation as an additional insured for fire losses, and (iii) the Authority discloses to the private owner or private lessee that the State of North Carolina shall not reinsure that building and the building is exempt from the State Property Fire Insurance Fund coverage for fires losses.

(b) The minimum amount of insurance that will be required under subsection (a) of this section is one million dollars ($1,000,000) per occurrence and two million dollars ($2,000,000) aggregate per occurrence.

(c) The North Carolina Global TransPark Authority shall notify the Commissioner of Insurance in writing that the Authority is entering into a contract or modifying a contract for which the exemption under this section would apply at least 30 days prior to entering into or modifying that contract. The Authority shall consult with the Commissioner of Insurance regarding the adequacy of insurance for fire losses required by this section during this period."

SECTION 2.2. G.S. 63A-24(a) is amended by adding two new subdivisions to read:

"(4) Article 31 of Chapter 58 of the General Statutes shall not apply to a building located on State lands that is (i) privately owned or privately leased and (ii) located within the North Carolina Global TransPark, provided the requirements of G.S. 58-31-2 are met.

(5) Plan approvals by the Department of Administration for buildings, facilities, or projects located on State lands that are (i) privately owned or privately leased and (ii) located within the North Carolina Global TransPark do not apply, as provided in G.S. 143-341(3)a. and G.S. 143-345.11(a)."

SECTION 2.3. G.S. 143-139(e) reads as rewritten:

"(e) State Buildings. – With respect to State buildings, the Department of Administration shall have general supervision, through the Office of State Construction, of the administration and enforcement of all sections of the North Carolina State Building Code pertaining to plumbing, electrical systems, general building restrictions and regulations, heating and air conditioning, fire protection, and the construction of buildings generally, except those sections of the Code the enforcement of which is specifically allocated to other agencies by subsections (c) and (d) of this section, and shall also exercise all remedies as provided in subsection (b1) of this section. The Department of Administration shall be the only agency with the authority to seek remedies pursuant to this section with respect to State buildings. Except as provided herein, nothing in this subsection shall be construed to abrogate the authority of the Commissioner of Insurance under G.S. 58-31-40 or any other provision of law. For the purposes of this subsection, "State buildings" does not include buildings, facilities, or projects located on State lands that are (i) privately owned or privately leased and (ii) located within the North Carolina Global TransPark."

SECTION 2.4. G.S. 143-341(3)a. reads as rewritten:

"a. To examine and approve all plans and specifications for the construction or renovation ~~of:~~ of the following:

1. All State buildings or buildings located on State lands, except those buildings over which a local building code inspection department has and exercises ~~jurisdiction; and~~ jurisdiction. For the purposes of this sub-sub-subdivision, buildings, facilities, or projects located on State lands that are (i) privately owned or privately leased and (ii) located within the North Carolina Global TransPark are exempt.

2. All community college buildings requiring the estimated expenditure for construction or repair work for which public bidding is required under G.S. 143-129 prior to the awarding of a contract for such work; and to examine and approve all changes in those plans and specifications made after the contract for such work has been awarded."

SECTION 2.5. G.S. 143-345.11(a) reads as rewritten:

"(a) No agency or other person authorized or directed by law to select a plan and erect a building for the use of the State or any State institution shall receive and approve of the plan until it is submitted to and approved by the Secretary as to State construction standards and at a minimum as to the safety of the proposed building from fire, including the property's occupants or contents. For the purposes of this subsection, buildings, facilities, or projects located on State lands that are (i) privately owned or privately leased and (ii) located within the North Carolina Global TransPark are exempt."

SECTION 2.6. Part II of this act becomes effective October 1, 2020, and applies to projects initiated or contracts entered into, renewed, or modified on or after that date.

PART III. PRISON SOFTWARE MANAGEMENT PILOT PROGRAM

TRANSFER/APPROPRIATION

SECTION 3.1. There is transferred from the Statewide Misdemeanant Confinement Fund (Budget Code: 24550; Fund Code: 2325) to the Department of Public Safety, Division of Adult Correction and Juvenile Justice (Budget Code: 14550; Fund Code: 1399) the sum of one million eight hundred thousand dollars ($1,800,000) in nonrecurring funds for the 2020-2021 fiscal year. The funds are hereby appropriated to be used to develop and administer a Prison Software Management Pilot Program (Prison Pilot Program) to be implemented at Bertie Correctional Institution (BCI) and Pasquotank Correctional Institution (PCI).

PURPOSE OF PRISON PILOT PROGRAM/STARTING DEADLINE

SECTION 3.2.(a) The purpose of the Prison Pilot Program funded in Section 3.1 of this act is to work with the most qualified technology vendors to (i) transform the State Prison Management Information Systems with software infrastructure and equipment upgrades and (ii) deploy a mobile inmate tracking system, both of which will enable the Department of Public Safety, Division of Adult Correction and Juvenile Justice, to create a new shared database platform to replace the current OPUS System.

SECTION 3.2.(b) The Department of Public Safety, Division of Adult Correction and Juvenile Justice, shall retain the Prison Pilot Program vendors necessitated by subdivisions (2) and (3) of Section 3.3 of this act and subdivision (9) of Section 3.4 of this act by August 15, 2020.

SECTION 3.2.(c) The Department of Public Safety, Division of Adult Correction and Juvenile Justice, shall retain the Prison Pilot Program vendors necessitated by subdivision (1) of Section 3.3 of this act and subdivisions (1) through (8) of Section 3.4 of this act by September 15, 2020.

SECTION 3.2.(d) The Department of Public Safety, Division of Adult Correction and Juvenile Justice, shall begin operating the Prison Pilot Program by October 15, 2020.

USE OF FUNDS

SECTION 3.3. The funds appropriated in Section 3.1 of this act shall be used as follows:

(1) No more than six hundred thousand dollars ($600,000) shall be used to deploy an inmate tracking system at BCI and PCI.

(2) No more than two hundred fifty thousand dollars ($250,000) shall be used to (i) assist the Division with managing the process to implement the Prison Pilot Program, (ii) assist the Division in ascertaining the companies that will be involved with the Prison Pilot Program, (iii) assist the Division in setting the ground rules for the Prison Pilot Program for any participating companies to follow, (iv) assist the Division in negotiating any costs for these participating companies, (v) assist the Division in developing metrics, so the performance of any participants can be accurately and fairly measured and the results are logical and easy to understand, and (vi) assist the Department of Public Safety in developing the strategic development plan to replace the OPUS System.

(3) No more than nine hundred fifty thousand dollars ($950,000) shall be used to perform any necessary needs assessments, assist in the selection of a vendor in accordance with State purchasing statutes, provide a process to vet the vendors involved, and organize the proper scenarios to vet vendors involved, including, but not limited to, (i) demonstrations, (ii) workshops, (iii) executive roundtables, (iv) technology road map presentations, (v) creating and managing a grading metric to ensure there are measurable results that can be used for a decision, (vi) assisting in negotiating the price, terms, and conditions of a contract, and (vii) assisting the Division in managing the multiyear implementation of a system to replace OPUS in the State's 55 prisons.

VENDOR REQUIREMENTS

SECTION 3.4. The requirements to select the qualified technology vendors to create the Prison Pilot Program referenced in Sections 3.1 through 3.3 of this act shall include each of the following:

(1) The ability to efficiently and seamlessly integrate the Prison Pilot Program with the Administrative Office of the Courts Case Management System, North Carolina Warrant Repository, Criminal Justice Law Enforcement Automated Data Services application, E-Citation system, and North Carolina Government Data Analytics Center.

(2) The ability to efficiently and seamlessly integrate the Prison Pilot Program with local jail management software systems.

(3) Proof of current contracts with North Carolina sheriffs' offices for local jail management and record management software services.

(4) At least one vendor that (i) uses radio-frequency identification (RFID) technology and supports real-time business and artificial intelligence and (ii) can embed digital video evidence gathering tools while integrating with the current OPUS System.

(5) At least one vendor that has the ability to receive daily active inmate roster data with inmate housing information in order to organize daily inmate mail for a more efficient mail distribution process.

(6) The ability to run the Prison Pilot Program natively on AWS GovCloud.

(7) Proof of prior deployment of at least three active and fully functional installations within the State.

(8) A willingness to provide cybersecurity services for the Prison Pilot Program.

(9) A North Carolina-based service provider to provide the services discussed in subdivisions (2) and (3) of Section 3.3 of this act. The service provider shall have (i) knowledge of and experience with State public safety software systems, (ii) knowledge of and experience with public safety software systems used in county jails, (iii) expertise in the selection and procurement of public safety software systems, including contract negotiations, (iv) specific knowledge of and expertise in the interoperability of disparate software systems being interfaced or integrated together, and (v) specific expertise in the management of large-scale, multiyear public safety software implementation.

REPORTING REQUIREMENT

SECTION 3.5.(a) The Department of Public Safety, Division of Adult Correction and Juvenile Justice, shall report to the Senate Select Committee on Prison Safety no later than January 8, 2021. The report shall be a project status update.

SECTION 3.5.(b) The Department of Public Safety, Division of Adult Correction and Juvenile Justice, shall give a final report to the Joint Legislative Oversight Committee on Justice and Public Safety no later than April 1, 2021.

SECTION 3.5.(c) The final report required by Section 3.5(b) shall include, at a minimum, the following:

(1) A strategic development plan for replacing the OPUS System with a fully integrated Correctional Management System that integrates (i) the Administrative Office of the Courts Case Management System, (ii) an Inmate Mobile Tracking System, and (iii) a Mail Management System.

(2) Recommendations of how the Prison Pilot Program can be improved.

(3) Recommendations of what resources would be needed to implement the Prison Pilot Program statewide.

EFFECTIVE DATE

SECTION 3.6. Part III of this act becomes effective July 1, 2020, and expires on July 1, 2022.

PART IV. ASSOCIATION CHARGES FOR STATEMENTS OF UNPAID ASSESSMENTS

SECTION 4.(a) G.S. 47C-3-102(a) reads as rewritten:

"§ 47C-3-102. Powers of unit owners' association.

(a) Unless the declaration expressly provides to the contrary, the association, even if unincorporated, ~~may:~~ may do all of the following:

(1) Adopt and amend bylaws and rules and ~~regulations;~~ regulations.

(2) Adopt and amend budgets for revenues, expenditures, and reserves and collect assessments for common expenses from unit ~~owners;~~ owners.

(3) Hire and terminate managing agents and other employees, agents, and independent ~~contractors;~~ contractors.

(4) Institute, defend, or intervene in its own name in litigation or administrative proceedings on matters affecting the ~~condominium;~~ condominium.

(5) Make contracts and incur ~~liabilities;~~ liabilities.

(6) Regulate the use, maintenance, repair, replacement, and modification of common ~~elements;~~ elements.

(7) Cause additional improvements to be made as a part of the common ~~elements;~~ elements.

(8) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property, provided that common elements may be conveyed or subjected to a security interest only pursuant to ~~G.S. 47C-3-112;~~ G.S. 47C-3-112.

(9) Grant easements, leases, licenses, and concessions through or over the common ~~elements;~~ elements.

(10) Impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements other than limited common elements described in subsections 47C-2-102(2) and (4) and for services provided to unit ~~owners;~~ owners.

(11) Impose charges for late payment of assessments, not to exceed the greater of twenty dollars ($20.00) per month or ten percent (10%) of any assessment installment unpaid and, after notice and an opportunity to be heard, suspend privileges or services provided by the association (except rights of access to lots) during any period that assessments or other amounts due and owing to the association remain unpaid for a period of 30 days or longer, and levy reasonable fines not to exceed one hundred dollars ($100.00) (G.S. 47C-3-107.1) for violations of the declaration, bylaws, and rules and regulations of the association.

(12) Impose reasonable charges for the preparation and recordation of amendments to the ~~declaration,~~ declaration or resale certificates required by ~~G.S. 47C-4-109, or statements of unpaid assessments;~~ G.S. 47C-4-109.

(12a) Impose reasonable charges in connection with the preparation of statements of unpaid assessments, which must be furnished within 10 business days after receipt of the request, in an amount not to exceed two hundred dollars ($200.00) per statement or request, and an additional expedite fee in an amount not to exceed one hundred dollars ($100.00) if the request is made within 48 hours of closing, all of which charges may be collected by the association, its managers, or its agents.

(13) Provide for the indemnification of and maintain liability insurance for its officers, executive board, directors, employees and ~~agents;~~ agents.

(14) Assign its right to future income, including the right to receive common expense assessments.

(15) Exercise all other powers that may be exercised in this State by legal entities of the same types as the ~~association; and~~ association.

(16) Exercise any other powers necessary and proper for the governance and operation of the association."

SECTION 4.(b) G.S. 47C-3-118(b) reads as rewritten:

"(b) The association, upon written request, shall furnish a unit owner or the unit owner's authorized agents a statement setting forth the amount of unpaid assessments and other charges against a unit. The statement shall be furnished within 10 business days after receipt of the request and is binding on the association, the executive board, and every unit owner. The association, its managers, or its agents may charge a reasonable fee for providing statements of unpaid assessments and other charges, not to exceed two hundred dollars ($200.00) per statement or request, and an additional expedite fee in an amount not to exceed one hundred dollars ($100.00) if the request is made within 48 hours of closing."

SECTION 4.(c) G.S. 47F-3-102 reads as rewritten:

"§ 47F-3-102. Powers of owners' association.

Unless the articles of incorporation or the declaration expressly provides to the contrary, the association ~~may:~~ may do all of the following:

(1) Adopt and amend bylaws and rules and ~~regulations;~~ regulations.

(2) Adopt and amend budgets for revenues, expenditures, and reserves and collect assessments for common expenses from lot ~~owners;~~ owners.

(3) Hire and discharge managing agents and other employees, agents, and independent ~~contractors;~~ contractors.

(4) Institute, defend, or intervene in litigation or administrative proceedings on matters affecting the planned ~~community;~~ community.

(5) Make contracts and incur ~~liabilities;~~ liabilities.

(6) Regulate the use, maintenance, repair, replacement, and modification of common ~~elements;~~ elements.

(7) Cause additional improvements to be made as a part of the common ~~elements;~~ elements.

(8) Acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property, provided that common elements may be conveyed or subjected to a security interest only pursuant to ~~G.S. 47F-3-112;~~ G.S. 47F-3-112.

(9) Grant easements, leases, licenses, and concessions through or over the common ~~elements;~~ elements.

(10) Impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements other than the limited common elements and for services provided to lot ~~owners;~~ owners.

(11) Impose reasonable charges for late payment of assessments, not to exceed the greater of twenty dollars ($20.00) per month or ten percent (10%) of any assessment installment unpaid and, after notice and an opportunity to be heard, suspend privileges or services provided by the association (except rights of access to lots) during any period that assessments or other amounts due and owing to the association remain unpaid for a period of 30 days or ~~longer;~~ longer.

(12) After notice and an opportunity to be heard, impose reasonable fines or suspend privileges or services provided by the association (except rights of access to lots) for reasonable periods for violations of the declaration, bylaws, and rules and regulations of the ~~association;~~ association.

(13) Impose reasonable charges in connection with the preparation and recordation of documents, including, without limitation, amendments to the ~~declaration or statements of unpaid assessments;~~ declaration.

(13a) Impose reasonable charges in connection with the preparation of statements of unpaid assessments, which must be furnished within 10 business days after receipt of the request, in an amount not to exceed two hundred dollars ($200.00) per statement or request, and an additional expedite fee in an amount not to exceed one hundred dollars ($100.00) if the request is made within 48 hours of closing, all of which charges may be collected by the association, its managers, or its agents.

(14) Provide for the indemnification of and maintain liability insurance for its officers, executive board, directors, employees, and ~~agents;~~ agents.

(15) Assign its right to future income, including the right to receive common expense ~~assessments;~~ assessments.

(16) Exercise all other powers that may be exercised in this State by legal entities of the same type as the ~~association; and~~ association.

(17) Exercise any other powers necessary and proper for the governance and operation of the association."

SECTION 4.(d) G.S. 47F-3-118(b) reads as rewritten:

"(b) The association, upon written request, shall furnish to a lot owner or the lot owner's authorized agents a statement setting forth the amount of unpaid assessments and other charges against a lot. The statement shall be furnished within 10 business days after receipt of the request and is binding on the association, the executive board, and every lot owner. The association, its managers, or its agents may charge a reasonable fee for providing statements of unpaid assessments, not to exceed two hundred dollars ($200.00) per statement or request, and an additional expedite fee in an amount not exceeding one hundred dollars ($100.00) if the request for a statement is made within 48 hours of closing."

SECTION 4.(e) Part IV of this act is effective when it becomes law.

PART V. CLARIFY DISTRICT ATTORNEY DISCRETION IN REGISTRATION REQUIREMENT REVIEWS

SECTION 5.(a) If House Bill 593, 2019 Regular Session, becomes law, then Section 11.5(c) of that act reads as rewritten:

"**SECTION 11.5.(c)** The State Bureau of Investigation, in consultation with the Office of the Attorney General, shall provide each elected District Attorney with a list of the class members subject to the Honorable Judge Terrence W. Boyle's order in Grabarczyk v. Stein, that resides in a county in that District Attorney's district. Each District Attorney or his or her designees, shall review the prior

substantially similar determination for every one of those individuals. If the District Attorney or his or her designees, make a preliminary determination that the individual's out-of-state or federal conviction is substantially similar to a North Carolina offense that would have required registration at the time of offense, the Office of the District Attorney shall notify the person, and the sheriff in the county where the individual resides; and the District Attorney may petition the court in that county for judicial review of the registration requirement."

SECTION 5.(b) Part V of this act becomes effective August 1, 2020, and applies to any individual notified of the right to contest required registration as a sex offender on or after that date.

PART VI. LIMITED IMMUNITY FROM COVID-19 RELATED CLAIMS ARISING FROM THE REOPENING OF PRIVATELY OWNED COMMUNITY SWIMMING POOLS

SECTION 6.(a) Chapter 99E of the General Statutes is amended by adding a new Article to read:

"Article 8.

"Private Pools COVID-19 Limited Liability.

"§ 99E-70. Definitions.

The following definitions apply in this Article:

(1) COVID-19. – The disease caused by the SARS-CoV-2 virus.

(2) Community pool. – A privately owned community swimming pool, including, without limitation, a swimming pool owned or operated by a multiunit apartment complex, homeowners association, or condominium unit owners association.

"§ 99E-71. Limited liability for reopening community pools.

(a) Owners and operators of community pools and their agents shall not be liable in any claim or action seeking damages for injury or death resulting from transmission of COVID-19 alleged to have resulted from the reopening of the community pool in accordance with applicable executive orders of the Governor.

(b) The immunity provided by this section shall not apply to claims for injury or death resulting from gross negligence, wanton conduct, or intentional wrongdoing.

"§ 99E-72. Applicability.

This Article applies to claims or actions arising no later than one year after the expiration or rescission of Executive Order No. 116 issued March 10, 2020."

SECTION 6.(b) Part VI of this act is effective when it becomes law and applies to claims arising on or after that date.

PART VII. EFFECTIVE DATE

SECTION 7. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 26th day of June, 2020.

s/ Philip E. Berger

President Pro Tempore of the Senate

s/ Tim Moore

Speaker of the House of Representatives

s/ Roy Cooper

Governor

Approved 11:55 a.m. this 2nd day of July, 2020

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