

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023**

**SESSION LAW 2024-53  
SENATE BILL 743**

AN ACT TO MAKE MODIFICATIONS TO AND PROVIDE ADDITIONAL  
APPROPRIATIONS FOR THE DISASTER RECOVERY ACT OF 2024.

The General Assembly of North Carolina enacts:

**PART I. TITLE AND SCOPE OF ACT**

**SECTION 1.1.** Title. – This act shall be known as "The Disaster Recovery Act of 2024 – Part II."

**SECTION 1.2.** Maximum Amounts; Effectuate Savings. – The appropriations and allocations made in this act are for maximum amounts necessary to implement this act. Savings shall be effected where the total amounts appropriated or allocated are not required to implement this act.

**SECTION 1.3.** Scope. – Unless otherwise provided, Section 2.1(a) of this act applies to the North Carolina counties in the affected area, as defined in Section 1.4 of this act.

**SECTION 1.4.** Definitions. – Unless otherwise provided, the following definitions apply in this act:

- (1) Affected area. – The counties designated before, on, or after the effective date of this act under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene.
- (2) FEMA. – The Federal Emergency Management Agency.
- (3) Helene Fund. – The Hurricane Helene Disaster Recovery Fund established in Section 4.1 of S.L. 2024-51.
- (4) OSBM. – The Office of State Budget and Management.
- (5) Recipient. – A State agency or a non-State entity, as those terms are defined in G.S. 143C-1-1.
- (6) Savings Reserve. – The Savings Reserve established in G.S. 143C-4-2.

**PART II. DISASTER RECOVERY APPROPRIATIONS AND AVAILABILITY**

**STATE DISASTER FUNDS APPROPRIATIONS**

**SECTION 2.1.(a)** Appropriation of State Funds (Helene Fund). – Appropriations from the Helene Fund for the budgets of State agencies and non-State entities, and for other purposes enumerated, are made for the 2024-2025 fiscal year, according to the following schedule:

**Helene Fund Appropriations**

**FY 2024-2025**

**EDUCATION**

North Carolina Community College System

16,750,000

Department of Public Instruction

65,000,000



University of North Carolina	20,000,000
<b>HEALTH AND HUMAN SERVICES</b>	
Department of Health and Human Services	71,400,000
<b>AGRICULTURE, NATURAL, AND ECONOMIC RESOURCES</b>	
Department of Commerce	56,000,000
Department of Environmental Quality	139,000,000
<b>JUSTICE AND PUBLIC SAFETY</b>	
Department of Public Safety	130,000,000
<b>GENERAL GOVERNMENT</b>	
OSBM	5,500,000
Treasurer	100,500,000
<b>Total Appropriation</b>	<b>604,150,000</b>

**SECTION 2.1.(a1)** Appropriation of State Funds (OSBM Disaster Relief Reserve). – Appropriations from the OSBM Disaster Relief Reserve for the budgets of State agencies and non-State entities, and for other purposes enumerated, are made for the 2024-2025 fiscal year, according to the following schedule:

<b>OSBM Disaster Relief Reserve Appropriation</b>	<b>FY 2024-2025</b>
<b>JUSTICE AND PUBLIC SAFETY</b>	
Department of Public Safety	40,000,000
<b>Total Appropriation</b>	<b>40,000,000</b>

**SECTION 2.1.(b)** Federally Sourced Funds Appropriations. – Funds received (i) on or after September 1, 2024, under the Stafford Act (P.L. 93-288) and other federal disaster assistance programs for State disasters as a result of Hurricane Helene and (ii) by the State for federal disaster assistance programs for PTC8 and Tropical Storm Debby, are appropriated in the amounts provided in the notifications of award from the federal government or any entity acting on behalf of the federal government to administer federal disaster recovery funds. OSBM and affected State agencies shall report all notifications of award to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division of the General Assembly within 30 days of notification. All notifications shall include, at a minimum, the amount of the award and its duration and purpose.

**SECTION 2.1.(c)** Transfer. – Notwithstanding G.S. 143C-4-2, the State Controller shall make the following transfers from the Savings Reserve:

- (1) The sum of six hundred four million one hundred fifty thousand dollars (\$604,150,000) for the 2024-2025 fiscal year to the Helene Fund.
- (2) The sum of forty million dollars (\$40,000,000) for the 2024-2025 fiscal year to the OSBM Disaster Relief Reserve (Budget Code 23009). Within the OSBM Disaster Relief Reserve, a new budget fund shall be established for the purpose of providing necessary relief and assistance of the effects of PTC8 and Tropical Storm Debby, as provided in this and subsequent acts. Federal funds and funds appropriated from the OSBM Disaster Relief Reserve in this

act received by State agencies for PTC8 and Tropical Storm Debby relief and recovery efforts shall be budgeted and accounted for separately within each State agency that receives such funds.

**HURRICANE HELENE FUNDING AVAILABILITY**

**SECTION 2.2.** Hurricane Helene Funding Availability. – The availability of funds for Hurricane Helene disaster response derived from the Savings Reserve and other adjustments for the 2024-2025 fiscal year is as follows:

<b>Hurricane Helene Fund Availability</b>	<b>FY 2024-25</b>
Beginning Unreserved Helene Fund Balance	0
Transfer from Savings Reserve to Helene Fund, S.L. 2024-51	273,000,000
Transfer from Savings Reserve to Helene Fund, SB 743	604,150,000
<b>Total Hurricane Helene Fund Availability</b>	<b>877,150,000</b>
<b>Additional Hurricane Helene Response Funds</b>	
Unobligated Needs-Based Scholarship Funds, SB 743	18,100,000
Unobligated Funds in the Clean Water and Drinking Water Reserves, S.L. 2024-51	59,000,000
<b>Total Additional Hurricane Helene Response Availability</b>	<b>77,100,000</b>
<b>Total Hurricane Helene Funding Availability</b>	<b>954,250,000</b>
Less S.L. 2024-51 & SB 743 Appropriations from Helene Fund	(877,150,000)
Less S.L. 2024-51 & SB 743 Additional Helene Response Availability	(77,100,000)
<b>Funds Remaining</b>	<b>0</b>

**PART III. GENERAL PROVISIONS**

**REVERSION, LIMITATION, AND REPORTING OF FUNDS**

**SECTION 3.1.(a)** Reversion. – Except as otherwise provided, funds appropriated under Part II of this act shall revert to the Savings Reserve if not expended or encumbered by June 30, 2030.

**SECTION 3.1.(b)** Receipt of Allocations. – A recipient of State funds under this act shall use best efforts and take all reasonable steps to obtain alternative funds that cover the losses or needs for which the State funds are provided, including funds from insurance policies in effect and available federal aid. State funds paid under this act are declared to be excess over funds received by a recipient from the settlement of a claim for loss or damage covered under the recipient's applicable insurance policy in effect or federal aid. Where a recipient is an institution of higher education or a non-State entity, the requirement regarding alternative funds, and the calculation of alternative funds received, under this subsection includes seeking private donations to help cover the losses or needs for which State funds are provided. An agency awarding State funds for disaster relief shall include a notice to the recipient of the requirements of this subsection.

**SECTION 3.1.(c)** Remittance of Funds. – If a recipient obtains alternative funds pursuant to subsection (b) of this section, the recipient shall remit the funds to the State agency from which the State funds were received. A recipient is not required to remit any amount in excess of the State funds provided to the recipient under this act. The State agency shall transfer these funds to the Savings Reserve.

**SECTION 3.1.(d) Contract Requirements.** – Any contract or other instrument entered into by a recipient for receipt of funds under this act shall include the requirements set forth in subsections (b) and (c) of this section.

**SECTION 3.1.(e) Limitation on Powers of Governor.** – The Governor may not use the funds described in this act to make budget adjustments under G.S. 143C-6-4 or to make reallocations under G.S. 166A-19.40(c). Nothing in this act shall be construed to prohibit the Governor from exercising the Governor's authority under these statutes with respect to funds other than those described in this act.

**SECTION 3.1.(f) Directive.** – The Governor shall ensure that funds allocated in this act are expended in a manner that does not adversely affect any person's or entity's eligibility for federal funds that are made available, or that are anticipated to be made available, as a result of natural disasters. The Governor shall also, to the extent practicable, avoid using State funds to cover costs that will be, or likely will be, covered by federal funds.

**SECTION 3.1.(g) Allocation Reporting Requirements.** – Beginning January 15, 2025, for the previous quarter, OSBM shall report to the chairs of the House of Representatives and Senate Appropriations Committees and to the Fiscal Research Division of the General Assembly on the implementation of this act on a quarterly basis until the end of the quarter in which all funds are expended and shall also provide any additional reports or information requested by the Fiscal Research Division. In reporting on the use of State disaster recovery and assistance funds expended pursuant to this act and federal funds received by State agencies for disaster relief and recovery efforts, OSBM shall include, regardless of which State agency, federal agency, or non-State entity that administers the funds, all of the following for each program:

- (1) The purpose of the program.
- (2) The responsible department or agency.
- (3) Current, year-to-date, and total cumulative funds appropriated, received from non-State sources, expended, encumbered, and obligated by program and by source of funds.
- (4) A summary of activities.
- (5) The total program spending by county, where practicable.
- (6) Funds returned to the Savings Reserve pursuant to subsection (c) of this section, as applicable.

Non-State entities that administer or receive any funds appropriated in this act shall assist and fully cooperate with OSBM in meeting OSBM's obligations under this section.

## **LEGISLATIVE REVIEW OF FEDERAL FUNDING**

**SECTION 3.2.** It is the intent of the General Assembly to review the federal funds appropriated by the Congress of the United States for disaster relief and to consider actions needed to address any remaining unmet needs. It is also the intent of the General Assembly to review the adequacy of the measures funded by this act at that time.

## **INVOLVEMENT OF HISTORICALLY UNDERUTILIZED BUSINESSES**

**SECTION 3.3.** It is the intent of the General Assembly that, during this time of rebuilding and relief efforts, each State agency should strive to acquire goods and services from historically underutilized business vendors, whether directly as principal contractors or indirectly as subcontractors or otherwise.

## **TIME-LIMITED POSITIONS**

**SECTION 3.4.** The Governor may establish part-time and full-time personnel positions to implement this act. Positions established under this section are time-limited and exempt from the State Human Resources Act.

## **PART IV. IMPLEMENTATION OF ACT**

### **PART IV-A. EDUCATION**

#### **ADDITIONAL SCHOOL CALENDAR FLEXIBILITY**

**SECTION 4A.1.** Section 8.1(a) of S.L. 2024-51 reads as rewritten:

"**SECTION 8.1.(a)** School Calendar Flexibility. – Notwithstanding G.S. 115C-84.2(a)(1), 115C-150.12C(3), 115C-218.85(a)(1), 115C-238.53(d), 115C-238.66(1)d., 116-239.8(b)(2)c., Section 6(e) of S.L. 2018-32, and any other provision of State law to the contrary, if the governing body of a public school unit closed any school under its control due to unusual and extraordinary inclement weather conditions related to Hurricane Helene or PTC8, calendar flexibility for missed instructional time ~~during the months of~~ from September 2024 ~~and October 2024~~ through November 2024 shall be provided as follows:

- (1) If the school is located in a public school unit that is located in a county designated before, on, or after the effective date of this act under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene, in the discretion of its governing body, the public school unit may (i) make up any number of the instructional days or equivalent hours missed, (ii) deem as completed any number of the instructional days or equivalent hours missed up to a total of 20 days, or (iii) implement a combination of both of the above.
- (1a) Upon request of a public school unit, the Superintendent of Public Instruction may allow a public school unit to deem as complete up to 20 instructional days or equivalent hours in addition to the 20 days granted under subdivision (1) of this subsection. The Superintendent shall only authorize additional days under this subdivision to the extent necessary to address the extreme extenuating circumstances of the requesting public school unit.
- (2) For any public school unit not identified in subdivision (1) of this subsection, the governing body of the public school unit may (i) make up any number of the instructional days or equivalent hours missed, (ii) deem as completed any number of the instructional days or equivalent hours missed up to a total of two days, or (iii) implement a combination of both of the above."

#### **READMISSION OF DISPLACED CHARTER SCHOOL STUDENTS**

**SECTION 4A.2.** If a student was enrolled in a charter school located in the affected area during the 2024-2025 school year and withdrew from the school due to the impacts of Hurricane Helene, the charter school shall consider the student to have been continuously enrolled for the entire 2024-2025 school year for admission purposes and, pursuant to G.S. 115C-218.45(h), the student shall not be required to reapply to the school for the 2025-2026 school year.

#### **TUITION AND REGISTRATION FEE GRANTS FOR SPRING SEMESTER OF 2025 AT COMMUNITY COLLEGES DESIGNATED MOST OR MEDIUM IMPACTED**

**SECTION 4A.3.(a)** Program Established. – Of the funds appropriated in this act from the Helene Fund to the Community Colleges System Office (System Office), the sum of five million dollars (\$5,000,000) in nonrecurring funds shall be used to administer a tuition grant program (Program) to award tuition grants to eligible students attending eligible colleges for the cost of tuition and registration fees for the spring semester of the 2024-2025 academic year.

**SECTION 4A.3.(b)** Definitions. – The following definitions apply in this section:

- (1) Eligible college. – The following colleges are eligible to participate in the Program:
  - a. Asheville-Buncombe Technical Community College.
  - b. Blue Ridge Community College.
  - c. Haywood Community College.
  - d. Mayland Community College.
  - e. McDowell Technical Community College.
  - f. Western Piedmont Community College.
- (2) Eligible student. – A student who is enrolled in a curriculum or continuing education course at an eligible college for the spring semester of the 2024-2025 academic year.

**SECTION 4A.3.(c) Award Amounts.** – Tuition grants awarded under the Program shall cover (i) the registration fees of eligible students enrolled in continuing education courses at eligible colleges up to an amount of courses determined by the System Office to be a typical number of courses for an individual student or (ii) tuition for eligible students up to the maximum tuition rate for in-State residents at eligible colleges. Except for any funds received pursuant to Section 4A.6 or Section 4A.7 of this act, if an eligible student also receives a scholarship or other grant covering the tuition or registration fees at an eligible college for which a tuition grant is awarded pursuant to this section, then the amount of the tuition grant awarded pursuant to this section shall be reduced by an appropriate amount determined by the System Office so that the total amount of scholarships and grants received by the eligible student does not exceed the cost of tuition and registration fees for the eligible college. In determining award amounts pursuant to this section, the requirements for recipients of State funds provided in Section 3.1(b) of this act shall not apply.

**SECTION 4A.3.(d) Program Administration.** – The System Office shall administer the Program and may add requirements for application for grant funds at the discretion of the System Office.

**SECTION 4A.3.(e) Insufficiency of Tuition Grant Funds.** – In the event there are not sufficient funds to provide the full tuition grant amount to each eligible student as provided by this section, each eligible student shall receive a tuition grant equal to the pro rata share of funds available.

## **TUITION GRANTS FOR SPRING SEMESTER OF 2025 AT THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE**

**SECTION 4A.4.(a) Program Established.** – Of the funds appropriated in this act from the Helene Fund to the Board of Governors of The University of North Carolina, the Board of Governors shall allocate the sum of five million five hundred thousand dollars (\$5,500,000) in nonrecurring funds to the University of North Carolina at Asheville (UNCA) to administer a tuition grant program (Program) to award tuition grants to eligible students at UNCA for the costs of tuition for the spring semester of the 2024-2025 academic year.

**SECTION 4A.4.(b) Definition.** – For purposes of this section, the term "eligible student" refers to a person who is enrolled at UNCA for the spring semester of the 2024-2025 academic year.

**SECTION 4A.4.(c) Award Amounts.** – Tuition grants awarded under the Program shall cover tuition for eligible students up to the tuition rate for in-State residents at UNCA. Except for any funds received pursuant to Section 4A.6 or Section 4A.7 of this act, if an eligible student also receives a scholarship or other grant covering tuition at UNCA, then the amount of the tuition grant awarded pursuant to this section shall be reduced by an appropriate amount determined by UNCA so that the total amount of scholarships and grants received by the eligible student does not exceed the cost of tuition at UNCA. In determining award amounts pursuant to

this section, the requirements for recipients of State funds provided in Section 3.1(b) of this act shall not apply.

**SECTION 4A.4.(d)** Program Administration. – UNCA shall administer the Program and may add additional requirements for application for grant funds in its discretion.

**SECTION 4A.4.(e)** Insufficiency of Tuition Grant Funds. – In the event there are not sufficient funds to provide the full tuition grant amount to each eligible student as provided by this section, each eligible student shall receive a tuition grant equal to the pro rata share of funds available.

### **EDUCATOR PREPARATION PROGRAM TESTING ADMISSIONS WAIVER**

**SECTION 4A.5.** Notwithstanding the minimum testing admissions requirements for educator preparation programs (EPPs) set forth in G.S. 115C-269.15(a), for applications for admission for the spring semester of the 2024-2025 academic year only, recognized EPPs at the following institutions of higher education may admit individual students without requiring the students to meet any of the criteria set forth in G.S. 115C-269.15(a):

- (1) The following private institutions of higher education:
  - a. Brevard College.
  - b. Gardner-Webb University.
  - c. Lenoir-Rhyne University.
  - d. Lees-McRae College.
  - e. Mars Hill University.
  - f. Montreat College.
- (2) The following constituent institutions of The University of North Carolina:
  - a. Appalachian State University.
  - b. The University of North Carolina at Asheville.
  - c. Western Carolina University.

### **EMERGENCY SCHOLARSHIP GRANTS FOR POSTSECONDARY STUDENTS**

**SECTION 4A.6.(a)** Definitions. – The following definitions apply in this section:

- (1) Affected institution of higher education. – Any of the following institutions of higher education:
  - a. The following private institutions of higher education:
    1. Brevard College.
    2. Gardner-Webb University.
    3. Lenoir-Rhyne University.
    4. Lees-McRae College.
    5. Mars Hill University.
    6. Montreat College.
    7. Warren Wilson College.
  - b. The following constituent institutions of The University of North Carolina:
    1. Appalachian State University.
    2. The University of North Carolina at Asheville.
    3. Western Carolina University.
  - c. The following community colleges:
    1. Asheville-Buncombe Technical Community College.
    2. Blue Ridge Community College.
    3. Caldwell Community College and Technical Institute.
    4. Catawba Valley Community College.
    5. Cleveland Community College.
    6. Gaston College.

7. Haywood Community College.
  8. Isothermal Community College.
  9. Mayland Community College.
  10. McDowell Technical Community College.
  11. Southwestern Community College.
  12. Tri-County Community College.
  13. Western Piedmont Community College.
  14. Wilkes Community College.
- (2) Authority. – The State Education Assistance Authority.
  - (3) Institution of higher education. – Any of the following:
    - a. A constituent institution of higher education of The University of North Carolina.
    - b. A community college located in North Carolina.
    - c. An eligible private postsecondary institution as defined in G.S. 116-280(3).

**SECTION 4A.6.(b)** Program Established; Purpose. – There is established the Hurricane Helene Emergency Grant Program for Postsecondary Students (Program) to provide emergency scholarship grants in an amount up to two thousand five hundred dollars (\$2,500) per student to eligible postsecondary students who have suffered financial hardship due to the damage and destruction from Hurricane Helene. An emergency scholarship grant shall be used to mitigate the impact of Hurricane Helene on a student so that the student's postsecondary education in a North Carolina institution of higher education continues uninterrupted. These funds may be used to cover any expenses that support a student's continued enrollment, including costs related to transportation, textbooks, tuition, fees, and living expenses.

**SECTION 4A.6.(c)** Applications; Eligibility. – By November 15, 2024, each institution of higher education that is eligible for an allocation of funds pursuant to this section shall begin accepting applications from eligible postsecondary students. An application for an emergency scholarship grant must demonstrate that the student is an eligible postsecondary student by including documentation that the student meets all of the following criteria:

- (1) The student has a financial need related to the impact of Hurricane Helene.
- (2) The student meets one of the following criteria at the time of the application:
  - a. Is enrolled in an affected institution of higher education.
  - b. Resides, temporarily or permanently, in the affected area.

**SECTION 4A.6.(d)** Award of Grants. – Within the funds available to an institution of higher education in accordance with this section, an institution shall award an emergency scholarship grant to an eligible postsecondary student within two weeks of the receipt of the application, or as soon as otherwise practicable, in an amount of up to two thousand five hundred dollars (\$2,500) based on the information provided in the student's application. An institution of higher education may establish priority in the award of emergency scholarship grants to eligible postsecondary students based on the funds available and the pool of applicants, including giving priority to students who have demonstrated the greatest financial need. If no priority in the award of funds is established, the emergency scholarship grants shall be awarded in the order in which applications are received. If the institution of higher education has unexpended funds remaining after the award of the initial emergency scholarship grants, the institution may increase the award to an eligible postsecondary student who previously received funds or solicit additional applications from eligible postsecondary students, provided that the award to an individual student does not exceed two thousand five hundred dollars (\$2,500) for each academic semester in which funds are awarded.

**SECTION 4A.6.(e)** Receipt of Allocations Requirements Do Not Apply. – In determining award amounts pursuant to this section, the requirements for recipients of State funds provided in Section 3.1(b) of this act shall not apply.

**SECTION 4A.6.(f)** Funds for UNC Constituent Institutions. – Of the funds appropriated in this act from the Helene Fund to the Board of Governors of The University of North Carolina for the 2024-2025 fiscal year, the sum of five million dollars (\$5,000,000) in nonrecurring funds shall be allocated by the Board of Governors to constituent institutions of The University of North Carolina for the purpose of providing emergency scholarship grants to eligible postsecondary students in accordance with the Program. The Board of Governors shall prioritize the allocation of funds based on the impact of Hurricane Helene on enrolled students to the following constituent institutions:

- (1) A constituent institution identified in sub-subdivision b. of subdivision (1) of subsection (a) of this section.
- (2) A constituent institution that is not identified in sub-subdivision b. of subdivision (1) of subsection (a) of this section but has an eligible postsecondary student enrolled at the institution who (i) resides, temporarily or permanently, in the affected area or (ii) has transferred to the institution due to the damage and destruction caused by Hurricane Helene.

Constituent institutions allocated funds under this subsection shall have discretion to establish criteria for the eligibility of postsecondary students in addition to the criteria required by this section. However, the Board of Governors shall not establish additional eligibility requirements for the administration of the Program to those set forth in this section.

**SECTION 4A.6.(g)** Funds for Community Colleges. – Of the funds appropriated in this act from the Helene Fund to the Community Colleges System Office for the 2024-2025 fiscal year, the sum of ten million five hundred thousand dollars (\$10,500,000) in nonrecurring funds shall be allocated by the State Board of Community Colleges to community colleges for the purpose of providing emergency scholarship grants to eligible postsecondary students in accordance with the Program. The State Board of Community Colleges shall prioritize the allocation of funds based on the impacts of Hurricane Helene on enrolled students to the following community colleges:

- (1) A community college identified in sub-subdivision c. of subdivision (1) of subsection (a) of this section.
- (2) A community college that is not identified in sub-subdivision c. of subdivision (1) of subsection (a) of this section but has an eligible postsecondary student enrolled at the community college who (i) resides, temporarily or permanently, in the affected area or (ii) has transferred to the community college due to the damage and destruction caused by Hurricane Helene.

Community colleges allocated funds under this subsection shall have discretion to establish criteria for the eligibility of postsecondary students in addition to the criteria required by this section. However, the State Board of Community Colleges shall not establish additional eligibility requirements for the administration of the Program to those set forth in this section.

**SECTION 4A.6.(h)** Funds for Private Postsecondary Institutions. – Of the funds appropriated in this act from the Helene Fund to the Board of Governors of The University of North Carolina for the 2024-2025 fiscal year, in addition to the five million dollars (\$5,000,000) allocated to constituent institutions pursuant to subsection (f) of this section, the sum of one million dollars (\$1,000,000) in nonrecurring funds shall be allocated by the Board of Governors to the Authority to provide funds to eligible private postsecondary institutions as defined in G.S. 116-280(3) for the purpose of providing emergency scholarship grants to eligible postsecondary students in accordance with the Program. The Authority shall prioritize the allocation of funds based on the impact of Hurricane Helene on enrolled students to the following eligible private postsecondary institutions:

- (1) A private postsecondary institution identified in sub-subdivision a. of subdivision (1) of subsection (a) of this section.

- (2) A campus of a private postsecondary institution that is not identified in sub-subdivision a. of subdivision (1) of subsection (a) of this section but has an eligible postsecondary student enrolled at the private postsecondary institution who (i) resides, temporarily or permanently, in the affected area or (ii) has transferred to the private postsecondary institution due to the damage and destruction caused by Hurricane Helene.

Private postsecondary institutions allocated funds under this subsection shall have discretion to establish criteria for the eligibility of postsecondary students in addition to the criteria required by this section. However, the Authority shall not establish additional eligibility requirements for the administration of the Program to those set forth in this section. A private postsecondary institution receiving funds pursuant to this subsection shall report to the Authority on the implementation of the Program, including the information required for the report under subsection (i) of this section.

**SECTION 4A.6.(i) Reporting Requirements.** – By March 15, 2025, the Board of Governors of The University of North Carolina, the State Board of Community Colleges, and the Authority shall report to the Joint Legislative Education Oversight Committee and the Fiscal Research Division of the General Assembly on the implementation of the Program at the institutions of higher education that received funds pursuant to this section, including the number and type of institutions of higher education that were allocated funds, the amount of funds allocated to each institution, the number of emergency scholarship grants awarded to students and the amount of those grants, the use of emergency scholarship grant funds by eligible postsecondary students, any funds reimbursed to institutions due to coverage of losses by alternative funds, and any remaining funds available for awards in subsequent semesters.

#### **ADDITIONAL NEED-BASED SCHOLARSHIP AWARDS FOR ELIGIBLE STUDENTS**

**SECTION 4A.7.(a) Definitions.** – The following definitions shall apply in this section:

- (1) Authority. – The State Education Assistance Authority.
- (2) Eligible private institution. – Any of the following:
  - a. Brevard College.
  - b. Gardner-Webb University.
  - c. Lenoir-Rhyne University.
  - d. Lees-McRae College.
  - e. Mars Hill University.
  - f. Montreat College.
  - g. Warren Wilson College.
- (3) Eligible public institution. – Any of the following:
  - a. The following constituent institutions of The University of North Carolina:
    1. Appalachian State University.
    2. The University of North Carolina at Asheville.
    3. Western Carolina University.
  - b. The following community colleges:
    1. Asheville-Buncombe Technical Community College.
    2. Blue Ridge Community College.
    3. Caldwell Community College and Technical Institute.
    4. Catawba Valley Community College.
    5. Cleveland Community College.
    6. Gaston College.
    7. Haywood Community College.
    8. Isothermal Community College.

9. Mayland Community College.
  10. McDowell Technical Community College.
  11. Southwestern Community College.
  12. Tri-County Community College.
  13. Western Piedmont Community College.
  14. Wilkes Community College.
- (4) Eligible student. – A student who meets all of the following requirements:
- a. Received a scholarship grant for the 2024-2025 academic year under either of the following:
    1. Part 5 of Article 23 of Chapter 116 of the General Statutes.
    2. Article 34 of Chapter 116 of the General Statutes.
  - b. If the eligible student received a scholarship grant for the 2024-2025 academic year under Article 34 of Chapter 116 of the General Statutes, demonstrates financial need in a manner determined by the Authority that is, to the extent feasible, equivalent to the financial need requirements necessary to receive a scholarship under Part 5 of Article 23 of Chapter 116 of the General Statutes.
  - c. One of the following:
    1. Is enrolled in an eligible public institution or an eligible private institution.
    2. Resides, temporarily or permanently, in an affected area that qualifies for FEMA Individual and Public Assistance Categories A-G.

**SECTION 4A.7.(b)** Award of Funds. – The Authority shall award scholarship grants for each semester of the 2024-2025 academic year to every eligible student to account for the additional financial hardship inflicted by the damage and destruction from Hurricane Helene. In determining award amounts pursuant to this section, the requirements for recipients of State funds provided in Section 3.1(b) of this act shall not apply. Funds shall be allocated and award amounts shall be determined as follows:

- (1) From funds made available pursuant to subsection (c) of this section, the Authority shall award grants to all eligible students enrolled at eligible postsecondary institutions, as that term is used in G.S. 116-209.80(1). The Authority shall maximize award amounts from funds available, to the extent possible, in accordance with the payment schedule adopted pursuant to G.S. 116-209.83.
- (2) From funds made available pursuant to subsection (d) of this section, the Authority shall award grants to all eligible students enrolled at eligible private postsecondary institutions, as that term is used in G.S. 116-280(3). Each student shall receive no more than eight hundred fifty dollars (\$850.00) under this section.

**SECTION 4A.7.(c)** Scholarship Reserve Fund for Public Colleges and Universities Flexibility. – Notwithstanding Part 5 of Article 23 of Chapter 116 of the General Statutes and any other provision of law to the contrary, of the funds appropriated to the Board of Governors of The University of North Carolina in this act for the 2024-2025 fiscal year and allocated to the Authority for need-based scholarship awards pursuant to this section and from the unobligated funds in the Scholarship Reserve Fund for Public Colleges and Universities available for use for the 2024-2025 fiscal year, the Authority, in consultation with the President of The University of North Carolina and the President of the North Carolina Community College System, shall administer supplemental grants in accordance with subdivision (1) of subsection (b) of this section.

**SECTION 4A.7.(d)** Need-Based Scholarships for Students Attending Private IHEs Flexibility. – Notwithstanding Article 34 of Chapter 116 of the General Statutes and any other provision of law to the contrary, from the unobligated funds available for use for need-based scholarships for students attending private institutions of higher education for the 2024-2025 fiscal year, the Authority shall administer supplemental grants in accordance with subdivision (2) of subsection (b) of this section.

**SECTION 4A.7.(e)** Report. – No later than March 15, 2025, the Authority shall report to the Joint Legislative Education Oversight Committee on the dollar amount of awards disbursed pursuant to this section, the number of eligible students receiving funds, and a breakdown of the eligible postsecondary institutions that received the funds.

## **INCREASED SCHOOL MENTAL HEALTH SUPPORT**

**SECTION 4A.8.(a)** Definitions. – The following definitions apply in this section:

- (1) Community partner. – A public or private entity, including a nonprofit corporation or a local management entity/managed care organization (LME/MCO), that partners with a public school unit to provide services or pay for the provision of services for the unit.
- (2) Eligible public school unit. – A public school unit located in an affected area that qualifies for FEMA Individual and Public Assistance Categories A-G.
- (3) Mental health services. – Any services, including assessment, diagnosis, treatment, or counseling, offered in an individual, family, or group setting for the maintenance or enhancement of mental health or the treatment of mental or substance use disorders.
- (4) Telehealth. – The application of telecommunication technology to deliver mental health services remotely.

**SECTION 4A.8.(b)** Increased Mental Health Funding. – Of the funds appropriated in this act from the Helene Fund to the Department of Public Instruction, the sum of five million dollars (\$5,000,000) in nonrecurring funds shall be used to provide increased mental health services to students, families, and school personnel in eligible public school units to assist with the recovery process, trauma care, and reintegration into academic life following the impacts of Hurricane Helene. The Department shall determine the amount to be allocated to each eligible public school unit by allocating each eligible public school unit an initial amount of thirty thousand dollars (\$30,000) and then distributing the remaining funds on the basis of allotted average daily membership.

**SECTION 4A.8.(c)** Use of Funds. – Eligible public school units may use funds allocated pursuant to this section to provide students access to mental health services through any of the following:

- (1) Contracting with community partners to provide or pay for mental health services.
- (2) Hiring or contracting for the services of school health personnel, as defined in G.S. 115C-316.2.
- (3) Hiring or contracting for the services of licensed mental health professionals not currently employed by a public school unit or identified in G.S. 115C-316.2.

**SECTION 4A.8.(d)** Provision of Services. – The mental health services contracted or paid for pursuant to this section may be provided in person or via telehealth. Eligible public school units shall ensure they comply with Article 7B of Chapter 115C of the General Statutes, including the consent and notice requirements of G.S. 115C-76.45, when services are provided to students pursuant to this section.

**SECTION 4A.8.(e)** Report. – No later than March 15, 2025, the Department of Public Instruction shall report to the Joint Legislative Education Oversight Committee on the

amount of funds received by each eligible public school unit and a description of how the funds were used.

## **PART IV-B. HEALTH AND HUMAN SERVICES**

### **TEMPORARY AUTHORIZATION TO EXTEND INITIAL LICENSES FOR ADULT CARE HOMES AND FAMILY CARE HOMES**

**SECTION 4B.1.(a)** Notwithstanding G.S. 131D-2.4(a) or any other law to the contrary, the Department of Health and Human Services, Division of Health Service Regulation, may extend an initial license issued to an adult care home or a family care home located in the affected area if the initial license is due to expire within the six-month period commencing September 25, 2024, and ending March 25, 2025. The period of extension shall not exceed 90 days from the expiration date of the initial license. As used in this section, the terms "adult care home" and "family care home" are as defined in G.S. 131D-2.1.

**SECTION 4B.1.(b)** This section is effective when it becomes law and expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to S.L. 2024-51 or any other enactment of a general law, expires.

### **EXTENSION OF STATUTORY WAIVERS FOR HOSPITAL PARTICIPATION IN ACUTE HOSPITAL CARE AT HOME**

**SECTION 4B.2.** Section 4 of S.L. 2023-15 reads as rewritten:

**"SECTION 4.(a)** To the extent that a hospital receives or has received a waiver from the Centers for Medicare and Medicaid Services to participate in its Acute Hospital Care at Home Program, ~~compliance with or initiative, the requirements of any provisions of Chapter 131E of the General Statutes, and any rules adopted pursuant to these statutes, shall be deemed to be~~ waived to the extent that such these statutes or rules prohibit, conflict with, or impose additional obligations on a hospital's ability to operate in accordance with the Acute Hospital Care at Home Program-initiative. Care provided to patients in their home in accordance with the Acute Hospital Care at Home Program ~~shall initiative does not~~ count as licensed bed capacity under Chapter 131E of the General Statutes. A hospital's activities pursuant to the Acute Hospital Care at Home Program shall initiative does not require a home care license or certificate of need approval as a home health agency office under Chapter 131E of the General Statutes. The term "Acute Hospital Care at Home Program" ~~shall include initiative~~ includes any other similar programs-initiative administered under the authority of the Centers for Medicare and Medicaid Services to provide for acute hospital care at home.

**"SECTION 4.(b)** This section is effective when it becomes law and expires ~~on December 31, 2024~~ upon the expiration date of the Acute Hospital Care at Home initiative, as prescribed by 42 U.S.C. § 1395cc-7(a)(1) or as prescribed by subsequent federal law or regulation enacted to extend the expiration date of this initiative. The Secretary of the North Carolina Department of Health and Human Services shall notify the Revisor of Statutes of any federal law or regulation enacted to extend the expiration date of the Acute Hospital Care at Home initiative beyond December 31, 2024, upon notification of that federal law or regulation by the Centers for Medicare and Medicaid Services or another federal agency."

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

**SECTION 4B.3.(a)** Waiver of Collaborative Practice Agreement Rules. – Notwithstanding any other provision of law to the contrary, neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce any provision of the annual review rules or the quality improvement plan rules for collaborative practice agreements under (i) 21 NCAC 36 .0806, .0810, .0813, (ii) 21 NCAC 32S .0204, .0213, and (iii) 21 NCAC 32M .0110

and .0115 if the physician assistant or nurse practitioner resides in or is employed in the affected area.

**SECTION 4B.3.(b)** Waiver of Fees. – Notwithstanding any other provision of law to the contrary, neither the North Carolina Medical Board nor the North Carolina Board of Nursing shall enforce any provision of the rules listed in subsection (a) of this section to the extent they require any individual to fill out an application or pay a fee, provided that individual (i) is providing volunteer health care services in the affected area to assist with disaster recovery and relief efforts within the scope of his or her license or (ii) qualifies under subsection (a) of this section.

**SECTION 4B.3.(c)** Limitation. – Any physician assistant or nurse practitioner holding an approval to practice or a license that has been surrendered or is currently suspended due to disciplinary action does not qualify for the waivers under this section.

**SECTION 4B.3.(d)** Expiration. – This section expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to S.L. 2024-51 and any other enactment of a general law, expires.

#### **EXTEND CORONER IN AVERY COUNTY FOR SIX MONTHS**

**SECTION 4B.4.** Notwithstanding Section 3 of S.L. 2020-21, the Avery County coroner elected in 2020 shall serve until July 1, 2025. If a vacancy occurs in the office of Avery County coroner, a person shall be appointed to serve.

#### **EXEMPT CERTAIN REQUIREMENTS ON FUNDS FOR CHILD CARE CENTERS AND FAMILY CHILD CARE HOMES**

**SECTION 4B.5.** Funds allocated in this act to the Department of Health and Human Services, Division of Child Development and Early Education, for the North Carolina Partnership for Children, Inc., to provide support through local partnerships for child care centers and family child care homes located in the affected area are not subject to (i) the administrative costs requirements under Section 9D.5(b) of S.L. 2023-134, (ii) the child care services funding requirements under G.S. 143B-168.15(b), (iii) the child care subsidy expansion requirements under G.S. 143B-168.15(g), or (iv) the match requirements under Section 9D.5(d) of S.L. 2023-134.

#### **PROVIDE HOSPITALS IN AFFECTED AREA ADDITIONAL TIME TO COMPLY WITH THE HOSPITAL VIOLENCE PROTECTION ACT**

**SECTION 4B.6.(a)** A hospital that is licensed under Article 5 of Chapter 131E of the General Statutes and that is located in the affected area shall not be required to comply with the Hospital Violence Protection Act, Part 3A of Article 5 of Chapter 131E of the General Statutes, until December 1, 2024.

**SECTION 4B.6.(b)** This section is retroactively effective to October 1, 2024.

#### **RENTAL ASSISTANCE**

**SECTION 4B.7.** Of the funds appropriated in this act to the Department of Health and Human Services, Division of Social Services (Division), the sum of one million dollars (\$1,000,000) in nonrecurring funds shall be allocated to county departments of social services to provide rental assistance to individuals who reside, temporarily or permanently, in counties in the affected area that qualify for FEMA Individual and Public Assistance Categories A-G. Assistance shall be limited to households at or below two hundred percent (200%) of the federal poverty level who have suffered hardship due to the impacts of Hurricane Helene. These households shall receive a one-time payment up to the U.S. Department of Housing and Urban Development's (HUD) local area Fair Market Rents (FMRs) measure for a two-bedroom unit.

Payments under this section shall be used to assist households facing a housing crisis, such as imminent risk of eviction. County departments of social services may use up to five percent (5%) of their allocated amount for administrative costs.

## **PART IV-C. AGRICULTURE, NATURAL, AND ECONOMIC RESOURCES**

### **GOLDEN LEAF – MODIFY FOOD DISTRIBUTION ASSISTANCE PROGRAM**

**SECTION 4C.1.** Section 10.6 of S.L. 2021-180, as amended by Section 10.2 of S.L. 2022-74 and Section 4.5 of S.L. 2024-1, reads as rewritten:

**"SECTION 10.6.** Funds appropriated in this act from the State Fiscal Recovery Fund to the Department of Agriculture and Consumer Services for support of North Carolina food banks shall be allocated as follows:

- ...
- (2) Ten million dollars (\$10,000,000) to Golden L.E.A.F. (Long-Term Economic Advancement Foundation), Inc. (Golden L.E.A.F.), a nonprofit corporation, to be allocated for the following purposes:
- a. Grants to nonprofit organizations to assist those organizations in (i) becoming eligible to be partner agencies to a North Carolina food bank or (ii) enhancing or expanding the capacity of current partner agencies of North Carolina food banks. For purposes of this sub-subdivision, a North Carolina food bank is a food bank that is a member of Feeding the Carolinas, a nonprofit corporation. Golden L.E.A.F. shall coordinate with Feeding the Carolinas in determining eligible activities, eligible recipients, maximum grant amounts, and other grant program details. For grants awarded prior to October 1, 2024, funds may also be used by nonprofit organizations located in a county declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene, for repair or replacement of infrastructure and equipment damaged as a result of Hurricane Helene.

...."

### **GOLDEN LEAF – LOCAL GOVERNMENT/PUBLIC INFRASTRUCTURE FUND**

**SECTION 4C.2.** It is the intent of the General Assembly to appropriate funds to the Office of State Budget and Management for Golden L.E.A.F. (Long-Term Economic Advancement Foundation), Inc., to administer grants to governmental entities and organizations exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, to be used (i) to repair, replace, construct, or improve infrastructure, buildings, or equipment damaged because of Hurricane Helene that are located in the affected area and (ii) to construct or improve infrastructure to support disaster relief occasioned by Hurricane Helene within the affected area.

### **GOLDEN LEAF – HURRICANE HELENE IMPACTED BUSINESS BRIDGE LOANS**

**SECTION 4C.3.(a)** Allocation; Intent. – Of the funds appropriated from the Helene Fund to the Department of Commerce by Section 2.1 of this act, the sum of fifty million dollars (\$50,000,000) in nonrecurring funds shall be allocated to Golden LEAF to be used to administer a program to make bridge loans to qualifying businesses suffering economic distress as a result of Hurricane Helene. It is the intent of the General Assembly, through the bridge loan program created by this section, to prevent the failure and closure of businesses facing economic distress as a direct result of Hurricane Helene by supplying those businesses with the financial capital necessary to meet the ordinary and necessary financial obligations that they may otherwise have been unable to meet because of the economic distress imposed upon them by Hurricane Helene.

**SECTION 4C.3.(b) Definitions.** – The following definitions apply in this section:

- (1) Golden LEAF. – The Golden L.E.A.F. (Long-Term Economic Advancement Foundation), Inc.
- (2) Interest-only period. – A period of time, not to exceed 12 months from the date that a loan is awarded, within which a qualifying business may make interest-only payments on a loan.
- (3) Net loan funds. – The total loan fund allocation authorized in subsection (a) of this section less (i) the cost of administering the loans made under the program, not to exceed five percent (5%) of the total amount loaned under the program, (ii) the State's loan funds that are not recaptured, and (iii) costs incurred pursuing defaulted loans.
- (4) Program. – The bridge loan program created by this section.
- (5) Qualifying business. – A business with a physical presence in the State located within the affected area that (i) is facing economic distress as a result of Hurricane Helene and (ii) needs a bridge loan under this program in order to meet its ordinary and necessary financial obligations, which could not otherwise be met due directly to the economic distress imposed upon the business by Hurricane Helene.
- (6) Total estimated losses. – Estimated economic losses, estimated property losses, or both, suffered by a qualifying business, that are directly attributable to Hurricane Helene and are reasonably substantiated prior to lending by Golden LEAF or its authorized lenders.

**SECTION 4C.3.(c) Use of Funds.** – The following shall apply to the program and to loans made under the program:

- (1) A qualifying business shall certify in writing that it will use all loan proceeds provided to it under the program for purposes consistent with the allowable uses of loan proceeds under the Economic Injury Disaster Loan program and the Business Physical Disaster Loan program of the Small Business Administration.
- (2) A loan provided under the program is limited to no more than one hundred thousand dollars (\$100,000) per qualifying business.
- (3) The term of the loan shall not extend beyond June 30, 2030.
- (4) The loan shall have an interest rate of no more than one percent (1%) during the interest-only period and thereafter shall have an interest rate of no more than six percent (6%). At the expiration of the interest-only period, the loan shall be fully amortized over the then remaining term of the loan.
- (5) A lender, as authorized by Golden LEAF, may take prudent and commercially reasonable efforts to remedy a default, a likelihood of default, or bankruptcy filing by a business, including restructuring the terms of a loan and entering into settlement agreements, provided that, if a loan is restructured, the following requirements are met:
  - a. The interest rate is not reduced below the lesser of (i) six percent (6%) or (ii) the prime rate.
  - b. The term of the loan is not extended beyond June 30, 2030.
- (6) Loans are made pursuant to an agreement with a qualifying business that includes at least the following:
  - a. A provision requiring a qualifying business to certify in writing that it will use a loan provided under the program for purposes consistent with subdivision (1) of this subsection; provided, that neither Golden LEAF nor Golden LEAF's authorized lenders shall be required to verify the actual expenditures of borrowers under the program.

- b. A provision requiring a qualifying business to certify in writing the business's total estimated losses.
  - c. A provision requiring the qualifying business to first repay the loan amount with any federal assistance, insurance proceeds, or other reimbursement received by the business that represents a duplication of benefits if such reimbursement would exceed the business's total estimated loss under sub-subdivision b. of this subdivision when added to the loan amount received by the business under this section; provided that, the repayment does not disqualify or impair the federal assistance available to the business.
  - d. A provision requiring the loan is secured through a Uniform Commercial Code financing statement.
  - e. A provision requiring recapture of loan funds if a business fails to comply with the requirements of the program. The lender shall recapture loan funds only if the lender determines there is a reasonable expectation that the recovery of funds will exceed the cost of recovery.
- (7) Golden LEAF shall require a lender to direct a qualifying business to an appropriate entity that aids in applying for available federal assistance.
  - (8) A lender, as authorized by Golden LEAF, may retain the interest paid on loans by qualifying businesses.
  - (9) The awarding of new loans using State funds allocated in this section shall cease on October 31, 2028.

**SECTION 4C.3.(d) Reversion; Reloan; Repayment.** – Funds allocated by this section are not subject to the provisions of G.S. 143C-6-23. Funds allocated by this section that have not been expended or encumbered by October 31, 2028, shall revert to the Savings Reserve established in G.S. 143C-4-2. Net loan funds, including repayments of loans, available to Golden LEAF prior to October 31, 2028, may be loaned in accordance with this section. Beginning December 15, 2025, and every six months thereafter, Golden LEAF shall remit the net loan funds it has received from lenders to the Office of State Budget and Management to be placed into the Savings Reserve.

**SECTION 4C.3.(e) Reporting.** – Beginning December 15, 2025, and continuing every six months thereafter, Golden LEAF shall submit a report on the program to the Joint Legislative Economic Development and Global Engagement Oversight Committee and the Fiscal Research Division. The duty to report pursuant to this section shall cease after the submission of the report following when Golden LEAF has remitted the entirety of the net loan funds to the Office of State Budget and Management. Each report shall contain, at a minimum, all of the following:

- (1) The number of recipients of loans for each represented North American Industry Classification System Code.
- (2) The number of jobs retained.
- (3) The number of loans awarded.
- (4) The average loan amount.
- (5) The total amount loaned to date.
- (6) The total amount of loans repaid to date.
- (7) The total amount of loans defaulted on to date.
- (8) The total amount of loans in default that have been recaptured.

**SECTION 4C.3.(f)** This section is effective when it becomes law and applies to bridge loans made using funds allocated by this section that occur on or after that date.

## **WATER AND WASTEWATER INFRASTRUCTURE FUNDING FLEXIBILITY**

**SECTION 4C.4.** Section 10.1 of S.L. 2024-51 reads as rewritten:

"**SECTION 10.1.(a)** Definitions. – The following definitions apply to this section:

- (1) Infrastructure funding provision. – An appropriation to the ~~Clean Water~~ Wastewater Reserve or the Drinking Water Reserve for wastewater or drinking water infrastructure projects in any prior act of the General Assembly.

...

"**SECTION 10.1.(b)** Fund Flexibility. – Notwithstanding any provision of (i) Chapters 159G and 143C of the General Statutes, and (ii) the requirements and limitations of any infrastructure funding provision, the Department of Environmental Quality may do the following:

- (1) Transfer funds between the ~~Clean Water~~ Wastewater Reserve and the Drinking Water Reserve accounts that do not originate from federal sources in the Water Infrastructure Fund established in G.S. 159G-22 to provide emergency loans to local governments as set forth in G.S. 159G-33(a)(4) and G.S. 159G-34(a)(4). The limits set forth in G.S. 159G-36(c) shall not apply to these loans.

...."

## **FEE WAIVER FOR CERTAIN INFRASTRUCTURE EMERGENCY LOANS**

**SECTION 4C.5.** G.S. 159G-24 reads as rewritten:

### **"§ 159G-24. Fee imposed on a loan or grant from Water Infrastructure Fund.**

(a) ~~A~~Except as set forth in subsection (c) of this section, a loan awarded from the Water Infrastructure Fund is subject to a fee of two percent (2%) of the loan. A grant awarded from the Water Infrastructure Fund is subject to a fee of one and one-half percent (1 1/2%) of the grant. The fee is payable when a loan or grant is awarded.

(b) Departmental Receipt. – The fee on a loan from the Water Infrastructure Fund is a departmental receipt and must be applied to the Department's and the Local Government Commission's costs in administering loans from these Reserves. The Department and the Local Government Commission must determine how to allocate the fee receipts between their agencies. The fee on a grant from the Water Infrastructure Fund is a departmental receipt of the Department and must be applied to the Department's costs in administering grants from these Reserves.

(c) Fee Waiver. – The Secretary may waive the fee imposed by this section for emergency loans authorized under G.S. 159G-33(a)(4) and G.S. 159G-34(a)(4) when the Governor has declared a state of emergency, as defined in G.S. 166A-19.3, due to a natural disaster such as a hurricane, tornado, or flood, or due to a pending disaster."

## **LOCAL GOVERNMENT COMMISSION APPROVAL EXEMPTION FOR EMERGENCY LOANS**

**SECTION 4C.6.(a)** Notwithstanding G.S. 159G-40, an emergency loan issued by the Department of Environmental Quality under G.S. 159G-33(a)(4) and G.S. 159G-34(a)(4) to a local government in accordance with Section 10.1(b)(1) of S.L. 2024-51, as amended by Section 4C.4 of this act, shall not require the approval of the Local Government Commission.

**SECTION 4C.6.(b)** This section applies to emergency loans issued by the Department to local governments located in the affected area.

## **DEQ WATER INFRASTRUCTURE EMERGENCY BRIDGE LOAN PROGRAM**

**SECTION 4C.7.(a)** Allocation. – Of the funds appropriated from the Helene Fund to the Department of Environmental Quality by Section 2.1(a) of this act, the sum of one hundred million dollars (\$100,000,000) in nonrecurring funds shall be used by the Department of Environmental Quality, Division of Water Infrastructure, for purposes consistent with the loan program established by this section. Funds allocated by this section that have not been expended or encumbered by October 31, 2028, shall revert to the Savings Reserve established in

G.S. 143C-4-2. Repayments of all loans made under the program shall be remitted by the Division of Water Infrastructure to the Office of State Budget and Management to be placed into the Savings Reserve.

**SECTION 4C.7.(b)** Definitions. – The following definitions apply in this section:

- (1) Department. – The Department of Environmental Quality.
- (2) Division. – Division of Water Infrastructure.
- (3) Emergency repairs. – Repairs, including temporary measures that allow the preservation or restoration of drinking water and wastewater services, performed by or on behalf of a local government unit on public water or wastewater systems that are intended to restore those systems to operational capacity following damage incurred by Hurricane Helene.
- (4) Federal disaster relief. – Grant or loan funding provided by a federal agency to a local government unit for water or wastewater utility repairs or improvements, including emergency repairs, precipitated by Hurricane Helene.
- (5) Local government unit. – Defined in G.S. 159G-20.
- (6) Program. – The loan program established by this section.
- (7) Public water system. – Defined in G.S. 130A-313.
- (8) Wastewater system. – Defined in G.S. 159G-20.

**SECTION 4C.7.(c)** Purpose. – The purpose of this section is to establish a program that enables the Division to rapidly distribute emergency financial assistance, in the form of bridge loans, to local government units located in the affected area and thereby supply those units with the short-term financial liquidity necessary to immediately conduct emergency repairs in the affected area, pending federal disaster relief.

**SECTION 4C.7.(d)** Administration. – The Division shall be responsible for administering loans from the program.

**SECTION 4C.7.(e)** Eligibility; Use. – A local government unit is eligible to apply for a loan under the program. Loans from the program may only be used by local government units for (i) temporary financial liquidity as necessary to immediately conduct emergency repairs until receipt of federal disaster relief and (ii) any other purpose specifically provided by an act of the General Assembly.

**SECTION 4C.7.(f)** Limitations. – The following limitations apply to the program:

- (1) The amount of a loan from the program may not exceed the amount necessary to restore a public water or wastewater system to operational capacity.
- (2) A loan from the program is available only to the extent that other funding sources for emergency repairs are not reasonably available to the local government unit.

**SECTION 4C.7.(g)** Application. – An application for a loan from the program must be filed with, submitted on a form prescribed by, and contain the information required by, the Division. An applicant must submit any additional information requested by the Division to enable the Division to make a determination on the application.

**SECTION 4C.7.(h)** Review. – The Division must review all applications filed for a loan under this section on a rolling basis and shall prioritize those applications that the Division determines demonstrate the most immediate need. The Division's determination of need is conclusive.

**SECTION 4C.7.(i)** Award. – When the Division determines that an applicant is eligible for an award of a loan, the Division must send the applicant a letter of intent to award the loan. The letter of intent must set out any conditions the applicant must meet to receive the award. When the applicant satisfies the conditions set out in the letter of intent, the Division must send the applicant an offer to award the loan. The applicant must give the Division written notice

of whether it accepts or rejects the offer. A loan is considered awarded when an offer to award the loan is issued.

**SECTION 4C.7.(j)** Terms. – A loan from the program is subject to all of the following:

- (1) Interest rate. – The loan does not bear interest.
- (2) Maturity. – The loan matures upon the earlier of (i) receipt of federal disaster relief by the local government unit or (ii) June 30, 2030.

**SECTION 4C.7.(k)** Report. – The Division shall provide a report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division no later than April 1, 2025, and annually thereafter until all funds have been allocated, at which time the Division shall report annually until all allocated funds have been repaid or otherwise accounted for by the Division. The report required by this subsection shall contain, at a minimum, the following information concerning loans made under the program:

- (1) The total amount of loans awarded from the program.
- (2) The recipient of each loan awarded, and the total amount awarded to each recipient.
- (3) The total amount of loan funding that has been repaid.

**SECTION 4C.7.(l)** Rulemaking Exemption. – The Department shall adopt emergency rules to implement the provisions of this section. Temporary and permanent rules adopted to replace emergency rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.

## **EMERGENCY INFRASTRUCTURE BRIDGE LOAN PROGRAM FOR COMMERCIAL UNDERGROUND STORAGE TANKS**

**SECTION 4C.8.(a)** Allocation. – Of the funds appropriated from the Helene Fund to the Department of Environmental Quality by Section 2.1(a) of this act, the sum of twenty-two million dollars (\$22,000,000) in nonrecurring funds shall be used by the Department of Environmental Quality, Division of Waste Management, for purposes consistent with the loan program established by this section. Funds allocated by this section that have not been expended or encumbered by October 31, 2028, shall revert to the Savings Reserve established in G.S. 143C-4-2. Repayments of all loans made under the program shall be remitted by the Division of Waste Management to the Office of State Budget and Management to be placed into the Savings Reserve.

**SECTION 4C.8.(b)** Definitions. – The definitions under Part 2A of Article 21A of Chapter 143 of the General Statutes and the following definitions apply in this section:

- (1) Department. – The Department of Environmental Quality.
- (2) Division. – Division of Waste Management.
- (3) Emergency services. – Infrastructure repair and testing related to commercial underground storage tanks located in the affected area, including line and tank testing, product pump out and disposal, and repair or replacement of any of the following: (i) aboveground piping, (ii) dispensers, and (iii) electronics.
- (4) Federal disaster relief. – Grant or loan funding provided by a federal agency to an owner or operator for line and tank testing, product pump out and disposal, and repair or replacement of tank equipment due to damage precipitated by Hurricane Helene.

**SECTION 4C.8.(c)** Purpose. – The purpose of this section is to establish a program that enables the Division to rapidly distribute emergency financial assistance, in the form of bridge loans, to owners or operators of commercial underground storage tanks and thereby supply owners or operators with the short-term financial liquidity necessary to immediately conduct

emergency services in the affected area, pending federal disaster relief or payment or reimbursement by insurance.

**SECTION 4C.8.(d) Administration.** – The Division shall be responsible for administering loans from the program.

**SECTION 4C.8.(e) Eligibility; Use.** – An owner or operator is eligible to apply for a loan under the program. Loans from the program may only be used by an owner or operator for (i) temporary financial liquidity as necessary to immediately conduct emergency services and until receipt of federal disaster relief or payment or reimbursement by insurance and (ii) any other purpose specifically provided by an act of the General Assembly.

**SECTION 4C.8.(f) Limitations.** – The following limitations apply to the program:

- (1) The amount of a loan from the program may not exceed the amount necessary to restore a commercial underground storage tank to operational capacity.
- (2) A loan from the program is available only to the extent that other funding sources for emergency services are not reasonably available to an owner or operator.

**SECTION 4C.8.(g) Application.** – An application for a loan from the program must be filed with, submitted on a form prescribed by, and contain the information required by, the Division. An applicant must submit any additional information requested by the Division to enable the Division to make a determination on the application.

**SECTION 4C.8.(h) Review.** – The Division must review all applications filed for a loan under this section on a rolling basis and shall prioritize those applications that the Division determines demonstrate the most immediate need. The Division's determination of need is conclusive.

**SECTION 4C.8.(i) Award.** – When the Division determines that an applicant is eligible for an award of a loan, the Division must send the applicant a letter of intent to award the loan. The letter of intent must set out any conditions the applicant must meet to receive the award. When the applicant satisfies the conditions set out in the letter of intent, the Division must send the applicant an offer to award the loan. The applicant must give the Division written notice of whether it accepts or rejects the offer. A loan is considered awarded when an offer to award the loan is issued.

**SECTION 4C.8.(j) Terms.** – A loan from the program is subject to all of the following:

- (1) Interest rate. – The loan does not bear interest.
- (2) Maturity. – The loan matures upon the earlier of (i) receipt of federal disaster relief by the owner or operator or (ii) June 30, 2030.

**SECTION 4C.8.(k) Report.** – The Division shall provide a report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division no later than April 1, 2025, and annually thereafter until all funds have been allocated, at which time the Division shall report annually until all allocated funds have been repaid or otherwise accounted for by the Division. The report required by this subsection shall contain, at a minimum, the following information concerning loans made under the program:

- (1) The total amount of loans awarded from the program.
- (2) The recipient of each loan awarded, and the total amount awarded to each recipient.
- (3) The total amount of loan funding that has been repaid.

**SECTION 4C.8.(l) Rulemaking Exemption.** – The Department shall adopt emergency rules to implement the provisions of this section. Temporary and permanent rules adopted to replace emergency rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.

## **DEQ AUTHORITY TO DIRECT PAY COSTS OF CLEANUP AND ASSESSMENT OF UNDERGROUND STORAGE TANKS DURING EMERGENCY DECLARATIONS**

**SECTION 4C.9.** G.S. 143-215.94B is amended by adding a new subsection to read:

"(j) When a state of emergency, as defined in G.S. 166A-19.3, has been declared by the Governor due to a natural disaster such as a hurricane, tornado, or flood, or due to a pending disaster, the Department may, with the consent of the owner, operator, or landowner, issue reimbursements to contractors or third parties who are under contract with the owner, operator, or landowner to address occurrences as described in subsections (b) and (b1) of this section."

## **AUTHORIZE USE OF PERMITTED MINES AS TEMPORARY DEBRIS DISPOSAL SITES**

**SECTION 4C.10.** G.S. 74-52 is amended by adding a new subsection to read:

"(e) Notwithstanding any restrictions on the collection or storage of solid waste that may be applicable pursuant to Article 9 of Chapter 130A of the General Statutes, the Department, upon agreement of a permittee, may, without need of a permit modification under this section, authorize the permittee to temporarily store storm-related debris at a mine when a state of emergency, as defined in G.S. 166A-19.3, has been declared by the Governor due to a natural disaster such as a hurricane, tornado, or flood, or due to a pending disaster, for a period not to exceed one year from the end of the state of emergency. For purposes of this subsection, the following definitions apply:

- (1) The definitions set out in G.S. 130A-290.
- (2) Storm-related debris. – Construction and demolition debris and yard trash that originates from designated counties in an emergency area, as defined in G.S. 166A-19.3(7)."

## **CODIFY PERMITTING CHANGES APPLICABLE TO DOCK, PIER, AND WALKWAY REPLACEMENT IN THE COASTAL AREA MADE BY S.L. 2024-45**

**SECTION 4C.11.(a)** Section 15.1 of S.L. 2024-45 is repealed.

**SECTION 4C.11.(b)** G.S. 113A-118 is amended by adding a new subsection to read:

"(g) For fixed docks, floating docks, fixed piers, floating piers, or walkways damaged or destroyed by natural elements, fire, or normal deterioration, activity to rebuild the dock, pier, or walkway to its pre-damage condition shall be considered repair of the structure, and shall not require a permit under this Article or rules adopted thereunder, without regard to the percentage of framing and structural components required to be rebuilt. At the time a dock, pier, or walkway damaged or destroyed by natural elements, fire, or normal deterioration is repaired, the width and length of the dock, pier, or walkway structure may be enlarged by not more than 5 feet or five percent (5%), whichever is less, and the structure may be heightened, without need for a permit. The owner shall, however, be required to comply with all other applicable State and federal laws. The provisions of this subsection shall not apply to docks and piers (i) greater than 6 feet in width, (ii) greater than 800 square feet of platform area, or (iii) that are adjacent to a federal navigation channel. The Department shall make maps and other information available on its website to assist landowners in identifying whether their property is adjacent to a federal navigation channel."

**SECTION 4C.11.(c)** No later than November 15, 2024, the Department of Environmental Quality shall prepare and submit to the United States National Oceanic and Atmospheric Administration for approval by that agency the proposed change made to G.S. 113A-118, as enacted by subsection (b) of this section. The Department of Environmental Quality shall report to the Environmental Review Commission on the status of their activities pursuant to this section quarterly, beginning January 1, 2025, until such time as the General Assembly repeals this reporting requirement.

**SECTION 4C.11.(d)** Subsection (b) of this section becomes effective on the later of the following dates and applies to applications for permits pending or filed on or after that date:

- (1) January 1, 2025.
- (2) The first day of the month following the date the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the National Oceanic and Atmospheric Administration has approved the change made to G.S. 113A-118, as enacted by subsection (b) of this section, as required by subsection (c) of this section. The Secretary shall provide this notice along with the effective date of this act on its website.

### **CODIFY ESTABLISHMENT OF A MEASUREMENT LINE FOR DUNE BUILDING PROJECTS CONDUCTED PURSUANT TO PERMITTED TERMINAL GROIN CONSTRUCTION**

**SECTION 4C.12.(a)** Section 16 of S.L. 2024-45 is repealed.

**SECTION 4C.12.(b)** G.S. 113A-115.1 is amended by adding a new subsection to read:

"(f1) The Commission shall, for the purpose of a dune building and beach planting project, authorize local governments that have received a permit to construct a terminal groin pursuant to this section to establish a measurement line that represents the location of the first line of stable and natural vegetation that is covered by the dune building and beach planting project. The measurement line shall be (i) established in coordination with the Division of Coastal Management using on-ground observation and survey or aerial imagery for all areas of oceanfront that undergo dune building and beach planting projects and (ii) applicable for a period of no less than two years from the completion of the dune building and beach planting project."

**SECTION 4C.12.(c)** No later than November 15, 2024, the Department of Environmental Quality shall prepare and submit to the United States National Oceanic and Atmospheric Administration for approval by that agency the proposed change made to G.S. 113A-115.1, as enacted by subsection (b) of this section. The Department of Environmental Quality shall report to the Environmental Review Commission on the status of their activities pursuant to this section quarterly, beginning January 1, 2025, until such time as the General Assembly repeals this reporting requirement.

**SECTION 4C.12.(d)** Subsection (b) of this section becomes effective on the later of the following dates and applies to applications for permits pending or filed on or after that date:

- (1) January 1, 2025.
- (2) The first day of the month following the date that the Secretary of the Department of Environmental Quality certifies to the Revisor of Statutes that the National Oceanic and Atmospheric Administration has approved the change made to G.S. 113A-115.1, as enacted by subsection (b) of this section, as required by subsection (c) of this section. The Secretary shall provide this notice along with the effective date of this act on its website.

### **TEMPORARY MORATORIUM FOR CERTAIN JDIG REQUIREMENTS**

**SECTION 4C.13.(a)** Notwithstanding G.S. 143B-437.52(a)(6), or any other provision of Part 2G of Article 10 of Chapter 143B of the General Statutes or any law to the contrary, the requirement for a finding by the Economic Investment Committee established pursuant to G.S. 143B-437.54 regarding the participation and incentives offered by affected local governments for projects located in a development tier three area, as defined in G.S. 143B-437.08, is suspended; provided that, the affected local government is in a county declared a major disaster as of September 28, 2024, by the President of the United States under the Stafford Act (P.L. 93-288) under FEMA-4827-DR.

**SECTION 4C.13.(b)** This section is effective when it becomes law and expires January 31, 2025.

## **PART IV-D. JUSTICE AND PUBLIC SAFETY**

### **TEMPORARY EXEMPTIONS FOR PRIVATE PROTECTIVE SERVICES IN CERTAIN COUNTIES DURING STATE OF EMERGENCY**

**SECTION 4D.1.(a)** Notwithstanding any provision of Article 1 of Chapter 74C of the General Statutes to the contrary, a person may hire or contract with any security firm or corporation duly licensed, registered, or certified in another state to provide the services described in G.S. 74C-3(a)(1), (6), and (7) in the affected area. For each individual employed to provide services pursuant to this section, the security firm or corporation shall provide proof to the Private Protective Services Board of all of the following:

- (1) A liability insurance policy that meets the standards under G.S. 74C-10.
- (2) An active license in good standing from the security firm or corporation's registered state.
- (3) For individuals carrying a firearm in the performance of those services, a firearm registration permit, or its equivalent, from the individual's home state of licensure.

**SECTION 4D.1.(b)** No security firm or corporation shall provide services under subsection (a) of this section on State, local government, public school unit, constituent institutions of The University of North Carolina, or community colleges property located in the affected area.

**SECTION 4D.1.(c)** This section expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to S.L. 2024-51 or any other enactment of a general law, expires.

## **PART IV-E. GENERAL GOVERNMENT**

### **AUTHORIZE STATE AGENCIES TO EXERCISE REGULATORY FLEXIBILITY FOR EMPLOYMENT-RELATED CERTIFICATIONS**

**SECTION 4E.1.(a)** For purposes of this section, the following definitions apply:

- (1) Employment-related certification. – A permit, license, or other similar certification, registration, or authorization issued by a State agency to an individual that is necessary for that individual to continue in employment or remain qualified to engage in a particular occupation or profession.
- (2) State agency. – An agency or an officer in the executive branch of the government of this State, including the Council of State, the Governor's Office, a board, a commission, a department, a division, a council, and any other unit of government in the executive branch.

**SECTION 4E.1.(b)** Notwithstanding any other provision of State law, if a State agency determines that, due to the impacts of Hurricane Helene in the affected area, it is in the public interest, including the public health, safety, and welfare and the economic well-being of the citizens and businesses of the affected area, the agency shall do all of the following:

- (1) Delay the renewal dates of employment-related certifications issued by the agency pursuant to its statutes for residents of the affected area.
- (2) Delay or modify any educational or examination requirements for employment-related certifications implemented by the agency pursuant to its statutes for residents of the affected area.

**SECTION 4E.1.(c)** No later than March 1, 2025, each State agency shall report to the Joint Legislative Administrative Procedure Oversight Committee and the Joint Legislative Commission on Governmental Operations on its use of regulatory flexibility under this section.

**SECTION 4E.1.(d)** State agencies shall exercise the authority granted pursuant to this section to the maximum extent practicable in order to protect the economic well-being of the

citizens and businesses of the affected area, while also continuing to protect public health, safety, and welfare.

**SECTION 4E.1.(e)** State agencies may adopt emergency rules for the implementation of this section in accordance with G.S. 150B-21.1A. Notwithstanding G.S. 150B-21.1A(a), an agency shall not commence the adoption of temporary rules pursuant to this section. Notwithstanding G.S. 150B-21.1A(d), an emergency rule adopted pursuant to this section shall expire March 1, 2025.

**SECTION 4E.1.(f)** This section is effective when it becomes law. Subsections (a), (b), (d), and (e) of this section expire March 1, 2025.

## **TEMPORARY EXEMPTION FOR INACTIVE CODE OFFICIALS**

**SECTION 4E.2.** Article 9C of Chapter 143 of the General Statutes is amended by adding a new section to read:

**"§ 143-151.22. Disasters and emergencies; temporary certificates.**

(a) When a state of emergency, as defined in G.S. 166A-19.3, has been declared by the Governor due to a natural disaster such as a hurricane, tornado, or flood, or due to a pending disaster, the Board may issue temporary standard or limited certificates to retired qualified Code-enforcement officials to conduct Code enforcement in the emergency area, as defined in G.S. 166A-19.3, for the duration of the state of emergency.

(b) A temporary standard or limited certificate issued under this section shall expire at the termination of the state of emergency or 12 months, whichever is earlier. If after 12 months the state of emergency has not expired, the Board may renew the temporary standard or limited certificate.

(c) A qualified Code-enforcement official who has been on inactive status and is issued a temporary standard or limited certificate under this section shall not be subject to the continuing education requirements established pursuant to G.S. 143-151.13A, unless the individual has been inactive or retired for over two years and not continuously employed by a city or county inspection department."

## **FLEXIBILITY FOR BUILDING PERMIT ISSUANCE/INSPECTIONS IN DISASTER AREA**

**SECTION 4E.3.(a)** Notwithstanding any other provision of law, a local government in the affected area may adopt a resolution providing that the inspection department of the local government is, due to the damage and disruption caused by Hurricane Helene, unable to (i) review residential building plans within the number of days specified in G.S. 160D-1110, (ii) issue building permits for commercial and multifamily buildings within the number of days specified in G.S. 160D-1110.1, or (iii) conduct inspections required by the North Carolina State Building Code in a timely fashion. Upon the adoption of the resolution, the local government may utilize and contract with a licensed professional engineer or licensed architect certified under G.S. 143-151.13(f) to perform independent third-party plan review, inspections, or other work of the inspection department consistent with G.S. 143-151.13(b1). Nothing in this section shall be construed to prohibit an individual permit holder from electing to utilize and contract with a licensed professional engineer or licensed architect certified under G.S. 143-151.13(f) to perform an independent third-party plan review as set out in G.S. 160D-1110.1(e).

**SECTION 4E.3.(b)** This section is effective when it becomes law and applies to applications for building permits made on or after September 26, 2024. This section expires March 1, 2025.

## **INDUSTRIAL COMMISSION EXTEND FILING DEADLINES**

**SECTION 4E.4.(a)** For matters under the jurisdiction of the Industrial Commission, statutory and Industrial Commission rule deadlines are extended to the dates contained in the 11

October 2024 Order of the Chief Justice of the Supreme Court of North Carolina Extending the 29 September 2024 Amended Order for Certain Designated Counties for parties located in an affected county named in that order.

**SECTION 4E.4.(b)** This section is effective retroactive to September 26, 2024, and will expire as to parties located in a county in the affected area and in accordance with orders issued by the Chief Justice under G.S. 7A-39(b)(1) extending the effect of the order referenced in this section.

#### **LOCAL GOVERNMENT COMMISSION TO PROVIDE CASHFLOW LOANS TO LOCAL GOVERNMENTS FOR DISASTER RESPONSE ACTIVITIES**

**SECTION 4E.5.(a)** Of the funds appropriated to the Department of State Treasurer from the Helene Fund, the sum of one hundred million dollars (\$100,000,000) shall be used by the Local Government Commission to provide cashflow loans to local governments in the affected area. The following shall apply to the loans made under this section:

- (1) The Local Government Commission is authorized to administer the loan program and to develop an application process for the loans.
- (2) Loans shall be used for disaster response activities only.
- (3) Loan recipients will not be assessed any interest on the loans.
- (4) Repayment of each loan made under this section begins one year after that loan's initiation.
- (5) Loans must be repaid within five years of initiation or by June 30, 2030, whichever is earlier.

**SECTION 4E.5.(b)** The Department of State Treasurer may use funds appropriated for cashflow loans for administrative expenses, provided that total administrative expenses shall not exceed two percent (2%) of loan initiations.

**SECTION 4E.5.(c)** The Department of State Treasurer and the Local Government Commission shall be exempt from the rulemaking requirements in administering this section.

#### **PART IV-F. SALARIES AND BENEFITS**

##### **EXTEND ADMINISTRATIVE DEADLINES TO ENSURE CONTINUITY AND AVAILABILITY OF RETIREMENT, DISABILITY, AND DEATH BENEFITS FOR INDIVIDUALS IMPACTED BY HURRICANE HELENE**

**SECTION 4F.1.(a)** For individuals who certify in writing to the Retirement Systems Division of the Department of State Treasurer that as of September 25, 2024, their primary place of residence was located within the affected area, all of the following shall apply:

- (1) Notwithstanding G.S. 135-105(a)(3), the application deadline for short-term disability benefits shall be 425 days following the first day of the waiting period.
- (2) Notwithstanding the application deadline under G.S. 135-105(g) of 180 days after short-term disability ceases, after salary continuation payments cease, or after monthly payments for Workers' Compensation cease, whichever is later, the application deadline for extended short-term disability benefits shall be 240 days after short-term disability ceases, after salary continuation payments cease, or after monthly payments for Workers' Compensation cease, whichever is later.
- (3) Notwithstanding the application deadline under G.S. 135-106(a) of 180 days after short-term disability ceases, after salary continuation payments cease, or after monthly payments for Workers' Compensation cease, whichever is later, the application deadline for long-term disability benefits shall be 240 days

- after short-term disability ceases, after salary continuation payments cease, or after monthly payments for Workers' Compensation cease, whichever is later.
- (4) Notwithstanding the 120-day deadline under G.S. 135-109, the deadline for beneficiaries of the Disability Income Plan of North Carolina (DIPNC) to provide a statement of income prior to possible suspension of benefits shall be 180 days after a request is made pursuant to G.S. 135-109.
  - (5) Notwithstanding the 180-day deadline under G.S. 135-109, the deadline for beneficiaries of DIPNC to provide a statement of income prior to possible termination of benefits shall be 240 days after a request is made pursuant to G.S. 135-109.
  - (6) Notwithstanding the 120-day deadline under G.S. 128-27(e)(4), the deadline for beneficiaries of disability retirement benefits under the Local Governmental Employees' Retirement System (LGERS) to provide a statement of income prior to possible suspension of benefits shall be 180 days after a request is made pursuant to G.S. 128-27(e)(4).
  - (7) Notwithstanding the 180-day deadline under G.S. 128-27(e)(4), the deadline for beneficiaries of disability retirement benefits under LGERS to provide a statement of income prior to possible termination of benefits, described in G.S. 128-27(e)(4), shall be 240 days after a request is made pursuant to G.S. 128-27(e)(4).
  - (8) Notwithstanding any deadlines for enrollment in the Contributory Death Benefit under G.S. 120-4.27 to the contrary, any member of the Legislative Retirement System (LRS) with an effective retirement date of August 1, 2024, or September 1, 2024, shall be entitled to enroll in the Contributory Death Benefit by submitting the required election, provided that the required election is received by the Retirement Systems Division of the Department of State Treasurer on or before December 31, 2024.
  - (9) Notwithstanding any deadlines for enrollment in the Contributory Death Benefit under G.S. 128-27(16) to the contrary, any member of LGERS with an effective retirement date of August 1, 2024, or September 1, 2024, shall be entitled to enroll in the Contributory Death Benefit by submitting the required election, provided that the required election is received by the Retirement Systems Division of the Department of State Treasurer on or before December 31, 2024.
  - (10) Notwithstanding any deadlines for enrollment in the Contributory Death Benefit under G.S. 135-5(l) to the contrary, any member of the Teachers' and State Employees' Retirement System (TSERS) with an effective retirement date of August 1, 2024, or September 1, 2024, shall be entitled to enroll in the Contributory Death Benefit by submitting the required election, provided that the required election is received by the Retirement Systems Division of the Department of State Treasurer on or before December 31, 2024.
  - (11) Notwithstanding any deadlines for enrollment in the Contributory Death Benefit under G.S. 135-64(k) to the contrary, any member of the Consolidated Judicial Retirement System (CJRS) with an effective retirement date of August 1, 2024, or September 1, 2024, shall be entitled to enroll in the Contributory Death Benefit by submitting the required election, provided that the required election is received by the Retirement Systems Division of the Department of State Treasurer on or before December 31, 2024.
  - (12) Notwithstanding anything to the contrary under G.S. 120-4.27, 128-27(16), 135-5(l), or 135-64(k), coverage under the Contributory Death Benefit shall not be discontinued for lack of required contributions relating to the months

of September 2024, October 2024, or November 2024, provided that the required contribution is received by the Retirement Systems Division of the Department of State Treasurer by December 31, 2024.

- (13) Notwithstanding the prohibition of the revocation or change of a retirement election or beneficiary after the first payment on account of any benefits becomes normally due and the first payment date has occurred under G.S. 120-4.26, any member of LRS with an effective retirement date of October 1, 2024, shall have 60 days after the first payment on account of any benefit becomes normally due and the first payment date has occurred to revoke or change their retirement benefit option or the designated beneficiary for survivor benefits described in G.S. 120-4.26.
- (14) Notwithstanding the prohibition of the revocation or change of a retirement election or beneficiary after the first payment on account of any benefits becomes normally due and the first payment date has occurred under G.S. 128-27(g), any member of LGERS with an effective retirement date of October 1, 2024, shall have 60 days after the first payment on account of any benefit becomes normally due and the first payment date has occurred to revoke or change their retirement benefit option or the designated beneficiary for survivor benefits described in G.S. 128-27(g).
- (15) Notwithstanding the prohibition of the revocation or change of a retirement election or beneficiary after the first payment on account of any benefit becomes normally due and the first payment date has occurred under G.S. 135-5(g), any member of TSERS or CJRS with an effective retirement date of October 1, 2024, shall have 60 days after the first payment on account of any benefit becomes normally due and the first payment date has occurred to revoke or change their retirement benefit option or the designated beneficiary for survivor benefits described in G.S. 135-5(g).

**SECTION 4F.1.(b)** Notwithstanding any provision of Article 6 of Chapter 135 of the General Statutes to the contrary and subject to the provisions of this subsection, any Disability Income Plan of North Carolina (DIPNC) beneficiary in receipt of long-term disability benefits with an effective date between September 2, 2021, and September 30, 2022, shall not have the long-term disability benefit discontinued after 36 months of long-term disability in accordance with G.S. 135-106(b) merely because the beneficiary has not been approved for, or is not in receipt of, primary social security benefits, subject to the following requirements:

- (1) Prior to the end of the thirty-sixth month of long-term disability benefits, the beneficiary shall submit to the Retirement Systems Division of the Department of State Treasurer a written request that the DIPNC benefits continue beyond 36 months.
- (2) The beneficiary shall certify to the Retirement Systems Division that as of September 25, 2024, the beneficiary's primary place of residence was located within the affected area.
- (3) The beneficiary shall certify to the Retirement Systems Division that the beneficiary applied for primary social security benefits on or before September 25, 2024, that the beneficiary has not received a determination from the Social Security Administration, and that the beneficiary will provide any Social Security Administration determination to the Retirement Systems Division within 30 days of receiving it.

Upon receiving the written request and certifications required by this subsection from a beneficiary, the Retirement Systems Division shall continue paying the long-term disability benefits beyond 36 months in an amount reduced by the Retirement Systems Division's estimate of primary social security disability benefits to which the beneficiary may be entitled if approved

for those benefits. The beneficiary's long-term disability benefits shall cease no later than 12 months after the thirty-sixth payment has been made. If at any point during the 12 additional months of long-term disability benefits under DIPNC authorized by this subsection a beneficiary notifies the Retirement Systems Division that the beneficiary has been approved for primary social security disability benefits, then the Retirement Systems Division shall redetermine the beneficiary's past and future entitlements under DIPNC in accordance with G.S. 135-106. If at any point during the 12 additional months of long-term disability benefits under DIPNC authorized by this subsection a beneficiary notifies the Retirement Systems Division that the beneficiary has been denied for primary social security disability benefits, then the long-term disability benefits under DIPNC shall cease on the first of the month following the Social Security Administration's issuance of the denial notice, and any DIPNC benefits paid after the initial 36 months pursuant to this section shall be an overpayment. If the beneficiary does not provide a social security determination to the Retirement Systems Division during the 12 additional months of long-term disability benefits under DIPNC authorized by this subsection, then long-term disability benefits under DIPNC shall be suspended and any DIPNC benefits paid after the initial 36 months pursuant to this section shall be an overpayment.

**SECTION 4F.1.(c)** This section is retroactively effective to September 25, 2024. Subsection (a) of this section expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to S.L. 2024-51 and any other enactment of a general law, expires. Subsection (b) of this section expires October 31, 2025.

#### **TEMPORARY WAIVER OF PENALTIES ASSOCIATED WITH LATE PAYMENTS OF EMPLOYEE OR EMPLOYER RETIREMENT CONTRIBUTIONS**

**SECTION 4F.2.(a)** Notwithstanding G.S. 135-8(f)(3) and G.S. 128-30(g)(3), if the State Treasurer or the State Treasurer's designee finds that an employer's payment of employee or employer contributions under G.S. 135-8 or G.S. 128-30 was delayed or will be delayed due to circumstances caused by Hurricane Helene, then the State Treasurer or the designee may waive the penalty associated with the late payment and grant an exception to the due date of the contributions, provided the exception does not allow for the new due date to be set later than 90 days from the date the contributions were originally due. Any waiver or exception granted under this section shall be in addition to the one-time allowable exception under G.S. 135-8(f)(3) and G.S. 128-30(g)(3) and shall not constitute a waiver of a penalty under G.S. 135-8(f)(3) or G.S. 128-30(g)(3) for the purposes of determining whether an employer has exceeded the allowable waiver of one penalty per every five years.

**SECTION 4F.2.(b)** This section expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to S.L. 2024-51 or any other enactment of a general law, expires.

#### **PART IV-G. TRANSPORTATION**

##### **EXTEND EMISSIONS INSPECTION MECHANIC LICENSES**

**SECTION 4G.1.(a)** Notwithstanding G.S. 20-183.4B or any other law to the contrary, the Department of Transportation, Division of Motor Vehicles, shall extend an emissions inspection mechanic license issued to a mechanic whose primary place of business or whose place of employment is located in the affected area if the license is due to expire within the six-month period commencing September 25, 2024, and ending March 1, 2025.

**SECTION 4G.1.(b)** This section is effective when it becomes law and expires when the statewide declaration of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council of State and as extended pursuant to S.L. 2024-51 or any other enactment of a general law, expires.

## **REPORTS ON CERTAIN PROCUREMENT METHODS AUTHORIZED IN DISASTER AREAS**

**SECTION 4G.2.** For any project in which the Department of Transportation (i) utilizes the progressive design-build contracting method authorized by Section 11.3(a)(1) of S.L. 2024-51 and the cost of the project exceeds five hundred million dollars (\$500,000,000), or (ii) the construction manager-general contractor method authorized by Section 11.3(a)(5) of S.L. 2024-51 and the cost of the project exceeds seven hundred fifty million dollars (\$750,000,000), the Department shall submit to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division the following reports:

- (1) No later than 30 days after the contract is finalized, a preliminary report containing the contract identification number, scope of work or description of project, county, contractor name, the contracting method used, the cost of the contract, and a time line for the project.
- (2) No later than 30 days after project completion, a final report that includes the final cost and completion date of the project.

## **PART IV-H. FINANCE**

### **EXPAND WAIVER OF INTEREST PROVISIONS FOR TAX PREPARERS/TAX RECORDS**

**SECTION 4H.1.** The interest waiver provisions in subsections (a) through (c) of Section 13.1 of S.L. 2024-51 also apply to a taxpayer whose tax preparer or records necessary to meet a tax deadline are located in the affected area if the taxpayer submits a form to the Department of Revenue within 30 days of this act becoming law requesting such relief.

## **PART V. TECHNICAL CORRECTIONS TO THE DISASTER RECOVERY ACT OF 2024**

**SECTION 5.1.(a)** The General Assembly finds that additional counties, including Nash County, have been designated under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene.

**SECTION 5.1.(b)** Section 4.1(b) of S.L. 2024-51 reads as rewritten:

**"SECTION 4.1.(b)** Applicability of Funds. – Except as otherwise provided, the funds contained in the Helene Fund shall only be expended to support disaster relief and recovery efforts in the following counties:

- (1) ~~Any county~~ counties declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene.
- (2) ~~Nash County.~~"

**SECTION 5.2.** Section 4.1(a) of S.L. 2024-51 reads as rewritten:

**"SECTION 4.1.(a)** Hurricane Helene Disaster Recovery Fund. – The Hurricane Helene Disaster Recovery Fund (Helene Fund) is established. The purpose of the Helene Fund is to provide necessary and appropriate relief and assistance from the effects of Hurricane Helene, consistent with the provisions of this act, and subsequent legislation addressing the effects of Hurricane Helene. The Helene Fund shall be maintained as a special fund and administered by the Office of State Budget and Management to carry out the provisions of this and subsequent acts necessitated as a result of Hurricane Helene. All State funds, excluding funds received pursuant to Section 6.2 of this act, appropriated for Hurricane Helene relief and recovery efforts shall be budgeted and accounted for in the Helene Fund established in this section. Federal funds, and funds appropriated from the Helene Fund in this act, received by State agencies for Hurricane Helene relief and recovery efforts shall be budgeted and accounted for separately within each State agency that receives such funds."

**SECTION 5.3.** Section 5.1(a) of S.L. 2024-51 reads as rewritten:

**"SECTION 5.1.(a)** Potential Tropical Cyclone #8 Disaster Recovery Fund. – The Potential Tropical Cyclone #8 Disaster Recovery Fund (PTC8 Fund) is established. The purpose of the PTC8 Fund is to provide necessary and appropriate relief and assistance from the effects of PTC8, consistent with the provisions of this act, and subsequent legislation addressing the effects of PTC8. The PTC8 Fund shall be maintained as a special fund and administered by the Office of State Budget and Management to carry out the provisions of this and subsequent acts necessitated as a result of PTC8. All State and federal funds appropriated Federal funds, and funds appropriated from the PTC8 Fund in this act, received by State agencies for PTC8 relief and recovery efforts shall be budgeted and accounted for in the PTC8 Fund established in this section separately within each State agency that receives such funds."

**SECTION 5.4.** Section 6.1(a) of S.L. 2024-51 reads as rewritten:

**"SECTION 6.1.(a)** Transfer and Appropriation for Helene Fund. – Notwithstanding G.S. 143C-4-2, the State Controller shall transfer the sum of two hundred seventy-three million dollars (\$273,000,000) for the 2024-2025 fiscal year from the Savings Reserve established in G.S. 143C-4-2 to the Helene Fund. The following amounts are appropriated within the Helene Fund for the duration of the recovery efforts for the following:

(1) Two hundred fifty million dollars (\$250,000,000) to the Department of Public Safety, Division of Emergency Management, to provide the State match for federal disaster assistance ~~programs for State agencies and units of local governments. The Division, in coordination with the Office of State Budget and Management, shall also use a portion of these funds to establish a revolving loan program to assist units of local government and State agencies with cash flow management while awaiting federal reimbursement. Funds returned to the Division through the revolving loan fund shall be used for additional cash flow loans or to provide matching funds as needed programs.~~

...

(3) ~~Two million dollars (\$2,000,000)~~ Seven million five hundred thousand dollars (\$7,500,000) for the Office of State Budget and Management to provide grants to the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, and the North Carolina Association of Regional Councils of Governments to (i) provide technical assistance with local recovery funds to units of local government in applying for federal financial aid, (ii) support planning and permitting assistance, and (iii) build capacity for building and trade inspectors. For purposes of this subdivision, the term "units of local government" includes local governments, local education agencies, and community colleges. In providing this assistance, these entities shall prioritize grants to counties with a population of less than 250,000.

...."

**SECTION 5.5.** Section 6.2 of S.L. 2024-51 reads as rewritten:

**"SECTION 6.2.** Appropriation of Federal Funds. – Funds received on or after September 1, 2024, under the Stafford Act (P.L. 93-288) and other federal disaster assistance programs for State disasters as a result of Hurricane Helene or PTC8, are appropriated in the amounts provided in the notifications of award from the federal government or any entity acting on behalf of the federal government to administer federal disaster recovery funds. The Office of State Budget and Management and affected State agencies shall report all notifications of award to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division of the General Assembly Assembly within 30 days of notification. All notifications shall include, at a minimum, the amount of the award and its duration and purpose."

**SECTION 5.6.** Section 7.1(h) of S.L. 2024-51 reads as rewritten:

~~"SECTION 7.1.(h) Allocation Reporting Requirements. – The Office of State Budget and Management shall report to the chairs of the House of Representatives and Senate Appropriations Committees and to the Fiscal Research Division of the General Assembly on the implementation of this act on a quarterly basis until the end of the quarter in which all funds are expended and shall also provide any additional reports or information requested by the Fiscal Research Division. Each report required by this section shall include information about all funds expended or encumbered pursuant to this act as of the date of the report, regardless of which State agency, federal agency, or non-State entity administers the funds. Non-State entities that administer or receive any funds appropriated in this act shall assist and fully cooperate with the Office of State Budget and Management in meeting the Office's obligations under this section. Beginning January 15, 2025, for the previous quarter, the Office of State Budget and Management (OSBM) shall report to the chairs of the House of Representatives and Senate Appropriations Committees and to the Fiscal Research Division of the General Assembly on the implementation of this act on a quarterly basis until the end of the quarter in which all funds are expended and shall also provide any additional reports or information requested by the Fiscal Research Division. In reporting on the use of State disaster recovery and assistance funds expended from the Helene Fund and federal funds received by State agencies for Hurricane Helene relief and recovery efforts, OSBM shall include, regardless of which State agency, federal agency, or non-State entity that administers the funds, all of the following for each program:~~

- ~~(1) The purpose of the program.~~
- ~~(2) The responsible department or agency.~~
- ~~(3) Current, year-to-date, and total cumulative funds appropriated, received from non-State sources, expended, encumbered, and obligated by program and by source of funds.~~
- ~~(4) A summary of activities.~~
- ~~(5) The total program spending by county, where practicable.~~
- ~~(6) Funds returned to the Savings Reserve established in G.S. 143C-4-2 pursuant to subsection (c) of this section, as applicable.~~

~~Non-State entities that administer or receive any funds appropriated in this act shall assist and fully cooperate with OSBM in meeting OSBM's obligations under this section."~~

~~SECTION 5.7. Section 11.3(b) of S.L. 2024-51 reads as rewritten:~~

~~"SECTION 11.3.(b) The temporary authority granted by this section applies to all of the counties identified in ~~Section 4.1(b)(1)~~ Section 4.1(b) of this act."~~

## **PART VI. MISCELLANEOUS PROVISIONS**

### **COMMITTEE REPORT**

**SECTION 6.1.** The document titled Joint Conference Committee Report on the Disaster Recovery Act of 2024 – Part II and dated October 24, 2024, which was distributed in the Senate and the House of Representatives and used to explain this act, shall indicate action by the General Assembly on this act and shall, therefore, be used to construe this act, and for these purposes shall be considered a part of this act. If the Committee Report conflicts with this act, the act prevails.

### **EFFECT OF HEADINGS**

**SECTION 6.2.** The headings to the parts, subparts, and sections of this act are a convenience to the reader and are for reference only. The headings do not expand, limit, or define the text of this act, except for effective dates referring to a part or subpart.

**SEVERABILITY CLAUSE**

**SECTION 6.3.** If any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other than the part so declared to be unconstitutional or invalid.

**EFFECTIVE DATE**

**SECTION 6.4.** Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 24<sup>th</sup> day of October, 2024.

s/ Warren Daniel  
Presiding Officer of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Roy Cooper  
Governor

Approved 7:23 a.m. this 25<sup>th</sup> day of October, 2024