

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

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**SENATE BILL 704  
Appropriations/Base Budget Committee Substitute Adopted 4/29/20  
Third Edition Engrossed 4/29/20**

Short Title: COVID-19 Recovery Act.

(Public)

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Sponsors:

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Referred to:

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April 29, 2020

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE AID TO NORTH CAROLINIANS IN RESPONSE TO THE  
3 CORONAVIRUS DISEASE 2019 (COVID-19) CRISIS.

4 The General Assembly of North Carolina enacts:

5  
6 **PART I. GENERAL PROVISIONS**

7  
8 **TITLE OF ACT**

9 **SECTION 1.1.** This act shall be known as the "2020 COVID-19 Recovery Act."

10  
11 **DEFINITIONS**

12 **SECTION 1.2.** Except as otherwise provided, the following definitions apply in this  
13 act:

- 14 (1) Coronavirus or COVID-19. – The Coronavirus Disease 2019.  
15 (2) COVID-19 Recovery Legislation. – The following legislation enacted by  
16 Congress:  
17 a. The Coronavirus Aid, Relief, and Economic Security (CARES) Act,  
18 P.L. 116-136.  
19 b. The Families First Coronavirus Response Act, P.L. 116-127.  
20 c. The Coronavirus Preparedness and Response Supplemental  
21 Appropriations Act, 2020, P.L. 116-123.  
22 d. Paycheck Protection Program and Health Care Enhancement Act, P.L.  
23 116-139.

24  
25 **FINDINGS AND PURPOSE**

26 **SECTION 1.3.** The General Assembly finds that State government must serve as a  
27 facilitator in assisting local governments, communities, families, workers and other individuals,  
28 and businesses in accessing federal relief and recovery funds related to the COVID-19 pandemic.  
29 The purpose of this act is to fulfill the General Assembly's constitutional duty to appropriate all  
30 funds, including federal funds appropriated or otherwise made available under the COVID-19  
31 Recovery Legislation, and to direct the use of those funds in a manner that is consistent with the  
32 authorizing federal legislation and that responsibly provides for the public health and economic  
33 well-being of the State.

34  
35 **REQUIREMENT TO MAXIMIZE USE OF FEDERAL FUNDS**



1           **SECTION 1.4.** The appropriations and allocations made in this act are for maximum  
2 amounts necessary to implement this act. State agencies shall maximize the use of federal funds  
3 made available in this act wherever possible within the allowable uses prior to using other State  
4 funds.

5  
6           **CONFLICT WITH FEDERAL LAW**

7           **SECTION 1.5.** If an allocation made under this act is found to be disallowed by  
8 federal law, the disallowed allocation is repealed, and the Office of State Budget and  
9 Management (OSBM) shall transfer the amount of the disallowed allocation to the Coronavirus  
10 Relief Reserve established in Section 2.1 of this act. If the funds have been allocated to a  
11 nonprofit corporation, and the use of funds by the nonprofit corporation is disallowed by federal  
12 law, the nonprofit corporation shall return the amount of funds allocated to the nonprofit  
13 corporation to OSBM to transfer the funds into the Coronavirus Relief Reserve. Amounts  
14 transferred into the Coronavirus Relief Reserve pursuant to this section are receipts that do not  
15 constitute an "appropriation made by law," as that phrase is used in Section 7(1) of Article V of  
16 the North Carolina Constitution.

17  
18           **GENERAL GUIDANCE ON USE OF FUNDS**

19           **SECTION 1.6.** OSBM shall work with the recipient State agencies to budget receipts  
20 awarded pursuant to COVID-19 Recovery Legislation according to the program needs and within  
21 the parameters of the respective granting entities and applicable federal laws and regulations.  
22 State agencies shall not use funds received pursuant to COVID-19 Recovery Legislation for  
23 recurring purposes. Revenue replacement is not a permissible use of funds received pursuant to  
24 The CARES Act, P.L. 116-136. Depending on the nature of the award, additional State personnel  
25 may be employed on a temporary or time-limited basis.

26  
27           **REQUIRED REPORT ON USE OF FUNDS**

28           **SECTION 1.7.** In addition to any report required under this act or any other law,  
29 OSBM shall provide a report to the Joint Legislative Commission on Governmental Operations  
30 and the Fiscal Research Division by March 1, 2021, detailing the use of funds allocated under  
31 Section 3.3 of this act. Additionally, each State agency or department that receives federal grant  
32 funds under Section 4.1 of this act shall provide a report to the Joint Legislative Commission on  
33 Governmental Operations and the Fiscal Research Division no later than 90 days from the day  
34 the grant period ends detailing the use of funds. The report required from OSBM under this  
35 section shall include the amount of funds allocated to each State agency, State department, and  
36 nonprofit organization, how the funds were used by each State agency, State department, and  
37 nonprofit organization, and the amount of funds allocated to each State agency, State department,  
38 and nonprofit organization that remained unspent as of December 30, 2020. The report required  
39 from each State agency or department that receives federal grant funds under Section 4.1 of this  
40 act shall include the amount of funds granted, the source of the funds, how the funds were used,  
41 and the amount of funds that remained unspent at the end of the grant period.

42  
43           **PART II. ESTABLISHMENT OF RESERVES AND FUNDS**

44  
45           **ESTABLISHMENT OF CORONAVIRUS RELIEF RESERVE**

46           **SECTION 2.1.** The State Controller shall establish a Coronavirus Relief Reserve  
47 (Reserve) in the General Fund to maintain federal funds received from the Coronavirus Relief  
48 Fund created under The CARES Act, P.L. 116-136, to mitigate the impact of the COVID-19  
49 outbreak in North Carolina. The State Controller shall transfer funds to the Coronavirus Relief  
50 Fund established in Section 2.2 of this act only as needed to meet the appropriations set out in  
51 this act and only upon request of the Director of the Budget. Funds reserved in the Reserve do

1 not constitute an "appropriation made by law," as that phrase is used in Section 7(1) of Article V  
2 of the North Carolina Constitution.

### 4 **ESTABLISHMENT OF CORONAVIRUS RELIEF FUND**

5 **SECTION 2.2.** The Coronavirus Relief Fund (Fund) is established. The purpose of  
6 the Fund is to provide necessary and appropriate relief and assistance from the effects of  
7 COVID-19, consistent with the provisions of this act and subsequent legislation addressing the  
8 effects of COVID-19. The Fund shall be maintained as a special fund and administered by OSBM  
9 to carry out the provisions of this and subsequent acts necessitated as a result of the COVID-19  
10 outbreak. All funds allocated from the Fund must be used for necessary expenditures incurred  
11 due to the public health emergency with respect to COVID-19. Only expenditures incurred during  
12 the period that begins on March 1, 2020, and ends on December 30, 2020, are eligible for funding  
13 from this Fund.

### 15 **ESTABLISHMENT OF DOT CORONAVIRUS RELIEF RESERVE**

16 **SECTION 2.3.** The State Controller shall establish a DOT Coronavirus Relief  
17 Reserve (DOT Reserve) in the General Fund to maintain certain federal funds transferred from  
18 the Reserve established in Section 2.1 of this act that are eligible to mitigate the impact of the  
19 COVID-19 outbreak in North Carolina on the Department of Transportation (DOT) and the State  
20 transportation system. The State Controller shall transfer the sum of three hundred million dollars  
21 (\$300,000,000) from the Reserve to the DOT Reserve. It is the intent of the General Assembly  
22 to appropriate a sum of up to three hundred million dollars (\$300,000,000) if DOT experiences  
23 a revenue shortfall and The CARES Act, P.L. 116-136, is amended to allow the use of federal  
24 funds for that purpose. Funds that are reserved in the DOT Reserve do not constitute an  
25 "appropriation made by law," as that phrase is used in Section 7(1) of Article V of the North  
26 Carolina Constitution.

### 28 **ESTABLISHMENT OF LOCAL GOVERNMENT CORONAVIRUS RELIEF RESERVE**

29 **SECTION 2.4.** The State Controller shall establish a Local Government Coronavirus  
30 Relief Reserve (Local Reserve) in the General Fund to maintain certain federal funds transferred  
31 from the Reserve established in Section 2.1 of this act that are eligible to mitigate the impact of  
32 the COVID-19 outbreak in North Carolina on the revenue of local governments. The State  
33 Controller shall transfer the sum of three hundred million dollars (\$300,000,000) from the  
34 Reserve to the Local Reserve. It is the intent of the General Assembly to appropriate a sum of up  
35 to one hundred fifty million dollars (\$150,000,000) if local governments experience a revenue  
36 shortfall and The CARES Act, P.L. 116-136, is amended to allow the use of federal funds for  
37 that purpose. Funds that are reserved in the Local Reserve do not constitute an "appropriation  
38 made by law," as that phrase is used in Section 7(1) of Article V of the North Carolina  
39 Constitution.

## 41 **PART III. TRANSFER, APPROPRIATIONS, AND ALLOCATIONS**

### 43 **TRANSFER OF FUNDS FROM RESERVES TO RELIEF FUND**

44 **SECTION 3.1.** Transfer of Funds from Reserves to Relief Fund. – The State  
45 Controller shall transfer the sum of seven hundred twenty-six million ninety thousand dollars  
46 (\$726,090,000) for the 2019-2020 fiscal year from the Reserve established in Section 2.1 of this  
47 act, and the sum of one hundred fifty million dollars (\$150,000,000) for the 2019-2020 fiscal  
48 year from the Local Government Coronavirus Relief Reserve established in Section 2.4 of this  
49 act, to the Fund established in Section 2.2 of this act.

### 51 **APPROPRIATION OF FUNDS FROM RELIEF FUND TO OSBM**

1           **SECTION 3.2.** Appropriation of Funds from Relief Fund to OSBM. – There is  
2 appropriated from the Fund to OSBM the sum of seven hundred fifty-one million ninety thousand  
3 dollars (\$751,090,000) in nonrecurring funds for the 2019-2020 fiscal year to be allocated and  
4 used as provided in Section 3.3 of this act. The funds appropriated in this section shall not revert  
5 at the end of the 2019-2020 fiscal year but shall remain available to expend until December 30,  
6 2020.

7  
8 **ALLOCATION OF FUNDS APPROPRIATED TO OSBM**

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

- 11           (1) \$50,000,000 to the Department of Public Safety to be allocated, at their  
12 discretion, to the entities listed in this subdivision to be used for (i) the  
13 purchase of supplies and equipment necessary for life safety, health, and  
14 sanitation, such as ventilators, touch free thermometers, gowns, disinfectant,  
15 and sanitizing wipes and (ii) the purchase of personal protective equipment  
16 that meets the federal standards and guidelines from the Centers for Disease  
17 Control, such as surgical and respiratory masks and gloves.
- 18           a. North Carolina Healthcare Foundation, a non-profit corporation.  
19           b. North Carolina Senior Living Association, a non-profit corporation.  
20           c. North Carolina Medical Society to allocate to independent medical  
21 practices in this State.  
22           d. State Highway Patrol.  
23           e. North Carolina National Guard.
- 24           (2) \$6,000,000 to the Department of Health and Human Services to allocate  
25 equally among each of the six food banks in this State. The food banks are  
26 encouraged to use the funds allocated in this subdivision to purchase food  
27 from North Carolina-based farmers and vendors.
- 28           (3) \$15,000,000 to the Department of Health and Human Services, Division of  
29 Social Services, to be used for facilities licensed to accept State-County  
30 Special Assistance. These funds shall be used to provide a one-time payment  
31 to these facilities to offset the increased costs of serving residents during the  
32 COVID-19 emergency. Each eligible facility shall receive an amount equal to  
33 nine hundred thirty-seven dollars (\$937.00) for each resident of the facility,  
34 as of April 1, 2020, who is a recipient of State-County Special Assistance.  
35 Nothing in this subdivision shall be construed as an obligation by the General  
36 Assembly to appropriate funds for the purpose of this section, or as an  
37 entitlement by any facility, resident of a facility, or other person to receive  
38 financial assistance under this section. For purposes of this subdivision, the  
39 following definitions apply:
- 40           a. Facility licensed to accept State-County Special Assistance payments.  
41           – Any residential care facility that is (i) licensed by the Department of  
42 Health and Human Services and (ii) authorized to accept State-County  
43 Special Assistance payments from its residents.  
44           b. State-County Special Assistance. – The program authorized by  
45 G.S. 108A-40.
- 46           (4) \$2,250,000 to the Department of Health and Human Services, Division of  
47 Social Services, to assist in serving children in foster care during the  
48 COVID-19 emergency. These funds shall be used for monthly supplemental  
49 payments in the amount of one hundred dollars (\$100.00) for each child  
50 receiving foster care assistance payments for the months of April 2020,  
51 through June 2020.

- 1 (5) \$290,000 to the Department of Health and Human Services, Division of Social  
2 Services, to provide funds for the LINKS program, a foster care support  
3 program for youth ages 13-21 years. These funds shall be used to support  
4 youth in the LINKS program who are not receiving foster care assistance  
5 payments and need assistance with housing or transitional costs due to  
6 COVID-19 and are allocated as follows:
- 7 a. \$250,000 for LINKS Transitional Living Services.
  - 8 b. \$40,000 for LINKS Transitional Housing.
- 9 (6) \$20,000,000 to the Department of Agriculture and Consumer Services to be  
10 used for animal depopulation and disposal activities to address possible future  
11 supply chain impacts from the closure of animal processing plants due to  
12 COVID-19.
- 13 (7) \$10,000,000 to OSBM to allocate to the North Carolina Association of Free  
14 and Charitable Clinics (NCAFCC), a nonprofit organization, to be used for  
15 distribution to its member clinics to cover the cost of eligible health services  
16 provided during the COVID-19 emergency. By August 1, 2020, NCAFCC  
17 shall report to the Joint Legislative Oversight Committee on Health and  
18 Human Services and the Fiscal Research Division on a plan for allocating the  
19 funds received under this section, and by February 1, 2021, on the use of these  
20 funds by recipients.
- 21 (8) \$5,000,000 to OSBM to allocate to the North Carolina Community Health  
22 Centers Association (NCHCA), a nonprofit organization, to be used for  
23 distribution to its member health centers to cover the cost of eligible health  
24 services provided during the COVID-19 emergency. By August 1, 2020,  
25 NCHCA shall report to the Joint Legislative Oversight Committee on Health  
26 and Human Services and the Fiscal Research Division on a plan for allocating  
27 the funds received under this section, and by February 1, 2021, on the use of  
28 these funds by recipients.
- 29 (9) \$25,000,000 to the Community Colleges System Office to be used by the  
30 System Office and to be allocated to community college campuses to enhance  
31 online education for students, for facility sanitation prior to reopening  
32 campuses, to provide Small Business Center counselors for small business  
33 needs, to cover necessary eligible expenses for resources and supports for  
34 faculty and staff, and to cover expenses for expanded demands on information  
35 technology and for other services to effectively respond to COVID-19.
- 36 (10) \$42,400,000 to the Board of Governors of The University of North Carolina  
37 to be allocated to constituent institutions for the purpose of moving  
38 coursework and exams online, for facility sanitation prior to reopening  
39 campuses, and to provide eligible assistance to students and employees,  
40 including counseling services, information technology support, and other  
41 services related to the impact of COVID-19 on institutional operations.
- 42 (11) \$10,000,000 to the Board of Governors of The University of North Carolina  
43 to be allocated to the State Education Assistance Authority (Authority) for the  
44 Authority to provide funds to each eligible private postsecondary institution,  
45 as defined in G.S. 116-280(3), by apportioning an amount equal to the  
46 following:
- 47 a. Seventy-five percent (75%) of the institution's relative share of  
48 full-time equivalent students who were enrolled as of March 13, 2020,  
49 who received scholarships pursuant to Article 34 of Chapter 116 of the  
50 General Statutes for the spring semester of the 2019-2020 academic  
51 year.

1                   b.       Twenty-five percent (25%) of the institution's relative share of  
2                   full-time equivalent students who were enrolled as of March 13, 2020,  
3                   who had not received scholarships pursuant to Article 34 of Chapter  
4                   116 of the General Statutes for the spring semester of the 2019-2020  
5                   academic year.

6                   These funds shall be used to transition to online education for students and to  
7                   provide funds for students and families impacted by COVID-19.

8                   (12)       \$100,000 to OSBM to allocate to the General Assembly to be used to  
9                   reimburse for funds previously provided to Wake Forest University Health  
10                  Services for COVID-19 research data to facilitate future work of legislative  
11                  committees.

12                  (13)       \$20,000,000 to OSBM to allocate to Wake Forest University Health Services  
13                  to be used to expand its COVID-19 study to include syndromic surveillance  
14                  and representative sample antibody testing to provide policymakers and  
15                  researchers with near real-time coronavirus prevalence, hospitalization, and  
16                  fatality data.

17                  (13a)       \$15,000,000 to OSBM to allocate to the Duke University Human Vaccine  
18                  Institute (DHVI) of the Duke University School of Medicine to develop a safe  
19                  and effective COVID-19 vaccine to the public as soon as possible.

20                  (14)       \$5,000,000 to the Department of Commerce for a North Carolina nonprofit  
21                  corporation with which the Department contracts pursuant to  
22                  G.S. 143B-431.01(b) as a stimulus investment in Visit North Carolina's  
23                  marketing budget to be used for the following purposes and in the following  
24                  amounts:

25                  a.       \$4,500,000 for developing COVID-19-specific concepts, strategies,  
26                  and materials tailored to educate people on ways to (i) travel in a safe  
27                  and socially distant way and (ii) prevent community reintroduction of  
28                  the epidemic.

29                  b.       \$500,000 for research tools and analysis necessary to implement the  
30                  provisions of this subdivision.

31                  (15)       \$70,000,000 to OSBM to be used for the continuity of operation needs across  
32                  State government. As referenced in Section 2.2 of this act, expenditures  
33                  incurred during the period that begins on March 1, 2020, and ends on  
34                  December 30, 2020, are eligible for funding under this subdivision.  
35                  Expenditures eligible under this subdivision may include, but are not limited  
36                  to, covering overtime costs at mental health institutions, prisons, community  
37                  corrections, juvenile facilities, and veterans homes; purchasing critical  
38                  information technology equipment and software licenses; enhancing  
39                  telepresence services in public safety facilities and the court system; providing  
40                  COVID-19 testing for employees of the Division of Adult Correction and  
41                  Juvenile Justice at the Department of Public Safety; and purchasing  
42                  emergency sanitation and hygienic supplies. Provided that the United States  
43                  Department of Labor does not approve additional funding for the Customer  
44                  Call Center operated by the Division of Employment Security, funds may also  
45                  be used to hire additional time-limited staff in the Customer Call Center to  
46                  meet the unprecedented demand for services. Up to two million dollars  
47                  (\$2,000,000) of the funds allocated in this subdivision may be used to  
48                  establish a temporary North Carolina Pandemic Recovery Office in  
49                  accordance with Section 6.25 of this act. OSBM shall provide a report to the  
50                  Joint Legislative Commission on Governmental Operations no later than  
51                  August 15, 2020, detailing the allocation of funds under this subdivision. The

- 1 report shall include which State agencies received allocations, the amounts  
2 disbursed, the amount spent in the 2019-2020 fiscal year, and for what  
3 purposes the funds were used by fund code and line-item detail.
- 4 (16) \$1,800,000 to OSBM to allocate to the Old North State Medical Society, Inc.,  
5 a nonprofit corporation, to be used to target rural areas and African American  
6 communities with outreach, health education, and testing to address the  
7 COVID-19 disparities in North Carolina.
- 8 (17) \$250,000 to the Department of Information Technology to provide funds for  
9 the purchase of mobile Wi-Fi gateway router devices for counties designated  
10 as development tier one or tier two areas, as defined in G.S. 143B-437.08.  
11 Eligible counties shall submit a request to the Department detailing the  
12 number of devices needed and any specific information the Department may  
13 require to ensure device connectability and adequate coverage and  
14 deployment. A county receiving devices pursuant to this section shall be  
15 required to comply with the federal Children's Internet Protection Act,  
16 including the use of any necessary filters, and shall be responsible for any  
17 costs associated with connection and data usage for the device. Funds  
18 provided pursuant to this section shall be used to purchase no more than 25  
19 devices for any single county. The Department is encouraged to seek grant  
20 funding and donations to assist in implementing this program.
- 21 (18) \$15,000,000 to the University of North Carolina at Chapel Hill to allocate to  
22 the North Carolina Policy Collaboratory (Collaboratory) at the University of  
23 North Carolina at Chapel Hill. The funds shall be used for (i) the rapid  
24 development of a countermeasure of neutralizing antibodies for COVID-19  
25 that can be used as soon as possible to both prevent infection, and for those  
26 infected, treat infection, (ii) bringing a safe and effective COVID-19 vaccine  
27 to the public as soon as possible, (iii) community testing initiatives, and (iv)  
28 other research related to COVID-19. The Collaboratory shall facilitate among  
29 various entities best practices and strategies to maximize resources and  
30 achieve a comprehensive response to COVID-19. The Collaboratory may also  
31 assemble an advisory panel of representatives from various entities as  
32 necessary to discuss, review, and analyze progress towards meeting those  
33 goals and the use of available funds. The Collaboratory shall report on the  
34 progress of the development of a countermeasure and vaccine, findings from  
35 various community testing initiatives, and other research related to  
36 COVID-19, and the use of the appropriated funds received pursuant to this  
37 section to the Joint Legislative Oversight Committee on Health and Human  
38 Services by no later than September 1, 2020.
- 39 (19) \$70,000,000 to the Department of Public Instruction to be used in accordance  
40 with Section 5.29 of this act.
- 41 (20) \$56,000,000 to the Department of Public Instruction for school nutrition  
42 services provided in response to COVID-19 by public school units  
43 participating in the National School Lunch Program or School Breakfast  
44 Program from March 16, 2020, through the end of the 2019-2020 school year.  
45 Funds for these services shall be allocated in the same manner as if the  
46 participating public school units were reimbursed by school meal receipts or  
47 federal funds.
- 48 (21) \$9,000,000 to the Department of Information Technology to use for the  
49 Growing Rural Economies with Access to Technology Fund to provide  
50 supplementary project funding to enable funding for all qualifying G.R.E.A.T.  
51 program applications. G.R.E.A.T. program grant applications received on or

- 1 before April 1, 2020, that meet the criteria established pursuant to  
2 G.S. 143B-1373 shall be eligible to receive the supplementary funding in  
3 accordance with this subdivision. Applications that may have been eliminated  
4 as a result of the scoring process or that may have contained proposed project  
5 areas that overlap with other applications may submit a revised application to  
6 the Department to qualify for funding under this subdivision.
- 7 (22) Subject to Section 6.26 of this act, \$25,000,000 to the Department of Health  
8 and Human Services to be used to expand public and private initiatives for  
9 COVID-19 testing, contact tracing, and trends tracking and analysis through,  
10 but not limited to, all of the following ways:
- 11 a. Building capacity for widespread COVID-19 diagnostic testing to  
12 enable rapid case-based interventions.
  - 13 b. Building capacity for widespread COVID-19 antibody testing to  
14 enable rapid deployment when such testing becomes available.
  - 15 c. Expanding contact tracing workforce and infrastructure to routinely  
16 identify potentially exposed persons and take appropriate public health  
17 actions.
  - 18 d. Increasing research and data tools and analysis infrastructure to  
19 support better predictive models, surveillance and response strategies.
- 20 (23) \$50,000,000 to OSBM to allocate to the Pandemic Recovery Office  
21 established in Section 6.25 of this act to create a competitive grants program  
22 to assist communities most impacted by the COVID-19 outbreak in North  
23 Carolina. Any unit of local government that did not receive funding directly  
24 from the Coronavirus Relief Fund established in The CARES Act, P.L.  
25 116-136, is eligible to be awarded grant funds under the program established  
26 in this subdivision.
- 27 (24) \$100,000,000 to OSBM to allocate a portion of these funds to each county  
28 that did not receive funding directly from the Coronavirus Relief Fund  
29 established in The CARES Act, P.L. 116-136. Each eligible county shall  
30 receive a base payment of one hundred thousand dollars (\$100,000). The  
31 remaining funds shall be disbursed to each eligible county on a per capita basis  
32 using the United States Census Bureau's population data for the most recent  
33 year for which data is available.
- 34 (25) \$20,000,000 to the Department of Health and Human Services to provide  
35 flexible funds to support local health departments, rural health providers, the  
36 State lab, and mental health and crisis services. Services may include  
37 increasing nurse capacity and adding community health workers; expanding  
38 telehealth services; nursing and adult care home infection control support and  
39 training; and support for behavioral crisis services to divert mental health  
40 emergencies from emergency departments.
- 41 (26) \$25,000,000 to the Department of Health and Human Services to provide  
42 funding for food banks, support for residential settings that are incurring  
43 additional costs to mitigate spread or isolate positive cases (Special  
44 Assistance), adult and child protective services response, support for homeless  
45 and domestic violence shelters and housing security (prevention, diversion,  
46 and rapid re-housing), child care response, costs to expand NCCARE360, a  
47 Statewide coordinated care network that will connect individuals impacted by  
48 COVID-19 to local services such as food, housing, child care and other  
49 resources, and technology modifications to support COVID-19 emergency  
50 relief to beneficiaries.



(27) \$61,000,000 to the Department of Health and Human Services to provide funds for rural and underserved communities especially hard hit by the COVID-19 pandemic. The emergency flexible funds allocated in this subdivision shall support health provider grants, targeted Medicaid assistance for rural hardship grants to hospitals and other providers, enhanced Telehealth services, transportation for critical services, health care security for the uninsured, the Office of Minority Health, and related items.

(28) \$22,000,000 to the Department of Public Instruction to provide funds for continuity of critical school nutrition programs across the State. Schools are currently providing more than 500,000 meals per day, a critical service that cannot be easily transferred or assumed by another entity. At the same time, estimated loss in revenue is at least eight million dollars (\$8,000,000) per week. Funds shall be used to provide incentive pay for school nutrition and transportation staff involved in the preparation and distribution of meals and food packages; to expand programs to include all family members; and to ensure continued compensation to school nutrition workers. DPI, in consultation with DHHS and Emergency Management, shall develop an implementation plan.

**PART IV. ADDITIONAL ALLOCATIONS AND APPROPRIATIONS**

**APPROPRIATION OF COVID-19 FEDERAL GRANT FUNDS AND RECEIPTS**

**SECTION 4.1.(a)** Except for funds subject to subsection (c) of this section or Section 2.1 of this act, funds received from federal grants authorized under the COVID-19 Recovery Legislation are appropriated in the amounts provided in the notification of award from the federal government or any entity acting on behalf of the federal government to administer the federal funds. State agencies may, with approval of the Director of the Budget, spend funds received from federal receipts and federal grants resulting from enactment of the COVID-19 Recovery Legislation that are not otherwise subject to Section 2.1 of this act. Section 2.2(c) of S.L. 2019-192 shall not apply to grant funds received under the COVID-19 Recovery Legislation.

**SECTION 4.1.(b)** The programs and grant amounts in the schedule set forth in this subsection are estimates of North Carolina's allocations from the COVID-19 Recovery Legislation to be deposited in the State's Treasury and administered by State agencies. This schedule is meant to be illustrative of federal grants that have, or will be, received by the State in addition to the approximately three billion five hundred million dollars (\$3,500,000,000) from the Coronavirus Relief Fund created under the CARES Act, P.L. 116-136. These amounts are not inclusive of federal funds distributed or paid directly to individuals, businesses, health care providers, or private postsecondary institutions:

<u>Program</u>	<u>Amount</u>
Governor's Emergency Education Relief Fund	\$95,600,000
Elementary and Secondary School Emergency Relief Fund	\$396,300,000
Higher Education Emergency Relief Fund	\$179,700,000
Child Care and Development Block Grant	\$118,100,000
Community Services Block Grant	\$25,900,000
Low Income Home Energy Assistance Program	\$49,900,000
Child Welfare Services	\$1,600,000
Supportive Services	\$6,200,000
Congregate and Home-Delivered Meals	\$7,400,000
Congregate and Home-Delivered Meals	\$14,800,000
Family Caregivers	\$3,100,000
Protection of Vulnerable Older Americans	\$600,000

1	Centers for Independent Living	\$2,200,000
2	Ryan White HIV/AIDS	\$1,100,000
3	CDC Grant	\$13,800,000
4	Minimum CDC Grant	\$15,400,000
5	Homeless Assistance/ ESG – State	\$18,400,000
6	Housing Opportunities for Persons with AIDS	\$1,200,000
7	Supplemental Nutrition Program for Women, Infants, and Children	\$13,900,000
8	Community Health Center	\$78,000
9	Small Rural Hospital Improvement Program	\$2,500,000
10	Hospital Preparedness Program	\$770,000
11	Emergency Grant to Address SA	\$2,000,000
12	Unemployment Insurance Base – Administration	\$22,500,000
13	Unemployment Insurance Supplemental – Administration	\$22,500,000
14	Dislocated Worker Grants	\$6,000,000
15	Emergency Food Assistance Program (TEFAP) Commodities	\$19,700,000
16	TEFAP Administration	\$8,200,000
17	Manufacturing Extension	\$1,500,000
18	CDBG – State	\$28,500,000
19	National Endowment for the Arts	\$507,000
20	Institute for Museum and Library Sciences	\$948,000
21	Justice Assistance Grants – State	\$15,400,000
22	Emergency Performance Management Grant	\$2,600,000
23	Family Violence Prevention	\$777,000
24	Urbanized Area Formula Program	\$38,473,000
25	Formula Grants for Rural Area Program	\$94,941,000
26	Airports Grants	\$2,765,000
27	<b>Total Estimated Funding</b>	<b>\$1,235,859,000</b>

28           **SECTION 4.1.(c)** No funds authorized under The CARES Act, P.L. 116-136, for  
 29 election security are appropriated in this act. It is the intent of the General Assembly to  
 30 appropriate funds for election security in a subsequent act of the General Assembly.

#### 32 **APPROPRIATION FOR SMALL BUSINESS LOAN ASSISTANCE**

33           **SECTION 4.2.(a)** Program. – Of the funds appropriated in this act from the  
 34 Coronavirus Relief Fund, the sum of one hundred twenty-five million dollars (\$125,000,000) is  
 35 allocated to the Office of State Budget and Management for Golden LEAF to provide grants to  
 36 entities for the purpose of making emergency loans to assist small businesses with business needs  
 37 during periods of economic hardship occasioned by the COVID-19 epidemic. It is the intent of  
 38 the General Assembly for an equitable portion of funds allocated in this section to be used for  
 39 the benefit of historically underutilized small businesses. The following shall apply to the  
 40 program and loans made under the program:

- 41           (1) Golden LEAF shall require a lender to provide assistance to, or direct to an  
 42 appropriate entity that provides assistance to, a qualifying business with  
 43 applying for available federal assistance.
- 44           (2) Golden LEAF shall require a lender to prioritize loans for establishments (i)  
 45 with 100 or fewer full-time equivalent employees determined as of the State  
 46 of Emergency (ii) that are independently owned by a qualifying business.
- 47           (3) Golden LEAF shall work with the N.C. Small Business Center Network, the  
 48 Office of Historically Underutilized Businesses within the Department of  
 49 Administration, the N.C. Small Business and Technology Development  
 50 Center, the Institute of Minority Economic Development, Inc., and other

- 1 similar entities with the goal of ensuring all qualifying businesses are aware  
2 of the program.
- 3 (3a) Golden LEAF may use up to two million dollars (\$2,000,000) to provide  
4 grants for the purpose of providing technical assistance to businesses working  
5 to apply for a loan from the program authorized by this section or for other  
6 federal assistance programs.
- 7 (4) The loan shall have an interest rate of up to four percent (4%) before the date  
8 of a triggering event and an interest rate of at least five and one-half percent  
9 (5.5%) on and after the date of a triggering event.
- 10 (5) The term of the loan shall not exceed 66 months and shall be amortized over  
11 the term of the loan.
- 12 (6) A qualifying business shall certify in writing that it will use a loan provided  
13 under the program for employee compensation, mortgage, rent, utilities, and  
14 other operating costs and expenses incurred on behalf of a business located in  
15 this State.
- 16 (7) A loan provided under the program is limited to no more than fifty thousand  
17 dollars (\$50,000) per qualifying business.
- 18 (8) Upon the occurrence of a triggering event, repayment of the loan shall  
19 commence. A triggering event occurs six months following the closing of a  
20 loan made under the program.
- 21 (9) Loans are made pursuant to an agreement with a qualifying business that  
22 includes at least the following:
- 23 a. A provision requiring a qualifying business to certify in writing that it  
24 will use a loan provided under the program for employee  
25 compensation, mortgage, rent, utilities, and other operating costs and  
26 expenses incurred on behalf of a business located in this State.
- 27 b. A provision establishing the method for determining compliance with  
28 the program.
- 29 c. A provision requiring the qualifying business to first repay the loan  
30 amount with any federal assistance received by the business that  
31 represents a duplication of benefits; provided that, the repayment does  
32 not disqualify or impair the federal assistance available to the business.
- 33 d. A provision requiring the loan is secured through a Uniform  
34 Commercial Code financing statement.
- 35 e. A provision requiring recapture of loans funds if a business fails to  
36 comply with the requirements of the program. The lender shall  
37 recapture loan funds only if the lender determines there is a reasonable  
38 expectation that the recovery of funds will exceed the cost of recovery.
- 39 (10) The awarding of new loans using State funds appropriated in this section shall  
40 cease upon six months following the date the State of Emergency ends.

41 **SECTION 4.2.(b)** Definitions. – For purposes of this section, the following  
42 definitions apply:

- 43 (1) Compensation. – Defined in section 3401 of the Internal Revenue Code.
- 44 (2) Employee. – Defined in G.S. 143B-437.02A.
- 45 (3) Golden LEAF. – The Golden L.E.A.F. (Long-Term Economic Advancement  
46 Foundation), Inc.
- 47 (4) Net loan funds. – The total loan fund appropriation authorized by this section  
48 less (i) the cost of administering the loans made under the program, not to  
49 exceed five percent (5%) of the total amount loaned under the program and  
50 (ii) the State's loan funds that are not recaptured.
- 51 (5) Office. – The Office of State Budget and Management.

- 1 (6) Qualifying business. – A business with a physical presence in the State that is  
2 able to show economic losses as a result of COVID-19.
- 3 (7) State of Emergency. – Executive Order No. 116 issued March 10, 2020, by  
4 Governor Roy A. Cooper, including any amendments issued by Executive  
5 Order.

6 **SECTION 4.2.(c)** Miscellaneous. – In order to receive the funds appropriated under  
7 this act, Golden LEAF shall provide matching funds from other non-State funds for such funds  
8 in the amount of fifteen dollars (\$15.00) of non-State funds for every one hundred twenty-five  
9 dollars (\$125.00) of State funds allocated in this section. State funds allocated in this section may  
10 be matched with any prior expenditure by Golden LEAF of non-State funds for entities making  
11 short-term loans to businesses during periods of economic hardship occasioned by the  
12 COVID-19 epidemic. Six months following the date the State of Emergency ends and every six  
13 months thereafter, Golden LEAF shall remit the net loan funds that have been received to the  
14 Office, which shall deposit the funds into the Coronavirus Relief Reserve. Amounts deposited  
15 into the Reserve under this subsection are receipts that do not constitute an "appropriation made  
16 by law," as that phrase is used in Section 7(1) of Article V of the North Carolina Constitution.

17 **SECTION 4.2.(d)** Reporting. – Every six months, Golden LEAF shall submit a  
18 report on the program to the Joint Legislative Economic Development and Global Engagement  
19 Oversight Committee and the Fiscal Research Division. The duty to report pursuant to this  
20 section shall cease after the submission of the report following when Golden LEAF has remitted  
21 the entirety of the net loan funds to the Office. Each report shall contain all of the following:

- 22 (1) The number of recipients of loans for each represented North American  
23 Industry Classification System Code.
- 24 (2) The number of jobs retained.
- 25 (3) The number of loans awarded.
- 26 (4) The average loan amount.
- 27 (5) The total amount loaned to date.
- 28 (6) The total amount of loans repaid to date.
- 29 (7) The total amount of loans defaulted on to date.
- 30 (8) The total amount of loans defaulted that have been recaptured.

## 31 32 **PART V. EDUCATION POLICY REVISIONS**

### 33 34 **DEFINITIONS**

35 **SECTION 5.1.** For the purposes of this Part, the following definitions apply:

- 36 (1) Authority. – State Education Assistance Authority.
- 37 (2) Coronavirus disease 2019 (COVID-19) emergency. – The period beginning  
38 March 10, 2020, and continuing until the Governor signs an executive order  
39 rescinding Executive Order No. 116 (Declaration of a State of Emergency to  
40 Coordinate Response and Protective Actions to Prevent the Spread of  
41 COVID-19).
- 42 (3) Federal testing waiver. – The testing waiver granted to the State Board of  
43 Education by the United States Department of Education for the 2019-2020  
44 school year, pursuant to section 8401(b) of the Elementary and Secondary  
45 Education Act of 1965 (ESEA), as amended, which, pursuant to  
46 G.S. 115C-174.11, eliminated the collection of certain student assessment  
47 data for the 2019-2020 school year.
- 48 (4) School closure period. – The period beginning March 16, 2020, and  
49 continuing until the latest of the following:  
50 a. May 15, 2020.

- 1                   b.       The date specified by an executive order superseding the school  
2                   closure period in Executive Order No. 120 (Additional Limitations on  
3                   Mass Gatherings, Restrictions on Venues and Long Term Care  
4                   Facilities, and Extension of School Closure Date).  
5                   c.       The date specified in any executive order superseding the superseding  
6                   executive order described in sub-subdivision b. of this subdivision.  
7                   (5)     State Board. – The State Board of Education.  
8

## 9     **INTRODUCTION**

10           **SECTION 5.2.** The purpose of this Part is to clarify or modify certain requirements  
11 in consideration of actions and circumstances related to the COVID-19 emergency, including,  
12 but not limited to, the federal testing waiver and the school closure period.  
13

## 14     **WAIVERS AND MODIFICATIONS RELATED TO PUBLIC SCHOOL TESTING AND** 15 **ASSESSMENTS**

16           **SECTION 5.3.(a)** EOGs and EOCs. – Consistent with the provisions of  
17 G.S. 115C-174.11(d), for the 2019-2020 school year, end-of-grade and end-of-course tests are  
18 waived.  
19

20           **SECTION 5.3.(b)** ACT. – Notwithstanding G.S. 115C-174.11(c)(4), during the fall  
21 semester of the 2020-2021 school year, public school units shall administer the norm-referenced  
22 college admissions test made available by the State Board to all students who were in the eleventh  
23 grade during the 2019-2020 school year who were not administered the test during the 2019-2020  
24 school year, unless a student has already taken a comparable test and scored at or above a level  
25 set by the State Board.

26           **SECTION 5.3.(c)** Diagnostic and Formative Assessments. – For the 2019-2020  
27 school year, for the diagnostic and formative reading assessments for kindergarten, first, second,  
28 and third grade students described in G.S. 115C-83.6 and G.S. 115C-174.11(a), additional  
29 assessments beyond those administered prior to the school closure period are not required.

30           **SECTION 5.3.(d)** WorkKeys. – For the spring semester of the 2019-2020 school  
31 year only, notwithstanding G.S. 115C-174.25, a local school administrative unit shall not be  
32 required to administer the WorkKeys tests to any students who complete a concentration in career  
33 and technical education courses.

## 34     **WAIVERS AND MODIFICATIONS RELATED TO PUBLIC SCHOOL** 35 **PERFORMANCE, ANNUAL REPORT CARDS FOR SCHOOLS, AND SCHOOL** 36 **BUILDING REPORTS**

37           **SECTION 5.4.(a)** Calculation and Issuance of School Performance Grades. – For  
38 the 2020-2021 school year, based on data from the 2019-2020 school year, the provisions of  
39 G.S. 115C-12(9)c1. and G.S. 115C-83.15(a) through (f) shall not apply. Notwithstanding  
40 G.S. 115C-83.15(g), the State Board is not required to display school report card information for  
41 the 2020-2021 school year based on data from the 2019-2020 school year, but shall display a  
42 brief explanation that school report cards were not issued for the 2020-2021 school year because  
43 assessment data was not collected during the 2019-2020 school year due to COVID-19.

44           **SECTION 5.4.(b)** Display of School Report Cards. – Notwithstanding  
45 G.S. 115C-47(58), 115C-75.8(d)(7), 115C-218.65, 115C-238.66(11), 116-239.8(b)(14), and  
46 Section 6(d)(2) of S.L. 2018-32, public school units are not required to display school report card  
47 information for the 2020-2021 school year based on data from the 2019-2020 school year, but  
48 shall display a brief explanation that school report cards were not issued for the 2020-2021 school  
49 year because assessment data was not collected during the 2019-2020 school year due to  
50 COVID-19.

1           **SECTION 5.4.(c)** Evaluation of Alternative Programs. – Notwithstanding  
2 G.S. 115C-12(24), to the extent educational performance and growth of students in alternative  
3 schools and alternative programs are measured based on the accountability system developed  
4 under G.S. 115C-83.15 and G.S. 115C-105.35, educational performance and growth of students  
5 in alternative schools and alternative programs shall not be evaluated based on data from the  
6 2019-2020 school year.

7           **SECTION 5.4.(d)** School Building Reports. – The requirement for local school  
8 administrative units to produce and make public a school building report under  
9 G.S. 115C-12(9)c3. and G.S. 115C-47(35) shall not apply for the October 15, 2020, report based  
10 on building-level data from the 2019-2020 school year.  
11

## 12 **WAIVERS RELATED TO LOW-PERFORMING SCHOOLS**

13           **SECTION 5.5.(a)** Low-Performing Schools. – Notwithstanding G.S. 115C-105.37  
14 and G.S. 115C-218.94(a), for the 2020-2021 school year, the following applies:

- 15           (1) The State Board shall not identify additional low-performing schools based  
16 on data from the 2019-2020 school year.
- 17           (2) Schools previously identified as low-performing based on data from the  
18 2018-2019 school year shall continue to be identified as low-performing.
- 19           (3) Previously identified low-performing schools shall continue to carry out the  
20 final plan approved by the local board of education pursuant to  
21 G.S. 115C-105.37(a1).
- 22           (4) The State Board and the local board of education shall continue to provide  
23 online access to each low-performing school's plan in accordance with  
24 G.S. 115C-105.37(a1)(5).
- 25           (5) The written parental notice required by G.S. 115C-105.37(b) is not required  
26 to be provided again, but local boards of education of low-performing schools  
27 shall include with their online final plans a brief explanation that  
28 low-performing identification continues pending assessment data from the  
29 2020-2021 school year.

30           **SECTION 5.5.(b)** Continually Low-Performing Schools. – Notwithstanding  
31 G.S. 115C-105.37A and G.S. 115C-218.94(b), for the 2020-2021 school year, the following  
32 applies:

- 33           (1) The State Board shall not identify additional continually low-performing  
34 schools based on data from the 2019-2020 school year.
- 35           (2) Schools previously identified as continually low-performing based on data  
36 from the 2018-2019 school year shall continue to be identified as continually  
37 low-performing.
- 38           (3) Previously identified continually low-performing schools shall continue to  
39 carry out the plan approved by the State Board pursuant to  
40 G.S. 115C-105.37A(a).
- 41           (4) Assistance and intervention levels provided for the 2019-2020 school year  
42 based on designation as low-performing for two years under  
43 G.S. 115C-105.37A(b) or low-performing for three years under  
44 G.S. 115C-105.37A(c) shall continue.
- 45           (5) Local boards of education may request to reform a continually  
46 low-performing school in accordance with G.S. 115C-105.37B.

47           **SECTION 5.5.(c)** Low-Performing Local School Administrative Units. –  
48 Notwithstanding G.S. 115C-105.39A, for the 2020-2021 school year, the following applies:

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

- 1 (2) Local school administrative units previously identified as low-performing  
2 based on data from the 2018-2019 school year shall continue to be identified  
3 as low-performing.
- 4 (3) Previously identified low-performing local school administrative units shall  
5 continue to carry out the final plan approved by the local board of education  
6 pursuant to G.S. 115C-105.39A(b).
- 7 (4) The State Board and the local board of education shall continue to provide  
8 online access to each low-performing local school administrative unit's plan  
9 in accordance with G.S. 115C-105.39A(b)(5).
- 10 (5) The written parental notice required by G.S. 115C-105.39A(c) is not required  
11 to be provided again, but the local board of education shall include with its  
12 online final plan a brief explanation that low-performing identification  
13 continues pending assessment data from the 2020-2021 school year.
- 14 (6) The provisions of G.S. 115C-105.39(c) through (e) shall not apply.  
15

## 16 **WAIVERS RELATED TO THE INNOVATIVE SCHOOL DISTRICT**

17 **SECTION 5.6.(a)** Notwithstanding the provisions of G.S. 115C-75.7 and  
18 G.S. 115C-105.37A(d), for the 2020-2021 school year, the following applies:

- 19 (1) The State Board shall not identify any additional schools as qualifying schools  
20 for the Innovative School District based on data from the 2019-2020 school  
21 year.
- 22 (2) Schools identified as qualifying schools for the 2019-2020 school year based  
23 on data from the 2018-2019 school year shall remain on the qualifying list,  
24 and the provisions of G.S. 115C-75.7(b1), (b2), and (d) shall continue to apply  
25 to these schools.

26 **SECTION 5.6.(b)** Section 1(c) of S.L. 2019-248 reads as rewritten:

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

- 30 ~~(1) The lowest scoring qualifying school in the State identified based on the~~  
31 ~~school performance score calculated from data for the 2019-2020 school year~~  
32 ~~to become an innovative school in the 2021-2022 school year.~~
- 33 (2) The lowest scoring qualifying school in the State identified based on the  
34 school performance score calculated from data for the 2020-2021 school year  
35 to become an innovative school in the 2022-2023 school year."  
36

## 37 **MODIFICATIONS FOR THIRD GRADE RETENTION AND READING** 38 **CAMPS/REQUIREMENT FOR FOURTH GRADE READING ASSESSMENT**

39 **SECTION 5.7.(a)** Third Grade Retention Determination. – For grade level  
40 determination for the 2020-2021 school year, the following applies:

- 41 (1) Notwithstanding the provisions of G.S. 115C-83.7 and the requirement in  
42 G.S. 115C-288(a) that a principal's authority to grade and classify pupils is  
43 limited by the requirements of G.S. 115C-83.7(a), principals shall have  
44 authority to determine the appropriate 2020-2021 school year grade level for  
45 students in the third grade during the 2019-2020 school year in the same  
46 manner as for students in all other grade levels. Principals shall designate  
47 whether a retained third grade student is retained due to reading deficiencies.  
48 Principals are encouraged to consult with a student's 2019-2020 third grade  
49 teacher in determining grade classification.
- 50 (2) Notwithstanding the provisions of G.S. 115C-218.85(b), charter schools shall  
51 have authority to determine the appropriate 2020-2021 school year grade level

1 for third grade students in the same manner that grade level classification is  
2 determined for other grade levels.

3 **SECTION 5.7.(b)** Parental Notice and Interventions. – Consistent with  
4 G.S. 115C-83.9(a), parents or guardians shall receive notice that a first, second, or third grade  
5 student demonstrated difficulty with reading development or was not reading at grade level  
6 during the 2019-2020 school year based on assessments completed on or before March 13, 2020.  
7 The provisions of G.S. 115C-83.9(d) shall apply to this notice.

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

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

15 **SECTION 5.7.(c)** Reading Camps. – Notwithstanding G.S. 115C-83.6(a),  
16 115C-83.8(a), and 115C-83.11, and any other provision of law to the contrary, local school  
17 administrative units are not required to provide reading camps corresponding to the 2019-2020  
18 school year.

19 **SECTION 5.7.(d)** Fourth Grade Reading Assessment. – No later than the tenth day  
20 that school buildings are open to students for the 2020-2021 school year, public school units shall  
21 administer to all fourth grade students the end-of-year diagnostic assessment otherwise required  
22 for third grade students pursuant to G.S. 115C-174.11(a) and State Board policy. The results of  
23 the assessment shall be used to identify reading deficiencies and inform instruction and  
24 remediation needs in order to ensure that all students achieve proficiency at the earliest date  
25 possible.

26 **SECTION 5.7.(e)** Reporting Requirements. – For the 2020-2021 school year, the  
27 following applies:

- 28 (1) Accountability reporting described in G.S. 115C-83.10 shall not be required  
29 based on data from the 2019-2020 school year, except that by September 1,  
30 2020, local boards of education shall report to the State Board the following:  
31 a. The number and percentage of first grade students on track and not on  
32 track to meet year-end expectations based on assessments completed  
33 on or before March 13, 2020.  
34 b. The number and percentage of second grade students on track and not  
35 on track to meet year-end expectations based on assessments  
36 completed on or before March 13, 2020.  
37 c. The number and percentage of third grade students on track and not on  
38 track to meet year-end expectations based on assessments completed  
39 on or before March 13, 2020.  
40 d. The number and percentage of third grade students retained pursuant  
41 to subsection (a) of this section for reading deficiencies.
- 42 (2) Reporting requirements described in G.S. 115C-218.85(b)(4) shall not be  
43 required based on data from the 2019-2020 school year, except that by  
44 September 1, 2020, charter schools and other public school units subject to  
45 charter school statutory requirements shall report to the State Board the  
46 following:  
47 a. The number and percentage of third grade students on track and not on  
48 track to meet year-end expectations based on assessments completed  
49 on or before March 13, 2020.  
50 b. The number and percentage of third grade students retained pursuant  
51 to subsection (a) of this section for reading deficiencies.



- 1 (3) The State Board shall compile the information described in this subsection  
2 and shall submit a State-level summary of each component by local school  
3 administrative unit and charter school to the Joint Legislative Education  
4 Oversight Committee by October 15, 2020.  
5

## 6 **MODIFICATIONS FOR PLACEMENT IN ADVANCED COURSES IN** 7 **MATHEMATICS**

8 **SECTION 5.8.** The provisions of G.S. 115C-81.36(a1) and (b) shall not apply for  
9 the 2020-2021 school year based on data from the 2019-2020 school year. Math placement for  
10 the 2020-2021 school year may be determined consistent with local policies, in consultation with  
11 a student's 2019-2020 school year math teacher. For the purposes of G.S. 115C-81.36(c), the  
12 Department of Public Instruction shall submit its December 15, 2020, report to the Joint  
13 Legislative Education Oversight Committee on the number and demographics of students who  
14 were (i) enrolled in advanced mathematics courses, including high school level mathematics  
15 courses in eighth grade, or (ii) given other advanced learning opportunities for the 2020-2021  
16 school year. The report shall include information on the type and format of advanced  
17 mathematics courses or advanced learning opportunities provided and shall also include any  
18 feedback provided by local boards of education on the implementation of G.S. 115C-81.36.  
19

## 20 **WAIVER OF THE CPR HIGH SCHOOL GRADUATION REQUIREMENT**

21 **SECTION 5.9.** Notwithstanding G.S. 115C-12(9d)a., for the 2019-2020 school year,  
22 any student in grade 12 who has not satisfied the requirement for completion of instruction in  
23 cardiopulmonary resuscitation shall be eligible to graduate if both of the following apply:

- 24 (1) Instruction in cardiopulmonary resuscitation cannot be completed due to the  
25 COVID-19 emergency.  
26 (2) The student is eligible to graduate in all respects other than the statutory  
27 requirement described in this section, as determined by the principal of the  
28 school to which the student is assigned.  
29

## 30 **SCHOOL CALENDAR FOR THE 2019-2020 SCHOOL YEAR**

31 **SECTION 5.10.(a)** Instructional Time Requirements. – A public school unit that  
32 provides remote instruction as required by this subsection shall be deemed to have satisfied the  
33 minimum days and hours required by G.S. 115C-75.8(d)(9), 115C-84.2(a)(1), 115C-150.12,  
34 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  
35 S.L. 2018-32 for the 2019-2020 school year. For the purposes of this subsection for the  
36 2019-2020 school year, remote instruction is defined as learning that takes place outside of the  
37 traditional school setting using various media and formats, including, but not limited to, video  
38 conference, telephone conference, print material, online material, or learning management  
39 systems. Each public school unit shall provide remote instruction for the remainder of its  
40 scheduled 2019-2020 school year.

41 **SECTION 5.10.(b)** Student Attendance Enforcement. – For the 2019-2020 school  
42 year, the requirements of G.S. 115C-378(e) through (g) shall not apply during the school closure  
43 period.  
44

## 45 **SCHOOL CALENDAR FOR THE 2020-2021 SCHOOL YEAR**

46 **SECTION 5.11.(a)** Remote Instruction Plans. – The governing body of each public  
47 school unit shall develop a Remote Instruction Plan (Plan) for the 2020-2021 school year and  
48 shall submit its Plan to the State Board no later than July 20, 2020. The purpose of the Plan is to  
49 provide a detailed framework for delivering quality remote instruction to all students within the  
50 public school unit during the 2020-2021 school year, as provided in subsection (b) of this section.

- 1 In describing how the public school unit will implement remote instruction, the Plan shall address  
2 all of the following:
- 3 (1) Consulting with teachers, administrators and instructional support staff,  
4 parents, students, community partners, and other stakeholders in developing  
5 the Plan and effectively communicating the Plan to all involved parties.
  - 6 (2) Training for teachers and staff on effective use of the remote instruction  
7 resources utilized by the public school unit and the process for student  
8 submission of completed work. The Plan shall identify any learning  
9 management system, online instructional resource, or offline instructional  
10 resource that will be made available to all students in a grade-level across the  
11 public school unit.
  - 12 (3) Defining and clearly communicating staff roles and expectations for remote  
13 instruction days, including teacher workdays, teacher accessibility, and  
14 noncertified staff workdays and responsibilities. The Plan may include  
15 variances for staff expectations when remote instruction days are also used as  
16 teacher workdays.
  - 17 (4) Surveying student and teacher home connectivity and providing for remote  
18 instruction that is appropriate for teachers and students with limited  
19 connectivity capability, including the opportunity for students to download  
20 remote learning materials in advance when practicable.
  - 21 (5) Engaging with community partners on services that parents and students can  
22 utilize on remote instruction days, including community partners willing to  
23 provide free broadband access or connectivity for remote instruction and  
24 community partners with child care options, and communicating remote  
25 instruction schedules with those partners.
  - 26 (6) Developing effective design and delivery of remote instruction lessons within  
27 professional learning communities.
  - 28 (7) Teaching and practice opportunities for students on accessing and using  
29 remote instruction platforms and methods, including how to locate, complete,  
30 and submit assignments. The Plan shall include regular opportunities for  
31 students to use the platforms and methods during non-remote instruction days  
32 to ensure student success during remote instruction.
  - 33 (8) Communicating learning targets to students on each remote instruction day  
34 and ensuring that lesson design provides instructional time, practice, and  
35 application components to demonstrate learning. The Plan shall include a  
36 process for monitoring the quality of remote instruction materials.
  - 37 (9) Ensuring that remote instructional time, practice, and application components  
38 support learning growth that continues toward mastery of the standard course  
39 of study. The Plan shall include work measurement guidelines appropriate to  
40 each grade level, including deadlines for submission of assignments and  
41 methods to assess and grade learning during remote instruction.
  - 42 (10) Ensuring that students with disabilities have equal access to the remote  
43 instruction provided by their public school units and that remote instruction is  
44 provided in a manner consistent with each student's individualized education  
45 program (IEP) or 504 plan. Remote learning day supports shall be considered  
46 and included in the development or modification of all IEPs or 504 plans, as  
47 appropriate for the student.
  - 48 (11) Tracking and reporting attendance on remote instruction days, including  
49 protocols for determining attendance, the reporting system to be used, and  
50 how attendance procedures will be communicated to parents before remote  
51 instruction begins.

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

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

6 **SECTION 5.11.(b)** School Calendar. – Except as otherwise provided in this  
7 subsection, the requirements of G.S. 115C-84.2, including the requirement that a school calendar  
8 consist of 215 days, apply to the 2020-2021 school calendar for local school administrative units.  
9 The provisions of this subsection supersede any school calendar adopted by a public school unit  
10 prior to the enactment of this act. For the 2020-2021 school year only, the following applies to  
11 the school calendar for public school units:

12 (1) Notwithstanding any provisions of G.S. 115C-75.8(d)(9), 115C-84.2(a)(1),  
13 115C-150.12, 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d.,  
14 116-239.8(b)(2)c., and Section 6(e) of S.L. 2018-32 to the contrary, each  
15 public school unit shall adopt a calendar that includes 190 days of instruction  
16 as follows:

17 a. One hundred eighty-five (185) days or 1,025 hours of instruction that  
18 include five remote instruction days in accordance with the Plan  
19 developed pursuant to subsection (a) of this section. Each of the five  
20 remote instruction days may be scheduled in the discretion of the  
21 public school unit, except as provided in subdivision (2) of this  
22 subsection.

23 b. An additional five instructional days that shall be satisfied only by five  
24 individually separate and distinct full instructional days and not by an  
25 accumulation of instructional hours.

26 (2) Notwithstanding any provisions of G.S. 115C-84.2(d) to the contrary, each  
27 local school administrative unit shall adopt a school calendar in accordance  
28 with the following:

29 a. An opening date for students of August 17, 2020.

30 b. A closing date for students no later than June 11, 2021.

31 c. No remote instruction day shall be scheduled prior to August 24, 2020.

32 d. Remote instruction days may be scheduled for use as teacher  
33 workdays, including as teacher workdays on which teachers may take  
34 accumulated vacation leave, provided that remote instruction material  
35 is prepared and provided for students to use during the remote  
36 instruction days. Local school administrative units may, in their  
37 discretion, schedule remote instruction days as teacher workdays to  
38 facilitate completion of first semester course exams prior to a winter  
39 holiday period.

40 e. A local school administrative unit granted a good cause waiver for the  
41 2020-2021 school year shall not have an opening date for students  
42 earlier than August 17, 2020, but may use up to an additional five  
43 remote instruction days, in accordance with the requirements of this  
44 subsection for remote instruction days, solely as make-up days for  
45 days on which schools have been closed due to inclement weather or  
46 other emergency situations.

47 (3) If, during the 2020-2021 school year, a state of emergency or disaster is  
48 declared under Chapter 166A of the General Statutes ordering school closure  
49 for more than five days, a public school unit providing remote instruction in  
50 accordance with the Plan developed pursuant to subsection (a) of this section

1 may use additional remote instruction days as necessary to satisfy  
2 instructional time requirements.

3 **SECTION 5.11.(c)** Reporting Requirement. – No later than September 15, 2020, the  
4 State Board shall report to the Joint Legislative Education Oversight Committee on the  
5 implementation of subsection (a) of this section. The State Board shall submit with its report a  
6 copy of each Remote Instruction Plan submitted, and the report shall provide a statewide  
7 summary that includes the following:

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

#### 20 21 **MODIFICATION FOR THE PRINCIPAL RECRUITMENT SUPPLEMENT**

22 **SECTION 5.12.(a)** Notwithstanding G.S. 115C-285.1, as enacted by S.L. 2019-247,  
23 for the 2020-2021 school year, a school identified as an eligible school in the 2019-2020 school  
24 year pursuant to G.S. 115C-285.1(a)(2) shall continue to be an eligible school in the 2020-2021  
25 school year.

26 **SECTION 5.12.(b)** G.S. 115C-285.1(e), as enacted by S.L. 2019-247, reads as  
27 rewritten:

28 "(e) Additional Funds. – In the event an eligible employer is unable to award funds for the  
29 salary supplement because of resignation, dismissal, reduction in force, death, retirement, or  
30 failure to execute a contract with a qualifying principal, the Department shall award the funds,  
31 as soon as is practicable, to another eligible employer identified in subdivision ~~(a)(2)~~(a)(1)  
32 of this section."  
33

#### 34 **WAIVER OF THE NOTIFICATION REQUIREMENT FOR TEACHER** 35 **PERFORMANCE DATA**

36 **SECTION 5.13.** Notwithstanding G.S. 115C-333.2, for the 2020-2021 school year,  
37 principals are not required to notify teachers that Education Value-Added Assessment System  
38 (EVAAS) data has been updated to reflect teacher performance from the 2019-2020 school year.  
39

#### 40 **WAIVER OF THE TEACHER EFFECTIVENESS REPORTING REQUIREMENTS**

41 **SECTION 5.14.(a)** Notwithstanding G.S. 115C-299.5(d), for the 2020-2021 school  
42 year, local school administrative units are not required to provide teacher effectiveness data from  
43 the 2019-2020 school year to the State Board, and the State Board is not required to include any  
44 disaggregated data on teacher effectiveness from the 2019-2020 school year in its December 15,  
45 2020, report on the state of the teaching profession in North Carolina.

46 **SECTION 5.14.(b)** G.S. 115C-299.5(d) reads as rewritten:

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

1 the purposes of this report, any North Carolina Educator Evaluation System (NCEES)  
2 effectiveness status assigned to teachers who left employment. The State Board of Education  
3 shall not report disaggregated data that reveals confidential information in a teacher's personnel  
4 file, as defined by Article 21A of this Chapter, such as making the effectiveness status personally  
5 identifiable to an individual teacher."  
6

## 7 **MODIFICATION OF TEACHER EVALUATION AND OBSERVATION** 8 **REQUIREMENTS**

9 **SECTION 5.15.** Notwithstanding G.S. 115C-333(a) and G.S. 115C-333.1(a), for the  
10 2019-2020 school year, annual teacher evaluations required pursuant to G.S. 115C-333(a) and  
11 G.S. 115C-333.1(a) shall be based on (i) observations completed in the 2019-2020 school year  
12 prior to the school closure period and (ii) other artifacts and evidence from the 2019-2020 school  
13 year. Schools are not required to complete any observations required in the 2019-2020 school  
14 year pursuant to G.S. 115C-333(a) and G.S. 115C-333.1(a) that were not completed prior to the  
15 school closure period.  
16

## 17 **WAIVER OF STANDARDIZED TESTING REQUIREMENTS FOR NONPUBLIC** 18 **SCHOOLS**

19 **SECTION 5.16.** Notwithstanding G.S. 115C-549, 115C-550, 115C-557, 115C-558,  
20 and 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either  
21 of the following:

- 22 (1) Administer nationally standardized tests or other nationally standardized  
23 equivalent measurements for the 2019-2020 school year.
- 24 (2) Make, maintain, or make available records of test results received by their  
25 students in the 2019-2020 school year.  
26

## 27 **WAIVER OF ATTENDANCE AND CALENDAR REQUIREMENTS FOR NONPUBLIC** 28 **SCHOOLS**

29 **SECTION 5.17.** Notwithstanding G.S. 115C-378, 115C-548, 115C-556, and  
30 115C-564, nonpublic schools, as defined in G.S. 115C-591(4), are not required to do either of  
31 the following:

- 32 (1) Make, maintain, and render attendance records of children of compulsory  
33 school age during the school closure period.
- 34 (2) For the 2019-2020 school year, operate on a regular schedule at least nine  
35 calendar months of the year.  
36

## 37 **WAIVER OF STANDARDIZED TESTING AND REPORTING REQUIREMENTS FOR** 38 **NONPUBLIC SCHOOLS WITH STUDENTS RECEIVING OPPORTUNITY** 39 **SCHOLARSHIP GRANTS**

40 **SECTION 5.18.(a)** For purposes of this section, the definitions from  
41 G.S. 115C-562.1 shall apply.

42 **SECTION 5.18.(b)** Notwithstanding G.S. 115C-562.5, for the 2019-2020 school  
43 year, a nonpublic school that accepts eligible students receiving scholarship grants is not required  
44 to do any of the following:

- 45 (1) Provide to the parent or guardian of an eligible student, whose tuition and fees  
46 are paid in whole or in part with a scholarship grant, the student's scores on  
47 standardized achievement tests.
- 48 (2) Administer a nationally standardized test or other nationally standardized  
49 equivalent measurement to any eligible students whose tuition and fees are  
50 paid in whole or in part with a scholarship grant in grades three and higher.

- 1 (3) Submit standardized test performance data from the 2019-2020 school year to  
2 the Authority.
- 3 (4) If the nonpublic school enrolls more than 25 students whose tuition and fees  
4 are paid in whole or in part with a scholarship grant, either of the following:
- 5 a. Report to the Authority on the aggregate standardized test performance  
6 of eligible students.
- 7 b. Provide standardized test performance data from the 2019-2020 school  
8 year to an independent research organization.  
9

#### 10 **OPPORTUNITY SCHOLARSHIP PROGRAM LATE DISBURSEMENT OF FUNDS**

11 **SECTION 5.19.** Notwithstanding G.S. 115C-562.8, from the funds carried forward  
12 at the end of the 2019-2020 fiscal year pursuant to G.S. 115C-562.8 that were unexpended as a  
13 result of the closure of nonpublic schools due to the COVID-19 emergency, the Authority may  
14 remit a scholarship grant awarded to a student for the spring semester of the 2019-2020 school  
15 year to a nonpublic school on or before October 1, 2020.  
16

#### 17 **EXTENSION OF K-12 SCHOLARSHIP PROGRAM REPORT DATES**

18 **SECTION 5.20.(a)** Opportunity Scholarship Grant Program. – Notwithstanding  
19 G.S. 115C-562.7, the Authority shall submit by November 15, 2020, its annual report due by  
20 October 15 each year to the Joint Legislative Education Oversight Committee on the Opportunity  
21 Scholarship Grant Program.

22 **SECTION 5.20.(b)** Disabilities Grant Program. – Notwithstanding  
23 G.S. 115C-112.8, the Authority shall submit by November 15, 2020, its annual report due by  
24 October 15 each year to the Joint Legislative Education Oversight Committee on the Special  
25 Education Scholarships for Children with Disabilities Program.  
26

#### 27 **MODIFICATIONS FOR EDUCATOR PREPARATION PROGRAMS**

28 **SECTION 5.21.(a)** Minimum Admission Requirements for EPPs. –  
29 Notwithstanding the minimum admission requirements required by G.S. 115C-269.15, for the  
30 2020-2021 academic year only, a recognized EPP shall be permitted to admit students as follows:

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

41 **SECTION 5.21.(b)** Clinical Internships. – Notwithstanding  
42 G.S. 115C-269.25(d)(1), a student who is enrolled in a recognized EPP pursuant to  
43 G.S. 115C-269.5 may have the clinical internship requirement set forth in  
44 G.S. 115C-269.25(d)(1) deemed completed for the 2019-2020 academic year under the following  
45 conditions:

- 46 (1) The student has completed as much time in a clinical internship as practicable  
47 prior to March 10, 2020.
- 48 (2) The student would be unable to complete the EPP by August 15, 2020, unless  
49 the clinical internship is deemed completed pursuant to this section.
- 50 (3) The student has been engaged in remote instruction as practicable while the  
51 school is closed during the school closure period.

- 1 (4) The student has otherwise met the descriptors identified on the certification of  
2 teacher capacity utilized by the EPP and the elementary or secondary school  
3 partner.

4 **SECTION 5.21.(c)** Pedagogy Assessments. – Notwithstanding  
5 G.S. 115C-269.25(g), for individuals who have their clinical internship deemed completed  
6 pursuant to subsection (b) of this section, the following shall apply:

- 7 (1) The State Board shall not require EPPs to require these individuals for the  
8 2019-2020 academic year to complete a nationally normed and valid  
9 pedagogy assessment to determine clinical practice performance.  
10 (2) The State Board shall not require these individuals for the 2019-2020  
11 academic year to complete the pedagogy assessment as a condition of EPP  
12 completion.  
13 (3) These individuals shall attempt the pedagogy assessment by the end of their  
14 first year of licensure and shall pass the assessment by the end of their third  
15 year of licensure.

16 **SECTION 5.21.(d)** Accountability. – Due to the lack of student assessment data and  
17 the school closure period, notwithstanding the requirements of G.S. 115C-269.35(a), EPPs shall  
18 only be required to submit information that is practicably available in the annual report to the  
19 State Board required under G.S. 115C-269.35(b) for the 2019-2020 academic year.

20 **SECTION 5.21.(e)** Sanctions. – Notwithstanding G.S. 115C-269.45(c), the State  
21 Board shall not consider data that was not practicably available related to the 2019-2020 school  
22 year when assigning sanctions for an EPP under G.S. 115C-269.45(c).

23 **SECTION 5.21.(f)** EPP Report Cards. – Due to limited available information and  
24 the waiver of the requirement to submit certain information to the State Board under subsection  
25 (c) of this section, notwithstanding G.S. 115C-269.50, the State Board shall create and submit  
26 annual report cards for EPPs as required by G.S. 115C-269.50 by December 15, 2020, to the  
27 Joint Legislative Education Oversight Committee (Committee) but shall not make the annual  
28 report cards created pursuant to this section available to the public through the State Board's Web  
29 site for the 2019-2020 academic year. The State Board shall also include in its report to the  
30 Committee aggregated information on the following:

- 31 (1) The number and overall percentage of students who were admitted to an EPP  
32 with a GPA that was less than 2.7 as permitted by subdivision (2) of subsection  
33 (a) of this section.  
34 (2) The number and overall percentage of students who had their clinical  
35 internships deemed completed pursuant to subsection (b) of this section.  
36

### 37 **MODIFICATIONS FOR SCHOOL ADMINISTRATOR PREPARATION PROGRAMS**

38 **SECTION 5.22.** Notwithstanding G.S. 115C-284(c2), a school administrator  
39 candidate who is enrolled in a school administrator preparation program meeting the approval  
40 standards established by the State Board pursuant to G.S. 115C-284 may have certain  
41 requirements of G.S. 115C-284(c2) deemed completed for the 2019-2020 academic year as  
42 follows:

- 43 (1) The requirement that a candidate shall complete a year-long internship under  
44 G.S. 115C-284(c2)(7) shall be deemed completed under the following  
45 conditions:  
46 a. The candidate has completed as much time in the year-long internship  
47 as practicable prior to March 10, 2020.  
48 b. The candidate would be unable to complete the program by August  
49 15, 2020, unless the internship is deemed completed pursuant to this  
50 section.

- 1 c. The candidate has been engaged in administrative duties as practicable  
2 while the school is closed during the school closure period.  
3 d. The candidate has otherwise met the competencies identified in the  
4 certification of capacity utilized by the school administrator  
5 preparation program.  
6 (2) The candidate shall complete a portfolio for emerging leaders to demonstrate  
7 the application of his or her training to actual school needs and training to the  
8 extent practicable prior to completion of the school administrator preparation  
9 program.  
10

## 11 MODIFICATIONS FOR THE TRANSFORMING PRINCIPAL PREPARATION 12 GRANT PROGRAM

13 **SECTION 5.23.(a)** Notwithstanding G.S. 116-209.72(a)(2)e., a school leader  
14 candidate who is enrolled in a school leader preparation program receiving a grant pursuant to  
15 Part 4 of Chapter 116 of the General Statutes shall have the clinical practice requirement under  
16 G.S. 116-209.72(a)(2)e. deemed completed for the 2019-2020 academic year under the following  
17 conditions:

- 18 (1) The candidate has completed as much time in the clinical practice as  
19 practicable prior to March 10, 2020.  
20 (2) The candidate has been engaged in school leader duties as practicable while  
21 the school is closed during the school closure period.

22 **SECTION 5.23.(b)** Notwithstanding G.S. 116-209.73(c)(1)a., the Authority shall  
23 not retrieve grant funds for the 2019-2020 fiscal year from a grant recipient based solely on a  
24 recipient's failure to require school leader candidates to complete a full-time paid clinical practice  
25 of at least five months and 750 hours in duration as required by G.S. 116-209.72(a)(2)e. as part  
26 of the program during the 2019-2020 academic year.  
27

## 28 EXTENSIONS FOR TEACHER LICENSURE REQUIREMENTS

29 **SECTION 5.24.(a)** Extension for Licensure Requirements. – Notwithstanding  
30 G.S. 115C-270.15, G.S. 115C-270.20, and Section 1.2 of S.L. 2019-71, as amended by Section  
31 8(d) of S.L. 2019-212, the State Board shall allow applicants for educator licensure additional  
32 time to meet the requirements under G.S. 115C-270.15 and G.S. 115C-270.20 as follows:

- 33 (1) An individual who is in the first year of licensure, including an initial  
34 professional licensure (IPL), lateral entry license, or residency license (RL),  
35 as of March 10, 2020, who has not taken the examination required by the State  
36 Board may take the examination during the individual's second year of  
37 licensure.  
38 (2) An applicant for a continuing professional license (CPL) whose lateral entry  
39 license expires June 30, 2020, including a teacher granted an extension  
40 pursuant to Section 1.2 of S.L. 2019-71, as amended by Section 8(d) of S.L.  
41 2019-212, who has not met the examination and coursework requirements  
42 established by the State Board as of March 10, 2020, shall be provided an  
43 extension until June 30, 2021.  
44 (3) An applicant for a CPL whose IPL expires June 30, 2020, who has not met the  
45 examination requirement established by the State Board as of March 10, 2020,  
46 shall be provided an extension until June 30, 2021.  
47 (4) An applicant for a CPL who is an elementary education (K-6) or special  
48 education general curriculum teacher with an IPL or RL who was granted an  
49 extension until June 30, 2020, pursuant to Section 1.2 of S.L. 2019-71, as  
50 amended by Section 8(d) of S.L. 2019-212, who has not met the examination



1 requirement established by the State Board as of March 10, 2020, shall be  
2 provided an extension until June 30, 2021.

3 **SECTION 5.24.(b)** Extension for CEU Requirement. – Notwithstanding  
4 G.S. 115C-270.30(b), any teacher who is required to have at least eight continuing education  
5 credits for continuing licensure by June 30, 2020, shall have until June 30, 2021, to meet the  
6 requirements under G.S. 115C-270.30(b).

7  
8 **EXTENSIONS FOR LICENSURE REQUIREMENTS FOR OTHER SCHOOL**  
9 **PERSONNEL**

10 **SECTION 5.25.(a)** Extension for Examination Requirement. – Notwithstanding  
11 G.S. 115C-284 and G.S. 115C-315(d), the State Board shall allow applicants for licensure  
12 additional time to meet the examination requirements as follows:

- 13 (1) Pursuant to G.S. 115C-284, an individual applying for a school administrator  
14 license who has not met the examination requirements established by the State  
15 Board as of March 10, 2020, shall be permitted to meet the examination  
16 requirements in the first year of licensure.  
17 (2) Pursuant to G.S. 115C-315(d), an individual applying for licensure for a  
18 professional position in a public elementary or secondary school who has not  
19 met the examination requirements established by the State Board as of March  
20 10, 2020, shall be permitted to meet the examinations requirement in the first  
21 year of licensure.

22 **SECTION 5.25.(b)** Extension for CEU Requirement. – Notwithstanding  
23 G.S. 115C-284(c3), a school administrator who is required to meet continuing education credits  
24 in high-quality, integrated digital teaching and learning for licensure renewal by June 30, 2020,  
25 shall have until June 30, 2021, to meet the requirements under G.S. 115C-284(c3).

26  
27 **COMMUNITY COLLEGE TUITION WAIVER FOR STUDENTS IN**  
28 **APPRENTICESHIP PROGRAMS**

29 **SECTION 5.26.** Notwithstanding G.S. 115D-5(b)(16), if a student is unable to  
30 continue participation in a pre-apprenticeship or apprenticeship program due to the COVID-19  
31 emergency, a student may continue to be eligible for a tuition waiver for community college  
32 courses in the student's documented plan of study related to a job specific occupational or  
33 technical skill until December 31, 2020.

34  
35 **WAIVER OF INTEREST CHARGES ON UNC STUDENT DEBT**

36 **SECTION 5.27.** Notwithstanding G.S. 147-86.23, a constituent institution of The  
37 University of North Carolina shall not accrue or charge any interest to a past-due account  
38 receivable held by a student between March 13, 2020, and September 15, 2020.

39  
40 **EXTENSION OF UNC REPORT DATES**

41 **SECTION 5.28.(a)** Notwithstanding G.S. 116-11(12d), 116-74.21, and  
42 143-613(b1), the Board of Governors of The University of North Carolina shall have an  
43 additional 60 days to submit the following reports to the Joint Legislative Education Oversight  
44 Committee:

- 45 (1) The annual report due by April 15 each year on teacher education efforts at  
46 The University of North Carolina.  
47 (2) The annual report due by April 15 each year on the supply and demand of  
48 school administrators to determine the number of school administrators to be  
49 trained in school administrator training programs within the constituent  
50 institutions of The University of North Carolina in each year of the fiscal  
51 biennium.

- 1 (3) The biennial report due by May 15 every two years on the goals for  
2 State-operated health professional schools that offer training programs for  
3 licensure or certification of physician assistants, nurse practitioners, and nurse  
4 midwives for increasing the percentage of the graduates of those programs  
5 who enter clinical programs and careers in primary care.

6 **SECTION 5.28.(b)** Notwithstanding Section 9.7(c) of S.L. 2008-107, as amended  
7 by Section 9.3(c) of S.L. 2010-31, the Board of Governors of The University of North Carolina  
8 shall submit by June 15, 2020, its annual report on the UNC-NCCCS 2+2 E-Learning Initiative  
9 due by April 15 each year to the Joint Legislative Education Oversight Committee, the State  
10 Board of Education, the Office of State Budget and Management, and the Fiscal Research  
11 Division.

12 **SECTION 5.28.(c)** Notwithstanding Section 9.3(c) of S.L. 2005-276, as amended  
13 by Section 9.3(d) of S.L. 2010-31, The University of North Carolina System Office shall submit  
14 by June 15, 2020, its annual report on the UNC-NCCCS Joint Initiative for Teacher Education  
15 and Recruitment due by April 15 each year to the State Board of Education, the Board of  
16 Governors of The University of North Carolina, the State Board of Community Colleges, the  
17 Education Cabinet, the Joint Legislative Education Oversight Committee, and the Office of State  
18 Budget and Management.

## 19 **FUNDS FOR SUMMER LEARNING PROGRAMS**

20 **SECTION 5.29.(a)** The funds allocated in subdivision (19) of Section 3.3 of this act  
21 shall be allotted to local school administrative units, charter schools, and the Innovative School  
22 District to provide a supplemental summer learning program for students whose learning has  
23 been negatively affected by the impacts of COVID-19, in accordance with the following:

- 24 (1) The summer learning program shall include the following:
- 25 a. Reading interventions for students who were in kindergarten through  
26 grade three during the 2019-2020 school year who were not on track  
27 to meet 2019-2020 year-end expectations based on diagnostic  
28 assessments completed prior to March 16, 2020.
  - 29 b. Reading interventions for students who were in grade four during the  
30 2019-2020 school year who were not on track to meet 2019-2020  
31 year-end expectations as identified by their 2019-2020 school year  
32 reading teachers.
  - 33 c. Math interventions for students who were in kindergarten through  
34 grade four during the 2019-2020 school year who were not on track to  
35 meet 2019-2020 year-end expectations as identified by their  
36 2019-2020 school year math teachers.
- 37 (2) Of the funds appropriated by this section for summer reading programs, at  
38 least thirty-five million dollars (\$35,000,000) shall be used to provide reading  
39 interventions for students who were in grades two and three during the  
40 2019-2020 school year. Of these funds, any unexpended funds at the  
41 conclusion of the summer learning program shall be used prior to December  
42 30, 2020, to provide supplemental literacy support for students in grade four  
43 during the 2020-2021 school year who are not on track to meet 2020-2021  
44 year-end expectations, as identified by their 2020-2021 school year reading  
45 teachers.
- 46 (3) Any unexpended funds for (i) reading interventions for students in  
47 kindergarten, grade one, or grade four during the 2019-2020 school year and  
48 (ii) math interventions for students in kindergarten through grade four during  
49 the 2019-2020 school year shall be used prior to December 30, 2020, to  
50 provide supplemental literacy or math support, as appropriate, to students in  
51

1 grades one through five during the 2020-2021 school year who are not on track  
2 to meet 2020-2021 year-end expectations as identified by their respective  
3 2020-2021 school year reading or math teachers.

- 4 (4) Funds provided for summer learning programs may be used to deliver  
5 interventions and instruction to participating students using methods such as  
6 digital resources, printed materials, literacy coaches, and face-to-face  
7 instruction.

8 **SECTION 5.29.(b)** The governing body of a public school unit receiving funds  
9 under this section shall consult with 2019-2020 school year teachers of kindergarten through  
10 fourth grade students to develop summer learning program plans that deliver targeted instruction  
11 to students participating in the summer learning program. Each public school unit's plan shall  
12 comply with the requirements of any executive order in effect at the time of the summer learning  
13 program, including requirements on the use of public school buildings, and shall comply with  
14 social distancing and other public health guidelines provided by the Department of Health and  
15 Human Services. No later than May 31, 2020, local school administrative units and the  
16 Innovative School District shall submit their summer learning program plans to the Department  
17 of Public Instruction. The Department shall review each plan submitted and provide feedback as  
18 necessary to ensure that each summer learning program provides instruction and interventions as  
19 required by this section. The Department shall provide feedback to local school administrative  
20 units no later than June 26, 2020.

21 **SECTION 5.29.(c)** Summer learning programs shall not be included in scheduled  
22 instructional time for the 2020-2021 school year calendar, but shall provide a supplement to that  
23 instruction in order to better prepare students for academic success during the 2020-2021 school  
24 year, despite the impacts of COVID-19. Each public school unit receiving funds under this  
25 section is encouraged to identify or prepare resources and strategies that parents or guardians can  
26 provide at home for students who qualify for a summer learning program and who (i) do not  
27 attend or (ii) attend and would like additional material. Parents or guardians of students who  
28 qualify for summer learning programs shall make the final decision regarding student attendance  
29 at summer learning programs.

30 **SECTION 5.29.(d)** No later than February 15, 2021, the State Board of Education  
31 shall report to the Joint Legislative Oversight Committee on the implementation of this section  
32 and the use of State funds for summer learning programs.  
33

## 34 **PART VI. OTHER POLICY REVISIONS**

### 35 **REGULATORY FLEXIBILITY DURING THE CORONAVIRUS EMERGENCY**

36 **SECTION 6.1.(a)** For purposes of this section, the following definitions apply:

- 37 (1) "Coronavirus" has the same meaning as defined in section 506 of the  
38 Coronavirus Preparedness and Response Supplemental Appropriations Act,  
39 2020.  
40 (2) "Coronavirus emergency" means the period from March 10, 2020, through the  
41 date the Governor signs an executive order rescinding Executive Order No.  
42 116, Declaration of a State of Emergency to Coordinate Response and  
43 Protective Actions to Prevent the Spread of COVID-19.  
44 (3) "State agency" means an agency or an officer in the executive branch of the  
45 government of this State and includes the Council of State, the Governor's  
46 Office, a board, a commission, a department, a division, a council, and any  
47 other unit of government in the executive branch. "State agency" does not  
48 include the North Carolina Department of Justice, the State Board of  
49 Education, or the State Board of Elections.  
50

1           **SECTION 6.1.(b)** Each State agency shall review its rules, policies, procedures,  
2 enforcement actions, and any other type of agency requirement or action that affects the  
3 economic well-being of the citizens and businesses of the State and determine if, due to the  
4 impacts of the coronavirus, a waiver, delay, or modification of the agency's requirements or  
5 actions would be in the public interest, including the public health, safety, and welfare and the  
6 economic well-being of the citizens and businesses of the State. If the State agency determines  
7 that a waiver, delay, or modification of the agency's requirements or actions would be in the  
8 public interest, the agency shall adopt emergency rules or take other necessary actions to  
9 implement these waivers, delays, and modifications as expeditiously as possible.

10           **SECTION 6.1.(c)** Notwithstanding any other provision of State law, if a State  
11 agency determines that, due to the impacts of the coronavirus, it is in the public interest, including  
12 the public health, safety, and welfare and the economic well-being of the citizens and businesses  
13 of the State, the agency shall:

- 14           (1) Delay the collection of, or modify the method of collection of, any fees, fines,  
15 or late payments assessed by the agency under its statutes, including the  
16 accrual of interest associated with any fees, fines, or late payments.
- 17           (2) Delay the renewal dates of permits, licenses, and other similar certifications,  
18 registrations, and authorizations issued by the agency pursuant to its statutes.
- 19           (3) Delay or modify any educational or examination requirements implemented  
20 by the agency pursuant to its statutes.

21           **SECTION 6.1.(d)** No later than October 1, 2020, each State agency shall report to  
22 the Joint Legislative Administrative Procedure Oversight Committee, the Joint Legislative  
23 Commission on Governmental Operations, and the Office of State Budget and Management on  
24 its specific efforts to exercise regulatory flexibility under this section. If a State agency chooses  
25 not to exercise regulatory flexibility under this section, the report shall include an explanation  
26 from the agency as to how it determined that its exercise of regulatory flexibility was not in the  
27 public interest, including the public health, safety, and welfare and the economic well-being of  
28 the citizens and businesses of the State, during the coronavirus emergency.

29           **SECTION 6.1.(e)** State agencies shall exercise the authority granted pursuant to this  
30 section to the maximum extent practicable in order to protect the economic well-being of the  
31 citizens and businesses of the State, while also continuing to protect public health, safety, and  
32 welfare.

33           **SECTION 6.1.(f)** State agencies may adopt emergency rules for the implementation  
34 of this section in accordance with G.S. 150B-21.1A. Notwithstanding G.S. 150B-21.1A(a), an  
35 agency shall not commence the adoption of temporary rules pursuant to this section.  
36 Notwithstanding G.S. 150B-21.1A(d)(4), an emergency rule adopted pursuant to this section  
37 shall remain in effect during the pendency of the coronavirus emergency, unless the State agency  
38 specifies an earlier expiration date.

39           **SECTION 6.1.(g)** This section shall be construed liberally in order to allow State  
40 agencies to protect the economic well-being of the citizens and businesses of the State during the  
41 Coronavirus emergency.

42           **SECTION 6.1.(h)** This section is effective March 10, 2020, and expires on the earlier  
43 of the date the Governor signs an executive order rescinding Executive Order No. 116,  
44 Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent  
45 the Spread of COVID-19, or September 1, 2020.

## 46 **DIVISION OF MOTOR VEHICLES/EXTEND DEADLINES**

47           **SECTION 6.2.(a)** Definition. – For purposes of this section, "credential" means any  
48 of the following issued by the Division of Motor Vehicles:

- 49           (1) Drivers license.
- 50           (2) Learner's permit.
- 51

- 1 (3) Limited learner's permit.
- 2 (4) Limited provisional license.
- 3 (5) Full provisional license.
- 4 (6) Commercial drivers license.
- 5 (7) Commercial learner's permit.
- 6 (8) Temporary driving certificate.
- 7 (9) Special identification card.
- 8 (10) Handicapped placard.
- 9 (11) Vehicle registration.
- 10 (12) Temporary vehicle registration.
- 11 (13) Dealer license plate.
- 12 (14) Transporter plate.
- 13 (15) Loaner/Dealer "LD" plate.
- 14 (16) Vehicle inspection authorization.
- 15 (17) Inspection station license.
- 16 (18) Inspection mechanic license.
- 17 (19) Transportation network company permit.
- 18 (20) Motor vehicle dealer license.
- 19 (21) Sales representative license.
- 20 (22) Manufacturer license.
- 21 (23) Distributor license.
- 22 (24) Wholesaler license.
- 23 (25) Driver training school license.
- 24 (26) Driver training school instructor license.
- 25 (27) Professional housemoving license.

26 **SECTION 6.2.(b)** Extend Validity of Credentials. – Notwithstanding renewal,  
27 duration, or expiration provisions of G.S. 20-7, 20-11, 20-37.6, 20-37.7, 20-37.13, 20-50, 20-66,  
28 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  
29 other provision of law to the contrary, the Division of Motor Vehicles shall extend for a period  
30 of six months the validity of any credential that expires on or after March 1, 2020, and before  
31 August 1, 2020. A credential extended under this section shall expire six months from the date it  
32 otherwise expires as prescribed by law prior to this section. However, the subsequent expiration  
33 of a credential extended under this section shall occur on the date prescribed by law prior to this  
34 section without regard to the extension. The Division shall notify individuals affected by an  
35 extension granted under this section, including information on new expiration dates and how the  
36 extension affects subsequent renewal and expiration dates.

37 **SECTION 6.2.(b1)** Extension of Intrastate Medical Waivers. – Notwithstanding the  
38 limitation on duration of waivers in G.S. 20-37.13A(b), the Division of Motor Vehicles may  
39 extend for up to six months the validity of a medical waiver issued by the Division under G.S.  
40 20-37.13A if the waiver expires on or after March 1, 2020, and before August 1, 2020, and the  
41 Division's Medical Review Unit determines the extension is appropriate.

42 **SECTION 6.2.(c)** Driving Eligibility Certificates. – Notwithstanding  
43 G.S. 20-11(n)(3), a driving eligibility certificate dated on or after February 9, 2020, and before  
44 March 10, 2020, remains valid and may be accepted by the Division of Motor Vehicles to meet  
45 the requirements for a license or permit issued under G.S. 20-11 until 30 days after the date the  
46 Governor rescinds Executive Order No. 116 or the date the Division reopens all drivers license  
47 offices, whichever is earlier.

48 **SECTION 6.2.(d)** Waive Penalties. – Notwithstanding any provision of law to the  
49 contrary, the Division shall waive any fines, fees, or penalties associated with failing to renew a  
50 credential during the period of time the credential is valid by extension under subsection (b) of  
51 this section.

1           **SECTION 6.2.(e)** Motor Vehicle Taxes. – Notwithstanding any provision of law to  
2 the contrary, due dates for motor vehicle taxes that are tied to registration expiration under Article  
3 22A of Chapter 105 of the General Statutes shall be extended to correspond with extended  
4 expiration dates under subsection (b) of this section.

5           **SECTION 6.2.(f)** Validity by Extension a Defense. – A person may not be convicted  
6 or found responsible for any offense resulting from failure to renew a credential issued by the  
7 Division if, when tried for that offense, the person shows that the offense occurred during the  
8 period of time the credential is valid by extension under subsection (b) of this section.

9           **SECTION 6.2.(g)** Report. – Within 30 days of the extensions made under subsection  
10 (b) of this section, the Division shall submit a report to the Joint Legislative Transportation  
11 Oversight Committee and the Fiscal Research Division detailing implementation of this section.

12           **SECTION 6.2.(h)** Effective Date. – This section is effective retroactively to March  
13 1, 2020, and applies to expirations occurring on or after that date.

## 14 15 **TEMPORARY FLEXIBILITY FOR QUALITY IMPROVEMENT PLANS**

16           **SECTION 6.2A.(a)** For purposes of this section, the following definitions apply:

- 17           (1) Quality Improvement Plan Rules. – The rules regulating the quality  
18 improvement process for physician assistants and nurse practitioners found in  
19 21 NCAC 32S .0213, 21 NCAC 32M .0110 and 21 NCAC 36 .0810.
- 20           (2) Application Fee Rules. – The portions of rules found in 21 NCAC 32S .0204,  
21 21 NCAC 32M .0115, and 21 NCAC 36 .0813 that require the payment of an  
22 application fee.
- 23           (3) Annual Review Rules. – The portions of rules requiring the annual review or  
24 renewal of a practice arrangement between a physician and a physician  
25 assistant or nurse practitioner found in 21 NCAC 32S .0201, 21 NCAC 32M  
26 .0110, and 21 NCAC 36 .0806..

27           **SECTION 6.2A.(b)** Notwithstanding any other provision of law to the contrary,  
28 neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce  
29 any provision of the Quality Improvement rules to the extent they require any of the following:

- 30           (1) Quality improvement process meetings between a physician and a physician  
31 assistant or nurse practitioner, provided that the physician assistant or nurse  
32 practitioner was practicing within the scope of his or her license prior to  
33 February 1, 2020, and continues to practice within the scope of his or her  
34 license while this section is effective.
- 35           (2) Monthly quality improvement process meetings between a physician and a  
36 physician assistant or nurse practitioner during the first six months of the  
37 practice arrangement between the physician and the physician assistant or  
38 nurse practitioner physician assistant, nurse practitioner, or certified nurse  
39 midwife.

40           **SECTION 6.2A.(c)** Notwithstanding any other provision of law to the contrary,  
41 neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce  
42 any provision of the quality Improvement Rules or the Application Fee Rules to the extent they  
43 require any individual to fill out an application or pay a fee, provided that individual is providing  
44 volunteer healthcare services within the scope of his or her license in response to the COVID-19  
45 pandemic state of emergency declared by the Governor of North Carolina on March 10, 2020.

46           **SECTION 6.2A.(d)** Notwithstanding any other provision of law to the contrary,  
47 neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce  
48 any provision of the Annual Review Rules.

49           **SECTION 6.2A.(e)** This section is effective when it becomes law, and expires 60  
50 days after all of the following are rescinded or expired: (i) Executive Order No. 116, issued by  
51 Governor Roy A. Cooper, (ii) the major disaster declaration by the President of the United States

1 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121.  
2 et seq., as amended, for this State on March 25, 2020, and (iii) a declared nationwide public  
3 health emergency as a result of the 2019 novel coronavirus declared by the Secretary of Health  
4 and Human Services under Section 319 of the Public Health Service Act on January 31, 2020.  
5

6 **STATE TREASURER AUTHORITY TO DEFER STATE HEALTH PLAN PREMIUM**  
7 **OR DEBT PAYMENTS DURING THE COVID-19 EMERGENCY**

8 **SECTION 6.3.(a)** For the limited time period between March 10, 2020, and the date  
9 that Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and  
10 Protective Actions to Prevent the Spread of COVID-19, is rescinded or expires, and subject to  
11 approval by the Board of Trustees, the State Treasurer may order that members, employing units,  
12 or both adversely affected by this state of emergency shall have the option of deferring premium  
13 or debt payments that are due to the North Carolina State Health Plan for Teachers and State  
14 Employees (Plan) during this specified limited time period. The State Treasurer may order the  
15 expiration of the option to defer premium or debt payment prior to the end of the limited time  
16 period specified under this section but may not extend the option beyond that period.

17 **SECTION 6.3.(b)** Any option to defer premium or debt payments offered under this  
18 section shall be made for a period 30 days from the last day the premium or debt payment may  
19 have been made under the terms of the Plan, policy, contract, or agreement. Notwithstanding any  
20 provision of law to the contrary, this 30-day deferral period may also be applied to any statute,  
21 rule, or other policy or contract provision that imposes a time limit on the Plan or on a member  
22 to perform any act related to the Plan on or after March 10, 2020, and through the date that  
23 Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and  
24 Protective Actions to Prevent the Spread of COVID-19, is rescinded or expires. This 30-day  
25 deferral period may be extended by the State Treasurer in 30-day increments, subject to approval  
26 by the Board of Trustees. A deferral period shall not last beyond 90 days from the date Executive  
27 Order No. 116 expires or is rescinded.

28 **SECTION 6.3.(c)** An option to defer premium or debt payments offered under this  
29 section may be limited to a specific category of members or employing units, as necessary and  
30 as determined by the State Treasurer.

31 **SECTION 6.3.(d)** Nothing in this section shall be construed as to authorize the  
32 nonpayment of premiums or debt. All premium payments in arrears shall be paid to the Plan. If  
33 premiums in arrears are not paid, coverage shall lapse as of the last day of the month for which  
34 premiums were paid in full. The member shall be responsible for all medical expenses incurred  
35 since the effective date of the lapse in coverage.

36 **SECTION 6.3.(e)** This section is effective retroactively to March 10, 2020.  
37

38 **PROVIDE MEDICAID COVERAGE FOR COVID-19 TESTING TO UNINSURED**  
39 **INDIVIDUALS IN NORTH CAROLINA DURING THE NATIONWIDE PUBLIC**  
40 **HEALTH EMERGENCY**

41 **SECTION 6.4.** The Department of Health and Human Services, Division of Health  
42 Benefits (DHB), is authorized to provide the Medicaid coverage described in 42 U.S.C.A. §  
43 1396a(a)(10)(A)(ii)(XXIII), which covers COVID-19 testing for certain uninsured individuals  
44 during the period in which there is a declared nationwide public health emergency as a result of  
45 the 2019 novel coronavirus, and for which the federal medical assistance percentage is one  
46 hundred percent (100%). DHB is authorized to provide this medical assistance retroactively to  
47 the earliest date allowable.  
48

49 **DURATION OF TEMPORARY MEDICAID PROVIDER RATE INCREASES**

50 **SECTION 6.4A.** The Medicaid provider rate increases requested in (i) the 1135  
51 Medicaid disaster State Plan amendment (SPA) submitted to the Centers for Medicare and

1 Medicaid Services by the Department of Health and Human Services on April 8, 2020, and (ii)  
2 any additional provider rate increases requested in subsequent 1135 Medicaid disaster State Plan  
3 amendments shall be applicable only until the expiration of the declared nationwide public health  
4 emergency as a result of the 2019 novel coronavirus or January 31, 2021, whichever is earlier.

5  
6 **PERMIT TELEHEALTH TO CONDUCT SECOND INVOLUNTARY COMMITMENT**  
7 **EXAMINATIONS DURING THE COVID-19 EMERGENCY**

8 **SECTION 6.5.(a)** The following definitions apply in this section:

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

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

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

13 **SECTION 6.5.(b)** Notwithstanding any provision of Chapter 122C of the General  
14 Statutes or any other provision of law to the contrary, the second examination of a respondent  
15 required by G.S. 122C-266(a) to determine whether the respondent will be involuntarily  
16 committed due to mental illness or required by G.S. 122C-285(a) to determine if the respondent  
17 will be involuntarily committed due to substance use disorder may be conducted either in the  
18 physical face-to-face presence of a physician or utilizing telehealth equipment and procedures,  
19 provided that the following conditions are met:

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

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

39 **SECTION 6.5.(c)** This section is effective when it becomes law and expires on the  
40 date the Governor rescinds Executive Order No. 116, Declaration of a State of Emergency to  
41 Coordinate Response and Protective Actions to Prevent the Spread of COVID-19.

42  
43 **HEALTH CARE LIABILITY PROTECTION FOR EMERGENCY OR DISASTER**  
44 **TREATMENT**

45 **SECTION 6.6.(a)** Chapter 90 of the General Statutes is amended by adding a new  
46 Article to read:

47 "Article 1L.

48 "Emergency or Disaster Treatment Protection Act.

49 "§ 90-21.130. Short title.

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



**"§ 90-21.131. Purpose.**

It is the purpose of this section 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 non-economic 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.

- 1                    h. An officer or director of a health care facility.  
2                    i. An agent or employee of a health care provider who is licensed,  
3                    certified, or otherwise authorized to provide health care services.  
4                    (8) Health care service. – Treatment, clinical direction, supervision, management,  
5                    or administrative or corporate service, provided by a health care facility or a  
6                    health care provider during the period of the COVID-19 emergency  
7                    declaration, regardless of the location in this State where the service is  
8                    rendered:  
9                    a. To provide testing, diagnosis, or treatment of a health condition,  
10                    illness, injury, or disease related to a confirmed or suspected case of  
11                    COVID-19.  
12                    b. To dispense drugs, medical devices, medical appliances, or medical  
13                    goods for the treatment of a health condition, illness, injury, or disease  
14                    related to a confirmed or suspected case of COVID-19.  
15                    c. To provide care to any other individual who presents or otherwise  
16                    seeks care at or from a health care facility or to a health care provider  
17                    during the period of the COVID-19 emergency declaration.  
18                    (9) Volunteer organization. – Any medical organization, company, or institution  
19                    that has made its facility or facilities available to support the State's response  
20                    and activities under the COVID-19 emergency declaration and in accordance  
21                    with any applicable COVID-19 emergency rule.

22 **"§ 90-21.133. Immunity.**

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

- 28                    (1) The health care facility, health care provider, or entity is arranging for or  
29                    providing health care services during the period of the COVID-19 emergency  
30                    declaration, including, but not limited to, the arrangement or provision of  
31                    those services pursuant to a COVID-19 emergency rule.  
32                    (2) The arrangement or provision of health care services is impacted, directly or  
33                    indirectly:  
34                    a. By a health care facility, health care provider, or entity's decisions or  
35                    activities in response to or as a result of the COVID-19 pandemic; or  
36                    b. By the decisions or activities, in response to or as a result of the  
37                    COVID-19 pandemic, of a health care facility or entity where a health  
38                    care provider provides health care services.  
39                    (3) The health care facility, health care provider, or entity is arranging for or  
40                    providing health care services in good faith.

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

47                    (c) Notwithstanding any law to the contrary, a volunteer organization shall have  
48                    immunity from any civil liability for any harm or damages occurring in or at its facility or  
49                    facilities arising from the State's response and activities under the COVID-19 emergency  
50                    declaration and in accordance with any applicable COVID-19 emergency rule, unless it is

1 established that such harm or damages were caused by the gross negligence, reckless misconduct,  
2 or intentional infliction of harm by the volunteer organization.

3 **"§ 90-21.134. Severability.**

4 This section shall be liberally construed to effectuate its public health emergency purpose as  
5 outlined in G.S. 90-21.131. The provisions of this section are severable. If any part of this  
6 section is declared to be invalid by a court, the invalidity does not affect other parts of this section  
7 that can be given effect without the invalid provision."

8 **SECTION 6.6.(b)** This section is effective when it becomes law and applies to acts  
9 or omissions occurring during the time of Executive Order No. 116 issued on March 10, 2020,  
10 by Governor Roy A. Cooper, and any subsequent time period during which a state of emergency  
11 is declared to be in effect during calendar year 2020 by the Governor in response to COVID-19.  
12

13 **LOTTERY COMMISSION REPORT**

14 **SECTION 6.7.(a)** The North Carolina State Lottery Commission shall submit a  
15 report relating to COVID-19 and associated economic impacts that contains at least all of the  
16 following:

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

22 **SECTION 6.7.(b)** The report shall be submitted to the Joint Legislative Oversight  
23 Committee on the State Lottery and the Fiscal Research Division on or before September 1, 2020.  
24

25 **LOCAL GOVERNMENT COMMISSION REVISIONS**

26 **SECTION 6.8.(a)** G.S. 159-33.1 reads as rewritten:

27 **"§ 159-33.1. Semiannual reports of financial information.**

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

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

49 (c) No later than March 15, 2021, the Local Government Commission shall report on the  
50 information provided by units and public authorities pursuant to subsection (b) of this section,

1 including any recommendations for legislation, to the Joint Legislative Committee on General  
 2 Government and the Fiscal Research Division."

3 **SECTION 6.8.(b)** G.S. 159-33.1(b), as enacted by subsection (a) of this section  
 4 expires February 15, 2021, and G.S. 159-33.1(c), as enacted by subsection (a) of this section,  
 5 expires March 15, 2021.

6  
 7 **JOINT LEGISLATIVE OVERSIGHT COMMITTEES/EXTEND REPORTING**  
 8 **DEADLINES**

9 **SECTION 6.9.** Notwithstanding any other provision of law, any report required by  
 10 law to be submitted to a joint legislative oversight committee of the General Assembly after  
 11 March 10, 2020, but before July 15, 2020, shall be held in abeyance until July 15, 2020.  
 12 Thereafter, the report shall be submitted to the appropriate oversight committee and shall contain  
 13 the information required by law. Any report required by law to be submitted to a joint legislative  
 14 oversight committee on or after July 15, 2020, shall be submitted as provided by law.

15  
 16 **RELEASE OF CERTAIN GRANT FUNDS**

17 **SECTION 6.10.** The Office of State Budget and Management shall release the seven  
 18 hundred thousand dollar (\$700,000) allocation authorized under subdivision (3) of subsection (c)  
 19 of Section 26.2 of S.L. 2017-57.

20  
 21 **USE OF FY 2019-2020 CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT**  
 22 **INCREASED AVAILABILITY TO ADDRESS IMMEDIATE CHILD CARE NEEDS**

23 **SECTION 6.11.** Section 1.1(a) of S.L. 2019-192 reads as rewritten:

24 **"DHHS BLOCK GRANTS**

25 **"SECTION 1.1.(a)** Except as otherwise provided, appropriations from federal block grant  
 26 funds are made for each year of the fiscal biennium ending June 30, 2021, according to the  
 27 following schedule:

28  
 29 **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) FUNDS** **FY 2019-2020** **FY 2020-2021**

30 ...

31  
 32  
 33 **CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT**

34 **Local Program Expenditures**

35  
 36 **Division of Child Development and Early Education**

37			
38	01. Child Care Services	<del>\$232,109,943</del> <u>\$268,109,943</u>	\$239,499,318
39			
40	...		
41			
42			
43			
44	04. Quality and Availability Initiatives		
45	(TEACH Program \$3,800,000)	<del>55,217,124</del> <u>67,217,124</u>	55,217,124
46			
47	...		
48			

49 **TOTAL CHILD CARE AND DEVELOPMENT**  
 50 **FUND BLOCK GRANT** **\$347,525,572****\$395,525,572** **\$354,547,850**

1 ...."

2  
3 **EMERGENCY VIDEO NOTARIZATION**

4 **SECTION 6.12.(a)** G.S. 10B-3 is amended by adding a new subdivision to read:

5 "(7a) Emergency video notarization. – An acknowledgement, affirmation, or oath  
6 notarization completed by a notary in compliance with the requirements of  
7 G.S. 10B-25. Emergency video notarization shall not include a verification  
8 proof as defined in G.S. 10B-3(28)."

9 **SECTION 6.12.(b)** G.S. 10B-10 reads as rewritten:

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

11 ...

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

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

23 ...

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

29 **SECTION 6.12.(c)** Part 3 of Article 1 of Chapter 10B of the General Statutes is  
30 amended by adding a new section to read:

31 **"§ 10B-25. Emergency video notarization.**

32 (a) Notwithstanding any other provision of law, a notary may perform an emergency  
33 video notarization using video conference technology provided all of the requirements of this  
34 section are satisfied. A notary who is not satisfied that the principal's identity has been proven by  
35 satisfactory evidence shall not be required to complete an emergency video notarization. An  
36 emergency video notarization shall not change any originality verification requirements for  
37 recording with a register of deeds, clerk of superior court, or other government or private office  
38 in this State. Nothing in this section shall apply to any notarization under Article 20 of Chapter  
39 163 of the General Statutes.

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

42 (1) Occurs in real time.

43 (1a) Allows direct interaction between the principal seeking the notary's services  
44 and the notary so that each can communicate simultaneously by sight and  
45 sound through an electronic device or process.

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

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

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

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

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

4           b. An independent video recording device.

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

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

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

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

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

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

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

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

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

38           (2) If an original wet-signed notarization on an original wet-signed document, is  
39           required, transmit a legible copy of the signed document by fax or other  
40           electronic means to the notary on the same day on which the document was  
41           signed and also deliver the original signed document to the notary by mail or  
42           other physical method. The notary shall compare the original document with  
43           the document transmitted by fax or other electronic means. If the faxed or  
44           electronic document is the same as the document received by mail or physical  
45           delivery, the notary shall notarize the wet-signature on the original document  
46           and date the notarial act as of the date of the act observed using video  
47           conference technology and promptly transmit the original wet-notarized  
48           original document to the principal or the principal's designee by mail or other  
49           physical delivery as directed by the principal.

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

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

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

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

7           (3) The following statement:

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

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

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

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

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

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

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

29           (4) The type of notarial act performed.

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

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

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

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

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

39       (k) A third party involved in a transaction that utilizes an emergency video notarization  
40 may require additional information to be included in the journal kept by the notary under  
41 subsection (j) of this section such as inclusion of a recording in the notary's journal or the method  
42 used by the notary to determine that a wet-signed original document is the same as the faxed or  
43 electronically submitted document.

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

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

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

SECTION 6.12.(d) This section is effective when it becomes law.

**EMERGENCY VIDEO WITNESSING**

SECTION 6.13.(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 upon 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.

(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 Articles 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 videoconference 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 6.13.(b) This section is effective when it becomes law.

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

SECTION 6.14.(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 6.14.(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 6.14.(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.

1 ...  
 2 (c) The attending physician shall follow, subject to subsections (b), (e), and (k) of this  
 3 section, a declaration:

4 ...  
 5 (3) ~~That~~ Except as provided in G.S. 90-321.1, that has been signed by the  
 6 declarant in the presence of two witnesses who believe the declarant to be of  
 7 sound mind and who state that they (i) are not related within the third degree  
 8 to the declarant or to the declarant's spouse, (ii) do not know or have a  
 9 reasonable expectation that they would be entitled to any portion of the estate  
 10 of the declarant upon the declarant's death under any will of the declarant or  
 11 codicil thereto then existing or under the Intestate Succession Act as it then  
 12 provides, (iii) are not the attending physician, licensed health care providers  
 13 who are paid employees of the attending physician, paid employees of a health  
 14 facility in which the declarant is a patient, or paid employees of a nursing  
 15 home or any adult care home in which the declarant resides, and (iv) do not  
 16 have a claim against any portion of the estate of the declarant at the time of  
 17 the declaration; and

18 ...."  
 19 **SECTION 6.14.(d)** Article 23 of Chapter 90 of the General Statutes is amended by  
 20 adding a new section to read:

21 **"§ 90-321.1. Advanced directive for a natural death executed during a State of Emergency.**

22 (a) The requirement of G.S. 90-321 that an advanced directive for a natural death  
 23 declaration be executed in the presence of two qualified witnesses shall be waived for all  
 24 instruments executed on or after the effective date of this section and prior to termination of the  
 25 State of Emergency declared by Governor Roy Cooper in Executive Order No. 116, on March  
 26 10, 2020, as the same may be extended by any subsequent executive order, such that an  
 27 instrument that is signed by the declarant, properly acknowledged before a notary public, and  
 28 otherwise executed in compliance with the provisions of this Article shall not be invalidated by  
 29 the declarant's failure to execute the advanced directive for a natural death declaration in the  
 30 presence of two qualified witnesses.

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

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

38 **SECTION 6.14.(e)** This section is effective when it becomes law.

39  
 40 **DISBURSEMENT OF FUNDS PRIOR TO RECORDATION OF DEED IN CERTAIN**  
 41 **CIRCUMSTANCES**

42 **SECTION 6.15.(a)** Chapter 45A of the General Statutes is amended by adding a new  
 43 section to read:

44 **"§ 45A-4.1. Disbursement during certain declarations of emergency.**

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

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

- 1           (1)    On the date of closing, the office of the register of deeds where the deeds,  
2           deeds of trust, and any other required loan documents are to be recorded meets  
3           the following criteria:  
4           a.     Is located within the emergency area under G.S. 166A-19.20.  
5           b.     Is closed to the public as a result of the declaration of emergency.  
6           c.     Is unable to accept documents for recording by any method, including  
7           in-person or electronic recording.  
8           (2)    The lender's closing instructions authorize disbursement of closing funds prior  
9           to recording.  
10          (3)    All parties agree in writing to all the following:  
11          a.     To waive the requirement of G.S. 45A-4 that the settlement agent shall  
12          not disburse closing funds until the deeds, deeds of trust, and any other  
13          required loan documents are recorded in the office of the register of  
14          deeds.  
15          b.     That they acknowledge that the recordation date may not be known on  
16          the date of closing and the date of recordation by the settlement agent  
17          is governed by subsection (d) of this section.  
18          c.     That they are aware of the risks and implications of proceeding with  
19          disbursement of closing funds and, if applicable, transfer of possession  
20          of property prior to recordation.  
21          d.     That after disbursement of closing funds and prior to recordation no  
22          party to the transaction will take any action to impair the quality of the  
23          title in law or equity.  
24          e.     Any other terms the parties or the closing instructions require as a  
25          condition of disbursement of closing funds prior to recording.  
26          (4)    The settlement agent does all the following:  
27          a.     Complies with all conditions of the closing instructions.  
28          b.     Procures a commitment of title insurance providing for title insurance  
29          that includes indemnity coverage for the gap period between the date  
30          of disbursement of closing funds and the date of recordation of the  
31          necessary documents.  
32          c.     Updates the applicable title from the date of the preliminary title  
33          opinion to the time of disbursement using those public records  
34          reasonably available to the settlement agent on the date of  
35          disbursement.  
36          (c)    In all transactions under this section in which the settlement agent makes a  
37          disbursement of closing funds prior to recordation, the settlement agent shall hold in a fiduciary  
38          capacity until the time provided in subsection (d) of this section all deeds, deeds of trust, and any  
39          other required loan documents that are to be recorded.  
40          (d)    The authority under this section for the settlement agent to disburse closing proceeds  
41          prior to recordation of the deeds, deeds of trust, and any other required loan documents shall  
42          terminate on the earlier of the date the office of the register of deeds reopens for the transaction  
43          of public business or begins to accept documents for electronic recording. Within three business  
44          days of the time set forth in this subsection, the settlement agent shall record all deeds, deeds of  
45          trust, and any other required loan documents being held under subsection (c) of this section and  
46          shall immediately notify all parties that the documents have been recorded."

47           **SECTION 6.15.(b)** This section is effective when it becomes law and expires August  
48 1, 2020.

## 50 MARRIAGE LICENSES

51           **SECTION 6.16.(a)** G.S. 51-8 reads as rewritten:

1 **"§ 51-8. License issued by register of deeds.**

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

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

22 **SECTION 6.16.(b)** G.S. 51-16 reads as rewritten:

23 **"§ 51-16. Form of license.**

24 License shall be in the following or some equivalent form:

25 To any ordained minister of any religious denomination, minister authorized by a church, any  
26 magistrate, or any other person authorized to solemnize a marriage under the laws of this State:  
27 A.B. having applied to me for a license for the marriage of C.D. (the name of the man to be  
28 written in full) of (here state his residence), aged \_\_\_\_ years (race, as the case may be), the son  
29 of (here state the father and mother, if known; state whether they are living or dead, and their  
30 residence, if known; if any of these facts are not known, so state), and E.F. (write the name of  
31 the woman in full) of (here state her residence), aged \_\_\_\_ years (race, as the case may be), the  
32 daughter of (here state names and residences of the parents, if known, as is required above with  
33 respect to the man). (If either of the parties is under 18 years of age, the license shall here contain  
34 the following:) And the written consent of G.H., father (or mother, etc., as the case may be) to  
35 the proposed marriage having been filed with me, and there being no legal impediment to such  
36 marriage known to me, you are hereby authorized, at any time within ~~60~~120 days from the date  
37 hereof, to celebrate the proposed marriage at any place within the State. You are required within  
38 10 days after you shall have celebrated such marriage, to return this license to me at my office  
39 with your signature subscribed to the certificate under this license, and with the blanks therein  
40 filled according to the facts, under penalty of forfeiting two hundred dollars (\$200.00) to the use  
41 of any person who shall sue for the same.

42 Issued this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_

43 \_\_\_\_\_ L.M.

44 Register of Deeds of \_\_\_\_ County

45 Every register of deeds shall, at the request of an applicant, designate in a marriage license  
46 issued the race of the persons proposing to marry by inserting in the blank after the word "race"  
47 the words "white," "black," "African-American," "American Indian," "Alaska Native," "Asian  
48 Indian," "Chinese," "Filipino," "Japanese," "Korean," "Vietnamese," "Other Asian," "Native  
49 Hawaiian," "Guamarian," "Chamorro," "Samoan," "Other Pacific Islander," "Mexican,"  
50 "Mexican-American," "Chicano," "Puerto Rican," "Cuban," "Other Spanish/Hispanic/Latino," or  
51 "other," as the case may be. The certificate shall be filled out and signed by the minister, officer,

1 or other authorized individual celebrating the marriage, and also be signed by two witnesses  
2 present at the marriage, who shall add to their names their place of residence, as follows:

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

7 \_\_\_\_\_ N.O.

8 Witness present at the marriage:

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

10 **SECTION 6.16.(c)** This section becomes effective when it becomes law, applies to  
11 any marriage license issued on or after March 10, 2020, expires August 1, 2020, and any  
12 marriage license issued on or before that date shall be valid for 120 days.

13  
14 **WAIVE ACCRUAL OF INTEREST ON DEFERRED PAYMENT OF CORPORATE**  
15 **INCOME AND FRANCHISE TAX AND INDIVIDUAL INCOME TAX AND EXTEND**  
16 **CERTAIN TAX-RELATED DEADLINES**

17 **SECTION 6.17.(a)** Interest Waiver. – As a result of the COVID-19 outbreak, the  
18 Secretary of Revenue has extended the franchise, corporate income, and individual income tax  
19 payment deadline from April 15, 2020, to July 15, 2020, and pursuant to G.S. 105-249.2, the  
20 Secretary will not assess a penalty for failure to file a return or pay a tax due as long as the return  
21 is filed and the tax due is paid by July 15, 2020. Notwithstanding G.S. 105-241.21(b), the  
22 Secretary of Revenue shall also waive the accrual of interest from April 15, 2020, through July  
23 15, 2020, on an underpayment of tax imposed on a franchise, corporate income, or individual  
24 income tax return, including a partnership and estate and trust tax return, due from April 15,  
25 2020, through July 15, 2020. The relief from accrual of interest from April 15, 2020, through  
26 July 15, 2020, also includes interest imposed pursuant to G.S. 105-163.15 and G.S. 105-163.41  
27 for payments due on or before July 15, 2020.

28 **SECTION 6.17.(b)** Refund Request. – For franchise, corporate income, and  
29 individual income tax, the statute of limitations for obtaining a refund is extended to July 15,  
30 2020, for refund claims for which the statute of limitations to seek a refund expires on or after  
31 April 15, 2020, and before July 15, 2020.

32 **SECTION 6.17.(c)** Time-Sensitive Actions. – Certain actions required to be taken  
33 by a taxpayer on or after April 1, 2020, and before July 15, 2020, will be considered timely if the  
34 request or petition is filed on or before July 15, 2020. This subsection applies to requests for  
35 Departmental review under G.S. 105-241.11, petitions for a contested case hearing at the Office  
36 of Administrative Hearings under Article 3 of Chapter 150B of the General Statutes and  
37 G.S. 105-241.15, and petitions for judicial review under Article 4 of Chapter 150B of the General  
38 Statutes and G.S. 105-241.16.

39 **SECTION 6.17.(d)** This section is effective when it becomes law.

40  
41 **FLEXIBILITY TO ADMINISTER UNEMPLOYMENT COMPENSATION AND SUTA**  
42 **TAX CREDIT**

43 **SECTION 6.18.(a)** Chapter 96 of the General Statutes is amended by adding a new  
44 section to read:

45 "**§ 96-14.15. Emergency unemployment benefits and tax credit to respond to the**  
46 **coronavirus emergency of 2020.**

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

49 (1) **An employer temporarily ceases operations due to the coronavirus, preventing**  
50 **the individual from going to work.**

51 (2) **An employer reduces the hours of employment due to the coronavirus.**

- 1           (3)    An individual has a current diagnosis of the coronavirus.
- 2           (4)    An individual is quarantined at the instruction of a health care provider or a
- 3                local, State, or federal official.

4       (b)    Exceptions Allowed. – The provisions of this Chapter apply to benefits payable under  
 5 this section except as follows:

- 6           (1)    Waiting week. – No waiting week applies to a claim for unemployment under  
 7                this section.
- 8           (2)    Work search. – The work search requirements do not apply to an individual  
 9                who is eligible for unemployment under this section.
- 10          (3)    Non-charging. – Benefits paid to an individual under this section are not  
 11                charged to the account of any base period employer of the individual.
- 12          (4)    Attached claim. – An employer may file an attached claim for benefits allowed  
 13                under this section. The restrictions for filing an attached claim under  
 14                G.S. 96-15(a1) do not apply to an employer-filed claim under this section and  
 15                a claim filed by an employer under this section is not an attached claim filed  
 16                under G.S. 96-15(a1).

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

21        If an employer remitted the contributions payable with the report due on or before April 30,  
 22 2020, the credit will be applied to the contributions payable on the report due on or before July  
 23 31, 2020. An employer must file the report to receive the credit. If the amount of the credit  
 24 exceeds the amount of contributions due on the report, the excess credit amount is considered an  
 25 overpayment and will be refunded pursuant to G.S. 96-9.15(b).

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

29       (e)    Applicability. – This section applies for unemployment benefits filed for periods  
 30 beginning on or after March 10, 2020, and expires for unemployment benefits filed for periods  
 31 beginning on or after the earlier of the following: (i) the date the Governor signs an executive  
 32 order rescinding Executive Order No. 116, Declaration of a State of Emergency to Coordinate  
 33 Response and Protective Actions to Prevent the Spread of COVID-19, or (ii) December 31,  
 34 2020."

35       **SECTION 6.18.(b)** Notwithstanding G.S. 96-14.9, an individual may meet the  
 36 reporting requirements of that section by telephone or via the Internet for the period beginning  
 37 March 10, 2020, and ending on the earlier of the following: (i) the date the Governor signs an  
 38 executive order rescinding Executive Order No. 116, Declaration of a State of Emergency to  
 39 Coordinate Response and Protective Actions to Prevent the Spread of COVID-19, or (ii)  
 40 December 31, 2020.

41       **SECTION 6.18.(c)** This section is effective when it becomes law.

42  
 43 **CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, AS RECOMMENDED**  
 44 **BY THE DIVISION OF EMPLOYMENT SECURITY AND THE JOINT LEGISLATIVE**  
 45 **OVERSIGHT COMMITTEE ON UNEMPLOYMENT INSURANCE**

46       **SECTION 6.19.(a)** G.S. 96-14.9(e) reads as rewritten:

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

- 49           ...
- 50           (3)    The individual has made at least three job contacts with potential employers  
 51                during the week. An individual may satisfy one of the weekly job contacts by

1 attending a reemployment activity offered by a local career center. The  
2 Division shall verify the suitability of the activity for the credit and the  
3 claimant's attendance at the activity.

4 ...."

5 **SECTION 6.19.(b)** This section becomes effective July 1, 2020.

6 **SECTION 6.20.(a)** G.S. 96-15 is amended by adding a new subsection to read:

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

10 **SECTION 6.20.(b)** G.S. 105-356(a) reads as rewritten:

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

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

22 ...."

23 **SECTION 6.20.(c)** This section is effective when it becomes law.

24 **SECTION 6.21.(a)** G.S. 120-70.158 is repealed.

25 **SECTION 6.21.(b)** This section is effective when it becomes law.

## 26 **ADDITIONAL UNEMPLOYMENT INSURANCE LAW REVISIONS**

27 **SECTION 6.22.** Temporary Change/State Emergency Unemployment Aid. –  
28 Notwithstanding any provision of G.S. 96-14.2 to the contrary, effective from August 1, 2020,  
29 through December 31, 2020, the weekly benefit amount for an individual who is totally  
30 unemployed is an amount equal to the wages paid to the individual in the highest paid completed  
31 quarter of the individual's base period divided by 52 and rounded to the next lower whole dollar.

32 **SECTION 6.23.** Permanent Change/Up Weekly Benefit Maximum. – Effective  
33 August 1, 2020, G.S. 96-14.2(a) reads as rewritten:

34 "(a) Weekly Benefit Amount. – The weekly benefit amount for an individual who is totally  
35 unemployed is an amount equal to the wages paid to the individual in the last two completed  
36 quarters of the individual's base period divided by 52 and rounded to the next lower whole dollar.  
37 If this amount is less than fifteen dollars (\$15.00), the individual is not eligible for benefits. The  
38 weekly benefit amount may not exceed ~~three hundred fifty dollars (\$350.00).~~ four hundred dollars  
39 (\$400.00)."

## 40 **PUBLIC BODIES/REMOTE MEETINGS DURING DECLARED EMERGENCIES**

41 **SECTION 6.24.(a)** Article 1A of Chapter 166A of the General Statutes is amended  
42 by adding a new section to read:

43 "§ 166A-19.24. Remote meetings during certain declarations of emergency.

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

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

- 1           (1)   The public body shall give proper notice under G.S. 143-318.12 and under  
2           any other requirement for notice applicable to the public body. The notice  
3           shall also specify the means by which the public can access the remote  
4           meeting as that remote meeting occurs.
- 5           (2)   Any member of the public body participating by a method of simultaneous  
6           communication in which that member cannot be physically seen by the public  
7           body must identify himself or herself in each of the following situations:  
8           a.     When the roll is taken or the remote meeting is commenced.  
9           b.     Prior to participating in the deliberations, including making motions,  
10          proposing amendments, and raising points of order.  
11          c.     Prior to voting.
- 12          (3)   All documents to be considered during the remote meeting shall be provided  
13          to each member of the public body.
- 14          (4)   The method of simultaneous communication shall allow for any member of  
15          the public body to do all of the following:  
16          a.     Hear what is said by the other members of the public body.  
17          b.     Hear what is said by any individual addressing the public body.  
18          c.     To be heard by the other members of the public body when speaking  
19          to the public body.
- 20          (5)   All votes shall be roll call; no vote by secret or written ballots, whether by  
21          paper or electronic means or in accordance with G.S. 143-318.13(b), may be  
22          taken during the remote meeting.
- 23          (6)   The public body shall comply with G.S. 143-318.13(c).
- 24          (7)   The minutes of the remote meeting shall reflect that the meeting was  
25          conducted by use of simultaneous communication, which members were  
26          participating by simultaneous communication, and when such members  
27          joined or left the remote meeting.
- 28          (8)   All chats, instant messages, texts, or other written communications between  
29          members of the public body regarding the transaction of the public business  
30          during the remote meeting are deemed a public record.
- 31          (9)   The remote meeting shall be simultaneously streamed live online so that  
32          simultaneous live audio, and video if any, of such meeting is available to the  
33          public. If the remote meeting is conducted by conference call, the public body  
34          may comply with this subdivision by providing the public with an opportunity  
35          to dial-in or stream the audio live and listen to the remote meeting.
- 36          (c)   Quorum. – A member of the public body participating by simultaneous  
37          communication under this section shall be counted as present for quorum purposes only during  
38          the period while simultaneous communication is maintained for that member. The provisions of  
39          G.S. 153A-44 and G.S. 160A-75 shall apply to all votes of each member of a county or municipal  
40          governing board taken during a remote meeting.
- 41          (d)   Voting by Members of the Public Body. – Votes of each member of a public body  
42          made during a remote meeting under this section shall be counted as if the member were  
43          physically present only during the period while simultaneous communication is maintained for  
44          that member.
- 45          (e)   Public Hearings. – A public body may conduct any public hearing required or  
46          authorized by law during a remote meeting, and take action thereon, provided the public body  
47          allows for written comments on the subject of the public hearing to be submitted between  
48          publication of any required notice and 24 hours after the public hearing.
- 49          (f)   Quasi-Judicial Hearings. – A public body may conduct a quasi-judicial proceeding as  
50          a remote meeting only when all of the following apply:



- 1           (1) The right of an individual to a hearing and decision occur during the  
2           emergency.
- 3           (2) All persons subject to the quasi-judicial proceeding who have standing to  
4           participate in the quasi-judicial hearing have been given notice of the  
5           quasi-judicial hearing and consent to the remote meeting.
- 6           (3) All due process rights of the parties affected are protected.
- 7           (g) Closed Sessions. – The public body may conduct a closed session as authorized in  
8           G.S. 143-318.11. While in closed session, the public body is not required to provide access to the  
9           remote meeting to the public.
- 10          (h) Not Exclusive. – This section applies only during emergency declarations and does  
11          not supersede any authority for electronic meetings under Article 33C of Chapter 143 of the  
12          General Statutes.
- 13          (i) For purposes of this section, the following definitions apply:
- 14               (1) Official meeting. – As defined in G.S. 143-318.10(d).
- 15               (2) Public body. – As defined in G.S. 143-318.10(b) and (c).
- 16               (3) Remote meeting. – An official meeting, or any part thereof, with between one  
17               and all of the members of the public body participating by simultaneous  
18               communication.
- 19               (4) Simultaneous communication. – Any communication by conference  
20               telephone, conference video, or other electronic means."

21          **SECTION 6.24.(b)** G.S. 143-318.10(a) reads as rewritten:

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

26          **SECTION 6.24.(c)** G.S. 143-318.13 is amended by adding a new subsection to read:

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

30          **SECTION 6.24.(d)** G.S. 143-318.14A(e) reads as rewritten:

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

35          **SECTION 6.24.(e)** G.S. 153A-43 reads as rewritten:

36          "**§ 153A-43. Quorum.**

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

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

46          **SECTION 6.24.(f)** G.S. 160A-74 reads as rewritten:

47          "**§ 160A-74. Quorum.**

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

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

4       **SECTION 6.24.(g)** G.S. 160A-75, effective until January 1, 2021, reads as rewritten:  
5 **"§ 160A-75. (Effective until January 1, 2021) Voting.**

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

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

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

28       **SECTION 6.24.(h)** G.S. 160A-75, effective January 1, 2021, reads as rewritten:  
29 **"§ 160A-75. (Effective January 1, 2021) Voting.**

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

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

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

1 vote on all questions before the council. For purposes of this section, an ordinance shall be  
2 deemed to have been introduced on the date the subject matter is first voted on by the council."

3 **SECTION 6.24.(i)** This section does not affect the validity of S.L. 2008-111.

4 **SECTION 6.24.(j)** This section is effective when it becomes law and applies  
5 throughout the duration of any declaration of emergency issued under G.S. 166A-19.20 in effect  
6 on or after that date. The actions of any public body in an open meeting conducted via  
7 simultaneous communication between March 10, 2020, and the effective date of this section are  
8 not deemed invalid due to the use of simultaneous communication to conduct that open meeting.

## 9 10 **ESTABLISHMENT OF TEMPORARY PANDEMIC RECOVERY OFFICE**

11 **SECTION 6.25.** OSBM shall establish a temporary North Carolina Pandemic  
12 Recovery Office (Office) to oversee and coordinate funds made available under COVID-19  
13 Recovery Legislation. This Office shall also provide technical assistance and ensure coordination  
14 of federal funds received by State agencies and local governments and ensure proper reporting  
15 and accounting of all funds. The authorization set forth in this section expires 12 months from  
16 the effective date of this act and the Office shall cease to operate upon expiration of the  
17 authorization.

## 18 19 **FUNDS FOR TESTING, CONTACT TRACING, AND TRENDS TRACKING AND** 20 **ANALYSIS**

21 **SECTION 6.26.(a)** OSBM shall not release the funds allocated in Section 3.3(22) of  
22 this act to the Department of Health and Human Services until the Department fulfills all of the  
23 following requirements:

- 24 (1) The Department shall require each person in charge of a laboratory providing  
25 diagnostic service in this State and any other health care provider licensed in  
26 this State that provides diagnostic service to report the results of all  
27 COVID-19 testing to the Department of Health and Human Services. The  
28 Department of Health and Human Services shall post both positive and  
29 negative COVID-19 test results on the Department's Internet website, as part  
30 of its COVID-19 North Carolina Dashboard.
- 31 (2) The Department shall post on its Internet website information about any  
32 vendor contracted to perform COVID-19 testing, upon the execution of a  
33 contract with the vendor. This information posted shall include the cost per  
34 test.
- 35 (3) The Department shall collect and report on its Internet web site COVID-19  
36 recovery rates, as defined by the Department.
- 37 (4) The Department shall report COVID-19-related hospital discharges, along  
38 with underlying health conditions, if any, associated with each COVID-19  
39 hospital discharge.
- 40 (5) The Department shall provide comprehensive reporting on COVID-19 deaths,  
41 including the percentage of patients diagnosed with severe comorbidities prior  
42 to being diagnosed with COVID-19 and whether these deaths are solely  
43 classified as deaths due to COVID-19.

44 **SECTION 6.26.(b)** Within six months after receiving funds allocated under Section  
45 3.3(22) of this act, the Department of Health and Human Services and any public or private entity  
46 that is the recipient of funds allocated under Section 3.3(22) of this act shall report on the use of  
47 these funds to the House Appropriations Subcommittee on Health and Human Services, the  
48 Senate Appropriations Committee on Health and Human Services, and the Joint Legislative  
49 Oversight Committee on Health and Human Services.

## 50 51 **LIMITED BUSINESS IMMUNITY FOR ESSENTIAL BUSINESSES**



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

3       **SECTION 6.27.(b)** This section is effective when it becomes law and applies to  
4 claims filed on or after March 27, 2020.

5  
6 **PART VII. MISCELLANEOUS**

7  
8 **EFFECT OF HEADINGS**

9       **SECTION 7.1.** The headings to the parts, subparts, and sections of this act are a  
10 convenience to the reader and are for reference only. The headings do not expand, limit, or define  
11 the text of this act, except for effective dates referring to a part or subpart.

12  
13 **SEVERABILITY**

14       **SECTION 7.2.** If any provision of this act or its application is held invalid, the  
15 invalidity does not affect other provisions or applications of this act that can be given effect  
16 without the invalid provisions or application, and to this end the provisions of this act are  
17 severable.

18  
19 **EFFECTIVE DATE**

20       **SECTION 7.3.** Except as otherwise provided, this act is effective when it becomes  
21 law.