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GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SENATE BILL 704
RATIFIED BILL

AN ACT TO PROVIDE AID TO NORTH CAROLINIANS IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19) CRISIS.

The General Assembly of North Carolina enacts:

PART I. ECONOMIC SUPPORT

WAIVE ACCRUAL OF INTEREST ON DEFERRED PAYMENT OF CORPORATE INCOME AND FRANCHISE TAX AND INDIVIDUAL INCOME TAX AND EXTEND CERTAIN TAX-RELATED DEADLINES

SECTION 1.1.(a) Interest Waiver. – As a result of the COVID-19 outbreak, the Secretary of Revenue has extended the franchise, corporate income, and individual income tax payment deadline from April 15, 2020, to July 15, 2020, and pursuant to G.S. 105-249.2, the Secretary will not assess a penalty for failure to file a return or pay a tax due as long as the return is filed and the tax due is paid by July 15, 2020. Notwithstanding G.S. 105-241.21(b), the Secretary of Revenue shall also waive the accrual of interest from April 15, 2020, through July 15, 2020, on an underpayment of tax imposed on a franchise, corporate income, or individual income tax return, including a partnership and estate and trust tax return, due from April 15, 2020, through July 15, 2020. The relief from accrual of interest from April 15, 2020, through July 15, 2020, also includes interest imposed pursuant to G.S. 105-163.15 and G.S. 105-163.41 for payments due on or before July 15, 2020.

SECTION 1.1.(b) Refund Request. – For franchise, corporate income, and individual income tax, the statute of limitations for obtaining a refund is extended to July 15, 2020, for refund claims for which the statute of limitations to seek a refund expires on or after April 15, 2020, and before July 15, 2020.

SECTION 1.1.(c) Time-Sensitive Actions. – Certain actions required to be taken by a taxpayer on or after April 1, 2020, and before July 15, 2020, will be considered timely if the request or petition is filed on or before July 15, 2020. This subsection applies to requests for Departmental review under G.S. 105-241.11, petitions for a contested case hearing at the Office of Administrative Hearings under Article 3 of Chapter 150B of the General Statutes and G.S. 105-241.15, and petitions for judicial review under Article 4 of Chapter 150B of the General Statutes and G.S. 105-241.16.

SECTION 1.1.(d) This section is effective when it becomes law.

FLEXIBILITY TO ADMINISTER UNEMPLOYMENT COMPENSATION AND SUTA TAX CREDIT

SECTION 1.2.(a) Chapter 96 of the General Statutes is amended by adding a new section to read:

"**§ 96-14.15. Emergency unemployment benefits and tax credit to respond to the coronavirus emergency of 2020.**

(a) Benefits Payable. – Unemployment benefits are payable in response to the coronavirus emergency in any of the following circumstances:

(1) An employer temporarily ceases operations due to the coronavirus, preventing the individual from going to work.
(2) An employer reduces the hours of employment due to the coronavirus.
(3) An individual has a current diagnosis of the coronavirus.
(4) An individual is quarantined at the instruction of a health care provider or a local, State, or federal official.

(b) Exceptions Allowed. – The provisions of this Chapter apply to benefits payable under this section except as follows:
(1) Waiting week. – No waiting week applies to a claim for unemployment under this section.
(2) Work search. – The work search requirements do not apply to an individual who is eligible for unemployment under this section.
(3) Non-charging. – Benefits paid to an individual under this section are not charged to the account of any base period employer of the individual.
(4) Attached claim. – An employer may file an attached claim for benefits allowed under this section. The restrictions for filing an attached claim under G.S. 96-15(a1) do not apply to an employer-filed claim under this section and a claim filed by an employer under this section is not an attached claim filed under G.S. 96-15(a1).

(c) Tax Credit. – An employer is allowed a tax credit for a contribution to the Unemployment Insurance Fund payable under G.S. 96-9.2 for contributions due for the calendar year 2020. The amount of the credit is equal to the amount of contributions payable on the report filed by the employer on or before April 30, 2020.

If an employer remitted the contributions payable with the report due on or before April 30, 2020, the credit will be applied to the contributions payable on the report due on or before July 31, 2020. An employer must file the report to receive the credit. If the amount of the credit exceeds the amount of contributions due on the report, the excess credit amount is considered an overpayment and will be refunded pursuant to G.S. 96-9.15(b).

(d) Coronavirus. – For purposes of this section, the term "coronavirus" has the same meaning as defined in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020.

(e) Applicability. – This section applies for unemployment benefits filed for periods beginning on or after March 10, 2020, and expires for unemployment benefits filed for periods beginning on or after the earlier of the following: (i) the date the Governor signs an executive order rescinding Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, or (ii) December 31, 2020."

SECTION 1.2.(b) Notwithstanding G.S. 96-14.9, an individual may meet the reporting requirements of that section by telephone or via the Internet for the period beginning March 10, 2020, and ending on the earlier of the following: (i) the date the Governor signs an executive order rescinding Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, or (ii) December 31, 2020.

SECTION 1.2.(c) This section is effective when it becomes law.

CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, AS RECOMMENDED BY THE DIVISION OF EMPLOYMENT SECURITY AND THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON UNEMPLOYMENT INSURANCE

SECTION 1.3.(a) G.S. 96-14.9(e) reads as rewritten:

"(e) Actively Seeking Work. – The Division's determination of whether an individual is actively seeking work is based upon the following:

…

(3) The individual has made at least three job contacts with potential employers during the week. An individual may satisfy one of the weekly job contacts by attending a reemployment activity offered by a local career center. The Division shall verify the suitability of the activity for the credit and the claimant's attendance at the activity.

…."

SECTION 1.3.(b) This section becomes effective July 1, 2020.

SECTION 1.4.(a) G.S. 96-15 is amended by adding a new subsection to read:

"(a2) Federal Disaster Declaration. – An employer may file claims for employees through the use of automation in the case of unemployment due directly to a disaster covered by a federal disaster declaration."

SECTION 1.4.(b) G.S. 105-356(a) reads as rewritten:

"(a) On Real Property. – The lien of taxes imposed on real and personal property shall attach to real property at the time prescribed in G.S. 105-355(a). The priority of that lien shall be determined in accordance with the following rules:

(1) Subject to the provisions of the Revenue Act prescribing the priority of the lien for State taxes, the lien of taxes imposed under the provisions of this Subchapter shall be superior to all other liens, assessments, charges, rights, and claims of any and every kind in and to the real property to which the lien for taxes attaches regardless of the claimant and regardless of whether acquired prior or subsequent to the attachment of the lien for taxes. For purposes of this subdivision, the term "lien for State taxes" includes a lien for contributions under G.S. 96-10.

…."

SECTION 1.4.(c) G.S. 120-70.158 is repealed.

SECTION 1.4.(d) This section is effective when it becomes law.

USE OF BUNCOMBE COUNTY OCCUPANCY TAX PROCEEDS

SECTION 1.5.(a) Program. – The Buncombe County Tourism Development Authority (TDA) may, from available funds credited to its Tourism Product Development Fund and without regard for the provisions typically required for the expenditure of monies in that Fund, provide up to five million dollars ($5,000,000) to an agency experienced in emergency management funding for grants to assist small businesses that have closed or been otherwise significantly affected due to the economic hardship occasioned by the COVID-19 pandemic with the costs of recommencing business activities. The following shall apply to the grants made under the program:

(1) Grants shall be available only to businesses meeting all of the following requirements:

a. Prior to January 1, 2020, the business has been engaged in Buncombe County primarily in an activity that, in the determination of the TDA, promotes tourism and patronage of lodging facilities in the county, including, at a minimum, restaurants, retail establishments, studios and galleries, visitor attractions, tours and activities, breweries, wineries, cideries, distilleries, entertainment and event venues, and other providers of food, drink, or entertainment to patrons. A business engaged, in whole or in part, in providing lodging is not eligible for a grant.

b. The business employed at least two but not more than 200 full-time equivalent employees, determined as of the state of emergency.

c. The business has, after the state of emergency, ceased and not recommenced operations as a result of demonstrable economic loss in revenue due to the COVID-19 pandemic at the time of application or can otherwise demonstrate significant economic loss and change in operations due to the COVID-19 pandemic at the time of application.

d. The business certifies in writing that it (i) will use the grant for employee compensation, inventory, mortgage, rent, utilities, and other operating costs and expenses incurred in reopening or otherwise resuming normal operations of a business and hiring employees in Buncombe County and (ii) will report on the financial condition of the business and use of funds received six months and one year following the receipt of funds.

e. The business applies for funds detailing the business's plans to recommence operations or resume normal operations following the end of the state of emergency. The plans must, to the satisfaction of the TDA, show the ongoing business concern is sustainable for at least one year.

f. The recommenced operations of the business will, in the determination of the TDA, significantly increase patronage of lodging facilities in Buncombe County.

(2) A grant provided under the program is limited to no more than fifty thousand dollars ($50,000) per business.

(3) In awarding the grant, the TDA shall (i) prioritize independently owned businesses and (ii) state, with specificity, the reasons for the determination that the recommenced operations of the business will significantly increase patronage of lodging facilities in Buncombe County.

(4) The TDA shall establish and publish a method for determining compliance with the program.

(5) The TDA shall recapture grants for noncompliance with the program if the TDA determines there is a reasonable expectation that the recovery of funds will exceed the cost of recovery.

(6) The awarding of grants made available in this section shall cease six months following the date the state of emergency ends.

(7) Every six months until six months following the date the state of emergency ends, the TDA shall submit a report on the program to the Buncombe County Board of Commissioners containing all of the following:

a. The number of recipients of grants for each represented North American Industry Classification System Code.

b. The number of jobs retained.

c. The number of grants awarded.

d. The average grant amount.

e. The total amount granted to date.

f. The number of recipients who have failed to comply with the requirements of the program and the total amount of grant funds that have been recaptured, if any.

SECTION 1.5.(b) This section is effective when it becomes law.

PART II. EDUCATION

DEFINITIONS

SECTION 2.1. For the purposes of this Part, the following definitions apply:

(1) Authority. – State Education Assistance Authority.
(2) Coronavirus disease 2019 (COVID-19) emergency. – The period beginning March 10, 2020, and continuing until the Governor signs an executive order rescinding Executive Order No. 116 (Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19).
(3) Federal testing waiver. – The testing waiver granted to the State Board of Education by the United States Department of Education for the 2019-2020 school year, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, which, pursuant to G.S. 115C-174.11, eliminated the collection of certain student assessment data for the 2019-2020 school year.
(4) Modified calendar school. – A school that a local board designated as having a modified calendar for the 2003-2004 school year or any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar.
(5) State Board. – The State Board of Education.
(6) Year-round school. – A school with a single or multi-track instructional calendar that provides instructional days in compliance with Section 2.11(b)(1) of this Part throughout the entire school calendar year, beginning July 1 and ending June 30, by utilizing at least one of the following plans:
    a. A plan dividing students into four groups and requiring each group to be in school for assigned and staggered quarters each school calendar year.
    b. A plan providing students be scheduled to attend 45 instructional days followed by 15 days of vacation, repeated throughout the school calendar year.
    c. A plan dividing the school calendar year into five nine-week sessions of classes and requiring each student to attend four assigned and staggered sessions out of the five nine-week sessions to complete the student's instructional year.

INTRODUCTION

SECTION 2.2. The purpose of this Part is to clarify or modify certain requirements in consideration of actions and circumstances related to the COVID-19 emergency, including, but not limited to, the federal testing waiver and the closure of schools for in-person instruction during the 2019-2020 school year.

TESTS AND ASSESSMENTS

SECTION 2.3.(a) EOGs and EOCs. – Consistent with the provisions of G.S. 115C-174.11(d), for the 2019-2020 school year, end-of-grade and end-of-course tests are waived.

SECTION 2.3.(b) ACT. – Notwithstanding G.S. 115C-174.11(c)(4), during the fall semester of the 2020-2021 school year, public school units shall administer the norm-referenced college admissions test made available by the State Board to all students who were in the eleventh grade during the 2019-2020 school year who were not administered the test during the 2019-2020 school year, unless a student has already taken a comparable test and scored at or above a level set by the State Board.

SECTION 2.3.(c) Diagnostic and Formative Assessments. – For the 2019-2020 school year, for the diagnostic and formative reading assessments for kindergarten, first, second,

and third grade students described in G.S. 115C-83.6 and G.S. 115C-174.11(a), additional assessments beyond those administered prior to March 16, 2020, are not required.

SECTION 2.3.(d) WorkKeys. – For the spring semester of the 2019-2020 school year only, notwithstanding G.S. 115C-174.25, a local school administrative unit shall not be required to administer the WorkKeys tests to any students who complete a concentration in career and technical education courses.

SCHOOL PERFORMANCE, ANNUAL REPORT CARDS FOR SCHOOLS, AND SCHOOL BUILDING REPORTS

SECTION 2.4.(a) Calculation and Issuance of School Performance Grades. – For the 2020-2021 school year, based on data from the 2019-2020 school year, the provisions of G.S. 115C-12(9)c1. and G.S. 115C-83.15(a) through (f) shall not apply. Notwithstanding G.S. 115C-83.15(g), the State Board is not required to display school report card information for the 2020-2021 school year based on data from the 2019-2020 school year, but shall display a brief explanation that school report cards were not issued for the 2020-2021 school year because assessment data was not collected during the 2019-2020 school year due to COVID-19.

SECTION 2.4.(b) Display of School Report Cards. – Notwithstanding G.S. 115C-47(58), 115C-75.8(d)(7), 115C-218.65, 115C-238.66(11), 116-239.8(b)(14), and Section 6(d)(2) of S.L. 2018-32, public school units are not required to display school report card information for the 2020-2021 school year based on data from the 2019-2020 school year, but shall display a brief explanation that school report cards were not issued for the 2020-2021 school year because assessment data was not collected during the 2019-2020 school year due to COVID-19.

SECTION 2.4.(c) Evaluation of Alternative Programs. – Notwithstanding G.S. 115C-12(24), to the extent educational performance and growth of students in alternative schools and alternative programs are measured based on the accountability system developed under G.S. 115C-83.15 and G.S. 115C-105.35, educational performance and growth of students in alternative schools and alternative programs shall not be evaluated based on data from the 2019-2020 school year.

SECTION 2.4.(d) School Building Reports. – The requirement for local school administrative units to produce and make public a school building report under G.S. 115C-12(9)c3. and G.S. 115C-47(35) shall not apply for the October 15, 2020, report based on building-level data from the 2019-2020 school year.

LOW-PERFORMING SCHOOLS

SECTION 2.5.(a) Low-Performing Schools. – Notwithstanding G.S. 115C-105.37 and G.S. 115C-218.94(a), for the 2020-2021 school year, the following applies:

(1) The State Board shall not identify additional low-performing schools based on data from the 2019-2020 school year.

(2) Schools previously identified as low-performing based on data from the 2018-2019 school year shall continue to be identified as low-performing.

(3) Previously identified low-performing schools shall continue to carry out the final plan approved by the local board of education pursuant to G.S. 115C-105.37(a1).

(4) The State Board and the local board of education shall continue to provide online access to each low-performing school's plan in accordance with G.S. 115C-105.37(a1)(5).

(5) The written parental notice required by G.S. 115C-105.37(b) is not required to be provided again, but local boards of education of low-performing schools shall include with their online final plans a brief explanation that

low-performing identification continues pending assessment data from the 2020-2021 school year.

SECTION 2.5.(b) Continually Low-Performing Schools. – Notwithstanding G.S. 115C-105.37A and G.S. 115C-218.94(b), for the 2020-2021 school year, the following applies:

(1) The State Board shall not identify additional continually low-performing schools based on data from the 2019-2020 school year.

(2) Schools previously identified as continually low-performing based on data from the 2018-2019 school year shall continue to be identified as continually low-performing.

(3) Previously identified continually low-performing schools shall continue to carry out the plan approved by the State Board pursuant to G.S. 115C-105.37A(a).

(4) Assistance and intervention levels provided for the 2019-2020 school year based on designation as low-performing for two years under G.S. 115C-105.37A(b) or low-performing for three years under G.S. 115C-105.37A(c) shall continue.

(5) Local boards of education may request to reform a continually low-performing school in accordance with G.S. 115C-105.37B.

SECTION 2.5.(c) Low-Performing Local School Administrative Units. – Notwithstanding G.S. 115C-105.39A, for the 2020-2021 school year, the following applies:

(1) The State Board shall not identify additional low-performing local school administrative units based on data from the 2019-2020 school year.

(2) Local school administrative units previously identified as low-performing based on data from the 2018-2019 school year shall continue to be identified as low-performing.

(3) Previously identified low-performing local school administrative units shall continue to carry out the final plan approved by the local board of education pursuant to G.S. 115C-105.39A(b).

(4) The State Board and the local board of education shall continue to provide online access to each low-performing local school administrative unit's plan in accordance with G.S. 115C-105.39A(b)(5).

(5) The written parental notice required by G.S. 115C-105.39A(c) is not required to be provided again, but the local board of education shall include with its online final plan a brief explanation that low-performing identification continues pending assessment data from the 2020-2021 school year.

(6) The provisions of G.S. 115C-105.39(c) through (e) shall not apply.

INNOVATIVE SCHOOL DISTRICT

SECTION 2.6.(a) Notwithstanding the provisions of G.S. 115C-75.7 and G.S. 115C-105.37A(d), for the 2020-2021 school year, the following applies:

(1) The State Board shall not identify any additional schools as qualifying schools for the Innovative School District based on data from the 2019-2020 school year.

(2) Schools identified as qualifying schools for the 2019-2020 school year based on data from the 2018-2019 school year shall remain on the qualifying list, and the provisions of G.S. 115C-75.7(b1), (b2), and (d) shall continue to apply to these schools.

SECTION 2.6.(b) Section 1(c) of S.L. 2019-248 reads as rewritten:

"**SECTION 1.(c)** For the purposes of this subsection, a qualifying school is as defined by G.S. 115C-75.5(5), as amended by this act. Notwithstanding G.S. 115C-75.7, as amended by this act, the State Board of Education shall select the following schools to become innovative schools:

~~(1) The lowest scoring qualifying school in the State identified based on the school performance score calculated from data for the 2019-2020 school year to become an innovative school in the 2021-2022 school year.~~

(2) The lowest scoring qualifying school in the State identified based on the school performance score calculated from data for the 2020-2021 school year to become an innovative school in the 2022-2023 school year."

THIRD GRADE RETENTION, READING CAMPS, AND FOURTH GRADE READING ASSESSMENT

SECTION 2.7.(a) Third Grade Retention Determination. – For grade level determination for the 2020-2021 school year, the following applies:

(1) Notwithstanding the provisions of G.S. 115C-83.7 and the requirement in G.S. 115C-288(a) that a principal's authority to grade and classify pupils is limited by the requirements of G.S. 115C-83.7(a), principals shall have authority to determine the appropriate 2020-2021 school year grade level for students in the third grade during the 2019-2020 school year in the same manner as for students in all other grade levels. Principals shall designate whether a retained third grade student is retained due to reading deficiencies. Principals are encouraged to consult with a student's 2019-2020 third grade teacher in determining grade classification.

(2) Notwithstanding the provisions of G.S. 115C-218.85(b), charter schools shall have authority to determine the appropriate 2020-2021 school year grade level for third grade students in the same manner that grade level classification is determined for other grade levels.

SECTION 2.7.(b) Parental Notice and Interventions. – Consistent with G.S. 115C-83.9(a), parents or guardians shall receive notice that a first, second, or third grade student demonstrated difficulty with reading development or was not reading at grade level during the 2019-2020 school year based on assessments completed on or before March 13, 2020. The provisions of G.S. 115C-83.9(d) shall apply to this notice.

For third grade students retained for the 2019-2020 school year based on data from the 2018-2019 school year, the requirements of G.S. 115C-83.9(c) shall not apply beginning March 16, 2020.

For third grade students retained for the 2020-2021 school year due to reading deficiencies, the provisions of G.S. 115C-83.8(b) through (e) and G.S. 115C-83.9 shall apply in the same manner they would have had the student been retained pursuant to G.S. 115C-83.7(a), except that notification regarding the exemptions described in G.S. 115C-83.7(b) shall not apply.

SECTION 2.7.(c) Reading Camps. – Notwithstanding G.S. 115C-83.6(a), 115C-83.8(a), and 115C-83.11, and any other provision of law to the contrary, local school administrative units are not required to provide reading camps corresponding to the 2019-2020 school year.

S**ECTION 2.7.(d)** Fourth Grade Reading Assessment. – No later than the tenth day that school buildings are open to students for the 2020-2021 school year, public school units shall administer to all fourth grade students the end-of-year diagnostic assessment otherwise required for third grade students pursuant to G.S. 115C-174.11(a) and State Board policy. The results of the assessment shall be used to identify reading deficiencies and inform instruction and remediation needs in order to ensure that all students achieve proficiency at the earliest date possible.

SECTION 2.7.(e) Reporting Requirements. – For the 2020-2021 school year, the following applies:

(1) Accountability reporting described in G.S. 115C-83.10 shall not be required based on data from the 2019-2020 school year, except that by September 1, 2020, local boards of education shall report to the State Board the following:
   a. The number and percentage of first grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
   b. The number and percentage of second grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
   c. The number and percentage of third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
   d. The number and percentage of third grade students retained pursuant to subsection (a) of this section for reading deficiencies.

(2) Reporting requirements described in G.S. 115C-218.85(b)(4) shall not be required based on data from the 2019-2020 school year, except that by September 1, 2020, charter schools and other public school units subject to charter school statutory requirements shall report to the State Board the following:
   a. The number and percentage of third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
   b. The number and percentage of third grade students retained pursuant to subsection (a) of this section for reading deficiencies.

(3) The State Board shall compile the information described in this subsection and shall submit a State-level summary of each component by local school administrative unit and charter school to the Joint Legislative Education Oversight Committee by October 15, 2020.

ADVANCED COURSES IN MATHEMATICS

SECTION 2.8.(a) Notwithstanding G.S. 115C-81.36(a1) and (b), math placement for the 2020-2021 school year shall be determined as follows:

(1) Initial math placements for all students shall be made consistent with local policies, in consultation with a student's 2019-2020 school year math teacher.

(2) For students not initially placed in advanced courses or advanced learning opportunities in math, a student or student's parent may request administration of the end-of-grade or end-of-course test for the mathematics grade or course in which the student was enrolled for the 2019-2020 school year solely for the purpose of determining math placement for the 2020-2021 school year. Any student scoring at the highest level on the math end-of-grade or end-of-course test shall be placed as provided in G.S. 115C-81.36(a1) and (b).

SECTION 2.8.(b) For the purposes of G.S. 115C-81.36(c), the Department of Public Instruction shall submit its December 15, 2020, report to the Joint Legislative Education Oversight Committee on the number and demographics of students who were (i) enrolled in advanced mathematics courses, including high school level mathematics courses in eighth grade, or (ii) given other advanced learning opportunities for the 2020-2021 school year. The report shall include information on the type and format of advanced mathematics courses or advanced learning opportunities provided and shall also include any feedback provided by local boards of education on the implementation of G.S. 115C-81.36.

CPR GRADUATION REQUIREMENT

SECTION 2.9. Notwithstanding G.S. 115C-12(9d)a., for the 2019-2020 school year, any student in grade 12 who has not satisfied the requirement for completion of instruction in cardiopulmonary resuscitation shall be eligible to graduate if both of the following apply:

(1) Instruction in cardiopulmonary resuscitation cannot be completed due to the COVID-19 emergency.

(2) The student is eligible to graduate in all respects other than the statutory requirement described in this section, as determined by the principal of the school to which the student is assigned.

SCHOOL CALENDAR FOR THE 2019-2020 SCHOOL YEAR

SECTION 2.10.(a) Instructional Time Requirements. – A public school unit that provides remote instruction as required by this subsection shall be deemed to have satisfied the minimum days and hours required by G.S. 115C-75.8(d)(9), 115C-84.2(a)(1), 115C-150.12, 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d., 116-239.8(b)(2)c., and Section 6(e) of S.L. 2018-32 for the 2019-2020 school year. For the purposes of this subsection for the 2019-2020 school year, remote instruction is defined as learning that takes place outside of the traditional school setting using various media and formats, including, but not limited to, video conference, telephone conference, print material, online material, or learning management systems. Each public school unit shall provide remote instruction for the remainder of its scheduled 2019-2020 school year.

SECTION 2.10.(b) Student Attendance Enforcement. – For the 2019-2020 school year, the requirements of G.S. 115C-378(e) through (g) shall not apply beginning March 16, 2020.

SCHOOL CALENDAR FOR THE 2020-2021 SCHOOL YEAR

SECTION 2.11.(a) Remote Instruction Plans. – The governing body of each public school unit shall develop a Remote Instruction Plan (Plan) for the 2020-2021 school year and shall submit its Plan to the State Board no later than July 20, 2020. The purpose of the Plan is to provide a detailed framework for delivering quality remote instruction to all students within the public school unit during the 2020-2021 school year, as provided in subsection (b) of this section. In describing how the public school unit will implement remote instruction, the Plan shall address all of the following:

(1) Consulting with teachers, administrators and instructional support staff, parents, students, community partners, and other stakeholders in developing the Plan and effectively communicating the Plan to all involved parties.

(2) Training for teachers and staff on effective use of the remote instruction resources utilized by the public school unit and the process for student submission of completed work. The Plan shall identify any learning management system, online instructional resource, or offline instructional resource that will be made available to all students in a grade-level across the public school unit.

(3) Defining and clearly communicating staff roles and expectations for remote instruction days, including teacher workdays, teacher accessibility, and noncertified staff workdays and responsibilities. The Plan may include variances for staff expectations when remote instruction days are also used as teacher workdays.

(4) Surveying student and teacher home connectivity and providing for remote instruction that is appropriate for teachers and students with limited

connectivity capability, including the opportunity for students to download remote learning materials in advance when practicable.

(5) Engaging with community partners on services that parents and students can utilize on remote instruction days, including community partners willing to provide free broadband access or connectivity for remote instruction and community partners with child care options, and communicating remote instruction schedules with those partners.

(6) Developing effective design and delivery of remote instruction lessons within professional learning communities.

(7) Teaching and practice opportunities for students on accessing and using remote instruction platforms and methods, including how to locate, complete, and submit assignments. The Plan shall include regular opportunities for students to use the platforms and methods during nonremote instruction days to ensure student success during remote instruction.

(8) Communicating learning targets to students on each remote instruction day and ensuring that lesson design provides instructional time, practice, and application components to demonstrate learning. The Plan shall include a process for monitoring the quality of remote instruction materials.

(9) Ensuring that remote instructional time, practice, and application components support learning growth that continues towards mastery of the standard course of study. The Plan shall include work measurement guidelines appropriate to each grade level, including deadlines for submission of assignments and methods to assess and grade learning during remote instruction.

(10) Ensuring that students with disabilities have equal access to the remote instruction provided by their public school units and that remote instruction is provided in a manner consistent with each student's individualized education program (IEP) or 504 plan. Remote learning day supports shall be considered and included, as appropriate for the student, when an IEP or 504 plan is initially developed or at any subsequent review or revision of an IEP or 504 plan.

(11) Tracking and reporting attendance on remote instruction days, including protocols for determining attendance, the reporting system to be used, and how attendance procedures will be communicated to parents before remote instruction begins.

(12) Providing online and offline contact options for students to communicate with teachers or staff for remote instruction days that are not used as teacher workdays.

(13) Providing technology support for students experiencing technical difficulties on remote instruction days.

SECTION 2.11.(b) School Calendar. – Except as otherwise provided in this subsection, the requirements of G.S. 115C-84.2, including the requirement that a school calendar consist of 215 days, apply to the 2020-2021 school calendar for local school administrative units. The provisions of this subsection supersede any school calendar adopted by a public school unit prior to the enactment of this Part. For the 2020-2021 school year only, the following applies to the school calendar for public school units:

(1) Notwithstanding any provisions of G.S. 115C-75.8(d)(9), 115C-84.2(a)(1), 115C-150.12, 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d., 116-239.8(b)(2)c., and Section 6(e) of S.L. 2018-32 to the contrary, each public school unit shall adopt a calendar that includes 190 days of instruction as follows:

a. 185 days or 1,025 hours of instruction that include five remote instruction days in accordance with the Plan developed pursuant to subsection (a) of this section. Each of the five remote instruction days may be scheduled in the discretion of the public school unit, except as provided in subdivision (2) of this subsection.
b. An additional five instructional days that shall be satisfied only by five individually separate and distinct full instructional days and not by an accumulation of instructional hours.

(2) Notwithstanding any provisions of G.S. 115C-84.2(d) to the contrary, each local school administrative unit shall adopt a school calendar in accordance with the following:
a. Except for schools defined in subdivision (4) or (6) of Section 2.1 of this Part, an opening date for students of August 17, 2020.
b. Except for schools defined in subdivision (4) or (6) of Section 2.1 of this Part, a closing date for students no later than June 11, 2021.
c. No remote instruction day shall be scheduled prior to August 24, 2020, unless the school operates on a year-round or modified calendar schedule. A year-round or modified calendar school shall not schedule a remote instruction day prior to the sixth instructional day of the year-round or modified calendar.
d. Remote instruction days may be scheduled for use as teacher workdays, including as teacher workdays on which teachers may take accumulated vacation leave, provided that remote instruction material is prepared and provided for students to use during the remote instruction days. Local school administrative units may, in their discretion, schedule remote instruction days as teacher workdays to facilitate completion of first semester course exams prior to a winter holiday period.
e. The following apply for a local school administrative unit granted a good cause waiver for the 2020-2021 school year:
1. The opening date for students shall not be earlier than August 17, 2020, except for schools defined in subdivision (4) or (6) of Section 2.1 of this Part.
2. Up to an additional five remote instruction days may be used, if those days are (i) provided in accordance with the requirements of this subsection for remote instruction days and (ii) used solely as make-up days for days on which schools have been closed due to inclement weather or other emergency situations.

(3) If, during the 2020-2021 school year, a state of emergency or disaster is declared under Chapter 166A of the General Statutes ordering school closure for more than five days, a public school unit providing remote instruction in accordance with the Plan developed pursuant to subsection (a) of this section may use additional remote instruction days as necessary to satisfy instructional time requirements.

SECTION 2.11.(c) Reporting Requirement. – No later than September 15, 2020, the State Board shall report to the Joint Legislative Education Oversight Committee on the implementation of subsection (a) of this section. The State Board shall submit with its report a copy of each Remote Instruction Plan submitted, and the report shall provide a statewide summary that includes the following:

(1) All online remote instruction resources used by public school units, listed by public school unit.
(2) All offline remote instruction resources used by public school units, listed by public school unit.
(3) A list of any public school unit using only offline remote instruction resources.
(4) The number and percentage of public school units that did and did not provide plans addressing every item required by subsection (a) of this section.
(5) Strengths, challenges, and trends noted by the State Board in its review of how public school units implement remote instruction.
(6) Any other data deemed by the State Board to be useful to the Joint Legislative Education Oversight Committee in evaluating the delivery of statewide remote instruction.

SCHOOL IMPROVEMENT PLANS

SECTION 2.12. Notwithstanding G.S. 115C-105.27, the following shall apply:

(1) For any school improvement plan set to expire at the end of the 2019-2020 school year, that school improvement plan may remain in effect until December 31, 2020, to allow additional time for consideration and adoption of the new school improvement plan.
(2) For any school improvement plan extended to December 31, 2020, the replacement plan shall expire in 18 months, rather than two years.

PRINCIPAL RECRUITMENT SUPPLEMENT

SECTION 2.13.(a) Notwithstanding G.S. 115C-285.1, as enacted by S.L. 2019-247, for the 2020-2021 school year, a school identified as an eligible school in the 2019-2020 school year pursuant to G.S. 115C-285.1(a)(2) shall continue to be an eligible school in the 2020-2021 school year.

SECTION 2.13.(b) G.S. 115C-285.1(e), as enacted by S.L. 2019-247, reads as rewritten:

"(e) Additional Funds. – In the event an eligible employer is unable to award funds for the salary supplement because of resignation, dismissal, reduction in force, death, retirement, or failure to execute a contract with a qualifying principal, the Department shall award the funds, as soon as is practicable, to another eligible employer identified in subdivision ~~(a)(2)~~ (a)(1) of this section."

NOTIFICATION REQUIREMENT FOR TEACHER PERFORMANCE DATA

SECTION 2.14. Notwithstanding G.S. 115C-333.2, for the 2020-2021 school year, principals are not required to notify teachers that Education Value-Added Assessment System (EVAAS) data has been updated to reflect teacher performance from the 2019-2020 school year.

TEACHER EFFECTIVENESS REPORTING REQUIREMENTS

SECTION 2.15.(a) Notwithstanding G.S. 115C-299.5(d), for the 2020-2021 school year, local school administrative units are not required to provide teacher effectiveness data from the 2019-2020 school year to the State Board, and the State Board is not required to include any disaggregated data on teacher effectiveness from the 2019-2020 school year in its December 15, 2020, report on the state of the teaching profession in North Carolina.

SECTION 2.15.(b) G.S. 115C-299.5(d) reads as rewritten:

"(d) Teacher Effectiveness. – The annual teacher transition report by the State Board of Education shall disaggregate the data included in subsection (c) of this section by teacher effectiveness status at a statewide level. The report shall not disaggregate data on teacher effectiveness status at a local school administrative unit level. Notwithstanding Article 21A of

this Chapter, local school administrative units shall provide to the State Board of Education, for the purposes of this report, any North Carolina Educator Evaluation System (NCEES) effectiveness status assigned to teachers who left employment. The State Board of Education shall not report disaggregated data that reveals confidential information in a teacher's personnel file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally identifiable to an individual teacher."

TEACHER EVALUATION AND OBSERVATION REQUIREMENTS

SECTION 2.16. Notwithstanding G.S. 115C-333(a) and G.S. 115C-333.1(a), for the 2019-2020 school year, annual teacher evaluations required pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) shall be based on (i) observations completed in the 2019-2020 school year prior to March 16, 2020, and (ii) other artifacts and evidence from the 2019-2020 school year. Schools are not required to complete any observations required in the 2019-2020 school year pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) that were not completed prior to March 16, 2020.

STANDARDIZED TESTING REQUIREMENTS FOR NONPUBLIC SCHOOLS

SECTION 2.17. Notwithstanding G.S. 115C-549, 115C-550, 115C-557, 115C-558, and 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either of the following:

(1) Administer nationally standardized tests or other nationally standardized equivalent measurements for the 2019-2020 school year.

(2) Make, maintain, or make available records of test results received by their students in the 2019-2020 school year.

ATTENDANCE AND CALENDAR REQUIREMENTS FOR NONPUBLIC SCHOOLS

SECTION 2.18. Notwithstanding G.S. 115C-378, 115C-548, 115C-556, and 115C-564, for the 2019-2020 school year, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either of the following:

(1) Make, maintain, and render attendance records of children of compulsory school age, beginning March 16, 2020.

(2) Operate on a regular schedule at least nine calendar months of the year.

STANDARDIZED TESTING AND REPORTING REQUIREMENTS FOR NONPUBLIC SCHOOLS WITH STUDENTS RECEIVING OPPORTUNITY SCHOLARSHIP GRANTS

SECTION 2.19.(a) For purposes of this section, the definitions from G.S. 115C-562.1 shall apply.

SECTION 2.19.(b) Notwithstanding G.S. 115C-562.5, for the 2019-2020 school year, a nonpublic school that accepts eligible students receiving scholarship grants is not required to do any of the following:

(1) Provide to the parent or guardian of an eligible student, whose tuition and fees are paid in whole or in part with a scholarship grant, the student's scores on standardized achievement tests.

(2) Administer a nationally standardized test or other nationally standardized equivalent measurement to any eligible students whose tuition and fees are paid in whole or in part with a scholarship grant in grades three and higher.

(3) Submit standardized test performance data from the 2019-2020 school year to the Authority.

(4) If the nonpublic school enrolls more than 25 students whose tuition and fees are paid in whole or in part with a scholarship grant, either of the following:

a. Report to the Authority on the aggregate standardized test performance of eligible students.
b. Provide standardized test performance data from the 2019-2020 school year to an independent research organization.

OPPORTUNITY SCHOLARSHIP PROGRAM DISBURSEMENT OF FUNDS

SECTION 2.20. Notwithstanding G.S. 115C-562.8, from the funds carried forward at the end of the 2019-2020 fiscal year pursuant to G.S. 115C-562.8 that were unexpended as a result of the closure of nonpublic schools for in-person instruction due to the COVID-19 emergency, the Authority may remit a scholarship grant awarded to a student for the spring semester of the 2019-2020 school year to a nonpublic school on or before October 1, 2020.

EXTENSION OF K-12 SCHOLARSHIP PROGRAM REPORT DATES

SECTION 2.21.(a) Opportunity Scholarship Grant Program. – Notwithstanding G.S. 115C-562.7, the Authority shall submit by November 15, 2020, its annual report due by October 15 each year to the Joint Legislative Education Oversight Committee on the Opportunity Scholarship Grant Program.

SECTION 2.21.(b) Disabilities Grant Program. – Notwithstanding G.S. 115C-112.8, the Authority shall submit by November 15, 2020, its annual report due by October 15 each year to the Joint Legislative Education Oversight Committee on the Special Education Scholarships for Children with Disabilities Program.

EDUCATOR PREPARATION PROGRAMS (EPPs)

SECTION 2.22.(a) Minimum Admission Requirements for EPPs. – Notwithstanding the minimum admission requirements required by G.S. 115C-269.15, for the 2020-2021 academic year only, a recognized EPP shall be permitted to admit students as follows:

(1) An individual student shall not be required to meet any of the criteria set forth in G.S. 115C-269.15(a).
(2) An individual student shall not be required to have earned a grade point average of at least 2.7 under G.S. 115C-269.15(c). However, the EPP shall not permit a student to commence with a clinical practice as required by G.S. 115C-269.25(d) until the student has earned a grade point average of at least 2.7.
(3) The minimum cohort grade point average for the entering cohort to an EPP for the 2020-2021 academic year shall not be required to be at least 3.0 under G.S. 115C-269.15(d).

SECTION 2.22.(b) Clinical Internships. – Notwithstanding G.S. 115C-269.25(d)(1), a student who is enrolled in a recognized EPP pursuant to G.S. 115C-269.5 may have the clinical internship requirement set forth in G.S. 115C-269.25(d)(1) deemed completed for the 2019-2020 academic year under the following conditions:

(1) The student has completed as much time in a clinical internship as practicable prior to March 10, 2020.
(2) The student would be unable to complete the EPP by August 15, 2020, unless the clinical internship is deemed completed pursuant to this section.
(3) The student has been engaged in remote instruction as practicable while the school is closed for the remainder of the 2019-2020 school year.
(4) The student has otherwise met the descriptors identified on the certification of teacher capacity utilized by the EPP and the elementary or secondary school partner.

SECTION 2.22.(c) Pedagogy Assessments. – Notwithstanding G.S. 115C-269.25(g), for individuals who have their clinical internship deemed completed pursuant to subsection (b) of this section, the following shall apply:

(1) The State Board shall not require EPPs to require these individuals for the 2019-2020 academic year to complete a nationally normed and valid pedagogy assessment to determine clinical practice performance.

(2) The State Board shall not require these individuals for the 2019-2020 academic year to complete the pedagogy assessment as a condition of EPP completion.

(3) These individuals shall attempt the pedagogy assessment by the end of their first year of licensure and shall pass the assessment by the end of their third year of licensure.

SECTION 2.22.(d) Accountability. – Due to the lack of student assessment data and the closure of schools for in-person instruction, notwithstanding the requirements of G.S. 115C-269.35(a), EPPs shall only be required to submit information that is practicably available in the annual report to the State Board required under G.S. 115C-269.35(b) for the 2019-2020 academic year.

SECTION 2.22.(e) Sanctions. – Notwithstanding G.S. 115C-269.45(c), the State Board shall not consider data that was not practicably available related to the 2019-2020 school year when assigning sanctions for an EPP under G.S. 115C-269.45(c).

SECTION 2.22.(f) EPP Report Cards. – Due to limited available information and the waiver of the requirement to submit certain information to the State Board under subsection (c) of this section, notwithstanding G.S. 115C-269.50, the State Board shall create and submit annual report cards for EPPs as required by G.S. 115C-269.50 by December 15, 2020, to the Joint Legislative Education Oversight Committee (Committee) but shall not make the annual report cards created pursuant to this section available to the public through the State Board's Web site for the 2019-2020 academic year. The State Board shall also include in its report to the Committee aggregated information on the following:

(1) The number and overall percentage of students who were admitted to an EPP with a GPA that was less than 2.7 as permitted by subdivision (2) of subsection (a) of this section.

(2) The number and overall percentage of students who had their clinical internships deemed completed pursuant to subsection (b) of this section.

SCHOOL ADMINISTRATOR PREPARATION PROGRAMS

SECTION 2.23. Notwithstanding G.S. 115C-284(c2), a school administrator candidate who is enrolled in a school administrator preparation program meeting the approval standards established by the State Board pursuant to G.S. 115C-284 may have certain requirements of G.S. 115C-284(c2) deemed completed for the 2019-2020 academic year as follows:

(1) The requirement that a candidate shall complete a year-long internship under G.S. 115C-284(c2)(7) shall be deemed completed under the following conditions:

a. The candidate has completed as much time in the year-long internship as practicable prior to March 10, 2020.

b. The candidate would be unable to complete the program by August 15, 2020, unless the internship is deemed completed pursuant to this section.

c. The candidate has been engaged in administrative duties as practicable while the school is closed for the remainder of the 2019-2020 school year.

d. The candidate has otherwise met the competencies identified in the certification of capacity utilized by the school administrator preparation program.

(2) The candidate shall complete a portfolio for emerging leaders to demonstrate the application of his or her training to actual school needs and training to the extent practicable prior to completion of the school administrator preparation program.

TRANSFORMING PRINCIPAL PREPARATION GRANT PROGRAM REQUIREMENTS

SECTION 2.24.(a) Notwithstanding G.S. 116-209.72(a)(2)e., a school leader candidate who is enrolled in a school leader preparation program receiving a grant pursuant to Part 4 of Chapter 116 of the General Statutes shall have the clinical practice requirement under G.S. 116-209.72(a)(2)e. deemed completed for the 2019-2020 academic year under the following conditions:

(1) The candidate has completed as much time in the clinical practice as practicable prior to March 10, 2020.

(2) The candidate has been engaged in school leader duties as practicable while the school is closed for the remainder of the 2019-2020 school year.

SECTION 2.24.(b) Notwithstanding G.S. 116-209.73(c)(1a)a., the Authority shall not retrieve grant funds for the 2019-2020 fiscal year from a grant recipient based solely on a recipient's failure to require school leader candidates to complete a full-time paid clinical practice of at least five months and 750 hours in duration as required by G.S. 116-209.72(a)(2)e. as part of the program during the 2019-2020 academic year.

TEACHER LICENSURE REQUIREMENTS

SECTION 2.25.(a) Extension for Licensure Requirements. – Notwithstanding G.S. 115C-270.15, G.S. 115C-270.20, and Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, the State Board shall allow applicants for educator licensure additional time to meet the requirements under G.S. 115C-270.15 and G.S. 115C-270.20 as follows:

(1) An individual who is in the first year of licensure, including an initial professional license (IPL), lateral entry license, or residency license (RL), as of March 10, 2020, who has not taken the examination required by the State Board may take the examination during the individual's second year of licensure.

(2) An applicant for a continuing professional license (CPL) whose lateral entry license expires June 30, 2020, including a teacher granted an extension pursuant to Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, who has not met the examination and coursework requirements established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.

(3) An applicant for a CPL whose IPL expires June 30, 2020, who has not met the examination requirement established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.

(4) An applicant for a CPL who is an elementary education (K-6) or special education general curriculum teacher with an IPL or RL who was granted an extension until June 30, 2020, pursuant to Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L. 2019-212, who has not met the examination requirement established by the State Board as of March 10, 2020, shall be provided an extension until June 30, 2021.

SECTION 2.25.(b) Extension for CEU Requirement. – Notwithstanding G.S. 115C-270.30(b), any teacher who is required to have at least eight continuing education credits for continuing licensure by June 30, 2020, shall have until June 30, 2021, to meet the requirements under G.S. 115C-270.30(b).

LICENSURE REQUIREMENTS FOR OTHER SCHOOL PERSONNEL

SECTION 2.26.(a) Extension for Examination Requirement. – Notwithstanding G.S. 115C-284 and G.S. 115C-315(d), the State Board shall allow applicants for licensure additional time to meet the examination requirements as follows:

(1) Pursuant to G.S. 115C-284, an individual applying for a school administrator license who has not met the examination requirements established by the State Board as of March 10, 2020, shall be permitted to meet the examination requirements in the first year of licensure.

(2) Pursuant to G.S. 115C-315(d), an individual applying for licensure for a professional position in a public elementary or secondary school who has not met the examination requirements established by the State Board as of March 10, 2020, shall be permitted to meet the examination requirements in the first year of licensure.

SECTION 2.26.(b) Extension for CEU Requirement. – Notwithstanding G.S. 115C-284(c3), a school administrator who is required to meet continuing education credits in high-quality, integrated digital teaching and learning for licensure renewal by June 30, 2020, shall have until June 30, 2021, to meet the requirements under G.S. 115C-284(c3).

COMMUNITY COLLEGE TUITION WAIVER FOR STUDENTS IN APPRENTICESHIP PROGRAMS

SECTION 2.27. Notwithstanding G.S. 115D-5(b)(16), a student who is unable to continue participation in a pre-apprenticeship or apprenticeship program due to the COVID-19 emergency may be eligible for a tuition waiver for community college courses in the student's documented plan of study related to a job-specific occupational or technical skill until December 31, 2020.

WAIVER OF INTEREST CHARGES ON UNC STUDENT DEBT

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.

EXTENSION OF UNC REPORT DATES

SECTION 2.29.(a) Notwithstanding G.S. 116-11(12d), 116-74.21, and 143-613(b1), the Board of Governors of The University of North Carolina shall have an additional 60 days to submit the following reports to the Joint Legislative Education Oversight Committee:

(1) The annual report due by April 15 each year on teacher education efforts at The University of North Carolina.

(2) The annual report due by April 15 each year on the supply and demand of school administrators to determine the number of school administrators to be trained in school administrator training programs within the constituent institutions of The University of North Carolina in each year of the fiscal biennium.

(3) The biennial report due by May 15 every two years on the goals for State-operated health professional schools that offer training programs for licensure or certification of physician assistants, nurse practitioners, and nurse

midwives for increasing the percentage of the graduates of those programs who enter clinical programs and careers in primary care.

SECTION 2.29.(b) Notwithstanding Section 9.7(c) of S.L. 2008-107, as amended by Section 9.3(c) of S.L. 2010-31, the Board of Governors of The University of North Carolina shall submit by June 15, 2020, its annual report on the UNC-NCCCS 2+2 E-Learning Initiative due by April 15 each year to the Joint Legislative Education Oversight Committee, the State Board of Education, the Office of State Budget and Management, and the Fiscal Research Division.

SECTION 2.29.(c) Notwithstanding Section 9.3(c) of S.L. 2005-276, as amended by Section 9.3(d) of S.L. 2010-31, The University of North Carolina System Office shall submit by June 15, 2020, its annual report on the UNC-NCCCS Joint Initiative for Teacher Education and Recruitment due by April 15 each year to the State Board of Education, the Board of Governors of The University of North Carolina, the State Board of Community Colleges, the Education Cabinet, the Joint Legislative Education Oversight Committee, and the Office of State Budget and Management.

PART III. HEALTH CARE

SUBPART IIIA. DEFINITIONS

SECTION 3A.1.(a) Unless the context clearly indicates otherwise, the following definitions apply in this Part:

(1) CDC. – The federal Centers for Disease Control and Prevention.

(2) COVID-19. – Coronavirus disease 2019.

(3) COVID-19 diagnostic test. – A test the federal Food and Drug Administration has authorized for emergency use or approved to detect the presence of the severe acute respiratory syndrome coronavirus 2.

(4) COVID-19 emergency. – The period beginning March 10, 2020, and ending on the date the Governor signs an executive order rescinding Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19.

(5) COVID-19 antibody test. – A serological blood test the federal Food and Drug Administration has authorized for emergency use or approved to measure the amount of antibodies or proteins present in the blood when the body is responding to an infection caused by the severe acute respiratory syndrome coronavirus 2.

SECTION 3A.1.(b) This section is effective when it becomes law.

SUBPART IIIB. AFFIRMATIONS OF ACTIONS TAKEN IN RESPONSE TO COVID-19

SECTION 3B.1.(a) The North Carolina General Assembly supports the various actions taken by the North Carolina Medical Board, the North Carolina Board of Nursing, other health care provider licensing boards, and the State's teaching institutions for health care providers and their efforts to address the workforce supply challenges presented by the COVID-19 emergency. Further, the General Assembly supports each of the following initiatives, including, but not limited to:

(1) As COVID-19 antibody tests become available in the State, encouraging all persons authorized under State law to administer such tests to give priority to front-line care providers, including emergency medical services personnel, firefighters, rescue squad workers, law enforcement officers, licensed health care providers, long-term care providers, child care providers, and other persons essential to the provision of medical care, dental care, long-term care, or child care.

(2) Pursuing any federally available waiver or program allowance regarding child welfare, including, but not limited to, waivers regarding virtual visitation for children in foster care, temporary suspension of relicensing requirements for foster parents, and the continuation of payments for youth in foster care ages 18-21 years, regardless of education or employment requirements.

(3) Providing ongoing flexibility to teaching institutions to ensure students seeking degrees in health care professions can complete necessary clinical hours.

SECTION 3B.1.(b) This section is effective when it becomes law.

SUBPART IIIC. INCREASED ACCESS TO MEDICAL SUPPLIES NECESSARY TO RESPOND TO COVID-19 AND FUTURE PUBLIC HEALTH EMERGENCIES

STATE PLAN FOR A STRATEGIC STATE STOCKPILE OF PERSONAL PROTECTIVE EQUIPMENT AND TESTING SUPPLIES FOR PUBLIC HEALTH EMERGENCIES

SECTION 3C.1.(a) As used in this section, the following terms have the following meanings:

(1) Acute care providers. – Includes hospitals, freestanding emergency departments, urgent care centers, and dialysis centers.

(2) First responders. – Includes local health departments, law enforcement, fire departments, search and rescue personnel, and emergency medical services providers.

(3) Health care providers. – As defined in G.S. 90-21.50.

(4) Long-term care providers. – Includes skilled nursing facilities, intermediate care facilities as defined in G.S. 131A-3, adult care homes licensed under G.S. 131D-2.4, group homes, home health agencies, and palliative and hospice care providers.

(5) Non-health care entities. – Includes child care providers, local departments of social services, hotels and motels used for isolation and quarantine, shelters, and correctional facilities.

SECTION 3C.1.(b) By July 1, 2020, the Division of Public Health (DPH) and the Division of Health Service Regulation (DHSR) within the Department of Health and Human Services, in conjunction with the North Carolina Division of Emergency Management within the Department of Public Safety, shall develop and submit to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on Justice and Public Safety a plan for creating and maintaining a Strategic State Stockpile of personal protective equipment (PPE) and testing supplies. It is the intent of the General Assembly that the Strategic State Stockpile would be accessible by both public and private acute care providers, first responders, health care providers, long-term care providers, and non-health care entities located within the State for the purposes of addressing the COVID-19 pandemic and future public health emergencies.

SECTION 3C.1.(c) The plan shall include at least all of the following components:

(1) Recommendations about which agency will serve as the lead agency to oversee the Strategic State Stockpile described in this section, with (i) a description of the roles of DPH, DHSR, and the Division of Emergency Management and (ii) an explanation of how these entities will collaborate to create and maintain the Strategic State Stockpile.

(2) Recommendations for improvements to the State's existing procurement, allocation, and distribution process for PPE.

(3) Recommendations about what persons or entities should have access to the Strategic State Stockpile.
(4) Recommendations on how to increase within the State the manufacture of PPE that meets CDC guidelines for infection control, including consideration of (i) incentives for in-State private manufacturers and vendors that agree to produce and make PPE available to the Strategic State Stockpile and (ii) the feasibility of Correction Enterprises producing PPE for the Strategic State Stockpile.
(5) Recommendations about procuring testing supplies that meet applicable federal standards.
(6) Identification of available locations for maintaining the Strategic State Stockpile.
(7) Recommendations about the source, type, quality, and quantity of PPE and testing supplies the State should maintain as part of the Strategic State Stockpile, including a process for ongoing evaluation by individuals with expertise in emergency response, infection control, and environmental safety.
(8) A mechanism for managing the inventory of PPE and testing supplies purchased for the Strategic State Stockpile.
(9) An estimated five-year budget, including nonrecurring and recurring costs, for creating and maintaining the Strategic State Stockpile.
(10) Any other components deemed appropriate by DPH and DHSR, in conjunction with the Division of Emergency Management.

SECTION 3C.1.(d) This section is effective when it becomes law.

PRIORITY CONSIDERATION OF NORTH CAROLINA-BASED COMPANIES WHEN ADDRESSING PUBLIC HEALTH EMERGENCIES

SECTION 3C.2.(a) During a public health emergency, the Department of Health and Human Services and the North Carolina Division of Emergency Management within the Department of Public Safety shall first consider North Carolina-based companies that can provide mobile response units with capabilities to reach rural areas of the State. Operations that shall be considered include patient testing or sample collections, feeding operations, triage facilities, and other operations where it is necessary to deliver mobile services to individuals.

SECTION 3C.2.(b) This section is effective when it becomes law.

SUBPART IIID. SUPPORT FOR HEALTH CARE PROVIDERS TO RESPOND TO COVID-19

DENTAL BOARD FLEXIBILITY DURING DISASTERS AND EMERGENCIES

SECTION 3D.1.(a) Article 2 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"**§ 90-28.5. Disasters and emergencies.**

If the Governor declares a state of emergency or a county or municipality enacts ordinances under G.S. 153A-121, 160A-174, 166A-19.31, or Article 22 of Chapter 130A of the General Statutes, the North Carolina Board of Dental Examiners may waive the requirements of this Article and Article 16 of this Chapter to permit the provision of dental and dental hygiene services to the public during the state of emergency."

SECTION 3D.1.(b) This section is effective when it becomes law.

AUTHORIZATION FOR DENTISTS TO ADMINISTER COVID-19 TESTS

SECTION 3D.2.(a) G.S. 90-29(b) is amended by adding a new subdivision to read:

"(14) The administration by dentists of diagnostic tests and antibody tests for coronavirus disease 2019 to patients only if such tests have been approved or authorized for emergency use by the United States Food and Drug Administration."

SECTION 3D.2.(b) This section is effective when it becomes law.

AUTHORIZATION PROCESS FOR IMMUNIZING PHARMACISTS TO ADMINISTER COVID-19 IMMUNIZATIONS/VACCINATIONS

SECTION 3D.3.(a) In the event the Centers for Disease Control and Prevention recommends an immunization or vaccination for COVID-19 at a time when the General Assembly is not in regular session, any person may petition the State Health Director, in writing, to authorize immunizing pharmacists, as defined in G.S. 90-85.3, to administer the recommended immunization or vaccination for COVID-19 by means of a statewide standing order. The State Health Director shall, within 30 days after receiving such petition, consult with the following entities in evaluating the petition and respond by either approving or denying the petition: Representatives of the North Carolina Academy of Family Physicians, the North Carolina Medical Society, the North Carolina Pediatric Society, the North Carolina Association of Community Pharmacists, the North Carolina Association of Pharmacists, and the North Carolina Retail Merchants Association.

SECTION 3D.3.(b) Following the consultation provided in subsection (a) of this section, if the State Health Director approves the petition, the State Health Director may issue a statewide standing order authorizing the administration of an immunization or vaccination of COVID-19 by immunizing pharmacists. If the State Health Director issues a statewide standing order, it shall expire upon the adjournment of the next regular session of the General Assembly.

SECTION 3D.3.(c) If the State Health Director approves the petition as provided in subsection (a) of this section, the State Health Director shall, within 10 days after approval, consult with the entities listed in subsection (a) of this section to develop and submit to the North Carolina Board of Medicine, the North Carolina Board of Nursing, the North Carolina Board of Pharmacy, and the Joint Legislative Oversight Committee on Health and Human Services a minimum standard screening questionnaire and safety procedures for written protocols for the administration of the recommended immunization or vaccination for COVID-19 by immunizing pharmacists. In the event that the questionnaire and recommended standards are not developed and submitted within the 10-day period as provided in this subsection, then the Immunization Branch of the Department of Health and Human Services, Division of Public Health, shall develop the questionnaire and recommended standards within the next 10 days and submit them to the North Carolina Board of Medicine, the North Carolina Board of Nursing, the North Carolina Board of Pharmacy, and the Joint Legislative Oversight Committee on Health and Human Services. At a minimum, immunizing pharmacists who administer the recommended immunization or vaccination for COVID-19 shall be required to comply with all the requirements of G.S. 90-85.15B.

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 who administers a COVID-19 immunization or vaccine pursuant to a statewide standing order issued under this section.

SECTION 3D.3.(e) This section is effective when it becomes law.

PRESCRIPTION IDENTIFICATION REQUIREMENTS

SECTION 3D.4.(a) Notwithstanding any other provision of law to the contrary, for the duration of the COVID-19 emergency, pharmacists licensed in this State under Article 4A of Chapter 90 of the General Statutes may confirm the identity of any individual seeking

dispensation of a prescription by the visual inspection of any form of government-issued photo identification. If the individual seeking dispensation is a known customer, the pharmacist may confirm the individual's identity by referencing existing records, including the controlled substances reporting system. Nothing in this section shall be construed to relieve a pharmacist of the obligation to review information in the controlled substances reporting system in accordance with G.S. 90-113.74D.

SECTION 3D.4.(b) This section is effective when it becomes law and expires 60 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

TEMPORARY FLEXIBILITY FOR QUALITY IMPROVEMENT PLANS

SECTION 3D.5.(a) For purposes of this section, the following definitions apply:

(1) Quality improvement plan rules. – The rules regulating the quality improvement process for physician assistants and nurse practitioners found in 21 NCAC 32S .0213, 21 NCAC 32M .0110, and 21 NCAC 36 .0810.

(2) Application fee rules. – The portions of rules found in 21 NCAC 32S .0204, 21 NCAC 32M .0115, and 21 NCAC 36 .0813 that require the payment of an application fee.

(3) Annual review rules. – The portions of rules requiring the annual review or renewal of a practice arrangement between a physician and a physician assistant or nurse practitioner found in 21 NCAC 32S .0201, 21 NCAC 32M .0110, and 21 NCAC 36 .0806.

SECTION 3D.5.(b) Notwithstanding any other provision of law to the contrary, neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce any provision of the quality improvement plan rules to the extent they require any of the following:

(1) Quality improvement process meetings between a physician and a physician assistant or nurse practitioner, provided that the physician assistant or nurse practitioner was practicing within the scope of his or her license prior to February 1, 2020, and continues to practice within the scope of his or her license while this section is effective.

(2) Monthly quality improvement process meetings between a physician and a physician assistant or nurse practitioner during the first six months of the practice arrangement between the physician and the physician assistant or nurse practitioner.

SECTION 3D.5.(c) Notwithstanding any other provision of law to the contrary, neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce any provision of the quality improvement plan rules or the application fee rules to the extent they require any individual to fill out an application or pay a fee, provided that individual is providing volunteer health care services within the scope of his or her license in response to the COVID-19 pandemic state of emergency declared by the Governor of North Carolina on March 10, 2020.

SECTION 3D.5.(d) Notwithstanding any other provision of law to the contrary, neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce any provision of the annual review rules.

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

PANDEMIC HEALTH CARE WORKFORCE STUDY

SECTION 3D.6.(a) The mission of the North Carolina Area Health Education Center (NC AHEC) is to meet the State's health and health workforce needs and to provide education programs and services that bridge academic institutions and communities to improve the health of the people of North Carolina, with a focus on underserved populations. Consistent

with that mission, the North Carolina General Assembly directs the NC AHEC program to conduct a study of the issues that impact health care delivery and the health care workforce during a pandemic. The study shall focus on the impact of the COVID-19 pandemic, issues that need to be addressed in the aftermath of this pandemic, and plans that should be implemented in the event of a future health crisis.

SECTION 3D.6.(b) The study shall include input from universities, colleges, and community colleges that educate health care providers; health care provider licensing boards; the Department of Health and Human Services; the Department of Public Safety; and geographically disbursed rural and urban hospitals, ambulatory surgical centers, primary care practices, specialty care practices, correctional facilities, group homes, home care agencies, nursing homes, adult care homes, and other residential care facilities.

SECTION 3D.6.(c) The study shall include, but is not limited to, examination of, and reporting on, the issues outlined below:

(1) Adequacy of the health care workforce supply to respond to a pandemic in the following settings: acute care, ambulatory, primary care, nursing homes, adult care homes, other residential care facilities, correctional facilities, and in-home care.

(2) Adequacy of the health care workforce supply to address the COVID-19 surge; the ability to redirect the existing workforce supply to meet staffing demands, including the identification of any barriers; and recommendations to eliminate barriers and readily deploy staffing in a future health crisis.

(3) Adequacy of the health care workforce training, by setting, and the need for additional training or cross-training of health care providers.

(4) Impact of the COVID-19 pandemic on communities with preexisting workforce shortages.

(5) Impact of personal protective equipment (PPE) availability on the health care workforce, by setting.

(6) Sufficiency of support mechanisms for the health care workforce, including the availability of child care, transportation, mental health and resilience support services, and other support items.

(7) Impact of postponing or eliminating nonessential services and procedures on the health care workforce.

(8) Impact of postponing or eliminating nonessential services and procedures on hospitals, particularly rural hospitals.

(9) Interruptions in the delivery of routine health care during the COVID-19 pandemic and the impact to citizens, primary and specialty care practices, and the health care workforce employed in these practices.

(10) Impact of the COVID-19 pandemic on the delivery of behavioral health services.

(11) Ability of telehealth options to deliver routine and emergent health and behavioral health services to patients.

(12) Impact of telehealth on hospitals during the COVID-19 pandemic.

(13) Support necessary to resume health care delivery to pre-pandemic levels.

(14) Ability of the health care workforce and health care delivery structure to respond to the needs of minority populations, individuals with health disparities, and individuals and communities with increased health risks, during a pandemic.

(15) Impact of the COVID-19 pandemic, including concerns surrounding PPE availability, on current health sciences students and implications for future students contemplating a career in health sciences.

SECTION 3D.6.(d) The NC AHEC shall report findings and recommendations to the House Select Committee on COVID-19, Health Care Working Group, on or before November 15, 2020. The report shall include a summary section to provide a high-level debriefing to the State's leaders, health care providers, and others, on successes and priority items to address as the State moves forward.

SECTION 3D.6.(e) Due to the evolving nature of the COVID-19 pandemic, the NC AHEC has authority to report subsequent study findings and recommendations, as appropriate, to the House Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Joint Legislative Oversight Committee on Health and Human Services.

SECTION 3D.6.(f) This section is effective when it becomes law.

HEALTH CARE LIABILITY PROTECTION FOR EMERGENCY OR DISASTER TREATMENT

SECTION 3D.7.(a) Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article 1L.

"Emergency or Disaster Treatment Protection Act.

"**§ 90-21.130. Short title.**

This Article shall be known and may be cited as the Emergency or Disaster Treatment Protection Act.

"**§ 90-21.131. Purpose.**

It is the purpose of this Article to promote the public health, safety, and welfare of all citizens by broadly protecting the health care facilities and health care providers in this State from liability that may result from treatment of individuals during the COVID-19 public health emergency under conditions resulting from circumstances associated with the COVID-19 public health emergency. A public health emergency that occurs on a statewide basis requires an enormous response from State, federal, and local governments working in concert with private and public health care providers in the community. The rendering of treatment to patients during such a public health emergency is a matter of vital State concern affecting the public health, safety, and welfare of all citizens.

"**§ 90-21.132. Definitions.**

The following definitions apply in this Article:

(1) COVID-19. – Coronavirus disease 2019.

(2) COVID-19 emergency declaration. – Executive Order No. 116 issued March 10, 2020, by Governor Roy A. Cooper, including any amendments issued by executive order, subject to extensions under Chapter 166A of the General Statutes.

(3) COVID-19 emergency rule. – Any executive order, declaration, directive, request, or other State or federal authorization, policy statement, rule making, or regulation that waives, suspends, or modifies applicable State or federal law regarding scope of practice, including modifications authorizing health care providers licensed in another state to practice in this State, or the delivery of care, including those regarding the facility space in which care is delivered and which equipment is used during the COVID-19 emergency declaration.

(4) Damages. – Economic or noneconomic losses for harm to an individual.

(5) Harm. – Physical and nonphysical contact that results in injury to or death of an individual.

(6) Health care facility. – Any entity licensed pursuant to Chapter 122C, 131D, or 131E of the General Statutes or Article 64 of Chapter 58 of the General Statutes, and any clinical laboratory certified under the federal Clinical

Laboratory Improvement Amendments in section 353 of the Public Health Service Act (42 U.S.C. § 263a).

(7) Health care provider. –

a. An individual who is licensed, certified, or otherwise authorized under Chapter 90 or 90B of the General Statutes to provide health care services in the ordinary course of business or practice of a profession or in an approved education or training program.

b. A health care facility where health care services are provided to patients, residents, or others to whom such services are provided as allowed by law.

c. Individuals licensed under Chapter 90 of the General Statutes or practicing under a waiver in accordance with G.S. 90-12.5.

d. Any emergency medical services personnel as defined in G.S. 131E-155(7).

e. Any individual providing health care services within the scope of authority permitted by a COVID-19 emergency rule.

f. Any individual who is employed as a health care facility administrator, executive, supervisor, board member, trustee, or other person in a managerial position or comparable role at a health care facility.

g. An agent or employee of a health care facility that is licensed, certified, or otherwise authorized to provide health care services.

h. An officer or director of a health care facility.

i. An agent or employee of a health care provider who is licensed, certified, or otherwise authorized to provide health care services.

(8) Health care service. – Treatment, clinical direction, supervision, management, or administrative or corporate service, provided by a health care facility or a health care provider during the period of the COVID-19 emergency declaration, regardless of the location in this State where the service is rendered:

a. To provide testing, diagnosis, or treatment of a health condition, illness, injury, or disease related to a confirmed or suspected case of COVID-19.

b. To dispense drugs, medical devices, medical appliances, or medical goods for the treatment of a health condition, illness, injury, or disease related to a confirmed or suspected case of COVID-19.

c. To provide care to any other individual who presents or otherwise seeks care at or from a health care facility or to a health care provider during the period of the COVID-19 emergency declaration.

(9) Volunteer organization. – Any medical organization, company, or institution that has made its facility or facilities available to support the State's response and activities under the COVID-19 emergency declaration and in accordance with any applicable COVID-19 emergency rule.

"**§ 90-21.133. Immunity.**

(a) Notwithstanding any law to the contrary, except as provided in subsection (b) of this section, any health care facility, health care provider, or entity that has legal responsibility for the acts or omissions of a health care provider shall have immunity from any civil liability for any harm or damages alleged to have been sustained as a result of an act or omission in the course of arranging for or providing health care services only if all of the following apply:

(1) The health care facility, health care provider, or entity is arranging for or providing health care services during the period of the COVID-19 emergency

declaration, including, but not limited to, the arrangement or provision of those services pursuant to a COVID-19 emergency rule.

(2) The arrangement or provision of health care services is impacted, directly or indirectly:

a. By a health care facility, health care provider, or entity's decisions or activities in response to or as a result of the COVID-19 pandemic; or

b. By the decisions or activities, in response to or as a result of the COVID-19 pandemic, of a health care facility or entity where a health care provider provides health care services.

(3) The health care facility, health care provider, or entity is arranging for or providing health care services in good faith.

(b) The immunity from any civil liability provided in subsection (a) of this section shall not apply if the harm or damages were caused by an act or omission constituting gross negligence, reckless misconduct, or intentional infliction of harm by the health care facility or health care provider providing health care services; provided that the acts, omissions, or decisions resulting from a resource or staffing shortage shall not be considered to be gross negligence, reckless misconduct, or intentional infliction of harm.

(c) Notwithstanding any law to the contrary, a volunteer organization shall have immunity from any civil liability for any harm or damages occurring in or at its facility or facilities arising from the State's response and activities under the COVID-19 emergency declaration and in accordance with any applicable COVID-19 emergency rule, unless it is established that such harm or damages were caused by the gross negligence, reckless misconduct, or intentional infliction of harm by the volunteer organization.

"**§ 90-21.134. Severability.**

This Article shall be liberally construed to effectuate its public health emergency purpose as outlined in G.S. 90-121.131. The provisions of this Article are severable. If any part of this Article is declared to be invalid by a court, the invalidity does not affect other parts of this Article that can be given effect without the invalid provision."

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

DISPENSE AND USE OF CONTROLLED SUBSTANCES TEMPORARILY AT ADDITIONAL PLACES OF BUSINESS

SECTION 3D.8.(a) Notwithstanding any provision of law to the contrary, for the duration of the COVID-19 emergency, a hospital, nursing home, or clinic holding a valid State registration for controlled substances under Article 5 of Chapter 90 of the General Statutes may temporarily dispense or use controlled substances at additional places of business by completing the registration process developed by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services of the North Carolina Department of Health and Human Services, and providing all information required pursuant to said emergency registration process for any overflow facility or satellite facility that may be established temporarily by the hospital, nursing home, or clinic registrant in response to the COVID-19 emergency, and no registration fee shall be required in connection with any such emergency registration.

SECTION 3D.8.(b) This section is effective when it becomes law and expires 60 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

PRE-PROCEDURE COVID-19 TEST RESULT REPORTING

SECTION 3D.9.(a) All health care providers, as defined under G.S. 130A-476(g), shall receive and report the results, both positive and negative, of any COVID-19 diagnostic test

or COVID-19 antibody test performed on an individual prior to any nonemergency surgery or procedure to the Commission for Public Health (Commission) and to the Division of Public Health. The Department of Health and Human Services shall report pre-procedure test result data on a county-by-county basis and update it daily on its Web site.

SECTION 3D.9.(b) This section is effective when it becomes law.

SUBPART IIIE. INCREASED FLEXIBILITY FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RESPOND TO COVID-19

EXTENSION OF TIME FOR ESTABLISHING CONNECTIVITY TO THE STATE'S HEALTH INFORMATION EXCHANGE NETWORK KNOWN AS HEALTHCONNEX

SECTION 3E.1.(a) G.S. 90-414.4(a1)(2) reads as rewritten:

"(2) Except as provided in subdivisions (3), (4), and (5) of this subsection, all other providers of Medicaid and State-funded health care services shall begin submitting demographic and clinical data by ~~June 1, 2020.~~October 1, 2021."

SECTION 3E.1.(b) G.S. 90-414(a2) reads as rewritten:

"(a2) Extensions of Time for Establishing Connection to the HIE Network. – The Department of Information Technology, in consultation with the Department of Health and Human Services and the State Health Plan for Teachers and State Employees, may establish a process to grant limited extensions of the time for providers and entities to connect to the HIE Network and begin submitting data as required by this section upon the request of a provider or entity that demonstrates an ongoing good-faith effort to take necessary steps to establish such connection and begin data submission as required by this section. The process for granting an extension of time must include a presentation by the provider or entity to the Department of Information Technology, the Department of Health and Human Services, and the State Health Plan for Teachers and State Employees on the expected time line for connecting to the HIE Network and commencing data submission as required by this section. Neither the Department of Information Technology, the Department of Health and Human Services, nor the State Health Plan for Teachers and State Employees shall grant an extension of time (i) to any provider or entity that fails to provide this information to both Departments, and the State Health Plan for Teachers and State Employees, (ii) that would result in the provider or entity connecting to the HIE Network and commencing data submission as required by this section later than ~~June 1, 2020,~~ October 1, 2021, or (iii) that would result in any provider or entity specified in subdivisions (4) and (5) of subsection (a1) of this section connecting to the HIE Network and commencing data submission as required by this section later than June 1, 2022. The Department of Information Technology shall consult with the Department of Health and Human Services and the State Health Plan for Teachers and State Employees to review and decide upon a request for an extension of time under this section within 30 days after receiving a request for an extension."

SECTION 3E.1.(c) This section is effective when it becomes law.

TEMPORARY WAIVER OF THREE-YEAR FINGERPRINTING REQUIREMENT/CHILD CARE PROVIDERS/ADOPTIONS/FOSTER CARE

SECTION 3E.2.(a) Notwithstanding G.S. 110-90.2(b), the Department of Health and Human Services, Division of Child Development and Early Education, shall temporarily waive the requirement that current child care providers complete a fingerprint-based criminal history check every three years.

SECTION 3E.2.(b) In accordance with federal guidance, all available State and federal name-based criminal background checks for prospective employees seeking employment in licensed child care shall be completed. Prospective employees will be issued a provisional qualification status. In situations where only State and federal name-based checks were completed, fingerprint-based criminal history checks shall be completed within 60 days of

Executive Order No. 116 being rescinded, in compliance with State law and rules. If fingerprint-based checks are not completed within 60 days of Executive Order No. 116 being rescinded, the prospective employee will be disqualified until a fingerprint-based check is completed.

SECTION 3E.2.(c) Notwithstanding any provision of law or rules to the contrary, the Department of Health and Human Services, Division of Social Services, shall temporarily waive any requirement to complete a fingerprint-based criminal history check pertaining to adoptions, foster care, or child care institutions. However, in accordance with federal guidance, all available name-based criminal background checks for prospective foster parents, adoptive parents, legal guardians, and adults working in child care institutions shall be completed, and, in situations where only name-based checks were completed, fingerprint-based criminal history checks shall be completed within 60 days of Executive Order No. 116 being rescinded, in compliance with State law and rules.

SECTION 3E.2.(d) This section is effective when it becomes law and expires 60 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

MODIFICATION OF FACILITY INSPECTIONS AND TRAINING TO ADDRESS INFECTION CONTROL MEASURES FOR COVID-19

SECTION 3E.3.(a) Notwithstanding any provision of Article 2 of Chapter 122C, Articles 1 and 3 of Chapter 131D, and Chapter 131E of the General Statutes, or any other provision of law to the contrary, the Department of Health and Human Services, Division of Health Service Regulation, and as applicable, local departments of social services, shall suspend all annual and biennial inspections and regular monitoring requirements for licensed facilities under Article 2 of Chapter 122C of the General Statutes, Articles 1 and 3 of Chapter 131D of the General Statutes, and Articles 5, 6, and 10 of Chapter 131E of the General Statutes, and provisions within any rules adopted under these chapters that pertain to the Department or DHSR monitoring, inspection, or investigative requirements, except (i) as DHSR deems necessary to avoid serious injury, harm, impairment, or death to employees, residents, or patients of these facilities or (ii) as directed by the Centers for Medicare and Medicaid Services.

SECTION 3E.3.(b) DHSR shall review the compliance history of all facilities licensed under Article 2 of Chapter 122C of the General Statutes and Article 1 of Chapter 131D of the General Statutes that were determined to be in violation, assessed penalties, or placed on probation within the six-month period preceding the beginning of the COVID-19 emergency, for noncompliance with rules or statutes or Centers for Disease Control and Prevention guidelines regarding infection control or the proper use of personal protective equipment. DHSR shall require employees of these facilities to undergo immediate training designated by DHSR about infection control and the proper use of personal protective equipment. The training required by this section may be conducted online, by video conference, or in such manner as DHSR determines appropriate under the circumstances.

SECTION 3E.3.(c) This section is effective when it becomes law and expires 60 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

ALLOW TEMPORARY WAIVER OF 72-HOUR PRESERVICE TRAINING REQUIREMENT/CHILD WELFARE STAFF

SECTION 3E.4.(a) Notwithstanding G.S. 131D-10.6A(b)(1), the Department of Health and Human Services, Division of Social Services, is authorized to temporarily waive the 72-hour requirement of preservice training before child welfare services staff assumes direct client contact responsibilities. The Division is authorized to identify and use web-based training as an acceptable equivalent in meeting preservice training requirements.

SECTION 3E.4.(b) This section is effective when it becomes law and expires 60 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

SUBPART IIIF. INCREASED ACCESS TO HEALTH CARE THROUGH TELEHEALTH TO RESPOND TO COVID-19

EXPANDED USE OF TELEHEALTH TO CONDUCT FIRST AND SECOND INVOLUNTARY COMMITMENT EXAMINATIONS DURING THE COVID-19 EMERGENCY

SECTION 3F.1.(a) The following words have the following meanings in this section:

(1) Commitment examiner. – As defined in G.S. 122C-3.

(2) Telehealth. – The use of two-way, real-time interactive audio and video where the respondent and commitment examiner can hear and see each other.

(3) Qualified professional. – As defined in G.S. 122C-3.

SECTION 3F.1.(b) Notwithstanding any provision of Chapter 122C of the General Statutes or any other provision of law to the contrary, the first examination of a respondent required by G.S. 122C-283(a) to determine whether the respondent will be involuntarily committed due to substance use disorder may be conducted either in the physical face-to-face presence of the commitment examiner or utilizing telehealth equipment and procedures. A commitment examiner who examines a respondent by means of telehealth must be satisfied to a reasonable medical certainty that the determinations made in accordance with G.S. 122C-283(d) would not be different if the examination had been conducted in the physical presence of the commitment examiner. A commitment examiner who is not so satisfied must note that the examination was not satisfactorily accomplished, and the respondent must be taken for a face-to-face examination in the physical presence of a person authorized to perform examinations under G.S. 122C-283.

SECTION 3F.1.(c) Notwithstanding any provision of Chapter 122C of the General Statutes or any other provision of law to the contrary, the second examination of a respondent required by G.S. 122C-266(a) to determine whether the respondent will be involuntarily committed due to mental illness or required by G.S. 122C-285(a) to determine if the respondent will be involuntarily committed due to substance use disorder may be conducted either in the physical face-to-face presence of a physician or utilizing telehealth equipment and procedures, provided that the following conditions are met:

(1) In the case of involuntary commitment due to mental illness, the physician who examines the respondent by means of telehealth must be satisfied to a reasonable medical certainty that the determinations made in accordance with subdivisions (a)(1) through (a)(3) of G.S. 122C-266 would not be different if the examination had been done in the physical presence of the examining physician. An examining physician who is not so satisfied must note that the examination was not satisfactorily accomplished, and the respondent must be taken for a face-to-face examination in the physical presence of a physician.

(2) In the case of involuntary commitment due to substance use disorder, the physician who examines the respondent by means of telehealth must be satisfied to a reasonable medical certainty that the determinations made in accordance with G.S. 122C-285(a) would not be different if the examination had been done in the physical presence of the commitment examiner. An examining physician who is not so satisfied must note that the examination was not satisfactorily accomplished, and the respondent must be taken for a face-to-face examination in the physical presence of a qualified professional, as defined in G.S. 122C-3; provided that, if the initial commitment examination was performed by a qualified professional, then this face-to-face examination shall be in the presence of a physician.

SECTION 3F.1.(d) This section is effective when it becomes law and expires 30 days after Executive Order No. 116 is rescinded.

INCREASED ACCESS TO TELEHEALTH UNDER THE MEDICARE PROGRAM

SECTION 3F.2. The General Assembly urges the federal Centers for Medicaid and Medicare Services to provide reimbursement for health care delivered through audio-only communication, such as over the telephone, under the Medicare program in order to reduce barriers and increase access to health care for older adults.

PART IV. CONTINUITY OF STATE GOVERNMENT/REGULATORY RELIEF

EMERGENCY VIDEO NOTARIZATION

SECTION 4.1.(a) G.S. 10B-3 is amended by adding a new subdivision to read:

"(7a) Emergency video notarization. – An acknowledgement, affirmation, or oath notarization completed by a notary in compliance with the requirements of G.S. 10B-25. Emergency video notarization shall not include a verification proof as defined in G.S. 10B-3(28)."

SECTION 4.1.(b) G.S. 10B-10 reads as rewritten:

"**§ 10B-10. Commission; oath of ~~office.~~office; emergency extension.**

…

(b) ~~The~~ Except as provided in subsection (b1) of this section, the appointee shall appear before the register of deeds no later than 45 days after commissioning and shall be duly qualified by taking the general oath of office prescribed in G.S. 11-11 and the oath prescribed for officers in G.S. 11-7.

(b1) Notwithstanding subsection (b) of this section, if the Secretary grants a commission after March 9, 2020, and before August 1, 2020, the appointee shall have 90 days to appear before the register of deeds to take the general oath of office. A register of deeds may administer the required oath to such appointee using video conference technology provided the appointee is personally known to the register of deeds or the appointee provides satisfactory evidence of the appointee's identity to the register of deeds. As used in this subsection, video conference technology and satisfactory evidence are as defined in G.S. 10B-25.

…

(e) If the appointee does not appear before the register of deeds within ~~45 days of commissioning,~~ the time prescribed in this section, the register of deeds must return the commission to the Secretary, and the appointee must reapply for commissioning. If the appointee reapplies within one year of the granting of the commission, the Secretary may waive the educational requirements of this Chapter."

SECTION 4.1.(c) Part 3 of Article 1 of Chapter 10B of the General Statutes is amended by adding a new section to read:

"**§ 10B-25. Emergency video notarization.**

(a) Notwithstanding any other provision of law, a notary may perform an emergency video notarization using video conference technology provided all of the requirements of this section are satisfied. A notary who is not satisfied that the principal's identity has been proven by satisfactory evidence shall not be required to complete an emergency video notarization. An emergency video notarization shall not change any originality verification requirements for recording with a register of deeds, clerk of superior court, or other government or private office in this State. Nothing in this section shall apply to any notarization under Article 20 of Chapter 163 of the General Statutes.

(b) As used in this section, video conference technology is electronic communication that:

(1) Occurs in real time.

(1a) Allows direct interaction between the principal seeking the notary's services and the notary so that each can communicate simultaneously by sight and sound through an electronic device or process.

(2) Includes audio with sound clear enough that each participant in the notarial act can hear and understand all other participants.

(3) Has sufficient quality to allow a clear and unobstructed visual observation of the face of each participant, and any identification provided by the principal for a sufficient time to allow the notary to determine if it is satisfactory evidence. The notary shall determine if the time is sufficient.

(4) Is not prerecorded video or audio or both.

(5) May be capable of recording by means of one of the following:

a. The video conference technology's recording and storage services.

b. An independent video recording device.

c. Electronically saved screenshots clearly showing each participant's face, identification presented by the principal, and the notarized document.

(c) The requirement of personal appearance, appear in person before a notary, physical presence, and presence, as those terms are used in this Chapter, are satisfied for the purpose of an emergency video notarization if the notary is physically present in North Carolina, the principal verifies to the notary that he or she is physically present in North Carolina at the time of the notarization, the principal identifies the county where he or she is located at the time of the notarial act, and the principal and notary use video conference technology that complies with the requirements of this section.

(d) A notary who has personal knowledge of a principal may rely on the video conference technology to verify the principal's identity unless the notary, in the notary's sole discretion, requires satisfactory evidence. A notary who does not have personal knowledge of a principal shall require satisfactory evidence of the principal's identity. The requirement of satisfactory evidence, as that term is used in this Chapter, is satisfied for the purpose of an emergency video notarization if identification of the principal is based on at least one document that meets all of the following:

(1) Is current or, if expired, did not expire prior to March 10, 2020.

(2) Is issued by a federal, state, or federal or state-recognized tribal government agency.

(3) Bears a photographic image of the principal's face.

(4) Has both the principal's signature and a physical description of the principal.

(e) The notary shall use video conference technology to observe each principal sign each document that is to be notarized. The principal shall verbally state what documents are being signed for the notarial record. After the document is signed by the principal, the principal or the principal's designee shall do the following:

(1) If an original wet-signed notarization on an original wet-signed document is not required, transmit a legible copy of the signed document to the notary by fax or other electronic means on the same day it was signed. The notary shall notarize the document on the same day the notary receives the document, and the notary shall transmit the notarized document back to the principal or the principal's designee by physical delivery, fax, or other electronic means on the same day the notary signed the document.

(2) If an original wet-signed notarization on an original wet-signed document is required, transmit a legible copy of the signed document by fax or other electronic means to the notary on the same day on which the document was signed and also deliver the original signed document to the notary by mail or other physical method. The notary shall compare the original document with

the document transmitted by fax or other electronic means. If the faxed or electronic document is the same as the document received by mail or physical delivery, the notary shall notarize the wet signature on the original document and date the notarial act as of the date of the act observed using video conference technology and promptly transmit the original wet-notarized original document to the principal or the principal's designee by mail or other physical delivery as directed by the principal.

(f) If the notarial act is an oath or affirmation, the notary shall administer the oath or affirmation to the affiant using video conference technology.

(g) An acknowledgement or jurat certificate for an emergency video notarization shall include all of the following:

(1) The North Carolina county in which the notary public was located during the emergency video notarization.

(2) The North Carolina county in which the principal stated he or she was physically located during the emergency video notarization.

(3) The following statement:

I signed this notarial certificate on _____ (Date) according to the emergency video notarization requirements contained in G.S. 10B-25.

(h) If an acknowledgement or jurat certificate provided to a notary does not include the statement required by subsection (g) of this section, the notary shall insert the statement. By making or giving a notarial certificate using emergency video notarization, whether or not stated in the certificate, a notary certifies compliance with all the requirements of this section.

(i) A notary who performs an emergency video notarization shall record information about the notarization in a notary journal that is the exclusive property of the notary. The journal shall be retained by the notary for at least 10 years and may be maintained in electronic form. The notary shall keep the journal in a secure location and shall not allow another person to make entries in the journal. A notary may surrender the journal to the notary's employer upon termination of employment, but the notary shall also keep and maintain an accurate copy of the journal.

(j) At a minimum, for each emergency video notarization, the notary shall include the following information in the journal:

(1) The time of day when the notary observed the signing of the document by each principal and was presented with the principal's acceptable form of identification.

(2) The date of the completion of the emergency video notarization notarial certificate.

(3) The last and first name of each principal.

(4) The type of notarial act performed.

(5) The type of document notarized or proceeding performed.

(6) The type of acceptable form of identification presented including, if applicable, the issuing agency and identification number on the identification presented.

(7) The type of video conference technology used during the emergency video notarization.

(8) A statement that the notary and each principal could see and hear each other.

(9) Whether any other person was present with the principal at the time of signature and if so, the name of that person.

(k) A third party involved in a transaction that utilizes an emergency video notarization may require additional information to be included in the journal kept by the notary under subsection (j) of this section such as inclusion of a recording in the notary's journal or the method

used by the notary to determine that a wet-signed original document is the same as the faxed or electronically submitted document.

(*l*) As a public official, a notary shall maintain the confidentiality of a principal's documents at all times.

(m) The Secretary may issue interpretive guidance or issue emergency or temporary rules as necessary to ensure the integrity of the emergency video notarization measures provided for in this section.

(n) This section shall expire at 12:01 A.M. on August 1, 2020; 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 4.1.(d) This section is effective when it becomes law.

EMERGENCY VIDEO WITNESSING

SECTION 4.2.(a) Chapter 10B of the General Statutes is amended by adding a new Article to read:

"Article 3.

"Video Witnessing During State of Emergency.

"**§ 10B-200. Applicability.**

(a) This Article applies to the witnessing and signature of all records, as defined in G.S. 10B-3(19), signed, by a principal physically located in the State of North Carolina, on or after the effective date of this act.

(b) This Article expires August 1, 2020.

(c) No action described in this Article constitutes a notarial act, as defined in G.S. 10B-3(11), and no action described in this Article is governed by Article 1 or 2 of this Chapter.

"**§ 10B-201. Emergency video witnessing.**

(a) Notwithstanding any general or special law to the contrary, any person who witnesses the signature of a record through video conference technology shall be considered an "in-person" witness, and the record shall be considered to have been signed by the principal signer "in the presence of" such witness, if the video conference technology allows for direct, real-time audio and video interaction between each principal signer and the witness.

(b) Notwithstanding any general or special law to the contrary, an attesting witness to a record shall be considered to have signed such record in the presence of the principal signer, if all of the following are satisfied:

(1) The signature of the principal signer is witnessed by the attesting witness in accordance with the requirements of subsection (a) of this section.

(2) The attesting witness immediately thereafter signs such record while the video conference technology still allows for direct, real-time audio and video interaction between the principal signer and the attesting witness.

(c) Any record witnessed pursuant to this section shall contain all of the following:

(1) A conspicuous statement indicating that the record was witnessed by one or more witnesses physically located in the State of North Carolina pursuant to this Article.

(2) The county in which each remote witness was physically located when witnessing execution of the record.

(3) The county in which each principal signer was physically located during the witnessed execution of the record.

(d) Notwithstanding any general or special law to the contrary, absent an express prohibition in a legal document against signing in counterparts, any record witnessed pursuant to this Article may be signed in counterpart, which counterparts, when combined, shall create a single original record."

SECTION 4.2.(b) This section is effective when it becomes law.

MASKS AND HOODS FOR THE PROTECTION OF HEALTH

SECTION 4.3.(a) G.S. 14-12.11 reads as rewritten:

"**§ 14-12.11. Exemptions from provisions of Article.**

(a) ~~The~~ Any of the following are exempted from the provisions of G.S. 14-12.7, 14-12.8, 14-12.9, 14-12.10 and 14-12.14:

(1) Any person or persons wearing traditional holiday costumes in ~~season;~~season.

(2) Any person or persons engaged in trades and employment where a mask is worn for the purpose of ensuring the physical safety of the wearer, or because of the nature of the occupation, trade or ~~profession;~~profession.

(3) Any person or persons using masks in theatrical productions including use in Mardi Gras celebrations and masquerade ~~balls;~~balls.

(4) Persons wearing gas masks prescribed in civil defense drills and exercises or ~~emergencies; and~~emergencies.

(5) Any person or persons, as members or members elect of a society, order or organization, engaged in any parade, ritual, initiation, ceremony, celebration or requirement of such society, order or organization, and wearing or using any manner of costume, paraphernalia, disguise, facial makeup, hood, implement or device, whether the identity of such person or persons is concealed or not, on any public or private street, road, way or property, or in any public or private building, provided permission shall have been first obtained therefor by a representative of such society, order or organization from the governing body of the municipality in which the same takes place, or, if not in a municipality, from the board of county commissioners of the county in which the same takes place.

(6) Any person wearing a mask for the purpose of ensuring the physical health or safety of the wearer or others.

Provided, that the provisions of this Article shall not apply to any preliminary meetings held in good faith for the purpose of organizing, promoting or forming a labor union or a local organization or subdivision of any labor union nor shall the provisions of this Article apply to any meetings held by a labor union or organization already organized, operating and functioning and holding meetings for the purpose of transacting and carrying out functions, pursuits and affairs expressly pertaining to such labor union.

(b) Notwithstanding G.S. 14-12.7 and G.S. 14-12.8, a person may wear a mask for the purpose of protecting the person's head, face, or head and face, when operating a motorcycle, as defined in G.S. 20-4.01. A person wearing a mask when operating a motorcycle shall remove the mask during a traffic stop, including at a checkpoint or roadblock under G.S. 20-16.3A, or when approached by a law enforcement officer.

(c) A person wearing a mask for the purpose of ensuring the physical health or safety of the wearer or others shall remove the mask, upon request by a law enforcement officer, in any of the following circumstances:

(1) During a traffic stop, including a checkpoint or roadblock pursuant to G.S. 20-16.3A.

(2) When a law enforcement officer has reasonable suspicion or probable cause during a criminal investigation."

SECTION 4.3.(b) This section is effective when it becomes law and expires August 1, 2020.

CLARIFY ELECTRONIC SIGNATURES FOR SEARCH WARRANTS AND CERTAIN COURT ORDERS

SECTION 4.4.(a) Notwithstanding any other provision of law, any signature required for the issuance of a search warrant pursuant to Article 11 of Chapter 15A of the General Statutes, or on any judicial order issued following a court hearing conducted by remote audio or visual transmission in a civil or criminal case, may be signed by use of an electronic signature.

SECTION 4.4.(b) This section is effective when it becomes law and shall expire on August 1, 2020.

EXTEND TIME PERIOD TO CLAIM LOTTERY PRIZES

SECTION 4.5.(a) Notwithstanding G.S. 18C-132, a lottery prize winner may submit a delayed claim for a lottery prize that is expiring between March 10, 2020, and August 1, 2020. The claim shall be submitted to the Lottery Commission in writing no later than November 1, 2020.

SECTION 4.5.(b) This section is effective when it becomes law.

LOTTERY COMMISSION REPORT

SECTION 4.6.(a) The North Carolina State Lottery Commission shall submit a report relating to COVID-19 and associated economic impacts that contains at least all of the following:

(1) The impact on sales of lottery games, including county-level data.
(2) The impact on revenues.
(3) The impact on retailers, including any changes to the number of retailers.
(4) The impact on expenses of the lottery.
(5) The impact upon transfers of net revenue pursuant to G.S. 18C-164.

SECTION 4.6.(b) The report shall be submitted to the Joint Legislative Oversight Committee on the North Carolina State Lottery and the Fiscal Research Division on or before September 1, 2020.

DIVISION OF MOTOR VEHICLES/EXTEND DEADLINES

SECTION 4.7.(a) Definition. – For purposes of this section, "credential" means any of the following issued by the Division of Motor Vehicles:

(1) Drivers license.
(2) Learner's permit.
(3) Limited learner's permit.
(4) Limited provisional license.
(5) Full provisional license.
(6) Commercial drivers license.
(7) Commercial learner's permit.
(8) Temporary driving certificate.
(9) Special identification card.
(10) Handicapped placard.
(11) Vehicle registration.
(12) Temporary vehicle registration.
(13) Dealer license plate.
(14) Transporter plate.
(15) Loaner/Dealer "LD" plate.
(16) Vehicle inspection authorization.
(17) Inspection station license.
(18) Inspection mechanic license.
(19) Transportation network company permit.
(20) Motor vehicle dealer license.
(21) Sales representative license.

(22) Manufacturer license.
(23) Distributor license.
(24) Wholesaler license.
(25) Driver training school license.
(26) Driver training school instructor license.
(27) Professional housemoving license.

SECTION 4.7.(b) Extend Validity of Credentials. – Notwithstanding renewal, duration, or expiration provisions of G.S. 20-7, 20-11, 20-37.6, 20-37.7, 20-37.13, 20-50, 20-66, 20-79, 20-79.02, 20-79.2, 20-183.4B, 20-183.4D, 20-280.3, 20-288, 20-324, and 20-359, or any other provision of law to the contrary, the Division of Motor Vehicles shall extend for a period of five months the validity of any credential that expires on or after March 1, 2020, and before August 1, 2020. A credential extended under this section shall expire five months from the date it otherwise expires as prescribed by law prior to this section. However, the subsequent expiration of a credential extended under this section shall occur on the date prescribed by law prior to this section without regard to the extension. The Division shall notify individuals affected by an extension granted under this section, including information on new expiration dates and how the extension affects subsequent renewal and expiration dates.

SECTION 4.7.(b1) Extension of Intrastate Medical Waivers. – Notwithstanding the limitation on duration of waivers in G.S. 20-37.13A(b), the Division of Motor Vehicles may extend for up to five months the validity of a medical waiver issued by the Division under G.S. 20-37.13A if the waiver expires on or after March 1, 2020, and before August 1, 2020, and the Division's Medical Review Unit determines the extension is appropriate.

SECTION 4.7.(c) Driving Eligibility Certificates. – Notwithstanding G.S. 20-11(n)(3), a driving eligibility certificate dated on or after February 9, 2020, and before March 10, 2020, remains valid and may be accepted by the Division of Motor Vehicles to meet the requirements for a license or permit issued under G.S. 20-11 until 30 days after the date the Governor rescinds Executive Order No. 116 or the date the Division reopens all drivers license offices, whichever is earlier.

SECTION 4.7.(d) Waive Penalties. – Notwithstanding any provision of law to the contrary, the Division shall waive any fines, fees, or penalties associated with failing to renew a credential during the period of time the credential is valid by extension under subsection (b) of this section.

SECTION 4.7.(e) Motor Vehicle Taxes. – Notwithstanding any provision of law to the contrary, due dates for motor vehicle taxes that are tied to registration expiration under Article 22A of Chapter 105 of the General Statutes shall be extended to correspond with extended expiration dates under subsection (b) of this section.

SECTION 4.7.(f) Validity by Extension a Defense. – A person may not be convicted or found responsible for any offense resulting from failure to renew a credential issued by the Division if, when tried for that offense, the person shows that the offense occurred during the period of time the credential is valid by extension under subsection (b) of this section.

SECTION 4.7.(g) Report. – Within 30 days of the extensions made under subsection (b) of this section, the Division shall submit a report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division detailing implementation of this section.

SECTION 4.7.(h) Effective Date. – This section is effective retroactively to March 1, 2020, and applies to expirations occurring on or after that date.

DELAY DMV HEADQUARTERS MOVE

SECTION 4.8.(a) Section 34.24(a) of S.L. 2018-5 reads as rewritten:

"**SECTION 34.24.(a)** All Division of Motor Vehicles employees and contractors working at the Division of Motor Vehicles building located on New Bern Avenue in the City of Raleigh shall ~~vacate~~ begin vacating the property by October 1, 2020."

SECTION 4.8.(b) This section is effective when it becomes law.

DOT EMERGENCY RESERVE MODIFICATION

SECTION 4.9. Notwithstanding G.S. 136-44.2E, as enacted by S.L. 2019-251, for the fiscal year 2020-2021, the Department of Transportation shall not transfer funds to the Transportation Emergency Reserve.

WITNESS REQUIREMENT DURING STATE OF EMERGENCY/HEALTH CARE POWER OF ATTORNEY AND ADVANCED DIRECTIVE FOR NATURAL DEATH

SECTION 4.10.(a) G.S. 32A-16 reads as rewritten:

"**§ 32A-16. Definitions.**

The following definitions apply in this Article:

…

(3) Health care power of attorney. – ~~A~~ Except as provided in G.S. 32A-16.1, a written instrument that substantially meets the requirements of this Article, that is signed in the presence of two qualified witnesses, and acknowledged before a notary public, pursuant to which an attorney-in-fact or agent is appointed to act for the principal in matters relating to the health care of the principal. The notary who takes the acknowledgement may but is not required to be a paid employee of the attending physician or mental health treatment provider, a paid employee of a health facility in which the principal is a patient, or a paid employee of a nursing home or any adult care home in which the principal resides.

…

(6) Qualified witness. – ~~A~~ Except as provided in G.S. 32A-16.1, a witness in whose presence the principal has executed the health care power of attorney, who believes the principal to be of sound mind, and who states that he or she (i) is not related within the third degree to the principal nor to the principal's spouse, (ii) does not know nor have a reasonable expectation that he or she would be entitled to any portion of the estate of the principal upon the principal's death under any existing will or codicil of the principal or under the Intestate Succession Act as it then provides, (iii) is not the attending physician or mental health treatment provider of the principal, nor a licensed health care provider who is a paid employee of the attending physician or mental health treatment provider, nor a paid employee of a health facility in which the principal is a patient, nor a paid employee of a nursing home or any adult care home in which the principal resides, and (iv) does not have a claim against any portion of the estate of the principal at the time of the principal's execution of the health care power of attorney.

…."

SECTION 4.10.(b) Article 3 of Chapter 32A of the General Statutes is amended by adding a new section to read:

"**§ 32A-16.1. Health care powers of attorney executed during state of emergency.**

(a) The requirement of G.S. 32A-16(3) that a health care power of attorney be executed in the presence of two qualified witnesses shall be waived for all instruments executed on or after the effective date of this section and prior to termination of the state of emergency declared by Governor Roy Cooper in Executive Order No. 116, on March 10, 2020, as the same may be extended by any subsequent executive order, such that an instrument that is signed by the principal, properly acknowledged before a notary public, and otherwise executed in compliance with the provisions of this Article shall not be invalidated by the principal's failure to execute the health care power of attorney in the presence of two qualified witnesses.

(b) Health care powers of attorney executed without two qualified witnesses during the time period defined in subsection (a) of this section shall contain a short and plain statement indicating that the instrument was executed in accordance with the procedures of this section.

(c) This section shall expire at 12:01 A.M. on August 1, 2020; provided, however, all instruments made in accordance with this section and while this section is in effect shall remain effective and shall not need to be reaffirmed."

SECTION 4.10.(c) G.S. 90-321 reads as rewritten:

"**§ 90-321. Right to a natural death.**

(a) The following definitions apply in this Article:

…

(1a) Declaration. – ~~Any~~ Except as provided in G.S. 90-321.1, any signed, witnessed, dated, and proved document meeting the requirements of subsection (c) of this section.

…

(c) The attending physician shall follow, subject to subsections (b), (e), and (k) of this section, a declaration:

…

(3) ~~That~~ Except as provided in G.S. 90-321.1, that has been signed by the declarant in the presence of two witnesses who believe the declarant to be of sound mind and who state that they (i) are not related within the third degree to the declarant or to the declarant's spouse, (ii) do not know or have a reasonable expectation that they would be entitled to any portion of the estate of the declarant upon the declarant's death under any will of the declarant or codicil thereto then existing or under the Intestate Succession Act as it then provides, (iii) are not the attending physician, licensed health care providers who are paid employees of the attending physician, paid employees of a health facility in which the declarant is a patient, or paid employees of a nursing home or any adult care home in which the declarant resides, and (iv) do not have a claim against any portion of the estate of the declarant at the time of the declaration; and

…."

SECTION 4.10.(d) Article 23 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"**§ 90-321.1. Advanced directive for a natural death executed during a state of emergency.**

(a) The requirement of G.S. 90-321 that an advanced directive for a natural death declaration be executed in the presence of two qualified witnesses shall be waived for all instruments executed on or after the effective date of this section and prior to termination of the state of emergency declared by Governor Roy Cooper in Executive Order No. 116, on March 10, 2020, as the same may be extended by any subsequent executive order, such that an instrument that is signed by the declarant, properly acknowledged before a notary public, and otherwise executed in compliance with the provisions of this Article, shall not be invalidated by the declarant's failure to execute the advanced directive for a natural death declaration in the presence of two qualified witnesses.

(b) Advanced directives for a natural death declaration executed without two qualified witnesses during the time period defined in subsection (a) of this section shall contain a short and plain statement indicating that the instrument was executed in accordance with the procedures of this section, which may but need not be cited by title or section number.

(c) This section shall expire at 12:01 A.M. on August 1, 2020; provided, however, all instruments made in accordance with this section and while this section is in effect shall remain effective and shall not need to be reaffirmed."

SECTION 4.10.(e) This section is effective when it becomes law.

ADULT GUARDIANSHIP SERVICE

SECTION 4.11.(a) G.S. 35A-1109 reads as rewritten:

"**§ 35A-1109. Service of notice and petition.**

(a) Copies of the petition and initial notice of hearing shall be personally served on the respondent. Respondent's counsel or guardian ad litem shall be served pursuant to G.S. 1A-1, Rule 4, Rules of Civil Procedure. A sheriff who serves the notice and petition shall do so without demanding his fees in advance. The petitioner, within five days after filing the petition, shall mail or cause to be mailed, by first-class mail, copies of the notice and petition to the respondent's next of kin alleged in the petition and any other persons the clerk may designate, unless such person has accepted notice. Proof of such mailing or acceptance shall be by affidavit or certificate of acceptance of notice filed with the clerk. The clerk shall mail, by first-class mail, copies of subsequent notices to the next of kin alleged in the petition and to such other persons as the clerk deems appropriate.

(b) In the event that personal service is not possible because the respondent resides in a facility that restricts visitors due to a public health emergency, the respondent may be served by the sheriff leaving copies of the petition and initial notice of hearing at the facility with a person employed by the facility who is apparently in charge of the office or who has apparent authority to receive documents intended for residents. The facility employee shall, as soon as practicable, present the copies to the respondent. Proof of service on the respondent shall be by return of service filed with the clerk showing the respondent was personally served or copies were left with the facility as described in this subsection."

SECTION 4.11.(b) This section is effective when it becomes law and expires August 1, 2020.

DISBURSEMENT OF FUNDS PRIOR TO RECORDATION OF DEED IN CERTAIN CIRCUMSTANCES

SECTION 4.12.(a) Chapter 45A of the General Statutes is amended by adding a new section to read:

"**§ 45A-4.1. Disbursement during certain declarations of emergency.**

(a) Notwithstanding any other provision of this Chapter, in real estate transactions involving a one- to four-family residential dwelling or a lot restricted to residential use, a settlement agent may, in accordance with this section, make disbursement of closing funds prior to recordation of the deeds, deeds of trust, and any other required loan documents in the office of the register of deeds.

(b) No disbursement of closing funds prior to recordation shall be made under this section, unless all the following apply:

(1) On the date of closing, the office of the register of deeds where the deeds, deeds of trust, and any other required loan documents are to be recorded meets the following criteria:

a. Is located within the emergency area under G.S. 166A-19.20.

b. Is closed to the public as a result of the declaration of emergency.

c. Is unable to accept documents for recording by any method, including in-person or electronic recording.

(2) The lender's closing instructions authorize disbursement of closing funds prior to recording.

(3) All parties agree in writing to all the following:

a. To waive the requirement of G.S. 45A-4 that the settlement agent shall not disburse closing funds until the deeds, deeds of trust, and any other required loan documents are recorded in the office of the register of deeds.

b. That they acknowledge that the recordation date may not be known on the date of closing and the date of recordation by the settlement agent is governed by subsection (d) of this section.

c. That they are aware of the risks and implications of proceeding with disbursement of closing funds and, if applicable, transfer of possession of property prior to recordation.

d. That after disbursement of closing funds and prior to recordation, no party to the transaction will take any action to impair the quality of the title in law or equity.

e. Any other terms the parties or the closing instructions require as a condition of disbursement of closing funds prior to recording.

(4) The settlement agent does all the following:

a. Complies with all conditions of the closing instructions.

b. Procures a commitment of title insurance providing for title insurance that includes indemnity coverage for the gap period between the date of disbursement of closing funds and the date of recordation of the necessary documents.

c. Updates the applicable title from the date of the preliminary title opinion to the time of disbursement using those public records reasonably available to the settlement agent on the date of disbursement.

(c) In all transactions under this section in which the settlement agent makes a disbursement of closing funds prior to recordation, the settlement agent shall hold in a fiduciary capacity until the time provided in subsection (d) of this section all deeds, deeds of trust, and any other required loan documents that are to be recorded.

(d) The authority under this section for the settlement agent to disburse closing proceeds prior to recordation of the deeds, deeds of trust, and any other required loan documents shall terminate on the earlier of the date the office of the register of deeds reopens for the transaction of public business or begins to accept documents for electronic recording. Within three business days of the time set forth in this subsection, the settlement agent shall record all deeds, deeds of trust, and any other required loan documents being held under subsection (c) of this section and shall immediately notify all parties that the documents have been recorded."

SECTION 4.12.(b) This section is effective when it becomes law and expires August 1, 2020.

MARRIAGE LICENSES

SECTION 4.13.(a) G.S. 51-8 reads as rewritten:

"**§ 51-8. License issued by register of deeds.**

(a) Every register of deeds shall, upon proper application, issue a license for the marriage of any two persons who are able to answer the questions regarding age, marital status, and intention to marry, and, based on the answers, the register of deeds determines the persons are authorized to be married in accordance with the laws of this State. In making a determination as to whether or not the parties are authorized to be married under the laws of this State, the register of deeds may require the applicants for the license to marry to present certified copies of birth certificates or such other evidence as the register of deeds deems necessary to the determination. The register of deeds may administer an oath to any person presenting evidence relating to whether or not parties applying for a marriage license are eligible to be married pursuant to the laws of this State. Each applicant for a marriage license shall provide on the application the applicant's social security number. If an applicant does not have a social security number and is ineligible to obtain one, the applicant shall present a statement to that effect, sworn to or affirmed before an officer authorized to administer oaths. Upon presentation of a sworn or affirmed

statement, the register of deeds shall issue the license, provided all other requirements are met, and retain the statement with the register's copy of the license. The register of deeds shall not issue a marriage license unless all of the requirements of this section have been met.

(b) Notwithstanding subsection (a) of this section, throughout the duration of any declaration of emergency issued under G.S. 166A-19.20, any register of deeds may issue a license for marriage via remote audio-video communication provided the register of deeds can positively identify each applicant before the register of deeds."

SECTION 4.13.(b) G.S. 51-16 reads as rewritten:

"**§ 51-16. Form of license.**

License shall be in the following or some equivalent form:

To any ordained minister of any religious denomination, minister authorized by a church, any magistrate, or any other person authorized to solemnize a marriage under the laws of this State: A.B. having applied to me for a license for the marriage of C.D. (the name of the man to be written in full) of (here state his residence), aged ____ years (race, as the case may be), the son of (here state the father and mother, if known; state whether they are living or dead, and their residence, if known; if any of these facts are not known, so state), and E.F. (write the name of the woman in full) of (here state her residence), aged ____ years (race, as the case may be), the daughter of (here state names and residences of the parents, if known, as is required above with respect to the man). (If either of the parties is under 18 years of age, the license shall here contain the following:) And the written consent of G.H., father (or mother, etc., as the case may be) to the proposed marriage having been filed with me, and there being no legal impediment to such marriage known to me, you are hereby authorized, at any time within ~~60~~ 120 days from the date hereof, to celebrate the proposed marriage at any place within the State. You are required within 10 days after you shall have celebrated such marriage, to return this license to me at my office with your signature subscribed to the certificate under this license, and with the blanks therein filled according to the facts, under penalty of forfeiting two hundred dollars ($200.00) to the use of any person who shall sue for the same.

Issued this ____ day of ____, ____

_____ L.M.

Register of Deeds of ____ County

Every register of deeds shall, at the request of an applicant, designate in a marriage license issued the race of the persons proposing to marry by inserting in the blank after the word "race" the words "white," "black," "African-American," "American Indian," "Alaska Native," "Asian Indian," "Chinese," "Filipino," "Japanese," "Korean," "Vietnamese," "Other Asian," "Native Hawaiian," "Guamarian," "Chamorro," "Samoan," "Other Pacific Islander," "Mexican," "Mexican-American," "Chicano," "Puerto Rican," "Cuban," "Other Spanish/Hispanic/Latino," or "other," as the case may be. The certificate shall be filled out and signed by the minister, officer, or other authorized individual celebrating the marriage, and also be signed by two witnesses present at the marriage, who shall add to their names their place of residence, as follows:

I, N.O., an ordained or authorized minister or other authorized individual of (here state to what religious denomination, or magistrate, as the case may be), united in matrimony (here name the parties), the parties licensed above, on the ___ day of _____, ___, at the house of P.R., in (here name the town, if any, the township and county), according to law.

_____ N.O.

Witness present at the marriage:

S.T., of (here give residence)."

SECTION 4.13.(c) This section is effective when it becomes law, applies to any marriage license issued on or after February 1, 2020, and expires August 1, 2020, and any marriage license issued on or before that date shall be valid for 120 days.

LIMITED BUSINESS IMMUNITY FOR ESSENTIAL BUSINESSES

SECTION 4.14.(a) Chapter 66 of the General Statutes is amended by adding a new Article to read:

"Article 48.

"Limited Business Immunity.

"**§ 66-460. Essential businesses; emergency response entities; liability limitation.**

(a) Notwithstanding any other provision of law and subject to G.S. 66-461, the following entities shall have immunity from civil liability:

(1) An essential business that provides goods or services in this State with respect to claims from any customer or employee for any injuries or death alleged to have been caused as a result of the customer or employee contracting COVID-19 while doing business with or while employed by the essential business.

(2) An emergency response entity with respect to claims from any customer, user, or consumer for any injuries or death alleged to have been caused as a result of the COVID-19 pandemic or while doing business with the emergency response entity.

(b) The immunity from civil liability provided in this section shall not apply if the injuries or death were caused by an act or omission of the essential business or emergency response entity constituting gross negligence, reckless misconduct, or intentional infliction of harm. This section does not preclude an employee of an essential business or emergency response entity from seeking an appropriate remedy under Chapter 97 of the General Statues for any injuries or death alleged to have been caused as a result of the employee contracting COVID-19 while employed by the essential business or emergency response entity.

"**§ 66-461. Applicability.**

This Article applies to acts or omissions occurring on or after the issuance of the COVID-19 essential business executive order and expires when the COVID-19 emergency declaration is rescinded or expires.

"**§ 66-462. Definitions.**

The following definitions apply in this Article:

(1) COVID-19. – The coronavirus disease 2019.

(2) COVID-19 emergency declaration. – Executive Order No. 116 issued March 10, 2020, by Governor Roy A. Cooper, including any amendments issued by executive order, subject to extensions under Chapter 166A of the General Statutes.

(3) COVID-19 essential business executive order. – Executive Order No. 121 issued March 27, 2020, by Governor Roy A. Cooper, including any amendments issued by executive order, subject to extensions under Chapter 166A of the General Statutes.

(4) Emergency response entity. – Businesses, not-for-profit organizations, educational institutions, and governmental entities that manufacture, produce, or distribute personal protective equipment, testing equipment, or ventilators, or process COVID-19 testing results.

(5) Essential business. – Businesses, not-for-profit organizations, educational institutions, and governmental entities identified in the COVID-19 essential business executive order. The term also applies to any business that the Department of Revenue determines is essential.

"**§ 66-463. Severability.**

This Article shall be liberally construed to effectuate the public purpose of ensuring that essential businesses can provide goods and services to the public during the COVID-19 pandemic. The provisions of this Article are severable. If any part of this Article is declared to

be invalid by a court, the invalidity does not affect other parts of this Article that can be given effect without the invalid provision."

SECTION 4.14.(b) This section is effective when it becomes law and applies to claims filed on or after March 27, 2020.

EXPAND THE DEFINITION OF SECURITY GUARD AND PATROL PROFESSION TO INCLUDE SECURITY SERVICES PROVIDERS AT STATE PRISONS

SECTION 4.15.(a) G.S. 74C-3(a) reads as rewritten:

"(a) As used in this Chapter, the term "private protective services profession" means and includes the following:

…

(6) Security guard and patrol profession. – Any person, firm, association, or corporation that provides a security guard on a contractual basis for another person, firm, association, or corporation for a fee or other valuable consideration and performs one or more of the following functions:

…

e. Security services related to entry and exit, direction and movement of individuals at entry and exit, security working towers, and perimeter security patrols at State prison facilities.

…."

SECTION 4.15.(b) Article 1 of Chapter 148 of the General Statutes is amended by adding a new section to read:

"**§ 148-5.5. Training and authority of security guards.**

Any security guard and patrol professional that is licensed pursuant to Chapter 74C of the General Statutes and is employed to provide security services related to entry and exit, direction and movement of individuals at entry and exit, security working towers, or perimeter security patrols at a State prison facility, shall receive training on State prison policies, including policies on the use of force, prior to providing any security services at a State prison. Security guard and patrol professionals trained pursuant to this section shall have the authority to detain and use necessary force pursuant to State prison policies to prevent contraband entry or inmate escape."

SECTION 4.15.(c) This section is effective when it becomes law and expires August 1, 2020.

NEW ATTORNEYS' OATH

SECTION 4.16.(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 4.16.(b) This section is effective when it becomes law and expires December 1, 2020.

COMMUNICABLE DISEASE INFORMATION TO LAW ENFORCEMENT

SECTION 4.17.(a) G.S. 130A-143 reads as rewritten:

"**§ 130A-143. Confidentiality of records.**

All information and records, whether publicly or privately maintained, that identify a person ~~who has AIDS virus infection or~~ who has or may have a disease or condition required to be reported pursuant to the provisions of this Article shall be strictly confidential. This information shall not be released or made public except under the following circumstances:

(1) Release is made of specific medical or epidemiological information for statistical purposes in a way that no person can be ~~identified;~~identified.

(2) Release is made of all or part of the medical record with the written consent of the person or persons identified or ~~their guardian;~~the person's personal representative, as defined in 45 Code of Federal Regulations § 164.502.

(3) Release is made for purposes of treatment, payment, research, or health care operations to the extent that disclosure is permitted under 45 Code of Federal Regulations §§ 164.506 and 164.512(i). For purposes of this section, the terms "treatment," "payment," "research," and "health care operations" have the meaning given those terms in 45 Code of Federal ~~Regulations § 164.501;~~Regulations § 164.501.

(4) Release is necessary to protect the public health and is made as provided by the Commission in its rules regarding control measures for communicable diseases and ~~conditions;~~conditions.

(5) Release is made pursuant to other provisions of this ~~Article;~~Article.

(6) Release is made pursuant to ~~subpoena or~~ court ~~order.~~ order or a subpoena issued by a judicial official. Upon request of the person identified in the record, the record shall be reviewed in camera. In the trial, the trial judge may, during the taking of testimony concerning such information, exclude from the courtroom all persons except the officers of the court, the parties and those engaged in the trial of the ~~case;~~case.

(7) Release is made by the Department or a local health department to a court or a ~~law enforcement~~ judicial official for the purpose of enforcing this Article or Article 22 of this ~~Chapter,~~Chapter.

(7a) Release is made by the Department or a local health department to a law enforcement official for any of the following purposes: (i) to prevent or lessen a serious or imminent threat to the health or safety of a person or the public, to the extent that disclosure is permitted under 45 Code of Federal Regulations § 164.512(j) and not otherwise permitted by subdivision (4) of this section, (ii) to enforce this Article or Article 22 of this Chapter, or ~~investigating~~ (iii) to investigate a terrorist incident using nuclear, biological, or chemical agents. A law enforcement official who receives the information shall not disclose it further, except (i) when necessary to enforce this Article or Article 22 of this ~~Chapter,~~ Chapter; or when necessary to conduct an investigation of a terrorist incident using nuclear, biological, or chemical ~~agents,~~ agents; or (ii) when the Department or a local health department seeks the assistance of the law enforcement official in preventing or controlling the spread of the disease or condition and expressly authorizes the disclosure as necessary for that ~~purpose;~~purpose.

(8) Release is made by the Department or a local health department to another federal, ~~state~~ State, tribal, or local public health agency for the purpose of preventing or controlling the spread of a communicable disease or communicable ~~condition;~~condition.

(9) Release is made by the Department for bona fide research purposes. The Commission shall adopt rules providing for the use of the information for research ~~purposes;~~purposes.

(10) Release is made pursuant to ~~G.S. 130A-144(b); or~~G.S. 130A-144(b).

(11) Release is made pursuant to any other provisions of law that specifically authorize or require the release of information or records related to AIDS."

SECTION 4.17.(b) This section is effective when it becomes law.

ALLOW LICENSED SOIL SCIENTISTS TO EVALUATE, INSPECT, AND APPROVE ON-SITE WASTEWATER SYSTEM PROJECTS DURING THE CORONAVIRUS EMERGENCY

SECTION 4.18.(a) Notwithstanding G.S. 130A-336.2(a), an individual licensed as a soil scientist pursuant to Chapter 89F of the General Statutes may, at the direction of the owner of a proposed on-site wastewater system, prepare signed and sealed soil and site evaluations, specifications, plans, and reports for the site layout, construction, operation, and maintenance of a wastewater system without also obtaining further certification from the North Carolina On-Site Wastewater Contractors and Inspectors Board.

SECTION 4.18.(b) In addition to the authority granted pursuant to subsection (a) of this section, an individual licensed as a soil scientist pursuant to Chapter 89F of the General Statutes and engaged by the owner of a proposed on-site wastewater system may conduct all necessary inspections, certifications, and approvals, including the issuance of the final inspection and report certifying that the system has been installed according to the approved plans and specifications for the construction, installation, and operation of a proposed wastewater system.

SECTION 4.18.(c) Wastewater systems constructed, installed, and operated under authority of this section shall otherwise comply with the requirements of G.S. 130A-336.2 and rules adopted thereunder. The owner of a proposed wastewater system shall notify the local health department that the owner is engaging a licensed soil scientist pursuant to the authority granted in this section.

SECTION 4.18.(d) The Department of Health and Human Services, the Department's authorized agents, and local health departments shall have no liability for wastewater systems developed, constructed, installed, or approved by a licensed soil scientist acting pursuant to the authority granted in this section; however, nothing in this section shall relieve the Department, the Department's authorized agents, and local health departments from any of their other obligations under State law or administrative rule. The licensed soil scientist conducting the evaluation, installation, and construction of a proposed wastewater system pursuant to this section shall maintain an errors and omissions liability insurance policy issued by an insurer licensed under Chapter 58 of the General Statutes in an amount commensurate with the risk.

SECTION 4.18.(e) This section is effective when it becomes law and expires August 1, 2020. However, the expiration of this section shall not prevent a licensed soil scientist acting under this section's authority from completing a proposed wastewater system begun before this section expires.

(I) ALLOW THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ESTABLISH EMERGENCY MEASURES AND PROCEDURES APPLICABLE TO SOLID WASTE MANAGEMENT, (II) EXPAND LOCAL GOVERNMENT AUTHORITY TO REQUEST WAIVERS FROM THE DEPARTMENT WITH RESPECT TO CERTAIN ITEMS BANNED FROM LANDFILLS, TO INCLUDE YARD WASTE IN CONSIDERATION OF IMPACTS TO PUBLIC HEALTH, DURING THE COVID-19 STATE OF EMERGENCY, AND (III) ALLOW PRIVATE COMPANIES PROVIDING COLLECTION SERVICES FOR YARD TRASH TO REQUEST A WAIVER FROM THE DEPARTMENT TO ALLOW DISPOSAL OF YARD TRASH COLLECTED IN A LANDFILL IN CONSIDERATION OF IMPACTS TO PUBLIC HEALTH, DURING THE COVID-19 STATE OF EMERGENCY

SECTION 4.19.(a) For purposes of this section, "coronavirus emergency" means the period from March 10, 2020, through August 1, 2020.

SECTION 4.19.(b) In order to protect public health or the environment, the Secretary of Environmental Quality, or an authorized representative of the Secretary, may, upon request of a public or private landfill operator, or on the Secretary's own initiative, develop and

implement any emergency measures and procedures that the Secretary deems necessary for the proper management of solid waste generated during the coronavirus emergency. Written notice of emergency measures and procedures developed and implemented pursuant to this section shall be provided to news media, waste organizations, governmental agencies, solid waste facilities, and any other interested or affected parties as determined by the Secretary. Such emergency procedures and measures may include any of the following:

(1) Restrictions on the collection, storage, and transportation of solid waste.

(2) Decisions on facility operational conditions such as operational times and waste acceptance.

(3) Any other measures or procedures necessary to allow for the proper disposal of solid waste within impacted communities.

All State agencies and political subdivisions of the State shall cooperate with the implementation of the emergency measures and procedures developed pursuant to this section.

SECTION 4.19.(c) This section is effective when it becomes law and expires August 1, 2020.

SECTION 4.20.(a) For purposes of this section, "coronavirus emergency" means the period from March 10, 2020, through August 1, 2020.

SECTION 4.20.(b) Notwithstanding G.S. 130A-309.10(f)(3) and G.S. 130A-309.10(k), a county or city may petition the Department of Environmental Quality for a waiver from the prohibition on disposal of yard trash in a landfill during the coronavirus emergency based on a showing that prohibiting the disposal of the material would constitute an economic hardship or a real or potential public health risk.

SECTION 4.20.(c) Notwithstanding G.S. 130A-309.10(f)(3), a private company that is providing collection services for yard trash may petition the Department of Environmental Quality for a waiver from the prohibition on disposal of yard trash in a landfill during the coronavirus emergency based on a showing that prohibiting the disposal of the material would constitute an economic hardship or a real or potential public health risk. The authority granted under this section shall apply to a private company providing collection services for yard trash within a county or city's jurisdiction: (i) whether or not the county or city has elected to request a waiver from the Department pursuant to subsection (b) of this section and (ii) notwithstanding any requirement under a franchise agreement or other contractual arrangement between the private company and a city or county applicable to yard trash disposal.

SECTION 4.20.(d) This section is effective when it becomes law and expires August 1, 2020.

STATE HEALTH PLAN PREMIUM AND DEBT PAYMENT DEFERRAL OPTION DURING DECLARATION OF EMERGENCY

SECTION 4.21.(a) G.S. 135-48.30(a) is amended by adding a new subdivision to read:

"(18) In accordance with G.S. 135-48.39 and subject to approval by the Board of Trustees, issue an order declaring an option of deferring premium or debt payments when there is a state of disaster or emergency."

SECTION 4.21.(b) Part 3 of Article 3B of Chapter 135 of the General Statutes is amended by adding a new section to read:

"**§ 135-48.39. Operations during state of disaster or emergency.**

(a) For the purposes of this section, the term "state of disaster" shall mean that one of the following has occurred:

(1) The Governor or legislature has declared a state of emergency under G.S. 166A-19.20.

(2) The Governor has issued a disaster declaration under G.S. 116A-19.21.

(3) The President of the United States has issued a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121, et seq., as amended, for this State, for an area within this State, or for an area in which a member or an employing unit is located.

(4) The Governor, legislature, or other governing body has declared a state of emergency or disaster, or the equivalent, for an area in which a member or employing unit is located.

(b) Subject to approval by the Board of Trustees, when there is a state of disaster, the State Treasurer may order that members, employing units, or both adversely affected by the state of disaster shall have the option of deferring premium or debt payments that are due during the time period in which there is a state of disaster. The State Treasurer may order the expiration of the option to defer premium or debt payments prior to the end of the time period in which there is a state of disaster but may not extend the option beyond that period.

(c) Any option to defer premium or debt payments offered under this section shall be made for a period of 30 days from the last day the premium or debt payment may have been made under the terms of the Plan, policy, contract, or agreement. This 30-day deferral period may also be applied to any statute, rule, or other policy or contract provision that imposes a time limit on the Plan or a member to perform any act related to the Plan during the time period in which there is a state of disaster. This 30-day deferral period may be extended by the State Treasurer in 30-day increments, subject to approval by the Board of Trustees. A deferral period shall not last beyond 90 days from the last day of the time period in which there is a state of disaster.

(d) An option to defer premium or debt payments offered under this section may be limited to a specific category of members or employing units, as the state of disaster necessitates and as determined by the State Treasurer.

(e) Nothing in this section shall be construed as to authorize the nonpayment of premiums or debt. All premium payments in arrears shall be paid to the Plan. If premiums in arrears are not paid, coverage shall lapse as of the last day of the month for which premiums were paid in full. The member shall be responsible for all medical expenses incurred since the effective date of the lapse in coverage."

SECTION 4.21.(c) This section is effective retroactively to January 1, 2020.

INTERIM DETERMINATIONS AND INTERIM CERTIFICATIONS FOR CERTAIN DISABILITY BENEFITS

SECTION 4.22.(a) This section shall apply to the following General Statutes:

(1) Article 1A of Chapter 120.

(2) Article 3 of Chapter 128.

(3) Article 1 of Chapter 135.

(4) Article 4 of Chapter 135.

(5) Article 6 of Chapter 135.

SECTION 4.22.(b) Whenever the medical board, as established under G.S. 128-28(*l*), 135-6(k), or 135-102(d), is required to make a determination or certification of eligibility for disability benefits, the Director of the Retirement Systems Division of the Department of State Treasurer, or the Director's designee, may make an interim determination or an interim certification that a member or beneficiary is eligible for disability benefits. The Director may not make a determination or certification that a member or beneficiary is not eligible for disability benefits.

SECTION 4.22.(c) The medical board shall review any interim determinations or interim certifications made in accordance with this section as soon as practicable and shall then make a final determination or final certification for disability benefits. If, subsequent to an interim determination or interim certification, the medical board makes a final determination that a

member or beneficiary is not eligible for disability benefits, then any payment to that member or beneficiary shall cease and the determination shall be applied prospectively only so that the final determination will not require any refund by the member or beneficiary to the applicable retirement system or benefit plan for payments or benefits received during the interim period before the final determination is made.

SECTION 4.22.(d) This section is effective when it becomes law. Subsection (b) of this section expires August 1, 2020. Any interim determinations or interim certifications made, as allowed under subsection (b) of this section, will remain valid until a final determination is made, in accordance with subsection (c) of this section.

TEMPORARILY REMOVE BARRIERS TO ALLOW RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO WORK ON A PART-TIME, TEMPORARY, OR INTERIM BASIS DURING STATE OF EMERGENCY RELATED TO COVID-19

SECTION 4.23.(a) For individuals who retired under the Teachers' and State Employees' Retirement System (TSERS) on or after October 1, 2019, but before April 1, 2020, the six-month separation from service from an employer that is required under G.S. 135-1(20) in order for a retirement to become effective shall not apply and instead a one-month separation shall be required, provided that the position to which the individual returns is needed due to the COVID-19 pandemic, as certified to the Retirement Systems Division of the Department of State Treasurer by the employing agency. Upon the expiration of this section, all of the following shall apply:

(1) The six-month separation from an employer required under G.S. 135-1(20) shall again be applicable to individuals who retired under TSERS on or after October 1, 2019, but before April 1, 2020.

(2) In order for a member's retirement under TSERS on or after October 1, 2019, but before April 1, 2020, to become effective in any month, the member must perform no work for an employer, including part-time, temporary, substitute, or contractor work, at any time between the expiration of this section and the end of the six months immediately following the effective date of retirement, provided the expiration of the six-month period of separation did not occur while this section was in effect.

(3) For individuals who retired under TSERS on or after October 1, 2019, but before April 1, 2020, any time worked between March 10, 2020, and the time this section expires shall not be considered work for the purposes of the six-month separation required under G.S. 135-1(20).

SECTION 4.23.(b) For individuals who retired prior to April 1, 2020, any earnings received between March 10, 2020, and the time that this section expires shall not be treated as earned by a TSERS beneficiary under the provisions of G.S. 135-3(8)c., provided those earnings are related to a position needed due to the COVID-19 pandemic, as certified to the Retirement Systems Division of the Department of State Treasurer by the employing agency.

SECTION 4.23.(c) For individuals who retired prior to April 1, 2020, any earnings received between March 10, 2020, and the time that this section expires shall not be treated as earned by a beneficiary of the Local Governmental Employees Retirement System (LGERS) under the provisions of G.S. 128-24(5)c., provided those earnings are related to a position needed due to the COVID-19 pandemic, as certified to the Retirement Systems Division of the Department of State Treasurer by the employing unit.

SECTION 4.23.(d) Any benefits received by or paid to a law enforcement officer or retired law enforcement officer under Article 12D of Chapter 143 of the General Statutes shall not be impacted by any work performed between March 10, 2020, and the time that this section

expires, provided that work performed is needed due to the COVID-19 pandemic, as documented by the employing unit or agency.

SECTION 4.23.(e) This section is effective when it becomes law and expires August 1, 2020.

FLEXIBILITY TO WAIVE INTEREST ON PROCUREMENT

SECTION 4.24.(a) Notwithstanding G.S. 147-86.23, a State agency, as defined in G.S. 147-86.20(5), may waive any interest due on a past-due account receivable. This section does not apply to money owed to the University of North Carolina Health Care System or to East Carolina University's Division of Health Sciences for health care services, to the North Carolina Turnpike Authority for money owed to the Authority for tolls, or to the North Carolina State Health Plan for past-due account receivables related to premiums and claims payments.

SECTION 4.24.(b) This section is effective when it becomes law and expires August 1, 2020.

PROVIDE FOR THE RESCHEDULING OF PUBLIC HEARINGS DURING TEMPORARY RULE MAKING

SECTION 4.25.(a) G.S. 150B-21.1 reads as rewritten:

"**§ 150B-21.1. Procedure for adopting a temporary rule.**

…

(a3) Unless otherwise provided by law, the agency shall:

(1) At least 30 business days prior to adopting a temporary rule, submit the rule and a notice of public hearing to the Codifier of Rules, and the Codifier of Rules shall publish the proposed temporary rule and the notice of public hearing on the Internet to be posted within five business days.

(2) At least 30 business days prior to adopting a temporary rule, notify persons on the mailing list maintained pursuant to G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a temporary rule and of the public hearing.

(3) Accept written comments on the proposed temporary rule for at least 15 business days prior to adoption of the temporary rule.

(4) Hold at least one public hearing on the proposed temporary rule no less than five days after the rule and notice have been published. If notice of a public hearing has been published and that public hearing has been cancelled, the agency shall publish notice at least five days prior to the date of any rescheduled hearing.

…."

SECTION 4.25.(b) This section is effective retroactively to March 10, 2020.

AUTHORIZE THE CHIEF ADMINISTRATIVE LAW JUDGE TO EXTEND THE TIME PERIOD FOR THE FILING OF CONTESTED CASES DURING CATASTROPHIC CONDITIONS

SECTION 4.26.(a) G.S. 150B-23 reads as rewritten:

"**§ 150B-23. Commencement; assignment of administrative law judge; hearing required; notice; intervention.**

…

(f) Unless another statute or a federal statute or regulation sets a time limitation for the filing of a petition in contested cases against a specified agency, the general limitation for the filing of a petition in a contested case is 60 days. The time limitation, whether established by another statute, federal statute, or federal regulation, or this section, shall commence when notice is given of the agency decision to all persons aggrieved who are known to the agency by personal

delivery, electronic delivery, or by the placing of the notice in an official depository of the United States Postal Service wrapped in a wrapper addressed to the person at the latest address given by the person to the agency. The notice shall be in writing, and shall set forth the agency action, and shall inform the persons of the right, the procedure, and the time limit to file a contested case petition. When no informal settlement request has been received by the agency prior to issuance of the notice, any subsequent informal settlement request shall not suspend the time limitation for the filing of a petition for a contested case hearing. When the Chief Justice of the North Carolina Supreme Court determines and declares that catastrophic conditions exist or have existed in one or more counties of the State and issues an order pursuant to G.S. 7A-39(b), the chief administrative law judge may by order entered pursuant to this subsection extend, to a date certain no fewer than 10 days after the effective date of the order, the time or period of limitation, whether established by another statute or this section, for the filing of a petition for a contested case. The order shall be in writing and shall become effective for each affected county upon the date set forth in the order, and if no date is set forth in the order, then upon the date the order is signed by the chief administrative law judge. The order shall provide that it shall expire upon the expiration of the Chief Justice's order.

…."

SECTION 4.26.(b) This section is effective retroactively to March 10, 2020.

CLARIFY "AVAILABLE FOR PUBLIC INSPECTION"/LOCAL GOVERNMENT BUDGET PROCESS

SECTION 4.27.(a) G.S. 159-12 reads as rewritten:

"**§ 159-12. Filing and publication of the budget; budget hearings.**

(a) On the same day that he submits the budget to the governing board, the budget officer shall file a copy of it ~~in the office of~~ with the clerk to the board where it shall remain available ~~for public inspection~~ until the budget ordinance is adopted. The clerk to the board may post a copy of such budget on the Web site of the unit of local government and shall provide copies in accordance with Chapter 132 of the General Statutes. The clerk shall make a copy of the budget available to all news media in the county. He shall also publish a statement that the budget has been submitted to the governing board, and is available for public ~~inspection in the office of the clerk to the board.~~ inspection. The statement shall also give notice of the time and place of the budget hearing required by subsection (b) of this section.

(b) Before adopting the budget ordinance, the board shall hold a public hearing at which time any persons who wish to be heard on the budget may appear."

SECTION 4.27.(b) This section is effective when it becomes law and expires August 1, 2020.

DAILY DEPOSIT REQUIREMENT UNDER THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT

SECTION 4.28.(a) G.S. 159-32 reads as rewritten:

"**§ 159-32. Daily deposits.**

(a) Except as otherwise provided by law, all taxes and other moneys collected or received by an officer or employee of a local government or public authority shall be deposited in accordance with this section. Each officer and employee of a local government or public authority whose duty it is to collect or receive any taxes or other moneys shall, on a daily basis, deposit or submit to a properly licensed and recognized cash collection service all collections and receipts. However, if the governing board gives its approval, deposits or submissions to a properly licensed and recognized cash collection service shall be required only when the moneys on hand amount to five hundred dollars ($500.00) or greater. Until deposited or officially submitted to a properly licensed and recognized cash collection service, all moneys must be maintained in a secure location. All deposits shall be made with the finance officer or in an official depository. Deposits

in an official depository shall be immediately reported to the finance officer by means of a duplicate deposit ticket. The finance officer may at any time audit the accounts of any officer or employee collecting or receiving taxes or other moneys, and may prescribe the form and detail of these accounts. The accounts of such an officer or employee shall be audited at least annually.

(b) The Secretary may, during an emergency declaration issued under G.S. 166A-19.20, set the amount of moneys on hand requiring daily deposits and may require deposits on less than a daily basis, provided the moneys are maintained in a secure location and deposited at least weekly."

SECTION 4.28.(b) This section is effective when it becomes law.

LOCAL GOVERNMENT COMMISSION REVISIONS

SECTION 4.29.(a) G.S. 159-33.1 reads as rewritten:

"**§ 159-33.1. Semiannual reports of financial information.**

(a) The finance officer of each unit and public authority shall submit to the secretary on January 1 and July 1 of each year (or such other dates as the secretary may prescribe) a statement of financial information concerning the unit or public authority. The secretary may prescribe the information to be included in the statement and may prescribe the form of the statement; provided, however, the secretary shall prescribe that the finance officer of each city and county shall include in the statement the total revenues received from building inspections, by type, and the total expenditures paid from all revenues received, by type.

(b) Notwithstanding the provisions of subsection (a) of this section or any rule or regulation prescribed by the secretary, the finance officer of each county, municipality, water district or authority, sewer district or authority, sanitary district, and metropolitan sewage district shall submit to the secretary a statement of financial information concerning the impact of COVID-19 on the finances of the unit or public authority no later than February 15, 2021. The information in the statement shall include monthly data for the time period of July 1, 2019, through December 31, 2020, on the following: (i) utility payments, including water, sewer, and electric, (ii) reductions in tax revenue, (iii) reductions in services due to reductions in tax revenue, (iv) total revenues received from building inspections, by type, (v) the ability to meet debt service obligations, (vi) the balances of any capital reserve funds, (vii) the purpose of any withdrawals from capital reserve funds, and (viii) any other information prescribed by the secretary. The Local Government Commission shall use the information provided pursuant to this subsection to identify units and public authorities that require assistance similar to that provided to units and public authorities on the Unit Assistance List compiled by the Commission.

(c) No later than March 15, 2021, the Local Government Commission shall report on the information provided by units and public authorities pursuant to subsection (b) of this section, including any recommendations for legislation, to the Joint Legislative Committee on General Government and the Fiscal Research Division."

SECTION 4.29.(b) G.S. 159-33.1(b), as enacted by subsection (a) of this section, expires February 15, 2021, and G.S. 159-33.1(c), as enacted by subsection (a) of this section, expires March 15, 2021.

REINSTATE SPECIAL OBLIGATION BONDS

SECTION 4.30.(a) G.S. 159I-30 is reenacted as it existed immediately before its expiration, is recodified as G.S. 159-146, and is rewritten to read:

"Article 7A.

"Special Obligation Bonds and Notes.

"**§ 159-146. Additional powers of units of local government; issuance of special obligation bonds and notes.**

(a) Authorization. – Any unit of local government may borrow money for the purpose of financing or refinancing its cost of the acquisition or construction of a project and may issue

special obligation bonds and notes, including bond anticipation notes and renewal notes, pursuant to the provisions of this section.

(a1) Definitions. – Unless a different meaning is required by the context, the definitions set out in G.S. 130A-290 and the following definitions apply to this Article:

(1) Bonds. – The special obligation bonds authorized to be issued by a unit of local government under this Article.

(2) Costs. – The capital cost of acquiring or constructing any project, including, without limitation, all of the following:

a. The costs of doing one or more of the following deemed necessary or convenient by a unit of local government:

1. Acquiring, constructing, erecting, providing, developing, installing, furnishing, and equipping.
2. Reconstructing, remodeling, altering, renovating, replacing, refurnishing, and re-equipping.
3. Enlarging, expanding, and extending.
4. Demolishing, relocating, improving, grading, draining, landscaping, paving, widening, and resurfacing.

b. The costs of all property, both real and personal and both improved and unimproved, and of plants, works, appurtenances, structures, facilities, furnishings, machinery, equipment, vehicles, easements, water rights, air rights, franchises, and licenses used or useful in connection with the purpose authorized.

c. The costs of demolishing or moving structures from land acquired and acquiring any lands to which such structures thereafter are to be moved.

d. Financing charges, including estimated interest during the acquisition or construction of such project and for six months thereafter.

e. The costs of services to provide and the cost of plans, specifications, studies and reports, surveys, and estimates of costs and revenues.

f. The costs of paying any interim financing, including principal, interest, and premium, related to the acquisition or construction of a project.

g. Administrative and legal expenses and administrative charges.

h. The costs of obtaining bond and reserve fund insurance and investment contracts, of credit-enhancement facilities, liquidity facilities and interest-rate agreements, and of establishing and maintaining debt service and other reserves.

i. Any other services, costs, and expenses necessary or incidental to the purpose authorized.

(3) Credit facility. – An agreement entered into by the unit with a bank, a savings and loan association, or another banking institution; an insurance company, a reinsurance company, a surety company, or another insurance institution; a corporation, an investment banking firm, or another investment institution; or any financial institution, providing for prompt payment of all or any part of the principal, or purchase price (whether at maturity, presentment, or tender for purchase, redemption, or acceleration), redemption premium, if any, and interest on any bonds or notes payable on demand or tender by the owner, in consideration of the unit agreeing to repay the provider of the credit facility in accordance with the terms and provisions of the agreement; the provider of any credit facility may be located either within or without the United States of America.

(4) Local Government Commission. – The Local Government Commission of the Department of the State Treasurer, established by Article 2 of this Chapter and any successor of said Commission.

(5) Notes. – The special obligation notes or special obgligation bond anticipation notes authorized to be issued by a unit of local government under this Article.

(6) Par formula. – Any provision or formula adopted by the unit to provide for the adjustment, from time to time of the interest rate or rates borne by any bonds or notes including any of the following:

a. A provision providing for such adjustment so that the purchase price of such bonds or notes in the open market would be as close to par as possible.

b. A provision providing for such adjustment based upon a percentage or percentages of a prime rate or base rate, which percentage or percentages may vary or be applied for different periods of time.

c. Any other provision as the unit may determine to be consistent with this section and does not materially and adversely affect the financial position of the unit and the marketing of the bonds or notes at a reasonable interest cost to the unit.

(7) Project. – Any of the following:

a. Solid waste management projects and capital expenditures to implement such projects, including, without limitation, the purchase of equipment or facilities, construction costs of an incinerator; land to be used for recycling facilities or landfills; leachate collection and treatment systems; liners for landfills; monitoring wells; recycling equipment and facilities; volume reduction equipment; and financing charges. This sub-subdivision does not include (i) the operational and maintenance costs of solid waste management facilities or programs; (ii) general planning or feasibility studies; or (iii) the purchase of land, unless the land is to be used for a recycling facility or a landfill.

b. Any of the following as defined in S.L. 1998-132: water supply systems, water conservation projects, water reuse projects, wastewater collection systems, and wastewater treatment works.

c. With respect to a city, any service or facility authorized by G.S. 160A-536 and provided in a municipal service district.

(8) Unit of local government or unit. – Any of the following:

a. A unit of local government as defined in G.S. 159-44(4).

b. Any combination of units, as defined in G.S. 160A-460(2), entering into a contract or agreement with each other under G.S. 160A-461.

c. Any joint agency established under G.S. 160A-462; as any such section may be amended from time to time.

d. Any regional solid waste management authority created pursuant to G.S. 153A-421.

e. A consolidated city-county as defined by G.S. 160B-2(1), including such a consolidated city-county acting with respect to an urban service district defined by a consolidated city-county.

(b) Pledge. – Each unit of local government may pledge for the payment of a special obligation bond or note any available source or sources of revenues of the unit and, to the extent the generation of the revenues is within the power of the unit, may enter into covenants to take action in order to generate the revenues, as long as the pledge of these sources for payments or the covenant to generate revenues does not constitute a pledge of the unit's taxing power.

No agreement or covenant shall contain a nonsubstitution clause which restricts the right of a unit of local government to replace or provide a substitute for any project financed pursuant to this section.

The sources of payment pledged by a unit of local government shall be specifically identified in the proceedings of the governing body authorizing the unit to issue the special obligation bonds or notes.

After the issuance of special obligation bonds or notes, the governing body of the issuing unit may identify one or more additional sources of payment for the bonds or notes and pledge these sources, as long as the pledge of the sources does not constitute a pledge of the taxing power of the unit. Each source of additional payment pledged shall be specifically identified in the proceedings of the governing body of the unit pledging the source. The governing body of the unit may not pledge an additional source of revenue pursuant to this paragraph unless the pledge is first approved by the Local Government Commission pursuant to the procedures provided in subsection (i) of this section.

The sources of payment so pledged and then held or thereafter received by a unit or any fiduciary thereof shall immediately be subject to the lien of the pledge without any physical delivery of the sources or further act. The lien shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against a unit without regard to whether the parties have notice thereof. The proceedings or any other document or action by which the lien on a source of payment is created need not be filed or recorded in any manner other than as provided in this section.

(b1) Security Interest. – In connection with issuing its special obligation bonds or special obligation bond anticipation notes under this Article, a unit of local government may grant a security interest in the project financed, or in all or some portion of the property on which the project is located, or in both. If a unit of local government determines to provide additional security as authorized by this subsection, the following conditions apply:

(1) No bond order may contain a nonsubstitution clause that restricts the right of a unit of local government to do any of the following:
   a. Continue to provide a service or activity.
   b. Replace or provide a substitute for any municipal purpose financed pursuant to the bond order.

(2) A bond order is subject to approval by the Commission under Article 8 of this Chapter if both of the following apply:
   a. The order meets the standards set out in G.S. 159-148(a)(1), 159-148(a)(2), and 159-148(a)(3), or involves the construction or repair of fixtures or improvements on real property.
   b. The order is not exempted from the provisions of that Article by one of the exemptions contained in G.S. 159-148(b)(1) and (2).

   The Commission approval required by this subdivision is in addition to the Commission approval required by subsection (i) of this section.

(3) No deficiency judgment may be rendered against any unit of local government in any action for breach of a bond order authorized by this section, and the taxing power of a unit of local government is not and may not be pledged directly or indirectly to secure any moneys due under a bond order authorized by this section. This prohibition does not impair the right of the holder of a bond or note to exercise a remedy with respect to the revenues pledged to secure the bond or note, as provided in the bond order, resolution, or trust agreement under which the bond or note is authorized and secured. A unit of local government may, in its sole discretion, use tax proceeds to pay the principal of or interest or premium on bonds or notes, but shall not pledge or agree to do so.

(4) Before granting a security interest under this subsection, a unit of local government shall hold a public hearing on the proposed security interest. A notice of the public hearing shall be published once at least 10 days before the date fixed for the hearing.

(c) Payment; Call. – Any bond anticipation notes may be made payable from the proceeds of bonds or renewal notes or, in the event bond or renewal note proceeds are not available, the notes may be paid from any sources available under subsection (b) of this section. Bonds or notes may also be paid from the proceeds of any credit facility. The bonds and notes of each issue shall be dated and may be made redeemable prior to maturity at the option of the unit of local government or otherwise, at such price or prices, on such date or dates, and upon such terms and conditions as may be determined by the unit. The bonds or notes may also be made payable from time to time on demand or tender for purchase by the owner, upon terms and conditions determined by the unit.

(d) Interest. – The interest payable by a unit on any special obligation bonds or notes may be at such rate or rates, including variable rates as authorized in this section, as may be determined by the Local Government Commission with the approval of the governing body of the unit. This approval may be given as the governing body of the unit may direct, including, without limitation, a certificate signed by a representative of the unit designated by the governing body of the unit.

(e) Nature of Obligation. – Special obligation bonds and notes shall be special obligations of the unit of local government issuing them. The principal of, and interest and any premium on, special obligation bonds and notes shall be secured solely by any one or more of the sources of payment authorized by this section as may be pledged in the proceedings, resolution, or trust agreement under which they are authorized or secured. Neither the faith and credit nor the taxing power of the unit of local government are pledged for the payment of the principal of, or interest or any premium on, any special obligation bonds or notes, and no owner of special obligation bonds or notes has the right to compel the exercise of the taxing power by the unit in connection with any default thereon. Every special obligation bond and note shall recite in substance that the principal and interest and any premium on the bond or note are secured solely by the sources of payment pledged in the bond order, resolution, or trust agreement under which it is authorized or secured. The following limitations apply to payment from the specified sources:

(1) Any such use of these sources will not constitute a pledge of the unit's taxing power.

(2) The unit is not obligated to pay the principal or interest or premium except from these sources.

(f) Details. – In fixing the details of bonds or notes, the unit of local government may provide that any of the bonds or notes may do any of the following:

(1) Be made payable from time to time on demand or tender for purchase by the owner thereof as long as a credit facility supports the bonds or notes, unless the Local Government Commission specifically determines that a credit facility is not required upon a finding and determination by the Local Government Commission that the absence of a credit facility will not materially and adversely affect the financial position of the unit and the marketing of the bonds or notes at a reasonable interest cost to the unit.

(2) Be additionally supported by a credit facility.

(3) Be made subject to redemption or a mandatory tender for purchase prior to maturity.

(4) Bear interest at a rate or rates that may vary for such period or periods of time, all as may be provided in the proceedings providing for the issuance of the bonds or notes including, without limitation, such variations as may be permitted pursuant to a par formula.

(5) Be made the subject of a remarketing agreement whereby an attempt is made to remarket the bonds or notes to new purchasers prior to their presentment for payment to the provider of the credit facility or to the unit.

(g) Credit Facility. – The obligation of a unit of local government under a credit facility to repay any drawing thereunder may be made payable and otherwise secured, to the extent applicable, as provided in this section.

(h) Term; Form. – Notes shall mature at such time or times and bonds shall mature, not exceeding 40 years from their date or dates, as may be determined by the unit of local government, except that no such maturity dates may exceed the maximum maturity periods prescribed by the Local Government Commission pursuant to G.S. 159-122, as it may be amended from time to time. The unit shall determine the form and manner of execution of the bonds or notes, including any interest coupons to be attached thereto, and shall fix the denomination or denominations and the place or places of payment of principal and interest, which may be any bank or trust company within or without the United States. In case any officer of the unit whose signature, or a facsimile of whose signature, appears on any bonds or notes or coupons, if any, ceases to be the officer before delivery thereof, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if the officer had remained in office until the delivery. Any bond or note or coupon may bear the facsimile signatures of such persons who at the actual time or the execution thereof were the proper officers to sign although at the date of the bond or note or coupon these persons may not have been the proper officers. The unit may also provide for the authentication of the bonds or notes by a trustee or other authenticating agent. The bonds or notes may be issued as certificated or uncertificated obligations or both, and in coupon or in registered form, or both, as the unit may determine, and provision may be made for the registration of any coupon bonds or notes as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds or notes of any bonds or notes registered as to both principal and interest, and for the interchange of registered and coupon bonds or notes. Any system for registration may be established as the unit may determine.

(i) Local Government Commission Approval. – No bonds or notes may be issued by a unit of local government under this section unless the issuance is approved and the bonds or notes are sold by the Local Government Commission as provided in this section. The unit shall file with the Secretary of the Local Government Commission an application requesting approval of the issuance of the bonds or notes, which application shall contain such information and shall have attached to it such documents concerning the proposed financing as the Secretary of the Local Government Commission may require. The Commission may prescribe the form of the application. Before the Secretary accepts the application, the Secretary may require the governing body of the unit or its representatives to attend a preliminary conference, at which time the Secretary or the deputies of the Secretary may informally discuss the proposed issue and the timing of the steps taken in issuing the special obligation bonds or notes.

In determining whether a proposed bond or note issue should be approved, the Local Government Commission may consider, to the extent applicable as shall be determined by the Local Government Commission, the criteria set forth in G.S. 159-52 and G.S. 159-86, as either may be amended from time to time, as well as the effect of the proposed financing upon any scheduled or proposed sale of obligations by the State or by any of its agencies or departments or by any unit of local government in the State. The Local Government Commission shall approve the issuance of the bonds or notes if, upon the information and evidence it receives, it finds and determines that the proposed financing will satisfy such criteria and will effect the purposes of this section. An approval of an issue shall not be regarded as an approval of the legality of the issue in any respect. A decision by the Local Government Commission denying an application is final.

Upon the filing with the Local Government Commission of a written request of the unit requesting that its bonds or notes be sold, the bonds or notes may be sold by the Local Government Commission in such manner, either at public or private sale, and for such price or prices as the Local Government Commission shall determine to be in the best interests of the unit and to effect the purposes of this section, if the sale is approved by the unit.

(j) Proceeds. – The proceeds of any bonds or notes shall be used solely for the purposes for which the bonds or notes were issued and shall be disbursed in such manner and under such restrictions, if any, as the unit may provide in the resolution authorizing the issuance of, or in any trust agreement securing, the bonds or notes.

(k) Interim Documents; Replacement. – Prior to the preparation of definitive bonds, the unit may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when definitive bonds have been executed and are available for delivery. The unit may also provide for the replacement of any bonds or notes which shall become mutilated or shall be destroyed or lost.

(*l*) No Other Conditions. – Bonds or notes may be issued under the provisions of this section without obtaining, except as otherwise expressly provided in this section, the consent of any department, division, commission, board, body, bureau, or agency of the State and without any other proceedings or the happening of any conditions or things other than those proceedings, conditions, or things that are specifically required by this section, and the provisions of the resolution authorizing the issuance of, or any trust agreement securing, the bonds or notes.

(m) Trust. – In the discretion of the unit of local government, any bonds and notes issued under the provisions of this section may be secured by a trust agreement by and between the unit and a corporate trustee or by a resolution providing for the appointment of a corporate trustee. Bonds and notes may also be issued under an order or resolution without a corporate trustee. The corporate trustee may be, in either case any trust company or bank having the powers of a trust company within or without the State. The trust agreement or resolution may pledge or assign such sources of revenue as may be permitted under this section. The trust agreement or resolution may contain such provisions for protecting and enforcing the rights and remedies of the owners of any bonds or notes issued thereunder as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the unit in respect of the purposes to which bond or note proceeds may be applied, the disposition and application of the revenues of the unit, the duties of the unit with respect to the project, the disposition of any charges and collection of any revenues and administrative charges, the terms and conditions of the issuance of additional bonds and notes, and the custody, safeguarding, investment, and application of all moneys. All bonds and notes issued under this section shall be equally and ratably secured by a lien upon the revenues pledged in the trust agreement or resolution, without priority by reasons of number, or dates of bonds or notes, execution, or delivery, in accordance with the provision of this section and of the trust agreement or resolution, except that the unit may provide in the trust agreement or resolution that bonds or notes issued pursuant thereto shall, to the extent and in the manner prescribed in the trust agreement or resolution, be subordinated and junior in standing, with respect to the payment of principal and interest and to the security thereof, to any other bonds or notes. It shall be lawful for any bank or trust company that may act as depository of the proceeds of bonds or notes, revenues, or any other money hereunder to furnish such indemnifying bonds or to pledge such securities as may be required by the unit. Any trust agreement or resolution may set out the rights and remedies of the owners of any bonds or notes and of any trustee, and may restrict the individual rights of action by the owners. In addition to the foregoing, any trust agreement or resolution may contain such other provisions as the unit may deem reasonable and proper for the security of the owners of any bonds or notes. Expenses incurred in carrying out the provisions of any trust agreement or resolution may be treated as a part of the cost of any project or as an administrative charge and may be paid from the revenues or from any other funds available.

The State does pledge to, and agree with, the holders of any bonds or notes issued by any unit that so long as any of the bonds or notes are outstanding and unpaid the State will not limit or alter the rights vested in the unit at the time of issuance of the bonds or notes to set the terms and conditions of the bonds or notes and to fulfill the terms of any agreements made with the bondholders or noteholders. The State shall in no way impair the rights and remedies of the bondholders or noteholders until the bonds or notes and all costs and expenses in connection with any action or proceedings by or on behalf of the bondholders or noteholders, are fully paid, met, and discharged.

(n) Remedies. – Any owner of bonds or notes issued under the provisions of this Article or any coupons appertaining thereto, and the trustee under any trust agreement securing or resolution authorizing the issuance of such bonds or notes, except to the extent the rights herein given may be restricted by such trust agreement or resolution, may either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any and all rights under the laws of the State or granted hereunder or under such trust agreement or resolution, or under any other contract executed by a unit of local government pursuant to this Article; and may enforce and compel the performance of all duties required by this Article or by such trust agreement or resolution by the unit of local government or by any officer thereof.

(o) UCC Status. – All bonds and notes and interest coupons, if any, issued under this Article are hereby made investment securities within the meaning of and for all the purposes of Article 8 of the Uniform Commercial Code, as enacted in Chapter 25 of the General Statutes.

(p) Investment Eligibility. – Bonds and notes issued under the provisions of this Article are hereby made securities in which all public offices, agencies, and public bodies of the State and its political subdivisions, all insurance companies, trust companies, investment companies, banks, savings banks, building and loan associations, credit unions, pension or retirement funds, other financial institutions engaged in business in the State, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds or notes are hereby made securities, which may properly and legally be deposited with and received by any officer or agency of the State or political subdivision of the State for any purpose for which the deposit of bonds, notes, or obligations of the State or any political subdivision is now or may hereafter be authorized by law.

(q) Tax Exemption. – All of the bonds and notes authorized by this Article shall be exempt from all State, county, and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, excluding income taxes on the gain from the transfer of the bonds and notes, and franchise taxes. The interest on the bonds and notes shall not be subject to taxation as income.

(r) Refunding Bonds. – Subject to agreements with the holders of its bonds or notes, a unit may issue bonds to refund outstanding bonds or notes previously issued under this Article or any predecessor provision to this Article, including bonds previously issued under Chapter 159I of the General Statutes, as amended, whether or not they have matured. Bonds may be issued partly for the purpose of refunding outstanding bonds and partly for any other purpose under this Article. Refunding bonds may be issued at any time prior to the final maturity of the debt or obligation to be refunded. The proceeds from the sale of any refunding bonds shall be applied only as follows: either, (i) to the immediate payment and retirement of the obligations being refunded or (ii) if not required for the immediate payment of the obligations being refunded such proceeds shall be deposited in trust to provide for the payment and retirement of the obligations being refunded, and to pay any expenses incurred in connection with such refunding. Money in any such trust fund may be invested in (i) direct obligations of the United States government, or (ii) obligations the principal of and interest on which are guaranteed by the United States government, or (iii) to the extent then permitted by law in obligations of any agency or instrumentality of the United States government, (iv) certificates of deposit issued by a bank or trust company located in the State of North Carolina if such certificates shall be secured by a

pledge of any of said obligations described in (i), (ii), or (iii) above having any aggregate market value, exclusive of accrued interest, equal at least to the principal amount of the certificates so secured. Nothing herein shall be construed as a limitation on the duration of any deposit in trust for the retirement of obligations being refunded but which shall not have matured and which shall not be presently redeemable or, if presently redeemable, shall not have been called for redemption."

SECTION 4.30.(b) G.S. 113A-115.1(h) reads as rewritten:

"(h) A local government may not use funds generated from any of the following financing mechanisms for any activity related to the terminal groin or its accompanying beach fill project:

(1) Special obligation bonds issued pursuant to ~~Chapter 159I~~ Article 7A of Chapter 159 of the General Statutes.

…."

SECTION 4.30.(c) G.S. 153A-427(a)(13) reads as rewritten:

"(13) To issue revenue bonds and special obligation bonds of the authority and enter into other financial arrangements including those permitted by this Chapter and Chapters ~~159, 159I,~~ 159 and 160A of the General Statutes to finance solid waste management activities, including but not limited to systems and facilities for waste reduction, materials recovery, recycling, resource recovery, landfilling, ash management, and disposal and for related support facilities, to refund any revenue ~~bonds~~ bonds, special obligation bonds or notes issued by the authority, whether or not in advance of their maturity or earliest redemption date, or to provide funds for other corporate purposes of the authority;"

SECTION 4.30.(d) G.S. 159-7(4) reads as rewritten:

"(4) "Debt service" is the sum of money required to pay installments of principal and interest on bonds, notes, and other evidences of debt accruing within a fiscal year, to maintain sinking funds, and to pay installments on debt instruments issued pursuant to Article 7A of this Chapter or Chapter 159G of the General Statutes ~~or Chapter 159I of the General Statutes~~ accruing within a fiscal year."

SECTION 4.30.(e) G.S. 159-35(c) reads as rewritten:

"(c) The secretary shall mail to each unit of local government not later than 30 days prior to the due date of each payment due to the State under debt instruments issued pursuant to Article 7A of this Chapter or Chapter 159G of the General Statutes ~~or Chapter 159I of the General Statutes~~ a statement of the amount so payable, the due date, the amount of any moneys due to the unit of local government that will be withheld by the State and applied to the payment, the amount due to be paid by the unit of local government from local sources, the place to which payment should be sent, and a summary of the legal penalties for failing to honor the debt instrument according to its terms. Failure of the secretary timely to mail such statement or otherwise comply with the provisions of this subsection (c) shall not affect in any manner the obligation of a unit of local government to make payments to the State in accordance with any such debt instrument."

SECTION 4.30.(f) G.S. 159-123(b) reads as rewritten:

"(b) The following classes of bonds may be sold at private sale:

…

(3) Revenue bonds, including any refunding bonds issued pursuant to G.S. 159-84, and special obligation bonds issued pursuant to ~~Chapter 159I of the General Statutes.~~Article 7A of this Chapter.

…."

SECTION 4.30.(g) G.S. 159-148 reads as rewritten:

"**§ 159-148. Contracts subject to Article; exceptions.**

(a) Except as provided in subsection (b) of this section, this Article applies to any contract, agreement, memorandum of understanding, and any other transaction having the force and effect of a contract (other than agreements made in connection with the issuance of revenue bonds, special obligation bonds issued pursuant to ~~Chapter 159I of the General Statutes,~~ Article 7A of this Chapter, or of general obligation bonds additionally secured by a pledge of revenues) made or entered into by a unit of local government (as defined by G.S. 159-7(b) or, in the case of a special obligation bond, as ~~defined in Chapter 159I of the General Statutes),~~ authorized in G.S. 159-146), relating to the lease, acquisition, or construction of capital assets, which contract does all of the following:

…

(b) This Article shall not apply to:

…

~~(3) Loan agreements entered into by a unit of local government pursuant to the North Carolina Solid Waste Management Loan Program, Chapter 159I of the General Statutes.~~"

SECTION 4.30.(h) G.S. 159-165(a) reads as rewritten:

"(a) Bond anticipation notes of a municipality, including special obligation bond anticipation notes issued pursuant to ~~Chapter 159I of the General Statutes,~~ Article 7A of this Chapter, shall be sold by the Commission at public or private sale according to such procedures as the Commission may prescribe. Bond anticipation notes of the State shall be sold by the State Treasurer at public or private sale, upon such terms and conditions, and according to such procedures as the State Treasurer may prescribe."

SECTION 4.30.(i) G.S. 130A-291(c)(2) reads as rewritten:

"(2) If the unit of local government incurs debt after September 1, 2017, and the issuance of the debt will be conditioned upon the unit of local government requiring that all waste collected within the county be disposed of within the landfill, for expansion of a landfill or construction of a new landfill after all necessary approvals for issuance of the debt have been obtained from the Local Government Commission in compliance with Chapter 159 of the General Statutes, including the demonstration of need and cost required by ~~G.S. 159-211,~~ G.S. 159-216, the unit of local government may adopt and enforce such an ordinance until the date the debt associated with expansion of the landfill, or construction of the new landfill, has matured."

SECTION 4.30.(j) This section is effective retroactively to July 1, 2019.

PUBLIC BODIES/REMOTE MEETINGS DURING DECLARED EMERGENCIES

SECTION 4.31.(a) Article 1A of Chapter 166A of the General Statutes is amended by adding a new section to read:

"**§ 166A-19.24. Remote meetings during certain declarations of emergency.**

(a) Remote Meetings. – Notwithstanding any other provision of law, upon issuance of a declaration of emergency under G.S. 166A-19.20, any public body within the emergency area may conduct remote meetings in accordance with this section and Article 33C of Chapter 143 of the General Statutes throughout the duration of that declaration of emergency.

(b) Requirements. – The public body shall comply with all of the following with respect to remote meetings conducted under this section:

(1) The public body shall give proper notice under G.S. 143-318.12 and under any other requirement for notice applicable to the public body. The notice shall also specify the means by which the public can access the remote meeting as that remote meeting occurs.

(2) Any member of the public body participating by a method of simultaneous communication in which that member cannot be physically seen by the public body must identify himself or herself in each of the following situations:
a. When the roll is taken or the remote meeting is commenced.
b. Prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order.
c. Prior to voting.
(3) All documents to be considered during the remote meeting shall be provided to each member of the public body.
(4) The method of simultaneous communication shall allow for any member of the public body to do all of the following:
a. Hear what is said by the other members of the public body.
b. Hear what is said by any individual addressing the public body.
c. To be heard by the other members of the public body when speaking to the public body.
(5) All votes shall be roll call; no vote by secret or written ballots, whether by paper or electronic means or in accordance with G.S. 143-318.13(b), may be taken during the remote meeting.
(6) The public body shall comply with G.S. 143-318.13(c).
(7) The minutes of the remote meeting shall reflect that the meeting was conducted by use of simultaneous communication, which members were participating by simultaneous communication, and when such members joined or left the remote meeting.
(8) All chats, instant messages, texts, or other written communications between members of the public body regarding the transaction of the public business during the remote meeting are deemed a public record.
(9) The remote meeting shall be simultaneously streamed live online so that simultaneous live audio, and video, if any, of such meeting is available to the public. If the remote meeting is conducted by conference call, the public body may comply with this subdivision by providing the public with an opportunity to dial in or stream the audio live and listen to the remote meeting.

(c) Quorum. – A member of the public body participating by simultaneous communication under this section shall be counted as present for quorum purposes only during the period while simultaneous communication is maintained for that member. The provisions of G.S. 153A-44 and G.S. 160A-75 shall apply to all votes of each member of a county or municipal governing board taken during a remote meeting.

(d) Voting by Members of the Public Body. – Votes of each member of a public body made during a remote meeting under this section shall be counted as if the member were physically present only during the period while simultaneous communication is maintained for that member.

(e) Public Hearings. – A public body may conduct any public hearing required or authorized by law during a remote meeting, and take action thereon, provided the public body allows for written comments on the subject of the public hearing to be submitted between publication of any required notice and 24 hours after the public hearing.

(f) Quasi-Judicial Hearings. – A public body may conduct a quasi-judicial proceeding as a remote meeting only when all of the following apply:
(1) The right of an individual to a hearing and decision occur during the emergency.
(2) All persons subject to the quasi-judicial proceeding who have standing to participate in the quasi-judicial hearing have been given notice of the quasi-judicial hearing and consent to the remote meeting.

(3) All due process rights of the parties affected are protected.

(g) Closed Sessions. – The public body may conduct a closed session as authorized in G.S. 143-318.11. While in closed session, the public body is not required to provide access to the remote meeting to the public.

(h) Not Exclusive. – This section applies only during emergency declarations and does not supersede any authority for electronic meetings under Article 33C of Chapter 143 of the General Statutes.

(i) For purposes of this section, the following definitions apply:

(1) Official meeting. – As defined in G.S. 143-318.10(d).

(2) Public body. – As defined in G.S. 143-318.10(b) and (c).

(3) Remote meeting. – An official meeting, or any part thereof, with between one and all of the members of the public body participating by simultaneous communication.

(4) Simultaneous communication. – Any communication by conference telephone, conference video, or other electronic means."

SECTION 4.31.(b) G.S. 143-318.10(a) reads as rewritten:

"(a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official meeting of a public body shall be open to the public, and any person is entitled to attend such a meeting. Remote meetings conducted in accordance with G.S. 166A-19.24 shall comply with this subsection even if all members of the public body are participating remotely."

SECTION 4.31.(c) G.S. 143-318.13 is amended by adding a new subsection to read:

"(d) Except as provided in G.S. 166A-19.24(b)(6), this section shall not apply to remote meetings conducted in accordance with this section even if all members of the public body are participating remotely."

SECTION 4.31.(d) G.S. 143-318.14A(e) reads as rewritten:

"(e) The following sections shall apply to meetings of commissions, committees, and standing subcommittees of the General Assembly: G.S. 143-318.10(e) and G.S. 143-318.11, G.S. 143-318.13 and G.S. 143-318.14, G.S. 143-318.16 through ~~G.S. 143-318.17.~~G.S. 143-318.17, and G.S. 166A-19.24."

SECTION 4.31.(e) G.S. 153A-43 reads as rewritten:

"**§ 153A-43. Quorum.**

(a) A majority of the membership of the board of commissioners constitutes a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members present, he shall be counted as present for the purposes of determining whether a quorum is present. The board may compel the attendance of an absent member by ordering the sheriff to take the member into custody.

(b) Any member present by means of simultaneous communication in accordance with G.S. 166A-19.24 shall be counted as present for the purposes of whether a quorum is present only during the period while simultaneous communication is maintained for that member."

SECTION 4.31.(f) G.S. 160A-74 reads as rewritten:

"**§ 160A-74. Quorum.**

(a) A majority of the actual membership of the council plus the mayor, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

(b) Any member present by means of simultaneous communication in accordance with G.S. 166A-19.24 shall be counted as present for the purposes of whether a quorum is present only during the period while simultaneous communication is maintained for that member."

SECTION 4.31.(g) G.S. 160A-75, effective until January 1, 2021, reads as rewritten:

"**§ 160A-75. (Effective until January 1, 2021) Voting.**

(a) No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2). In all other cases except votes taken under G.S. 160A-385, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

(b) Notwithstanding subsection (a) of this section, a vote or failure to vote by any member present by means of simultaneous communication in accordance with G.S. 166A-19.24 shall be treated as if the member were physically present only during the period while simultaneous communication is maintained for that member.

(c) An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue, including the mayor's vote in case of an equal division, shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance nor any action having the effect of any ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the council. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council."

SECTION 4.31.(h) G.S. 160A-75, effective January 1, 2021, reads as rewritten:

"**§ 160A-75. (Effective January 1, 2021) Voting.**

(a) No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234 or G.S. 160D-109. In all other cases except votes taken under G.S. 160D-601, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote. The question of the compensation and allowances of members of the council is not a matter involving a member's own financial interest or official conduct.

(b) Notwithstanding subsection (a) of this section, a vote or failure to vote by any member present by means of simultaneous communication in accordance with G.S. 166A-19.24 shall be treated as if the member were physically present only during the period while simultaneous communication is maintained for that member.

(c) An affirmative vote equal to a majority of all the members of the council not excused from voting on the question in issue, including the mayor's vote in case of an equal division, shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the city. In addition, no ordinance nor any action having the effect of any ordinance, except an ordinance on which a public hearing must be held pursuant to G.S. 160D-601 before the ordinance may be adopted, may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the council, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the council. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council."

SECTION 4.31.(i) This section does not affect the validity of S.L. 2008-111.

SECTION 4.31.(j) This section is effective when it becomes law and applies throughout the duration of any declaration of emergency issued under G.S. 166A-19.20 in effect on or after that date. The actions of any public body in an open meeting conducted via

simultaneous communication between March 10, 2020, and the effective date of this section are not deemed invalid due to the use of simultaneous communication to conduct that open meeting.

EXTEND THE NORTH CAROLINA CHILD WELL-BEING TRANSFORMATION COUNCIL

SECTION 4.32.(a) Section 24.1(i) of S.L. 2018-5 reads as rewritten:

"**SECTION 24.1.(i)** Reporting; Termination. – By June 30, 2019, the Children's Council shall submit an interim report to the chairs of the Senate Appropriations Committee on Health and Human Services, the chairs of the House of Representatives Appropriations Committee on Health and Human Services, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division. The report shall include a summary of the Council's work for the previous year, any findings and recommendations for change, and a work plan for the upcoming year. By ~~June 30, 2020,~~ August 1, 2020, the Children's Council shall submit a final report and shall terminate on that date."

SECTION 4.32.(b) This section is effective when it becomes law.

EXTEND EFFECTIVE DATE OF CHAPTER 160D OF THE GENERAL STATUTES

SECTION 4.33.(a) Section 3.2 of S.L. 2019-111 reads as rewritten:

"**SECTION 3.2.** Part II of this act becomes effective ~~January 1, 2021,~~ August 1, 2021, and applies to local government development regulation decisions made on or after that date. Part II of this act clarifies and restates the intent of existing law and applies to ordinances adopted before, on, and after the effective date."

SECTION 4.33.(b) This section is effective when it becomes law.

FLOODPLAIN MAPS BY INCORPORATION INTO LOCAL ORDINANCES

SECTION 4.34.(a) Land use development ordinances adopted by a county or city may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by State and federal agencies. For these maps, a land use development ordinance or zoning map may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps. When zoning district boundaries are based on these maps, the land use development ordinance may provide that the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection by the county or city.

SECTION 4.34.(b) This section is effective when it becomes law and expires August 1, 2021.

EXTEND GSC ORDINANCE REPORT

SECTION 4.35.(a) Section 6 of S.L. 2019-198 reads as rewritten:

"**SECTION 6.** The General Statutes Commission shall study the reports received pursuant to S.L. 2018-69, as amended by Section 3 and Section 4 of this act, and make recommendations regarding whether any conduct currently criminalized either (i) by an ordinance of a county, city, town, or metropolitan sewerage district or (ii) in the North Carolina Administrative Code by an agency, board, or commission, should have criminal penalties provided by a generally applicable State law. The Commission shall report to the ~~2020 Regular Session of the 2019 General Assembly~~ 2021 General Assembly and to the Joint Oversight Committee on General Government on or before ~~May 1, 2020.~~March 1, 2021."

SECTION 4.35.(b) This section is effective when it becomes law.

TRANSPORTATION NETWORK COMPANY SIGNAGE REQUIREMENTS

SECTION 4.36.(a) Section 2(b) of S.L. 2019-194 reads as rewritten:

"**SECTION 2.(b)** G.S. 20-280.5(e) and (f), as enacted by this section, become effective ~~July 1, 2020.~~ September 1, 2020. The remainder of this section becomes effective October 1, 2019."

SECTION 4.36.(b) This section is effective when it becomes law.

EXTEND THE JOINT LEGISLATIVE STUDY COMMITTEE ON SMALL BUSINESS RETIREMENT OPTIONS

SECTION 4.37.(a) Section 5 of S.L. 2019-205 reads as rewritten:

"**SECTION 5.** The Committee shall report its interim findings and recommendations, including any recommended legislation, to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Fiscal Research Division no later than March 31, 2020. The Committee shall report its final findings and recommendations, including any recommended legislation, to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Fiscal Research Division no later than December 1, 2020. The Committee shall terminate upon submission of the final report or ~~March 31, 2020,~~ August 1, 2020, whichever occurs first."

SECTION 4.37.(b) This section is effective retroactively to March 31, 2020.

AUTHORIZE STATE AGENCIES TO EXERCISE REGULATORY FLEXIBILITY DURING THE CORONAVIRUS EMERGENCY IN ORDER TO PROTECT THE ECONOMIC WELL-BEING OF THE CITIZENS AND BUSINESSES OF THE STATE

SECTION 4.38.(a) For purposes of this section, the following definitions apply:

(1) "Coronavirus" has the same meaning as defined in Section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020.

(2) "Coronavirus emergency" means the period from March 10, 2020, through the date the Governor signs an executive order rescinding Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19.

(3) "State agency" means an agency or an officer in the executive branch of the government of this State and includes the Council of State, the Governor's Office, a board, a commission, a department, a division, a council, and any other unit of government in the executive branch. "State agency" does not include the Division of Employment Security of the Department of Commerce, the Department of Health and Human Services, the State Board of Education, the Department of Public Instruction, The University of North Carolina, the State Board of Community Colleges, or the State Board of Elections.

SECTION 4.38.(b) Notwithstanding any other provision of State law, if a State agency determines that, due to the impacts of the coronavirus, it is in the public interest, including the public health, safety, and welfare and the economic well-being of the citizens and businesses of the State, the agency shall:

(1) Delay the collection, or modify the method of collection, of any fees, fines, or late payments assessed by the agency under its statutes, including the accrual of interest associated with any fees, fines, or late payments.

(2) Delay the renewal dates of permits, licenses, and other similar certifications, registrations, and authorizations issued by the agency pursuant to its statutes.

(3) Delay or modify any educational or examination requirements implemented by the agency pursuant to its statutes.

SECTION 4.38.(c) No later than October 1, 2020, each State agency shall report to the Joint Legislative Administrative Procedure Oversight Committee, the Joint Legislative

Commission on Governmental Operations, and the Office of State Budget and Management on its specific efforts to exercise regulatory flexibility under this section.

SECTION 4.38.(d) State agencies shall exercise the authority granted pursuant to this section to the maximum extent practicable in order to protect the economic well-being of the citizens and businesses of the State, while also continuing to protect public health, safety, and welfare.

SECTION 4.38.(e) State agencies may adopt emergency rules for the implementation of this section in accordance with G.S. 150B-21.1A. Notwithstanding G.S. 150B-21.1A(a), an agency shall not commence the adoption of temporary rules pursuant to this section. Notwithstanding G.S. 150B-21.1A(d)(4), an emergency rule adopted pursuant to this section shall expire August 1, 2020.

SECTION 4.38.(f) This section is effective retroactively to March 10, 2020. Subsections (a), (b), (d), and (e) of this section expire August 1, 2020.

AUTHORIZE EXTENSION OF TRAINING AND CERTIFICATION OF LAW ENFORCEMENT OFFICERS BY FORENSIC TESTS FOR ALCOHOL BRANCH

SECTION 4.39.(a) The Forensic Tests for Alcohol Branch of the Department of Health and Human Services (Branch) may delay or modify any educational or examination requirements for recertification of law enforcement officers. For any certification issued prior to March 10, 2020, the Branch may extend that certification no later than December 31, 2020, if the educational or examination requirements associated with renewal or recertification are delayed in accordance with this section.

SECTION 4.39.(b) This section is effective retroactively to March 10, 2020, and expires January 1, 2021.

EXTEND CERTAIN LOCAL GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE

SECTION 4.40.(a) Definitions. – As used in this section, the following definitions apply:

(1) Development approval. – Any of the following approvals issued by any unit of local government, regardless of the form of the approval, that are for the development of land:

a. Any approval of an erosion and sedimentation control plan granted by a local government under Article 4 of Chapter 113A of the General Statutes.

b. Any building permit issued under Article 9 of Chapter 143 of the General Statutes.

c. Any approval by a county of sketch plans, preliminary plats, plats regarding a subdivision of land, a site-specific development plan or a phased development plan, a development permit, a development agreement, or a building permit under Article 18 of Chapter 153A of the General Statutes.

d. Any approval by a city of sketch plans, preliminary plats, plats regarding a subdivision of land, a site-specific development plan or a phased development plan, a development permit, a development agreement, or a building permit under Article 19 of Chapter 160A of the General Statutes.

e. Any certificate of appropriateness issued by a preservation commission of a city under Part 3C of Article 19 of Chapter 160A of the General Statutes.

(2) Development. – The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or facility, or any grading, soil removal or relocation, excavation or landfill, or any use or change in the use of any building or other structure or land or extension of the use of land.

SECTION 4.40.(b) For any development approval that is current and valid at any point during the period beginning March 10, 2020, and ending April 28, 2020, the expiration date of the period of the development approval and any associated vested right under G.S. 153A-344.1 or G.S. 160A-385.1 is extended for five months.

SECTION 4.40.(c) This section shall not be construed or implemented to:

(1) Extend any permit or approval issued by the United States or any of its agencies or instrumentalities.
(2) Extend any permit or approval for which the term or duration of the permit or approval is specified or determined pursuant to federal law.
(3) Shorten the duration that any development approval would have had in the absence of this section.
(4) Prohibit the granting of such additional extensions as are provided by law.
(5) Affect any administrative consent order issued by the Department of Environmental Quality in effect or issued at any time from the effective date of this section to September 28, 2020.
(6) Affect the ability of a government entity to revoke or modify a development approval or to accept voluntary relinquishment of a development approval by the holder of the development approval pursuant to law.
(7) Modify any requirement of law that is necessary to retain federal delegation by the State of the authority to implement a federal law or program.
(8) Modify any person's obligations or impair the rights of any party under contract, including bond or other similar undertaking.
(9) Authorize the charging of a water or wastewater tap fee that has been previously paid in full for a project subject to a development approval.

SECTION 4.40.(d) The provisions of this section shall be liberally construed to effectuate the purposes of this section.

SECTION 4.40.(e) For any development approval extended by this section, the holder of the development approval shall:

(1) Comply with all applicable laws, regulations, and policies in effect at the time the development approval was originally issued by the governmental entity.
(2) Maintain all performance guarantees that are imposed as a condition of the initial development approval for the duration of the period the development approval is extended or until affirmatively released from that obligation by the issuing governmental entity.
(3) Complete any infrastructure necessary in order to obtain a certificate of occupancy or other final permit approval from the issuing governmental entity.

SECTION 4.40.(f) Failure to comply with any condition in this section may result in termination of the extension of the development approval by the issuing governmental entity. In the event of a termination of the extension of a development approval, the issuing governmental entity shall provide written notice to the last known address of the original holder of the development approval of the termination of the extension of the development approval, including the reason for the termination. Termination of an extension of a development approval shall be subject to appeal to the Board of Adjustment under the requirements set forth in law if the development approval was issued by a unit of local government with planning authority under

Article 18 of Chapter 153A of the General Statutes or Article 19 of Chapter 160A of the General Statutes.

SECTION 4.40.(g) This section is effective when it becomes law and expires September 28, 2020.

AUTHORIZE MODIFICATION OF CRIMINAL JUDGMENTS REQUIRING INTERMITTENT ACTIVE TIME

SECTION 4.41.(a) Any criminal judgment requiring a defendant to serve periods of confinement or imprisonment in a local confinement facility may be modified by the chief district court judge of the judicial district in which the order was issued if the chief district court judge finds that all of the following requirements are met:

(1) The defendant is unable to serve one or more ordered periods of confinement or imprisonment due to the local confinement facility's restrictions on inmates during the COVID-19 state of emergency.

(2) Without modification, the defendant will be in violation of the criminal judgment.

(3) The District Attorney consents to modification of the criminal judgment.

Any modification made pursuant to this authorization shall be as minimal as possible to allow the defendant to comply with the requirements of the criminal judgment.

SECTION 4.41.(b) This section is effective when it becomes law and expires August 1, 2020.

USE OF REGIONAL COUNCIL OF GOVERNMENTS IN ADMINISTRATION OF FEMA PUBLIC ASSISTANCE AND INDIVIDUAL ASSISTANCE FUNDS

SECTION 4.42.(a) In administering Federal Emergency Management Agency public assistance and individual assistance funds, the North Carolina Department of Emergency Management may utilize the North Carolina Regional Councils of Government established in accordance with Article 19 of Chapter 153A of the General Statutes and Part 2 of Article 20 of Chapter 160A of the General Statutes to provide assistance with training, grant applications, and any other requested service by qualifying units of local government. A regional council of government may be designated by a unit or units of local government to administer any Federal Emergency Management Agency public assistance funds on its behalf.

SECTION 4.42.(b) This section is effective when it becomes law.

JOINT LEGISLATIVE OVERSIGHT COMMITTEES/EXTEND REPORTING DEADLINES

SECTION 4.43. Notwithstanding any other provision of law, any report required by law to be submitted to a joint legislative oversight committee of the General Assembly after March 10, 2020, but before July 15, 2020, shall be held in abeyance until July 15, 2020. Thereafter, the report shall be submitted to the appropriate oversight committee and shall contain the information required by law. Any report required by law to be submitted to a joint legislative oversight committee on or after July 15, 2020, shall be submitted as provided by law.

PART V. SEVERABILITY

SECTION 5. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application, and to this end, the provisions of this act are severable.

PART VI. EFFECTIVE DATE

SECTION 6. Except as otherwise provided, this act is effective when it becomes law. If House Bill 1043, 2019 Regular Session, is vetoed, this act is repealed. If the veto of House Bill 1043, 2019 Regular Session, is overridden, this act is reenacted.

In the General Assembly read three times and ratified this the 2nd day of May, 2020.

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

s/ Tim Moore
Speaker of the House of Representatives

_____

Roy Cooper
Governor

Approved _____.m. this _____ day of _____, 2020