

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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**HOUSE BILL 196*
Committee Substitute Favorable 3/2/21
Committee Substitute #2 Favorable 3/2/21**

Short Title: 2021 COVID-19 Response & Relief.

(Public)

Sponsors:

Referred to:

March 2, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE MODIFICATIONS TO COVID-19 RELIEF LEGISLATION AND
3 PROVIDE ADDITIONAL APPROPRIATIONS FOR THE EXPENDITURE OF FEDERAL
4 COVID-19 PANDEMIC RELIEF FUNDS.

5 The General Assembly of North Carolina enacts:

6
7 **PART I. APPROPRIATION OF FEDERAL CORONAVIRUS RESPONSE AND RELIEF**
8 **SUPPLEMENTAL APPROPRIATIONS ACT FUNDS**

9
10 **APPROPRIATION OF COVID-19 FEDERAL FUNDS**

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

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

30 **SECTION 1.1.(b)** The final amount of federal funds awarded for the following
31 programs are not yet known, but are hereby appropriated in the same manner as provided in
32 subsection (a) of this section: Specialty Crop Block Grants, Supplemental Nutrition Assistance
33 Program (SNAP), Commodity Supplemental Food Program, and School Nutrition and Child and
34 Adult Care Food Program.
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1
2 **EMERGENCY NEEDS FOR ELEMENTARY AND SECONDARY SCHOOLS OF THE**
3 **STATE**

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

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

7 (1) \$500,000 shall be transferred to the Department of Natural and Cultural
8 Resources to be allocated to the State Library for the NC Kids Digital Library
9 project to address learning loss resulting from the COVID-19 pandemic by
10 providing children with increased access to digital learning resources in public
11 libraries, including e-books, audiobooks, and videos.

12 (2) \$500,000 to be allocated to the Governor Morehead School for the Blind,
13 Eastern North Carolina School for the Deaf, and North Carolina School for
14 the Deaf for school nutrition, cleaning and sanitizing, learning resources,
15 including providing new instructional materials in braille for students with
16 visual impairments, compensatory services, and Extended School Year
17 Services related to the impacts of COVID-19.

18 (3) \$1,000,000 to be transferred to the Board of Governors of The University of
19 North Carolina for the North Carolina New Teacher Support Program to
20 provide mentoring and coaching support to beginning teachers who are
21 employed in public schools most impacted by COVID-19 at no cost to the
22 local school administrative units.

23 (4) \$1,000,000 to contract with a third-party entity to collect, analyze, and report
24 data related to the overall impacts of COVID-19 on public school units,
25 students, and families of the State, including the State's responsiveness to the
26 COVID-19 pandemic, the transition to remote learning and return to in-person
27 instruction, the systems in place for flexibility in education delivery,
28 assessment of student performance, addressing issues of learning loss, teacher
29 effectiveness and supports, and implementation of best practices and
30 improvements for any significant future challenges. The Department shall
31 submit a preliminary report by March 15, 2022, and a final report by
32 December 15, 2022, to the Joint Legislative Education Oversight Committee
33 on the findings of the third-party entity from the contract required by this
34 subdivision.

35 (5) \$1,200,000 to be transferred to the Wildlife Resources Commission to be
36 allocated to the Outdoor Heritage Special Fund (Budget Code: 24351; Fund
37 Code: 2291) for the Outdoor Heritage Advisory Council's NC Schools Go
38 Outside grant program to provide local opportunities for young people to
39 reengage with learning experiences in safe outdoor settings.

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

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

49 b. If a public school unit received funds pursuant to subsection (c) of
50 Section 313 of P.L. 116-260, the per pupil amount allocated under this
51 subdivision shall be reduced so that (i) the total amount in federal grant

1 funds from the ESSER II Fund is equal to one hundred eighty dollars
2 (\$180.00) per pupil or (ii) the public school unit receives no additional
3 funding because the total amount from the ESSER II Fund would
4 exceed one hundred eighty dollars (\$180.00) per pupil.

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

8 (7) \$10,000,000 to be allocated in a manner consistent with the formula for the
9 Instructional Support Allotment. These funds shall be used for contracted
10 services for school health support personnel to provide additional physical and
11 mental health support services for students in response to COVID-19,
12 including remote and in-person physical and mental health support services.
13 For purposes of this subdivision, the term "school health support personnel"
14 shall refer to school counselors, school nurses, school psychologists, and
15 school social workers.

16 (8) \$10,000,000 to be allocated to public school units participating in a federal
17 school nutrition program administered by the Food and Nutrition Service of
18 the United States Department of Agriculture for school nutrition services
19 provided in response to COVID-19. The allocation of grants shall be
20 prioritized to public school units based on need as demonstrated by the
21 expenditure of existing federal funding received for COVID-19 related
22 impacts.

23 (9) \$1,000,000, in response to COVID-19, to contract with a third-party entity to
24 conduct a statewide assessment of the cybersecurity capabilities of public
25 schools and threats posed to public schools. In selecting a third-party entity to
26 conduct the assessment, the Department shall not consider any entity currently
27 under contract with the Department to provide services related to
28 cybersecurity. The assessment required under this subdivision is confidential
29 and not a public record as defined in G.S. 132-1. No later than June 20, 2021,
30 the Department shall report the results of the assessment conducted by the
31 third-party entity to the chairs of the Senate Appropriations/Base Budget
32 Committee, the chairs of the House Appropriations Committee, the chairs of
33 the Senate Appropriations Committee on General Government and
34 Information Technology, and the chairs of the House Appropriations
35 Committee on Information Technology. The report submitted by the
36 Department is confidential and not a public record as defined in G.S. 132-1.

37 (10) \$9,000,000, in response to COVID-19, to contract with a third-party entity to
38 implement a statewide cybersecurity program to improve the cybersecurity
39 infrastructure of the public schools. The third-party entity shall be a business
40 entity with broad experience in cybersecurity services, including a history of
41 successful contracts in this State and at least one other state, and shall not have
42 its principal office located in the People's Republic of China or the Russian
43 Federation. Nothing in this subdivision is intended to contravene any existing
44 treaty, law, agreement, or regulation of the United States. The funds shall not
45 be allocated to a public school unit, and the program shall include at least the
46 following components:

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

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

- 1 c. Adequate review and oversight of the program.
2 d. Integration among the various elements of the program.
3 e. Development of systems improving accountability and responsibility
4 related to a security threat or breach.
- 5 (11) \$12,000,000 to contract with Voyager Sopris Learning, Inc., to provide
6 Language Essentials for Teachers of Reading and Spelling training for
7 teachers for improving the literacy and language development of students,
8 building strong foundational early literacy skills by utilizing the Science of
9 Reading, and recouping learning losses resulting from the COVID-19
10 pandemic. The funds shall be used for training programs to be delivered to
11 educators working with (i) children in the North Carolina Prekindergarten
12 (NC Pre-K) program, in consultation with the Department of Health and
13 Human Services, and (ii) children in kindergarten through fifth grade. Up to
14 fifty percent (50%) of the funds shall be used for the delivery of training
15 programs to educators in a combination of grade levels from NC Pre-K
16 programs through fifth grade during the 2021-2022 school year. The
17 remaining funds shall be used to provide the training programs to educators
18 through those grade levels during the 2022-2023 school year.
- 19 (12) \$15,000,000 for the Extended Learning and Integrated Student Supports
20 Competitive Grant Program (Program). Of these funds, the Department of
21 Public Instruction may use up to two hundred thousand dollars (\$200,000) to
22 administer the Program. The purpose of the Program is to fund high-quality,
23 independently validated extended learning and integrated student support
24 service programs for at-risk students whose learning has been negatively
25 affected by COVID-19 impacts. The programs funded shall raise standards
26 for student academic outcomes by focusing on the following:
- 27 a. Use of an evidence-based model with a proven track record of success.
28 b. Inclusion of rigorous, quantitative performance measures to confirm
29 effectiveness of the program.
30 c. Deployment of multiple tiered supports in schools to address student
31 barriers to achievement, such as strategies to improve chronic
32 absenteeism, antisocial behaviors, academic growth, and enhancement
33 of parent and family engagement.
34 d. Alignment with State performance measures, student academic goals,
35 and the North Carolina Standard Course of Study.
36 e. Prioritization in programs to integrate clear academic content, in
37 particular, science, technology, engineering, and mathematics (STEM)
38 learning opportunities or reading development and proficiency
39 instruction.
40 f. Minimization of student class size when providing instruction or
41 instructional supports and interventions.
42 g. Expansion of student access to high-quality learning activities and
43 academic support that strengthen student engagement and leverage
44 community-based resources, which may include organizations that
45 provide mentoring services and private-sector employer involvement.
46 h. Utilization of digital content to expand learning time, when
47 appropriate.
- 48 Grants shall be used to award funds for new or existing eligible programs for
49 at-risk students operated by (i) nonprofit corporations and (ii) nonprofit
50 corporations working in collaboration with local school administrative units.
51 Grant participants are eligible to receive grants in an amount of up to five

1 hundred thousand dollars (\$500,000) each year. Programs should focus on
2 servicing (i) at-risk students not performing at grade level as demonstrated by
3 statewide assessments or not on track to meet year-end expectations, as
4 demonstrated by existing indicators, including teacher identification, (ii)
5 students at risk of dropout, and (iii) students at risk of school displacement
6 due to suspension or expulsion as a result of antisocial behaviors. Priority
7 consideration shall be given to applications demonstrating models that focus
8 services and programs in schools that are identified as low-performing,
9 pursuant to G.S. 115C-105.37. A grant participant shall provide certification
10 to the Department of Public Instruction that the grants received under the
11 program shall be matched on the basis of three dollars (\$3.00) in grant funds
12 for every one dollar (\$1.00) in nongrant funds. Matching funds shall not
13 include State funds. The Department shall also give priority consideration to
14 an applicant that is a nonprofit corporation working in partnership with a local
15 school administrative unit resulting in a match utilizing federal funds under
16 Part A of Title I of the Elementary and Secondary Education Act of 1965, as
17 amended, or Title IV of the Higher Education Act of 1965, as amended, and
18 other federal or local funds. Matching funds may include in-kind contributions
19 for up to fifty percent (50%) of the required match. A nonprofit corporation
20 may act as its own fiscal agent for the purposes of this Program. Grant
21 recipients shall report to the Department of Public Instruction for the year in
22 which grant funds were expended on the progress of the Program, including
23 alignment with State academic standards, data collection for reporting student
24 progress, the source and amount of matching funds, and other measures. Grant
25 recipients shall also submit a final report on key performance data, including
26 statewide test results, attendance rates, graduation rates and promotion rates,
27 and financial sustainability of the program. The Department shall provide a
28 report on the Program to the Joint Legislative Education Oversight Committee
29 by February 15 of each year following the year in which grant funds are
30 awarded. The report shall include the results of the Program and
31 recommendations regarding effective program models, standards, and
32 performance measures based on student performance; leveraging of
33 community-based resources to expand student access to learning activities;
34 academic and behavioral support services; and potential opportunities for the
35 State to invest in proven models for future grants programs. Funds shall be
36 available for grants through the deadline established by applicable federal law
37 and guidance for use of funds from the ESSER II Fund.

38 (13) \$40,000,000 to be held in reserve by the Department to be allocated to public
39 school units to support in-person instruction programs to address learning loss
40 and provide enrichment activities in the summer. The allocation of grants shall
41 be prioritized to public school units based on need, as demonstrated by the
42 expenditure of existing federal funding received for COVID-19 related
43 impacts.

44 (14) \$26,046,144 to be held in reserve by the Department to be allocated to public
45 school units to support COVID-19 related needs, including in-person
46 instruction programs to address learning loss and provide enrichment
47 activities in the summer. The allocation of grants shall be prioritized to public
48 school units based on need, as demonstrated by the expenditure of existing
49 federal funding received for COVID-19 related impacts.

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

(16) If, on August 15, 2022, there are any remaining ESSER II funds from the allocations in subdivisions (1) through (11) and (13) and (14) of this section, those funds shall be reallocated to the reserve described under subsection (c1) of Section 5 of this act to be used for expenditure on or after that date to meet additional emergency needs of the elementary and secondary schools of the State, as determined by the State Board of Education."

ESSER II FUNDS

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

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

EMERGENCY RENTAL ASSISTANCE

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

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

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

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

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

(1) Local governments listed in subdivision (3) of this subsection that received direct allocations from the federal Emergency Rental Assistance program shall be provided their maximum allotment, minus any pro-rata adjustments authorized in subsection (f) of this section, from the Office as described in subdivision (3) of this subsection and shall manage those funds in accordance

with local priorities and federal requirements. Local governments that received direct allocations from the federal Emergency Rental Assistance program must exhaust their direct allocations before expending any of the State allotment provided in subdivision (3). The State allotments provided to local governments that received direct allocations from the federal Emergency Rental Assistance program may be reallocated following the submission of the report described in subsection (g) of this section.

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

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

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

1	<u>Davidson County</u>	11,879,803
2	<u>Davie County</u>	2,565,624
3	<u>Duplin County</u>	4,996,991
4	<u>Durham County</u>	9,088,034
5	<u>Edgecombe County</u>	4,823,644
6	<u>Forsyth County</u>	16,010,132
7	<u>Franklin County</u>	4,642,382
8	<u>Gaston County</u>	8,405,226
9	<u>Gates County</u>	815,259
10	<u>Graham County</u>	704,205
11	<u>Granville County</u>	4,254,418
12	<u>Greene County</u>	1,803,582
13	<u>Guilford County</u>	20,578,731
14	<u>Halifax County</u>	4,935,567
15	<u>Harnett County</u>	9,344,006
16	<u>Haywood County</u>	4,614,768
17	<u>Henderson County</u>	7,279,220
18	<u>Hertford County</u>	2,135,606
19	<u>Hoke County</u>	4,359,892
20	<u>Hyde County</u>	437,682
21	<u>Iredell County</u>	10,172,569
22	<u>Jackson County</u>	3,516,245
23	<u>Johnston County</u>	6,419,397
24	<u>Jones County</u>	777,951
25	<u>Lee County</u>	4,445,554
26	<u>Lenoir County</u>	5,353,061
27	<u>Lincoln County</u>	4,669,742
28	<u>McDowell County</u>	3,771,421
29	<u>Macon County</u>	2,961,393
30	<u>Madison County</u>	1,660,905
31	<u>Martin County</u>	2,176,093
32	<u>Mecklenburg County</u>	27,611,773
33	<u>Mitchell County</u>	1,199,640
34	<u>Montgomery County</u>	2,233,607
35	<u>Moore County</u>	6,029,938
36	<u>Nash County</u>	7,080,463
37	<u>New Hanover County</u>	8,580,925
38	<u>Northampton County</u>	1,872,052
39	<u>Onslow County</u>	14,937,799
40	<u>Orange County</u>	7,636,241
41	<u>Pamlico County</u>	926,072
42	<u>Pasquotank County</u>	2,970,212
43	<u>Pender County</u>	3,990,020
44	<u>Perquimans County</u>	1,012,833
45	<u>Person County</u>	2,766,703
46	<u>Pitt County</u>	13,043,584
47	<u>Polk County</u>	1,483,152
48	<u>Randolph County</u>	10,953,729
49	<u>Richmond County</u>	4,228,682
50	<u>Robeson County</u>	13,728,554
51	<u>Rockingham County</u>	7,784,158

1	<u>Rowan County</u>	10,433,316
2	<u>Rutherford County</u>	5,750,933
3	<u>Sampson County</u>	5,278,982
4	<u>Scotland County</u>	3,395,528
5	<u>Stanly County</u>	4,117,222
6	<u>Stokes County</u>	3,328,179
7	<u>Surry County</u>	5,640,906
8	<u>Swain County</u>	1,183,813
9	<u>Transylvania County</u>	2,362,488
10	<u>Tyrrell County</u>	407,359
11	<u>Union County</u>	3,408,310
12	<u>Vance County</u>	4,208,012
13	<u>Wake County</u>	16,789,357
14	<u>Warren County</u>	2,036,688
15	<u>Washington County</u>	1,102,152
16	<u>Watauga County</u>	4,158,631
17	<u>Wayne County</u>	10,312,712
18	<u>Wilkes County</u>	5,778,403
19	<u>Wilson County</u>	7,371,289
20	<u>Yadkin County</u>	2,826,767
21	<u>Yancey County</u>	1,448,898
22	<u>TOTAL</u>	\$546,596,104

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

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

- 35 (1) Amount of federal funds received from the Consolidated Appropriations Act,
36 2021, P.L. 116-260, actually expended, by county for rent and by county for
37 utilities, under the Emergency Rental Assistance program.
- 38 (2) Amount of federal funds received from the Consolidated Appropriations Act,
39 2021, P.L. 116-260, contractually obligated, by county for rent and by county
40 for utilities, under the Emergency Rental Assistance program.
- 41 (3) Recommendations on statewide reallocations, by county, needed in advance
42 of the federal deadline for reallocation of unused funds, including rationale
43 for the recommended reallocations and an estimate of the outstanding needs
44 by county. The recommendation should also include any funds that are not
45 anticipated to be needed for the ten percent (10%) set aside for housing
46 stability services and administrative costs.

47 **SECTION 5.(h)** In the event that the actual total amount of federal funds received from the
48 Emergency Rental Assistance program differs from the amount listed in Section 5(b) of S.L.
49 2021-1, the Office shall distribute the increased or reduced amounts proportionally in accordance
50 with the maximum county allotments."

51

1 APPROPRIATION OF CERTAIN FEDERAL BLOCK GRANT FUNDS FOR DHHS

2 **SECTION 1.5.(a)** There is appropriated from federal Child Care and Development
3 Block Grant funds received for the fiscal year ending June 30, 2021, pursuant to the federal
4 Consolidated Appropriations Act, 2021, to the Department of Health and Human Services,
5 Division of Child Development and Early Education (Division), the sum of three hundred
6 thirty-five million nine hundred twelve thousand three hundred ninety-three dollars
7 (\$335,912,393) in nonrecurring funds in response to the COVID-19 pandemic. For the remainder
8 of the 2020-2021 fiscal year, the Division shall pay for all copayment assistance for families
9 eligible for subsidized child care with Child Care and Development Block Grant funds received
10 pursuant to this subsection. The Child Care and Development Block Grant funds shall cover all
11 copays for families eligible for subsidized child care through the end of the 2020-2021 fiscal
12 year. Thereafter, the Division may use, in its discretion, the remainder of these funds on cleaning
13 and sanitation needs, operational grants for child care providers, and early childhood education
14 learning loss and summer enrichment activities.

15 **SECTION 1.5.(b)** There is appropriated from federal Community Mental Health
16 Services Block Grant funds received for the fiscal year ending June 30, 2021, pursuant to the
17 federal Consolidated Appropriations Act, 2021, to the Department of Health and Human
18 Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services,
19 the sum of forty-seven million four hundred sixty-five thousand eight hundred dollars
20 (\$47,465,800) in nonrecurring funds for mental health services in response to the COVID-19
21 pandemic. Of the funds appropriated under this section, the sum of two million one hundred
22 thousand dollars (\$2,100,000) shall be allocated for the North Carolina Statewide Telepsychiatry
23 Program (NC-STeP).

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

31
32 ALLOCATION OF ELC ENHANCING DETECTION THROUGH CORONAVIRUS
33 RESPONSE AND RELIEF SUPPLEMENTAL FUNDS

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

- 42 (1) \$84,000,000 to be allocated to local health departments based upon the
43 percentage of the State population served by each of the local health
44 departments. Local health departments may not use the funds allocated under
45 this subdivision for any purpose other than a purpose allowed under the ELC
46 Enhancing Detection Expansion cooperative agreement grant. Local health
47 departments shall use these allocated funds to supplement and not supplant
48 existing funds for such allowable purposes.
- 49 (2) \$15,000,000 to be allocated to the North Carolina Policy Collaboratory
50 (Collaboratory) at the University of North Carolina at Chapel Hill through a
51 grant agreement, subcontract, or other subrecipient agreement that addresses,

1 formally and in writing, the arrangements for the Collaboratory to meet the
2 programmatic, administrative, financial, and reporting requirements of the
3 ELC Enhancing Detection Expansion cooperative agreement grant, including
4 those necessary to ensure compliance with all applicable federal regulations
5 and policies. The Collaboratory shall use these funds to develop and manage
6 a plan for an initiative to implement alternative COVID-19 surveillance
7 methods throughout the State utilizing the resources of The University of
8 North Carolina and other partnerships that complements the activities of the
9 Division of Public Health with respect to alternative COVID-19 surveillance
10 methods. The plan may include, but is not limited to, wastewater surveillance
11 and genetic sequencing to identify and catalog variant strains of
12 SARS-CoV-2. In developing the plan, the Collaboratory, in consultation with
13 the Division of Public Health, shall ensure the following:

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

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

38
39 **APPROPRIATION OF FEDERAL GRANT FUNDS TO GDAC FOR COVID-19**
40 **UPGRADES TO THE NC COVID VACCINE MANAGEMENT SYSTEM AND NC**
41 **HEALTHCONNEX**

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

1 COVID-19. In the event the federal government disapproves of the DHHS allocating the
2 COVID-19 Vaccine Preparedness grant funds described in Section 5(b) of S.L. 2021-1 or FEMA
3 funds to the GDAC for these purposes, the DHHS shall allocate to the GDAC up to three million
4 dollars (\$3,000,000) of the ELC Enhancing Detection through Coronavirus Response and Relief
5 Supplemental funds described in Section 1.1(a) of this act to cover the costs of the projects
6 authorized by this section.
7

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

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

19 **SECTION 1.7.(b)** Highway Infrastructure Programs. – Federal funds received
20 pursuant to the CRRSAA for Highway Infrastructure Programs are appropriated to the
21 Department of Transportation in the amounts set forth in the Federal Highway Administration
22 (FHWA) "Apportionment of Highway Infrastructure Program Funds Pursuant to The
23 Coronavirus Response and Relief Supplemental Appropriations Act, 2021," dated January 15,
24 2021 (FHWA Apportionment Notice), and any amendments, for use in accordance with FHWA
25 regulations and guidance, and allocated by the Department as follows:

- 26 (1) \$229,282,615 to the Highway Fund that thereby fund and bill State
27 Transportation Improvement (STI) projects and use federal cash
28 reimbursements to advance STI projects delayed by the Department to
29 prevent, prepare for, and respond to the coronavirus. All funds shall be used
30 to advance delayed bridge replacement and interstate maintenance.
- 31 (2) \$29,454,289 to be suballocated to urbanized areas with a population of over
32 200,000 as set forth in the FHWA Apportionment Notice for use by the
33 recipient in accordance with FHWA regulations and guidelines.

34 **SECTION 1.7.(c)** Transit Infrastructure Grants. – Federal funds in the amount of
35 seven hundred eighty-one thousand eight hundred sixty-one dollars (\$781,861) received pursuant
36 to the CRRSAA for the Enhanced Mobility of Seniors and People with Disabilities Program (49
37 U.S.C. § 5310) are appropriated to the Department of Transportation in the amounts set forth in
38 the Federal Transit Administration (FTA) "Table 5: CRRSAA Apportionments for Enhanced
39 Mobility for Seniors and Individuals with Disabilities (Section 5310)," last updated January 11,
40 2021, and any amendments, to be used and allocated by the Department in accordance with the
41 regulations, guidance, and formulas issued by the FTA and the Department.

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

44 **SECTION 1.7.(e)** Additional Funds for the Roadside Environmental Fund. – Of the
45 funds appropriated from the Highway Fund to the Department of Transportation for the
46 2020-2021 fiscal year, the sum of thirty million dollars (\$30,000,000) in nonrecurring funds shall
47 be allocated to the Roadside Environmental Fund for litter removal and other activities
48 programmed within the Roadside Environmental Unit. Notwithstanding G.S. 143C-6-11, these
49 funds are hereby incorporated into the Department Spend Plan to be spent by the Department as
50 allocated by this subsection. The funds allocated and authorized for expenditure under this
51 subsection are in addition to the ninety million dollars (\$90,000,000) authorized in the Spend

1 Plan, dated December 2, 2020 (Spend Plan), for expenditure by the Roadside Environmental
2 Unit. CRRSAA funds appropriated in subsection (b) of this section shall not be used to replace
3 funds allocated by this subsection or authorized for expenditure by the Roadside Environmental
4 Unit in the Spend Plan.

5 **SECTION 1.7.(f)** Report. – Each fiscal quarter, the Department of Transportation
6 shall report to the Joint Legislative Transportation Oversight Committee on the use of the funds
7 appropriated in this section until all the CRRSAA funds are expended or have reverted.
8

9 **REPORT ON USE OF FEDERAL GRANT FUNDS**

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

- 23 (1) Each public school unit receiving federal grant funds under this Part,
24 beginning April 1, 2021, and quarterly thereafter, shall submit the report to
25 the Department of Public Instruction. The Department of Public Instruction,
26 beginning May 1, 2021, and quarterly thereafter, shall collate and submit the
27 reports into a single, consolidated report to the Joint Legislative Commission
28 on Governmental Operations and the Fiscal Research Division.
- 29 (2) Each State agency or department receiving federal grant funds under this Part,
30 beginning April 1, 2021, shall submit the report to the Joint Legislative
31 Commission on Governmental Operations and the Fiscal Research Division.

32 **SECTION 1.8.(b)** The appropriation of funds under this Part does not obligate the
33 State or create an ongoing obligation of the State for future appropriations for programs or other
34 purposes for which the funds shall be used.
35

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

37 **MEDICAID TEMPORARILY-INCREASED REIMBURSEMENT RATES**

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

39 **"SECTION 4.6.** In addition to the five percent (5%) rate increases already requested by the
40 Department of Health and Human Services (DHHS) in the 1135 Medicaid disaster State Plan
41 amendment (SPA) submitted to the Centers for Medicare and Medicaid Services on April 8,
42 2020, for certain provider types, DHHS shall increase the fee-for-service Medicaid rates paid
43 directly by the Division of Health Benefits for all remaining provider types by five percent (5%).
44 The rate increases authorized under this section shall be effective March 1, 2020. Any rate
45 increases authorized under this section shall expire on the earlier of the following dates:

- 46 (1) The date the declared nationwide public health emergency as a result of the
47 2019 novel coronavirus expires.
- 48 (2) The date Executive Order No. 116, Declaration of a State of Emergency to
49 Coordinate Response and Protective Actions to Prevent the Spread of
50 COVID-19 expires or is rescinded.
51

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

2
3 **STUDENT CONNECTIVITY FUNDS FOR COMPLIMENTARY INTERNET SERVICE**

4 **SECTION 2.2.** Section 3.3 of S.L. 2020-4, as amended by Section 3 of S.L. 2020-32,
5 Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, Section
6 4.9(a) of S.L. 2020-91, Section 1.2 of S.L. 2020-97, and Section 3.2 of S.L. 2021-1, reads as
7 rewritten:

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

10 ...

11 (8) \$21,000,000 to the Department of Public Instruction to improve ~~Internet~~
12 internet connectivity for students, in response to COVID-19, by providing
13 community and home mobile ~~Internet~~internet access points. These funds shall
14 be used only for the purchase of devices and not for subscription services. For
15 purposes of this subdivision, the term "subscription services" does not include
16 internet service provided as part of the purchase price of a device or internet
17 service purchased for a device without an ongoing monthly subscription.

18"

19
20 **EXTEND WAIVER OF UNC STUDENT INTEREST CHARGES ON PAST DUE**
21 **ACCOUNTS**

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

23 "**SECTION 2.28.** Notwithstanding G.S. 147-86.23, a constituent institution of The
24 University of North Carolina shall not accrue or charge any interest to a past-due account
25 receivable held by a student between March 13, 2020, and ~~September 15, 2020.~~December 31,
26 2021."

27
28 **PROVIDE TEMPORARY EXCEPTION TO LEAVE RULES FOR UNC STATE**
29 **EMPLOYEES**

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

36 **SECTION 2.4.(b)** This section expires December 31, 2021.
37

38 **EXTEND VIRTUAL CHARTER SCHOOL ENROLLMENT AUTHORITY**

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

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

49 "**SECTION 3.2.(b)** The virtual charter schools shall provide ~~an interim report~~ reports by
50 March 15, 2021, and March 15, 2022, and a final report by November 15, ~~2021, 2022,~~ to the
51 Joint Legislative Education Oversight Committee, on the impact of the increase in student

1 enrollment permitted by subsection (a) of this section, including data on where students had been
2 previously enrolled by local school administrative unit, charter school, or nonpublic school, the
3 grade level of students, the withdrawal rate of students after enrollment, and any student
4 performance and accountability data."
5

6 **ABUSE CLAIM FILING DEADLINE**

7 **SECTION 2.6.(a)** Subsection (b) of Section 4.2 of S.L. 2019-245 reads as rewritten:
8 "**SECTION 4.2.(b)** Effective from January 1, 2020, until ~~December 31, 2021~~, December 31,
9 2022, this section revives any civil action for child sexual abuse otherwise time-barred under
10 G.S. 1-52 as it existed immediately before the enactment of this act."

11 **SECTION 2.6.(b)** This section is effective when it becomes law.
12

13 **REQUIRE LOCAL GOVERNMENTS TO ISSUE TEMPORARY CERTIFICATE OF** 14 **COMPLIANCE/OCCUPANCY TO HEALTH SERVICE FACILITIES**

15 **SECTION 2.7.(a)** Notwithstanding G.S. 136-18(5), 136-18(29), 136-93,
16 160D-1116, and any other provision of law to the contrary, a local government shall issue a
17 temporary certificate of compliance and temporary certificate of occupancy to a health service
18 facility (facility) allowing for the full operational use of the facility in the following
19 circumstances:

- 20 (1) The facility building is currently under construction, and the scheduled
21 construction completion date for the building will occur before rescission of
22 the COVID-19 emergency declaration.
- 23 (2) Subject to subdivision (3) of this section, the facility building complies with
24 all applicable State and local laws and the terms of the building permit, and
25 the facility building may be safely occupied.
- 26 (3) The only portions of the construction project remaining to be completed are
27 off-site improvements to public roadways that were identified by the Traffic
28 Impact Analysis for the project and required as conditions for the approval of
29 the permit, and the facility agrees to (i) complete the roadway improvements
30 within 18 months of the date of the certificate of occupancy and (ii) post a
31 corresponding performance bond or letter of credit. The performance bond
32 completion date and letter of credit expiration date, and all other terms of both
33 instruments, shall remain in force notwithstanding the rescission of the
34 COVID-19 emergency declaration prior to the completion of the roadway
35 improvements.

36 For purposes of this section, the term "local government" has the same meaning as in
37 G.S. 160D-1116, the term "health service facility" has the same meaning as in G.S. 131E-176,
38 and the term "COVID-19 emergency declaration" means Executive Order No. 116 issued March
39 10, 2020.

40 **SECTION 2.7.(b)** This section is effective when it becomes law and expires upon
41 rescission of the COVID-19 emergency declaration or upon completion of the roadway
42 improvements as agreed to by the facility, whichever is later.
43

44 **VACCINE ADMINISTRATION/PHARMACY TECHNICIANS AND INTERNS**

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

46 "...

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

1 advisory opinions issued by the Secretary of the United States Department of Health and Human
2 Services.

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

- 5 (1) The State Health Director acting pursuant to this section.
- 6 (2) Any pharmacist or qualified individual under State or federal law who
7 administers a COVID-19 immunization or vaccine pursuant to a statewide
8 standing order issued under this section.

9"

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

11 PHARMACISTS/LONG-ACTING INJECTABLES

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

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

- 18 (1) Maintain a record of any administration of a long-acting injectable performed
19 by the immunizing pharmacist to the patient in a patient profile or record.
- 20 (2) Within 72 hours after the administration of the long-acting injectable
21 performed by the immunizing pharmacist to the patient, notify the prescriber
22 regarding which medication and dosage was administered to the patient."

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

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

- 26 ...
- 27 (6) Administers ~~vaccines~~—vaccines, long-acting injectable medications, or
28 immunizations in accordance with G.S. 90-18.15B."

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

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

32 NOTARY/VIDEO WITNESS EXTENSIONS

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

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

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

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

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

40 VIRTUAL EDUCATION REQUIREMENTS/REAL ESTATE APPRAISERS

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

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

46 HEALTH CARE PROVIDER LIABILITY CLARIFICATION

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

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

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

8 9 VACCINE VOLUNTEERS

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

12 "(7) Health care provider. –

13 ...

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

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

21 22 LIMIT PAPERWORK FOR CERTAIN UNCLAIMED PROPERTY

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

24 25 TEMPORARY FLEXIBILITY QIPS/EXTEND SUNSET

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

27 "SECTION 3D.5.(e) This section is effective when it becomes law and expires ~~December~~
28 31, 2021.December 31, 2022."

29 30 PRESCRIPTION DRUG ACCESS FOR CERTAIN EXPIRED IDENTIFICATION

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

38 (1) Paregoric, U.S.P.

39 (2) Any Schedule II controlled substances.

40 (3) Any of the Schedule III controlled substances listed in subdivisions (1)
41 through (8) of subsection (d) of G.S. 90-91.

42 (4) Any Schedule V controlled substances.

43 (5) Pseudoephedrine products.

44 SECTION 2.18.(b) This section is effective when it becomes law and expires six
45 months after the date the Governor signs an executive order rescinding said Executive Order No.
46 116 (2020), Declaration of a State of Emergency to Coordinate Response and Protective Actions
47 to Prevent the Spread of COVID-19, or December 31, 2021, whichever is earlier.

48 49 ALLOW TOURISM DEVELOPMENT AUTHORITIES TO ACCESS PPP LOANS

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

"Article 21.

"Tourism Development Authorities.

"§ 153A-406. Definitions.

The following definitions apply in this Article:

- (1) Economic Aid Act. – The Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (Title III) of the Consolidated Appropriations Act, 2021, P.L. 116-260.
- (2) PPP loan. – A federal loan enacted under sections 1102 and 1106 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. 116-136, and as amended by the Economic Aid Act.
- (3) Tourism development authority. – A public authority under the Local Government Budget and Fiscal Control Act established by resolution adopted by the board of county commissioners to receive and expend the net proceeds of an occupancy tax.

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

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

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

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

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

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

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

"Article 31.

"Tourism Development Authorities.

"§ 160A-800. Definitions.

The following definitions apply in this Article:

- (1) Economic Aid Act. – The Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act (Title III) of the Consolidated Appropriations Act, 2021, P.L. 116-260.
- (2) PPP loan. – A federal loan enacted under sections 1102 and 1106 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. 116-136, and as amended by the Economic Aid Act.
- (3) Tourism development authority. – A public authority under the Local Government Budget and Fiscal Control Act established by resolution adopted by the council of a municipality to receive and expend the net proceeds of an occupancy tax.

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

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

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

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

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

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

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

13 14 **PREPAID HEALTH PLAN ACCESS TO NC IMMUNIZATION REGISTRY** 15 **INFORMATION**

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

21 22 **CLARIFY DEVELOPMENT APPROVAL EXTENSION**

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

24 **"REEXTEND CERTAIN LOCAL GOVERNMENT APPROVALS AFFECTING THE** 25 **DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE**

26 ...

27 **"SECTION 3.21.(b)** For any development approval that is current and valid at any point
28 during the period beginning September 2, 2020, and ending 30 days after Executive Order No.
29 116 is rescinded, the expiration date of the period of the development approval and any associated
30 vested right under G.S. 160D-108 or G.S. 160D-108.1 is automatically extended ~~120~~ 150 days
31 from the ~~expiration date.~~ date the Executive Order is rescinded.

32 ...

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

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

39 40 **EXPAND ACCESS TO EMERGENCY MEAT PROCESSING GRANTS**

41 **SECTION 2.22.** Section 4.2A of S.L. 2020-4, as enacted by Section 1.1(e) of S.L.
42 2020-80 and amended by Section 1.4A of S.L. 2020-97, reads as rewritten:

43 **"SECTION 4.2A.(a)** Findings. – The General Assembly finds that the COVID-19
44 emergency has resulted in serious and substantial impacts on the food supply chain. In particular,
45 small livestock producers in the State have found that bottlenecks and lack of capacity among
46 the small and independent meat processors and producers of further processed meat products
47 who serve small livestock producers due to COVID-19 related slowdowns and capacity
48 reductions have had a substantial negative impact on their ability to have their animals
49 slaughtered and processed. Seafood processors lack capacity to meet increased and altered
50 consumer demand for seafood products due to COVID-19 related changes in the market for
51 seafood and seafood products. The General Assembly further finds that financial assistance to

1 these processors for physical expansion and facility improvements, for workforce development,
 2 and for the creation of additional processing capacity is necessary to reduce disruptions in the
 3 supply chain for fresh meat and seafood_and to help small producers get their product to market.

4 ...

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

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

- 9 a. Capacity enhancement grant. – This grant is available to an eligible
 10 meat or seafood processing facility that is experiencing slowdowns in
 11 production or has limited capacity to accommodate increased demand
 12 for meat processing due to the COVID-19 pandemic. A capacity
 13 enhancement grant may be used for expansion of an existing eligible
 14 facility and for fixtures or equipment at an existing eligible facility that
 15 will expand animal throughput, processing capacity, the amount or
 16 type of products produced, or processing speed.
- 17 b. Workforce development grant. – This grant is available to an eligible
 18 meat processing facility that is experiencing slowdowns in production
 19 or has limited capacity to accommodate increased demand for meat
 20 processing due to workforce limitations or reductions due to the
 21 COVID-19 pandemic. A workforce development grant may be used
 22 for educational and workforce training provided either by the facility
 23 or by an institution of higher education.
- 24 c. Planning grant. – This grant is available to a nonprofit entity or
 25 institution of higher education to complete feasibility or siting studies
 26 for a new eligible meat processing facility.

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

- 29 a. ~~a~~ A food processing facility that meets both of the following
 30 requirements:
 31 a.1. The plant contracts with independent livestock producers or
 32 seafood harvesters to process animals or seafood.
- 33 b. ~~b~~2. The United States Department of Agriculture (USDA)
 34 contracts with Department inspectors to conduct federal
 35 inspection activities authorized by the Talmadge-Aiken Act of
 36 1962 (7 U.S.C. § 1633) at the plant, the plant is otherwise
 37 regulated by the USDA or the FDA, or the plant is a
 38 State-inspected facility.
- 39 b. A facility producing further processed meat products for which the
 40 United States Department of Agriculture (USDA) contracts with
 41 Department inspectors to conduct federal inspection activities
 42 authorized by the Talmadge-Aiken Act of 1962 (7 U.S.C. § 1633) at
 43 the plant, or which is a State-inspected facility, or which is a USDA
 44 inspected processor of shelf-stable meat or meat products.

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

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

49"

50
 51 **NEW ATTORNEYS' OATH**

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

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

9 **PART III. CORONAVIRUS RELIEF FUND REALLOCATIONS**

10 **SECTION 3.1.** Section 3.3 of S.L. 2020-4, as amended by Section 3 of S.L. 2020-32,
11 Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, Section
12 4.9(a) of S.L. 2020-91, and Section 1.2 of S.L. 2020-97, reads as rewritten:

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

15 ...

16 (45) ~~\$75,000,000~~ \$83,000,000 to OSBM for Golden LEAF to provide loans in
17 accordance with Section 4.2 of this act.

18 ...

19 (47) ~~\$20,250,000~~ \$26,250,000 to the Department of Agriculture and Consumer
20 Services to be used to provide support for meat processing facilities and for
21 seafood processing facilities in accordance with Section 4.2A of this act.

22 ...

23 (52) ~~\$120,000,000~~ \$80,000,000 to the Department of Public Safety, Division of
24 Emergency Management to be used as the State match for any Federal
25 Emergency Management Agency public assistance funds provided in
26 response to the COVID-19 pandemic.

27 ...

28 (94) ~~\$14,300,000~~ \$5,300,000 to OSBM for ~~the PPE NC Initiative, a partnership~~
29 ~~between the Manufacturing Solutions Center (MSC) at Catawba Valley~~
30 ~~Community College, Gaston College's Textile Technology Center, the City of~~
31 ~~Conover, Gaston County, and the private sector to create a launch pad for~~
32 ~~prototyping and testing reusable personal protective equipment (PPE)~~
33 ~~products for entrepreneurs and existing manufacturers in response to the~~
34 ~~COVID-19 pandemic. The funds shall be allocated by OSBM as follows:~~

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

37 1. ~~\$7,250,000 shall be used to construct a purpose built facility to~~
38 ~~house testing labs, rapid prototyping, and a textile sourcing~~
39 ~~library.~~

40 2. ~~\$1,250,000 shall be used for a clean room upfit for MSC~~
41 ~~facilities.~~

42 3. ~~\$500,000 shall be used for equipment, materials, and logistics~~
43 ~~for a rapid prototyping pilot line to create product and to train~~
44 ~~a workforce for United States manufacturers of PPE.~~

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

48 ...

49 (116) \$6,000,000 to the Department of Agriculture and Consumer Services to
50 distribute equally among each of the food banks in this State. The food banks

1 are encouraged to use the funds allocated in this subdivision to purchase food
2 from North Carolina-based farmers and vendors.

3 (117) \$8,000,000 to the Department of Administration for the ReTOOLNC grant
4 program to provide additional funds to assist State-certified, minority-owned,
5 and women-owned businesses in their recovery from the economic impacts of
6 the COVID-19 pandemic.

7 (118) \$3,000,000 to the Department of Commerce for a North Carolina nonprofit
8 corporation with which the Department contracts pursuant to
9 G.S. 143B-431.01(b) as a stimulus investment in North Carolina's marketing
10 budget to be used to market North Carolina.

11 (119) \$1,000,000 to the Department of Agriculture and Consumer Services to
12 market North Carolina's agricultural products and State-owned attractions.

13 (120) \$2,000,000 to the Department of Agriculture and Consumer Services for the
14 Farm Worker Quarantine Program (Program). The Program shall provide
15 funding to reimburse eligible expenses for eligible farm workers required to
16 quarantine apart from family members or coworkers following a positive test
17 for COVID-19. For purposes of this subdivision, an "eligible expense" is the
18 cost of meals and lodging for the duration of the quarantine period, not to
19 exceed the per diem rates for federal employee travel determined by the
20 United States General Services Administration, and an "eligible farm worker"
21 is a worker who (i) is an alien, as described by 8 U.S.C. §
22 1101(a)(15)(H)(ii)(a), and (ii) is performing agricultural labor or services on
23 a farm in the State."

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

- 28 (1) To construct a purpose-built facility to house testing labs, rapid prototyping,
29 and a textile sourcing library.
- 30 (2) For a clean room upfit for MSC facilities.
- 31 (3) For equipment, materials, and logistics for a rapid prototyping pilot line to
32 create product and to train a workforce for United States manufacturers of
33 PPE.

34 **SECTION 3.2.(b)** The funds appropriated in this section shall not revert until June
35 30, 2022.

36 **SECTION 3.3.** Section 4.1 of S.L. 2021-1 reads as rewritten:

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

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

48"

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

51 "..."

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

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

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

15"

16 SECTION 3.5.(a) Section 3.1 of S.L. 2020-4, as amended by Section 1 of S.L.
17 2020-32, Section 1.1(b) of S.L. 2020-80, Section 1.1(a) of S.L. 2020-97, and Section 3.8(a) of
18 S.L. 2021-1, reads as rewritten:

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

27 SECTION 3.5.(b) Section 3.2 of S.L. 2020-4, as amended by Section 2 of S.L.
28 2020-32, Section 1.1(c) of S.L. 2020-80, Section 1.1(b) of S.L. 2020-97, and Section 3.8(b) of
29 S.L. 2021-1, reads as rewritten:

30 "SECTION 3.2. Appropriation of Funds from Relief Fund to OSBM. – There is appropriated
31 from the Fund to OSBM the sum of two billion six hundred ~~twenty-four-nine~~ million three
32 hundred ninety thousand six hundred forty-six dollars ~~(\$2,624,390,646)–(\$2,609,390,646)~~ in
33 nonrecurring funds for the 2019-2020 fiscal year to be allocated and used as provided in Section
34 3.3 of this act. The funds appropriated in this section shall not revert at the end of the 2019-2020
35 fiscal year. Notwithstanding any provision of law to the contrary in this act or any other act
36 appropriating funds from the Fund, funds appropriated from the Fund shall (i) remain available
37 to expend until the deadline established by applicable federal law or guidance and (ii) be returned
38 in accordance with that applicable federal law or guidance if unexpended by that deadline."
39

40 PART IV. EFFECTIVE DATE

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