

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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**HOUSE BILL 47
Committee Substitute Favorable 2/11/25
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PROPOSED SENATE COMMITTEE SUBSTITUTE H47-PCS40191-NBa-4**

Short Title: Disaster Recovery Act of 2025 - Part I.

(Public)

Sponsors:

Referred to:

February 5, 2025

A BILL TO BE ENTITLED

AN ACT TO PROVIDE ADDITIONAL APPROPRIATIONS AND EXTEND REGULATORY FLEXIBILITY FOR COMMUNITIES AND CITIZENS IMPACTED BY HURRICANE HELENE.

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 2025 – Part I."

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, Part II 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) CDBG-DR. – Community Development Block Grant – Disaster Recovery.
- (3) FEMA. – The Federal Emergency Management Agency.
- (4) Helene Fund. – The Hurricane Helene Disaster Recovery Fund established in Section 4.1 of S.L. 2024-51.
- (5) NCEM. – The Division of Emergency Management of the Department of Public Safety.
- (6) NCORR. – The Department of Public Safety, Office of Recovery and Resiliency.
- (7) OSBM. – The Office of State Budget and Management.
- (8) SERDRF. – The State Emergency Response and Disaster Relief Fund established in G.S. 166A-19.42.

PART II. HURRICANE HELENE DISASTER RECOVERY APPROPRIATIONS AND PROGRAMS



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2 **SUBPART II-A. DISASTER RECOVERY APPROPRIATION, TRANSFER, AND**
3 **PROGRAMS**

4 **SECTION 2A.1.** Transfer. – The State Controller shall transfer the sum of three
5 hundred seven million nine hundred ninety-one thousand seven hundred four dollars
6 (\$307,991,704) from the SERDRF to the Helene Fund.

7 **SECTION 2A.2.** Appropriation. – There is appropriated from the Helene Fund the
8 sum of five hundred thirty-two million nine hundred ninety-one thousand seven hundred four
9 dollars (\$532,991,704) in nonrecurring funds as follows:

- 10 (1) Notwithstanding G.S. 143B-1040(c), one hundred forty million dollars
11 (\$140,000,000) to the Department of Commerce, Division of Community
12 Revitalization (DCR), for the Home Reconstruction and Repair Program
13 (Program). The Program shall be CDBG-DR compliant and consistent with
14 the United States Department of Housing and Urban Development's Universal
15 Notice in 90 FR 1754, as amended, to ensure maximum reimbursement from
16 federal funds when those funds become available. DCR shall report to the
17 Joint Legislative Emergency Management Oversight Committee, the Joint
18 Legislative Commission on Governmental Operations, and the Fiscal
19 Research Division by March 31, 2025, on how the Program will be set up prior
20 to accepting applications.
- 21 (2) One hundred ninety-two million four hundred ninety-one thousand seven
22 hundred four dollars (\$192,491,704) to the Department of Agriculture and
23 Consumer Services for the Agricultural Disaster Crop Loss Program in
24 accordance with Subparts II-D and II-E of this act. The Department shall use
25 remaining funds from Section 5.9A(c)(2) of S.L. 2021-180 and Section
26 5.4(a)(4)a. of S.L. 2022-74 for this Program.
- 27 (3) One hundred million dollars (\$100,000,000) to NCEM for the Private Road
28 and Bridges Repair and Replacement Program in accordance with Subpart
29 II-C of this act.
- 30 (4) Fifty-five million dollars (\$55,000,000) for the Small Business Infrastructure
31 Grant Program in accordance with Subpart II-F of this act.
- 32 (5) Twenty million dollars (\$20,000,000) to OSBM to distribute to State agencies
33 and units of local government for debris removal unmet needs. NCEM shall
34 assist OSBM in coordinating the debris removal with relevant State agencies
35 and local stakeholders. OSBM shall prioritize using these funds to address
36 identified gaps in debris cleanup not met by other federal and State programs.
- 37 (6) Ten million dollars (\$10,000,000) to the Office of the State Fire Marshal to
38 disburse grants to small and volunteer fire departments in counties in the
39 affected area that qualify for Individual and Public Assistance Categories C-G
40 to cover expenses incurred due to Hurricane Helene, to purchase equipment,
41 or to make capital improvements to assist with readiness for future emergency
42 response. The Office of the State Fire Marshal may use up to two hundred
43 fifty thousand dollars (\$250,000) of the funds appropriated in this subdivision
44 for administrative costs related to disbursing these grants.
- 45 (7) Ten million dollars (\$10,000,000) to NCEM to disburse grants to nonprofit
46 organizations exempt from taxation under section 501(c)(3) of the Internal
47 Revenue Code for actual and ongoing repair and reconstruction projects.
- 48 (8) Three million dollars (\$3,000,000) to the Department of Commerce for the
49 nonprofit corporation with which the Department contracts pursuant to
50 G.S. 143B-431.01(b) for (i) targeted media campaigns to encourage both
51 in-State and out-of-state tourists to return to areas impacted by Hurricane

Helene in 2025 and (ii) grants to local tourism offices in the affected area for the activities of those offices and for development of a coordinated market strategy. The nonprofit corporation shall coordinate with the Department of Transportation to promote areas and roads that are open and accessible for tourism and travel.

- (9) Four million five hundred thousand dollars (\$4,500,000) to the Department of Public Instruction for the School Extension Learning Recovery Program in accordance with Subpart II-G of this act.

SECTION 2A.3. Additional Rental Assistance. – Effective retroactively to October 25, 2024, Section 4B.7 of S.L. 2024-53 reads as rewritten:

"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 two payments, as determined by the county departments of social services, each in an amount 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."

SECTION 2A.4.(a) Findings of Fact. – The General Assembly finds that:

- (1) The Hurricane Helene Disaster Supplemental Nutrition Assistance Program, a federal program to provide food assistance to low-income households with food loss or damages caused by Hurricane Helene, ended in November 2024.
- (2) Less than half of the ten million dollars (\$10,000,000) in State funds appropriated for administration of the program were expended.

SECTION 2A.4.(b) Disaster Supplemental Nutrition Assistance Program Funding Adjustment. – Notwithstanding S.L. 2024-53 or any provision of the Committee Report of that act to the contrary, the amount for Disaster Supplemental Nutrition Assistance Program in Item 22, page F-3 of that report shall be reduced by two million dollars (\$2,000,000) in order to increase funding to the Department of Commerce for targeted media campaigns in accordance with Section 2A.2(8) of this act. The State Controller shall make any transfers necessary to effectuate this section.

SECTION 2A.4.(c) Adjustment Reconciliation. – Section 2.1(a) of S.L. 2024-53 reads as rewritten:

"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

...

HEALTH AND HUMAN SERVICES

Department of Health and Human Services 71,400,000 69,400,000

...

1 **Total Appropriation** **604,150,000****602,150,000"**

2
3 **SUBPART II-B. CLOSE OUT OPERATIONS PROVIDE EMERGENCY RELIEF**

4 **SECTION 2B.1.(a)** Subpart D of Part 5 of Article 13 of Chapter 143B of the General
5 Statutes reads as rewritten:

6 "~~Subpart D. Office of Recovery and Resiliency.~~

7 "~~§ 143B-1040. Office of Recovery and Resiliency.~~

8 (a) ~~The Office of Recovery and Resiliency (Office) is created in the Department of Public~~
9 ~~Safety. The Office shall execute multi-year recovery and resiliency projects and administer funds~~
10 ~~provided by the Community Development Block Grant Disaster Recovery program for~~
11 ~~Hurricanes Florence and Matthew. The Office will provide general disaster recovery~~
12 ~~coordination and public information; citizen outreach and application case management; audit,~~
13 ~~finance, compliance, and reporting on disaster recovery funds; and program and construction~~
14 ~~management services. The Office shall also contract for services from vendors specializing in~~
15 ~~housing, construction, and project management services.~~

16 (b) ~~The Office shall develop and administer a grant program for financially distressed~~
17 ~~local governments to assist with recovery capacity. The grants shall cover the salaries, benefits,~~
18 ~~and operating costs for up to two three-year positions and may also be used to purchase one~~
19 ~~vehicle per community as necessitated by the individual circumstances of each community. The~~
20 ~~Office shall also, in consultation with the Local Government Commission, develop and~~
21 ~~administer a one-time emergency fund for local governments in disaster-affected areas that need~~
22 ~~immediate cash flow assistance. These funds shall be used to meet local government debt service~~
23 ~~obligations, to meet payroll obligations for local governments, and to meet vendor payments~~
24 ~~where nonpayment would result in negative financial outcome.~~

25 (c) ~~Notwithstanding any other provision of law, all Community Development Block~~
26 ~~Grant Disaster Recovery awards received by the State in response to the declarations and~~
27 ~~executive orders described in Section 3.1 of S.L. 2016-124, or in any subsequent federally~~
28 ~~declared disasters, shall be administered by the North Carolina Office of Recovery and Resiliency~~
29 ~~of the Department of Public Safety, including circumstances where the designated grantee is an~~
30 ~~agency other than the North Carolina Office of Recovery and Resiliency.~~

31 "~~§ 143B-1041. Interagency coordination.~~

32 (a) ~~The Office shall establish an intergovernmental working group composed of~~
33 ~~representatives from the Department of Environmental Quality and other relevant State agencies,~~
34 ~~local governments, and other stakeholders to identify legislative, economic, jurisdictional, and~~
35 ~~other challenges related to stream management and flooding reduction. Beginning January 1,~~
36 ~~2022, and biannually thereafter, the Office shall report to the Joint Legislative Commission on~~
37 ~~Governmental Operations and the Fiscal Research Division regarding the findings and~~
38 ~~recommendations of the working group.~~

39 (b) ~~The Office of Recovery and Resiliency and the Division of Emergency Management~~
40 ~~of the Department of Public Safety, the Director of the Division of Coastal Management of the~~
41 ~~Department of Environmental Quality, and the Secretary of the Department of Transportation, or~~
42 ~~their respective designees, shall meet at least quarterly beginning January 1, 2022, in order to~~
43 ~~coordinate the grant making and technical assistance activities each agency is carrying out related~~
44 ~~to subsection (a) of this section."~~

45 **SECTION 2B.1.(b)** Subsection (a) of this section becomes effective October 1,
46 2026.

47 **SECTION 2B.2.(a)** Transfers. – The State Controller shall transfer the following
48 amounts from the following sources to the OSBM Disaster Relief Reserve (Disaster Relief
49 Reserve) for allocation to NCORR:

- 50 (1) One hundred four million three hundred thousand dollars (\$104,300,000)
51 from the Savings Reserve.

1 (2) One hundred four million three hundred thousand dollars (\$104,300,000)
2 from the SERDRF.

3 (3) Eight million four hundred eight thousand two hundred ninety-six dollars
4 (\$8,408,296) from the Hurricane Florence Disaster Recovery Fund.

5 **SECTION 2B.2.(b)** Appropriation. – Of the funds transferred in subsection (a) of
6 this section, a total of one hundred twelve million seven hundred eight thousand two hundred
7 ninety-six dollars (\$112,708,296) are appropriated within the Disaster Relief Reserve and shall
8 be allocated to NCORR for the completion of the homeowner recovery program for Hurricanes
9 Matthew and Florence.

10 **SECTION 2B.2.(c)** Availability of Future Funds. – It is the intent of the North
11 Carolina General Assembly to appropriate the remaining funds for unmet needs for the
12 homeowner recovery program by a future enactment of a general law.

13 **SECTION 2B.2.(d)** Prioritization. – NCORR shall prioritize (i) entering into a
14 memorandum of understanding with the Housing Finance Agency to retrieve eligible funding for
15 the homeowner recovery program and (ii) spending those funds received from the Housing
16 Finance Agency for the remaining unmet needs for the homeowner recovery projects consistent
17 with subsection (b) of this section.

18 **SECTION 2B.2.(e)** Reversion of Funds. – Funds appropriated to NCORR under this
19 section shall revert to the Savings Reserve on October 1, 2026.

20 **SECTION 2B.3.(a)** Future Funding. – Notwithstanding any other provision of law
21 and Section 2B.2(d) of this Subpart, future State funding to NCORR shall only be appropriated
22 or transferred to NCORR by a future enactment of a general law by the North Carolina General
23 Assembly.

24 **SECTION 2B.3.(b)** Issuance of Notices to Proceed. – NCORR shall issue, at a
25 minimum, Notices to Proceed to program-selected contractors for homeowner projects for the
26 homeowner recovery programs for Hurricanes Matthew and Florence under the following
27 schedule. These percentages represent the percentage of the overall total number of projects for
28 the history of the homeowner recovery program:

29 (1) By April 1, 2025, eighty-nine and one-half percent (89.5%).

30 (2) By May 1, 2025, ninety-one percent (91%).

31 (3) By June 1, 2025, ninety-two and one-half percent (92.5%).

32 (4) By July 1, 2025, ninety-four percent (94%).

33 **SECTION 2B.3.(c)** Unawarded Projects. – The total number of homeowner projects
34 not awarded to contractors shall not exceed the following maximums:

35 (1) By April 1, 2025, 70 projects.

36 (2) By May 1, 2025, 50 projects.

37 (3) By June 1, 2025, 30 projects.

38 (4) By July 1, 2025, 10 projects.

39 **SECTION 2B.3.(d)** Exclusion of Withdrawn/Ineligible Projects. – Projects
40 withdrawn or not eligible for reconstruction or another category of the Community Development
41 Block Grant – Disaster Relief homeowner recovery programs for Hurricanes Matthew and
42 Florence shall not count toward the requirements of this section when assessing NCORR's
43 compliance.

44 **SECTION 2B.3.(e)** Reporting. – NCORR shall report to the Joint Legislative
45 Commission on Governmental Operations (Commission) and the Fiscal Research Division (i)
46 within five business days of each deadline established in subsections (b) and (c) of this section,
47 written reports on their compliance with the schedules and benchmarks set forth in those
48 subsections and (ii) weekly reports, including total spending, funds available, and the number of
49 homeowner repair and reconstruction projects at their respective stages of completion.

50 **SECTION 2B.3.(f)** Noncompliance Reporting. – If the Commission staff determines
51 NCORR is not in compliance with the schedules set forth in this section, then the Commission

1 shall notify NCORR and the chairs of the House and Senate Appropriations Committees of their
2 determination. No later than five business days after receipt of the notice of noncompliance,
3 NCORR shall submit a written report explaining the compliance deficiencies to the chairs of the
4 House and Senate Appropriations Committees and the Fiscal Research Division.

5 **SECTION 2B.4.** Monthly Reporting. – Beginning August 1, 2025, NCORR shall
6 report monthly to the Commission and the Fiscal Research Division on all projects completed
7 and unawarded projects in the homeowner recovery program for Hurricanes Matthew and
8 Florence until NCORR is dissolved pursuant to this act. The report shall contain, at a minimum,
9 all information contained in the report required under subsection (e) of Section 2B.3 regarding
10 compliance with the schedules and benchmarks in this section. The noncompliance requirements
11 of subsection (f) of Section 2B.3 apply to this section.

12 **SECTION 2B.5.** Modify Audit Reporting Frequency. – Section 1F.2(d) of S.L.
13 2024-57 reads as rewritten:

14 "SECTION 1F.2.(d) Reporting. – In addition to the requirements of G.S. 147-64.5(a), the
15 State Auditor shall furnish copies of any and all audits performed under this section to the Joint
16 Legislative Commission on Governmental Operations and the Fiscal Research Division within
17 30 days of the completion of each audit. OSBM shall submit a ~~quarterly~~ monthly report on the
18 ongoing financial monitoring of the Office to the Joint Legislative Commission on Governmental
19 Operations and the Fiscal Research Division in each ~~quarter~~ month that the Office is expending
20 State or federal funds for storm recovery efforts."

21 22 **SUBPART II-C. PRIVATE ROAD AND BRIDGE REPAIR AND REPLACEMENT** 23 **PROGRAM**

24 **SECTION 2C.1.(a)** Private Road and Bridge Repair and Replacement Program. –
25 The Private Road and Bridge Repair and Replacement Program (Program) is established within
26 NCEM for the repair and replacement of private roads and bridges damaged or destroyed by
27 Hurricane Helene. NCEM shall consult with the Department of Transportation in administering
28 the Program and shall develop criteria and an application process to select private roads and
29 bridges eligible for repair or replacement consistent with this subsection. NCEM may use up to
30 five hundred thousand dollars (\$500,000) for administrative costs for the Program. NCEM shall
31 prioritize applications for the repair and replacement of private roads or bridges that provide the
32 sole option for ingress and egress for (i) emergency services to a residential property that is
33 occupied by the owner for more than six months of the calendar year, (ii) multiple residential
34 homes, or (iii) recreation or commercial facilities. These funds may be used for program costs
35 incurred for the engineering, design, and construction of private roads and bridges, funding to
36 nonprofit organizations supporting bridge repairs, and may also be used to provide technical
37 support and assistance for individuals and local governments to comply with no-rise certification
38 requirements required by FEMA under the National Flood Insurance Program.

39 **SECTION 2C.1.(b)** HOA Cost-Share. – If a qualifying private road or bridge is
40 owned by a homeowners association (HOA), then NCEM shall enter into a cost-share agreement
41 with the HOA for all project engineering and construction costs. NCEM's share of costs pursuant
42 to any agreement shall not exceed seventy-five percent (75%). Any funds that the HOA pays
43 toward these projects shall be non-State dollars.

44 **SECTION 2C.1.(c)** Ownership Restriction. – If a private road or bridge is repaired
45 or replaced through the Program, the ownership or responsibility for maintenance or safety of the
46 repaired or replaced road or bridge shall not transfer to or be assumed by the State or a political
47 subdivision thereof by virtue of the repair or replacement under this Program.

48 **SECTION 2C.1.(d)** Federal Funding. – If federal assistance or alternative funds are
49 available for the same purposes in subsection (a) of this section, NCEM shall not duplicate efforts
50 or benefits and take all reasonable steps to obtain that federal assistance or alternative funds prior
51 to obligating funds for the Program with State funds.

1 **SECTION 2C.1.(e)** Reporting Requirement. – NCEM shall annually report to the
2 Joint Legislative Emergency Management Oversight Committee and the Fiscal Research
3 Division beginning on June 30, 2025, and ending on June 30, 2029, on the Program. The report
4 shall include, at a minimum, all of the following:

- 5 (1) The criteria used for awarding funds.
- 6 (2) The locations of any roads or bridges replaced.
- 7 (3) The average grant amount requested and disbursed.
- 8 (4) The number of projects requested, declined, and funded.
- 9 (5) The identification of unmet needs remaining at the end of each fiscal year for
10 private road or bridge repair or replacement.

11
12 **SUBPART II-D. AGRICULTURAL DISASTER CROP LOSS PROGRAM**

13 **SECTION 2D.1.** Intent to Appropriate Future Funds. – It is the intent of the North
14 Carolina General Assembly to provide additional funding for the Program in a future enactment
15 of a general law.

16 **SECTION 2D.2.(a)** Agricultural Disaster Crop Loss Program. – The 2024
17 Agricultural Disaster Crop Loss Program is established within the Department of Agriculture and
18 Consumer Services. The Program shall be used to provide financial assistance to farmers with
19 verified losses from an agricultural disaster in this State in 2024. The Department may use up to
20 one percent (1%) of funds allocated for the Program for administrative purposes. To be eligible
21 for financial assistance for losses of agricultural or aquaculture commodities or farm
22 infrastructure, a person must satisfy all of the following criteria:

- 23 (1) The person experienced a verifiable loss of agricultural or aquaculture
24 commodities or farm infrastructure as a result of an agricultural disaster in
25 2024, and the person's farm is located in an affected area for the respective
26 agricultural disaster.
- 27 (2) The agricultural commodity was planted but not harvested on or before the
28 eligibility date; for aquaculture commodities, the commodities were being
29 raised on or before the eligibility date; or for farm infrastructure, the
30 infrastructure existed on or before the eligibility date.

31 **SECTION 2D.2.(b)** Verification of Loss. – A person seeking financial assistance for
32 losses of agricultural commodities under the Program shall submit to the Department a Form 578
33 on file with the USDA Farm Service Agency or a form provided by the Department for reporting
34 acreage or plantings of crops or reporting infrastructure damage or loss that is not typically
35 reported on Form 578, along with any other documentation deemed appropriate by the
36 Department, no later than 45 days after this section becomes effective. For nursery crops,
37 fruit-bearing trees and bushes, and specialty crops where the survival level is not immediately
38 known, the Department may extend this deadline by an additional 45 days, upon written request
39 by the person received no later than 45 days after this section becomes effective and upon
40 approval by the Department. A person receiving assistance under this Program must provide a
41 signed affidavit, under penalty of perjury, certifying that each fact of the loss presented by the
42 person is accurate.

43 **SECTION 2D.2.(c)** Criteria. – The Department shall administer the financial
44 assistance program authorized by this section in accordance with the following criteria:

- 45 (1) In determining the payment calculation for agricultural commodities, the
46 Department shall use a formula based on acreage, county loss estimates,
47 USDA National Agricultural Statistics Service averages, and any other
48 measure the Department deems appropriate. Funds shall be distributed based
49 on county averages for yields and State averages for price. Calculations shall
50 be based on county or State averages in price, whichever the Department
51 determines is appropriate.

- 1 (2) The Department shall gather all claim information, except from those
2 applicants granted a deadline extension, no later than 45 days after this section
3 becomes law. The Department shall, as closely as possible, estimate the
4 amount of the funds needed to be held in reserve for payments related to losses
5 of nursery, bush, tree, and specialty crops for which losses will not be fully
6 known or calculated. The Department shall set aside funds as it deems
7 appropriate based on the estimated percentage of these losses.
- 8 (3) Payments made under this Program shall be made to the person who filed the
9 Form 578 or Department form for claims related to agricultural or aquaculture
10 commodity or farm infrastructure losses.
- 11 (4) The Department shall develop a formula to determine the payment calculation
12 for farm infrastructure damage or loss using measures the Department deems
13 appropriate. The Department shall consider any other available insurance
14 claims that may be available to the applicant when developing the formula
15 under this subdivision.

16 **SECTION 2D.2.(d)** Audit. – The Department may audit the financial and other
17 records of each recipient of funds in order to ensure that the funds are used in accordance with
18 the requirements of this Program. The Department may require any documentation or proof it
19 considers necessary to efficiently administer this Program, including the ownership structure of
20 each entity, the social security numbers of each owner, and any documentation of insurance
21 payments or federal funds for verified losses. In order to verify losses, the Department may
22 require the submission of dated, signed, and continuous records. These records may include, but
23 are not limited to, commercial receipts, settlement sheets, warehouse ledger sheets, pick records,
24 load summaries, contemporaneous measurements, truck scale tickets, contemporaneous diaries,
25 appraisals, ledgers of income, income statements of deposit slips, cash register tape, invoices for
26 custom harvesting, u-pick records, and insurance documents.

27 **SECTION 2D.2.(e)** Expenditure of Awarded Funds. – Awarded funds shall be used
28 for agricultural production expenses and recovery of losses due to the impacts of the agricultural
29 disaster. The Department shall develop guidelines and procedures to ensure that funds are
30 expended for the purposes allowed by this section and may require any documentation it
31 determines necessary to verify the appropriate use of financial assistance awards, including
32 receipts. All distributed funds are subject to federal and State income tax.

33 **SECTION 2D.2.(f)** Refund of Award. – If a person receives financial assistance
34 under this program for which the person is ineligible, or if the amount of the financial assistance
35 received is based on inaccurate information, the person forfeits the assistance awarded under this
36 section and is liable for the amounts received. Assistance forfeited under this section shall bear
37 interest at the rate determined in accordance with G.S. 105-241.21 as of the date of receipt until
38 repaid. Financial assistance forfeited but not paid shall be collected by a civil action in the name
39 of the State, and the recipient shall pay the cost of the action. The Attorney General, at the request
40 of the Commissioner of Agriculture, shall institute the action in the proper court for the collection
41 of the award forfeited, including interest thereon.

42 **SECTION 2D.2.(g)** Definitions. – The following definitions apply in this Program:

- 43 (1) Agricultural disaster. – A secretarial disaster designation declared by the
44 USDA Secretary for qualifying counties in this State.
- 45 (2) Agricultural or aquaculture commodity. – As determined by the Department.
- 46 (3) Department. – The Department of Agriculture and Consumer Services.
- 47 (4) Eligibility date. – The date of the disaster set forth in the Secretarial
48 declaration for the county in which the agricultural or aquaculture
49 commodities are located and for which verifiable losses are claimed.
- 50 (5) Farm infrastructure. – Fencing, greenhouses, barns, equipment, and farm
51 roads or other structures or site improvements used for farming purposes.

- 1 (6) Program. – The Agricultural Disaster Crop Loss Program.
- 2 (7) Qualifying county. – A county in this State that meets one of the following
- 3 criteria:
- 4 a. A primary county or contiguous county listed by the USDA for an
- 5 agricultural disaster.
- 6 b. A county designated under a major disaster declaration by the
- 7 President of the United States under the Stafford Act (P.L. 93-288).
- 8 c. A county in this State deemed qualifying by State law because of
- 9 impacts from an agricultural disaster.

10 **SECTION 2D.2.(h) Reporting.** – The Department shall submit a report to the Joint

11 Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the

12 Fiscal Research Division six months after the Program receives funds for an agricultural disaster

13 and every six months thereafter until all funds are expended containing, at a minimum, all of the

14 following data:

- 15 (1) The number of applicants by agricultural or aquaculture commodity or farm
- 16 infrastructure, and the county in which the person incurred the verified loss.
- 17 (2) The number and amount of grants awarded by agricultural or aquaculture
- 18 commodity or farm infrastructure.
- 19 (3) The geographic distribution of the grants awarded.
- 20 (4) The total amount of funding available to the Program, the total amount
- 21 encumbered, and the total amount disbursed to date.
- 22 (5) Any refunds made to the Program pursuant to subsection (f) of this section.

23 **SECTION 2D.2.(i) Expiration and Reversion.** – The Program shall expire 30 months

24 after this section becomes effective. Any funds allocated to the Program not expended or

25 encumbered by that date shall revert to the SERDRF.

26

27 **SUBPART II-E. DEBRIS REMOVAL IN THE AFFECTED AREA AND OTHER**

28 **HURRICANE HELENE DISASTER RECOVERY USE OF FUNDS**

29 **SECTION 2E.1.(a) Funds for Debris Removal from Hurricane Helene.** – The

30 Department of Agriculture and Consumer Services (Department) may use the funds appropriated

31 to the Department in Section 2A.2(2) of this act for the Agricultural Disaster Crop Loss Program

32 for the removal and disposal in the affected area of (i) waterway debris from the waters of the

33 State and (ii) vegetative debris.

34 **SECTION 2E.1.(b) Commissioner of Agriculture Discretion.** – The Commissioner

35 of Agriculture may use the funds appropriated in Section 2A.2 of this act for the Agricultural

36 Disaster Crop Loss Program for any purpose related to Hurricane Helene recovery in the affected

37 area.

38 **SECTION 2E.1.(c) Definitions.** – The following definitions apply in this section:

- 39 (1) Vegetative debris. – Vegetative matter resulting from landscaping,
- 40 maintenance, right-of-way, or land-clearing operations, including whole trees,
- 41 tree limbs, tree stumps, limbs or leaves, shrubbery, grass clippings, and other
- 42 plant material.
- 43 (2) Waters of the State. – Any surface body or accumulation of water, whether
- 44 publicly or privately owned and whether naturally occurring or artificially
- 45 created, which is contained within, flows through, or borders upon any part of
- 46 this State.
- 47 (3) Waterway debris. – Any solid material, including, but not limited to,
- 48 vegetative debris and debris exposed to or that has the potential to release oil,
- 49 hazardous substances, pollutants, or contaminants, that enters a waterway in a
- 50 river basin following Hurricane Helene and poses a threat to the natural or
- 51 man-made environment or has the potential to increase the risk or severity of

1 future flood events. This may include shoreline and wetland debris and debris
2 in inland, non-tidal waterways of a river basin.

3 **SECTION 2E.1.(d) Reporting.** – The Department shall report within 30 days of the
4 end of each fiscal quarter in which funds are expended to the chairs of the Joint Legislative
5 Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal
6 Research Division regarding the uses of the funds spent under subsections (a) and (b) of this
7 section. The report shall include a cumulative and quarterly listing of projects funded, counties
8 where funded projects were located, linear feet of streams cleared, approximate tonnage of
9 vegetative debris, and any other metric and outcome the Department deems appropriate.

10 **SUBPART II-F. SMALL BUSINESS INFRASTRUCTURE GRANT PROGRAM**

11 **SECTION 2F.1.(a) Program; Purpose.** – There is established the Small Business
12 Infrastructure Grant Program to be administered by the Department of Commerce. The purpose
13 of the program is to assist small businesses by providing grants to local governments to expedite
14 infrastructure repairs impacting the operation and patronage of small businesses in the affected
15 area.
16

17 **SECTION 2F.1.(b) Definitions.** – The following definitions apply in this section:

- 18 (1) Department. – The Department of Commerce.
- 19 (2) Eligible local government. – A city or county, as those terms are defined in
20 G.S. 160A-1 and G.S. 153A-1, located in the affected area.
- 21 (3) Program. – The Small Business Infrastructure Grant Program.
- 22 (4) Qualifying infrastructure needs. – Water, sewer, gas, telecommunications,
23 high-speed broadband, electrical utility, and sidewalk and curb infrastructure
24 serving one or more small businesses located in an eligible local government
25 and damaged by Hurricane Helene that, until repaired, inhibits access to or
26 operations of one or more of those small businesses. The term does not include
27 infrastructure the small business owns or is responsible for maintaining.
- 28 (5) Small business. – A business with a physical presence in the affected area that
29 employs 50 or fewer employees.

30 **SECTION 2F.1.(c) Applications; Verification.** – An eligible local government with
31 qualifying infrastructure needs, or a small business located therein, may apply for a grant under
32 the program. An applicant must (i) identify with specificity the qualifying infrastructure needs,
33 (ii) provide a cost estimate to repair the needs, (iii) provide a short summary of the detrimental
34 impact on the named small businesses and how those businesses will benefit from the grant, (iv)
35 apply to the Department on a form prescribed by the Department, and (v) include any supporting
36 documentation required by the Department. The Department may accept applications until the
37 funds available under the program have been fully awarded. The Department shall consult with
38 applicants to substantiate applications prior to awarding grants under the program and prioritize
39 grants so as to maximize the beneficial and efficient use of program funding. Grants shall be
40 awarded to the eligible local government in which the qualifying infrastructure needs are located,
41 and the eligible local government shall be responsible for using the grant amount for repairing
42 the needs identified in the application.

43 **SECTION 2F.1.(d) Grant Amount.** – The total grant amount per county in the
44 affected area shall not exceed ten percent (10%) of the total funds appropriated for the program.

45 **SECTION 2F.1.(e) Eligible Uses.** – Grants awarded under this program shall be
46 used by local governments for repairing qualifying infrastructure needs that the Department, in
47 consultation with applicant local governments and small businesses, determines adversely affect
48 access to or operations of identified small businesses.

49 **SECTION 2F.1.(f) Grant Program Limit.** – The total of all funds granted under this
50 program may not exceed the amount allocated to the program under this section. Grants shall be
51 awarded on a first-come, first-served basis.

1 **SECTION 2F.1.(g)** Administrative Expenses. – The Department may retain up to
2 one and one-half percent (1.5%) of the funds appropriated for the grant program established by
3 this section for administrative expenses.

4 **SECTION 2F.1.(h)** Reporting. – Beginning December 15, 2025, and continuing
5 every six months thereafter, the Department shall submit a report on the program to the Joint
6 Legislative Economic Development and Global Engagement Oversight Committee and the Fiscal
7 Research Division. The duty to report pursuant to this section shall cease after the submission of
8 the report following when the Department has awarded the final grant under the program. Each
9 report shall contain, at a minimum, all of the following:

- 10 (1) The total grant amount awarded to date.
- 11 (2) The average grant amount per project.
- 12 (3) The types and number of qualifying infrastructure needs that have received
13 grant funding.
- 14 (4) The types and number of small businesses that have benefitted from the
15 program.

17 **SUBPART II-G. SCHOOL EXTENSION LEARNING RECOVERY PROGRAM**

18 **SECTION 2G.1.(a)** Participating School Units. – For purposes of this section, a
19 "participating school unit" is any of the following:

- 20 (1) A local school administrative unit that deemed as complete 15 or more
21 instructional days, or equivalent instructional hours, pursuant to Section 8.1(a)
22 of S.L. 2024-51, as amended by Section 4A.1 of S.L. 2024-53.
- 23 (2) Any charter school that deemed as complete 15 or more instructional days, or
24 equivalent instructional hours, pursuant to Section 8.1(a) of S.L. 2024-51, as
25 amended by Section 4A.1 of S.L. 2024-53, that elects to participate in the
26 program established in this section.

27 **SECTION 2G.1.(b)** Program Established; Purpose. – Notwithstanding Part 3 of
28 Article 16 of Chapter 115C of the General Statutes or any other provision of law, following the
29 end of the 2024-2025 school year, participating school units shall offer a School Extension
30 Learning Recovery Program (Program) outside of the instructional school calendar. The purpose
31 of the Program shall be to provide instruction on specific subjects and enrichment to students in
32 grades four through eight to address learning losses and negative impacts students have
33 experienced due to unusual and extraordinary conditions related to Hurricane Helene in the
34 2024-2025 school year.

35 **SECTION 2G.1.(c)** Student Enrollment. – Only students in grades four through eight
36 that were enrolled in a school in a participating school unit during the 2024-2025 school year are
37 eligible to enroll in the Program. Eligible students that have not reached proficiency in reading
38 or mathematics, as demonstrated by the results of the State-approved annual assessment, by the
39 end of the 2024-2025 school year shall be given first priority to enroll in the Program. Other
40 eligible students may participate in the Program within space available. Participation in the
41 Program is voluntary.

42 **SECTION 2G.1.(d)** Parental Consent. – The parent or guardian of a student given
43 first priority for enrollment shall be encouraged to enroll the student in the Program, but the
44 parent or guardian shall make the final decision regarding the student's Program enrollment. A
45 parent or guardian must provide consent for a student to enroll in the Program.

46 **SECTION 2G.1.(e)** Student Assignment. – Students enrolled in the Program shall,
47 whenever possible, attend the Program at a school in the public school unit in which the student
48 was enrolled for the 2024-2025 school year. Students that were enrolled in a charter school that
49 has elected not to participate in the Program may attend the Program in the participating school
50 unit closest to the student's residence.

1 **SECTION 2G.1.(f)** Program Plan; Requirements. – A participating school unit shall
2 develop and submit a plan for its Program that meets the requirements of this section to the
3 Department of Public Instruction no later than 30 days prior to the final instructional day of the
4 2024-2025 school year. The Department shall notify the participating school unit of any
5 recommended changes to the Program plan within 21 days of receiving the proposed plan. The
6 Program shall be separate and apart from the 2024-2025 school year and shall not be an extension
7 of the 2024-2025 school year. The plan shall include at least the following as components of the
8 Program:

- 9 (1) Instruction shall be delivered for at least 72 hours over the course of the
10 Program as follows:
 - 11 a. Each day of the Program shall contain a minimum of three hours of
12 instructional time and one hour of enrichment activity.
 - 13 b. The instructional time shall not include the time for lunch service,
14 transition periods, and the physical activity period as required by this
15 section.
 - 16 c. Instruction shall not be delivered on Saturdays.
 - 17 d. Instruction shall be in person only.
- 18 (2) Meal service for each instructional day.
- 19 (3) A period of physical activity during the instructional day.
- 20 (4) Transportation services to the school facility housing the Program.
- 21 (5) Grade level course offerings in reading or mathematics. The courses offered
22 shall be determined by the needs of students and staff competencies. The
23 Program may consist of any of the following:
 - 24 a. Students taking courses in only reading.
 - 25 b. Students taking courses in only mathematics.
 - 26 c. Students taking a combination of both reading and mathematics
27 courses.
 - 28 d. Any combination of the above.
- 29 (6) At least one enrichment activity. The participating school unit shall have
30 discretion in the type of enrichment activity offered, such as a sports, music,
31 or arts program.
- 32 (7) Identify the assessments that will be administered at the beginning and end of
33 the Program to evaluate student progress.

34 **SECTION 2G.1.(g)** Employment of School Personnel. – Notwithstanding Articles
35 19, 20, 21, and Part 3 of Article 22 of Chapter 115C of the General Statutes, a participating school
36 unit shall employ teachers and other school personnel as temporary employees on a contract basis
37 for the period of the Program. School personnel employed as temporary employees by a
38 participating school unit pursuant to this section shall not be considered an "employee," as
39 defined in G.S. 135-1(10), or a "teacher," as defined in G.S. 135-1(25), nor shall it cause school
40 personnel to be considered an "employee or State employee" under G.S. 135-48.1(10). In
41 addition, school personnel shall not be deemed as earning "compensation," as defined in
42 G.S. 135-1(7a), and shall not be eligible to accrue paid leave during their temporary employment.

43 **SECTION 2G.1.(h)** Program Assessments. – No later than April 1, 2025, the
44 Department of Public Instruction shall make available to all public school units that may
45 participate in the Program under subsection (a) of this section a list of all assessments that were
46 used to evaluate students in a program conducted pursuant to S.L. 2021-7. Participating school
47 units shall select an assessment per grade and subject for students in grades four through eight
48 from the list provided by the Department that shall be taken at the beginning of the Program and
49 at the conclusion of the Program. Each participating school unit shall ensure that the results of
50 all assessments administered to a student shall be provided to all teachers of record for that
51 student for the 2025-2026 school year.

1 **SECTION 2G.1.(i)** Participating Unit Reporting Requirements. – By October 15,
2 2025, school units shall report all of the following to the Department of Public Instruction:

- 3 (1) The number of students offered first priority enrollment in the Program, and
4 the total number of students that enrolled in the Program.
- 5 (2) The attendance record of enrolled students.
- 6 (3) Results of the assessment given to students at the beginning and end of the
7 Program.
- 8 (4) The number of students who progressed to the next grade level and the number
9 of students who were retained in the same grade level after participating in the
10 Program.

11 **SECTION 2G.1.(j)** Department Reporting Requirements. – No later than January
12 15, 2026, the Department of Public Instruction shall report to the Joint Legislative Education
13 Oversight Committee on the following:

- 14 (1) Implementation of the School Extension Learning Recovery Program.
- 15 (2) The information required to be reported under subsection (i) of this section.
- 16 (3) A copy of each Program plan submitted to the Department, including any
17 changes recommended by the Department, the reason the change was
18 recommended, and whether the recommendation was followed.
- 19 (4) Any other data or information the Department deems relevant.

20 **SECTION 2G.1.(k)** Study. – The Office of Learning Research at the University of
21 North Carolina at Chapel Hill (OLR) shall study the overall effectiveness of the School Extension
22 Learning Recovery Program, as well as the impact of various individual Program plan designs
23 on academic student outcomes. The Department of Public Instruction shall provide OLR any
24 information or data it requests to conduct the study to the extent allowed under State and federal
25 law. OLR shall report the results of the study to the Joint Legislative Education Oversight
26 Committee no later than January 15, 2027.

27 **SECTION 2G.1.(l)** Of the funds appropriated to the Department of Public
28 Instruction in this act, the sum of four million five hundred thousand dollars (\$4,500,000) in
29 nonrecurring funds shall be used for the School Extension Learning Recovery Program, as
30 established by this section. The Department shall allocate these funds to participating school units
31 as follows:

- 32 (1) Up to two hundred thousand dollars (\$200,000) may be used statewide for the
33 assessments required by subsection (h) of this section.
- 34 (2) Twenty thousand dollars (\$20,000) to each participating school unit.
- 35 (3) The remainder of the funds under this section shall be allocated on the basis
36 of average daily membership in grades four through eight.

37 38 **PART III. EXTENSION OF STATE OF EMERGENCY**

39 **SECTION 3.1.** In accordance with G.S. 166A-19.20(c)(2), the statewide declaration
40 of emergency issued by the Governor in Executive Order No. 315, concurred to by the Council
41 of State, and extended by Section 3.1 of S.L. 2024-51, is further extended until June 30, 2025.
42 This provision has no effect on Executive Order No. 322, issued by the Governor on October 16,
43 2024.

44 45 **PART IV. REVERSION, LIMITATIONS ON USE OF FUNDS, AUDIT, AND** 46 **REPORTING OF FUNDS**

47 **SECTION 4.1.(a)** Reversion. – Except as otherwise provided, funds appropriated
48 under Part II of this act shall revert to the Savings Reserve if not expended or encumbered by
49 June 30, 2030.

50 **SECTION 4.1.(b)** Receipt of Allocations. – A recipient of State funds under this act
51 shall use best efforts and take all reasonable steps to obtain alternative funds that cover the losses

1 or needs for which the State funds are provided, including funds from insurance policies in effect
2 and available federal aid. State funds paid under this act are declared to be excess over funds
3 received by a recipient from the settlement of a claim for loss or damage covered under the
4 recipient's applicable insurance policy in effect or federal aid. Where a recipient is an institution
5 of higher education or a non-State entity, the requirement regarding alternative funds, and the
6 calculation of alternative funds received, under this subsection includes seeking private donations
7 to help cover the losses or needs for which State funds are provided. An agency awarding State
8 funds for disaster relief shall include a notice to the recipient of the requirements of this
9 subsection.

10 **SECTION 4.1.(c) Remittance of Funds.** – If a recipient obtains alternative funds
11 pursuant to subsection (b) of this section, the recipient shall remit the funds to the State agency
12 from which the State funds were received. A recipient is not required to remit any amount in
13 excess of the State funds provided to the recipient under this act. The State agency shall transfer
14 these funds to the Savings Reserve.

15 **SECTION 4.1.(d) Contract Requirements.** – Any contract or other instrument
16 entered into by a recipient for receipt of funds under this act shall include the requirements set
17 forth in subsections (b) and (c) of this section.

18 **SECTION 4.1.(e) Limitation on Powers of Governor.** – The Governor may not use
19 the funds described in this act to make budget adjustments under G.S. 143C-6-4 or to make
20 reallocations under G.S. 166A-19.40(c). Nothing in this act shall be construed to prohibit the
21 Governor from exercising the Governor's authority under these statutes with respect to funds
22 other than those described in this act.

23 **SECTION 4.1.(f) Directive.** – The Governor shall ensure that funds allocated in this
24 act are expended in a manner that does not adversely affect any person's or entity's eligibility for
25 federal funds that are made available, or that are anticipated to be made available, as a result of
26 natural disasters. The Governor shall also, to the extent practicable, avoid using State funds to
27 cover costs that will be, or likely will be, covered by federal funds.

28 **SECTION 4.1.(g) Allocation Reporting Requirements.** – Beginning May 15, 2025,
29 for the previous quarter, OSBM shall report to the chairs of the House of Representatives and
30 Senate Appropriations Committees and to the Fiscal Research Division of the General Assembly
31 on the implementation of this act on a quarterly basis until the end of the quarter in which all
32 funds are expended and shall also provide any additional reports or information requested by the
33 Fiscal Research Division. In reporting on the use of State disaster recovery and assistance funds
34 expended pursuant to this act and federal funds received by State agencies for disaster relief and
35 recovery efforts, OSBM shall include, regardless of which State agency, federal agency, or
36 non-State entity that administers the funds, all of the following for each program:

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

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

48 **SECTION 4.1.(h) Relationship to Previous Reporting Requirements.** – Subsection
49 (g) of this section supersedes Section 7.1(h) of S.L. 2024-51, as amended by Section 5.6 of S.L.
50 2024-53, and Section 3.1(g) of S.L. 2024-53 (collectively, the prior reporting requirements). In

1 cases of any conflict between the prior reporting requirements and subsection (g) of this section,
2 the language in subsection (g) of this section shall prevail.

3 **SECTION 4.2.(a)** Reporting Requirements to State Auditor. – The Office of the
4 Governor of North Carolina shall report to the Office of the State Auditor all disaster relief funds
5 allocated to Hurricane Helene relief that have been disbursed as of the enactment of this section
6 and thereafter shall regularly report future disbursements of all disaster relief funds allocated to
7 Hurricane Helene relief as they are disbursed. These reports shall include detailed information
8 on all expenditures for personnel, administrative expenses, capital, supplies, and direct aid and
9 any documents relevant to funds appropriated by or received by the State of North Carolina for
10 disaster relief for Hurricane Helene.

11 **SECTION 4.2.(b)** Auditor Reporting Time Line. – The Office of the Governor shall
12 send the required information and documents, in accordance with subsection (a) of this section,
13 relating to funds already disbursed to the Office of the State Auditor as soon as practicable but
14 no later than seven business days after this act becomes law. Thereafter, the Office of the
15 Governor of North Carolina shall send the required information and documents relating to
16 subsequent disbursements to the Office of the State Auditor on a weekly basis after each
17 disbursement of disaster relief funds.

18 **SECTION 4.2.(c)** Failure to Report. – Failure to report expenditures by the Governor
19 within the specified time line shall trigger a hearing of the Joint Legislative Commission on
20 Governmental Operations to provide an explanation and accounting of the failure to report
21 expenditures in a timely manner. The State Auditor shall report to the Joint Legislative
22 Commission on Governmental Operations that the Governor has failed to comply with the
23 requirements of this section.

24 **SECTION 4.2.(d)** Audit Requirements. – The State Auditor shall produce a report
25 of funds expended for Hurricane Helene relief in North Carolina upon the request of the Joint
26 Legislative Commission on Governmental Operations. The State Auditor shall conduct
27 additional periodic financial and performance audits of the Division of Emergency Management,
28 GROW NC, and any additional financial or performance audits as requested by the General
29 Assembly. The audits shall include, at a minimum, all areas of examination as prescribed by
30 G.S. 147-64.6.

31 **SECTION 4.2.(e)** Public Dashboard. – The State Auditor shall provide and maintain
32 a public online dashboard that compares the amount of funds appropriated by the legislature with
33 the amount expended by the executive branch for Hurricane Helene relief and any other
34 information the State Auditor deems relevant.

35 36 **PART V. DISASTER RECOVERY REGULATORY AND PROCUREMENT** 37 **FLEXIBILITY**

38 39 **EXTENSION OF EXPIRATION DATES FOR CERTAIN REGULATORY** 40 **FLEXIBILITY PROVISIONS**

41 **SECTION 5.1.** The following provisions of S.L. 2024-51 (Helene I), S.L. 2024-53
42 (Helene II), and S.L. 2024-57 (Helene III) providing regulatory flexibility and (i) expiring,
43 ending, or otherwise limited in applicability on any day of March through June 2025 or (ii) for
44 which no expiration date is specified are, notwithstanding any provisions of those acts to the
45 contrary, extended to the date of expiration of the statewide declaration of emergency issued by
46 the Governor in Executive Order No. 315, concurred to by the Council of State, and extended
47 pursuant to S.L. 2024-51, this act, or any other enactment of a general law:

48 (1) Helene I:

49 a. Section 10.1 ("Funding Flexibility for Drinking Water and Wastewater
50 Infrastructure Projects").

- 1 b. Section 16.1 ("Extend Grace Period for Corporations, Nonprofits, and
- 2 LLCs in FEMA-Designated Counties to Correct Grounds for
- 3 Administrative Dissolution").
- 4 (2) Helene II:
- 5 a. Section 4E.1 ("Authorize State Agencies to Exercise Regulatory
- 6 Flexibility for Employment-Related Certifications").
- 7 b. Section 4E.3 ("Flexibility for Building Permit Issuance/Inspections in
- 8 Disaster Area").
- 9 (3) Helene III:
- 10 a. Section 1D.6 ("Temporary Pump and Haul Wastewater Permits").
- 11 b. Section 1D.7 ("Authorize Waiver of Submission and Approval of
- 12 Sedimentation Pollution Control Plan Prior to Initiation of
- 13 Land-Disturbing Activities in Certain Circumstances").
- 14 c. Section 1D.8 ("Tree Ordinance Restriction in Disaster Declared
- 15 Counties").
- 16 d. Section 1D.9 ("Right to Connect Temporary Housing to Wastewater
- 17 Treatment System").
- 18 e. Section 1E.1 ("Extend Certain Concealed Handgun Permits").
- 19 f. Section 1F.4 ("Authorize the Office of the State Fire Marshal to
- 20 Promulgate Rules for Temporary Manufactured and Modular
- 21 Dwellings").
- 22

**FACILITATE PERMANENT INSTALLATION OF BROADBAND
INFRASTRUCTURE**

SECTION 5.2. To facilitate the permanent installation of broadband infrastructure damaged by Hurricane Helene, all of the following shall apply:

- 27 (1) If a roadway constructor is repairing, rebuilding, or reconstructing roads or
- 28 related roadway infrastructure located within an affected county that is one
- 29 quarter of a mile or longer in total length, then the roadway constructor shall
- 30 collaborate and cooperate with any broadband provider that is repairing or
- 31 rebuilding the broadband infrastructure that is or was located in or along the
- 32 original road right-of-way. The roadway constructor shall coordinate with the
- 33 broadband provider to install its cable and equipment at the appropriate time
- 34 during the road or related roadway construction process in order to facilitate
- 35 the permanent broadband solution and avoid the necessity of improvements
- 36 being made immediately upon the conclusion of the road or related roadway
- 37 construction process that may extend disruptions to the flow of traffic.
- 38 (2) If a roadway constructor has allowed the installation of a temporary backbone
- 39 broadband service or repair within a roadway right-of-way as an immediate
- 40 means of restoring the backbone broadband service after damage by Hurricane
- 41 Helene, then, upon presentation of data by the broadband provider of the
- 42 backbone broadband service that the permanent installation of that temporary
- 43 backbone broadband service or repair is the most cost-effective and efficient
- 44 means of achieving the permanent solution for the original damaged backbone
- 45 broadband service, then the roadway constructor shall fully cooperate with the
- 46 broadband provider to enable the broadband provider to convert the temporary
- 47 solution to the permanent solution.
- 48 (3) The Department of Transportation and local governments shall allow the
- 49 underground installation of broadband infrastructure within rights-of-way as
- 50 needed for repair of broadband infrastructure damaged by Hurricane Helene
- 51 in affected counties.

1
2 **ALLOW USE OF INMATES TO CLEAN UP DEBRIS ON PUBLIC ROADS AND**
3 **ROADSIDES**

4 **SECTION 5.3.(a)** The Department of Adult Correction shall coordinate with the
5 Department of Transportation to allow for the use of inmates to clean up debris resulting from
6 Hurricane Helene on public roads and roadsides in the affected areas. Except for the requirement
7 that the number and location of prisoners be agreed to far enough in advance of each budget, the
8 coordination required under this section shall be in accordance with G.S. 148-26(b).

9 **SECTION 5.3.(b)** Section 19C.10(a) of S.L. 2021-180 reads as rewritten:

10 **"SECTION 19C.10.(a)** Notwithstanding G.S. 162-58, and consistent with the provisions of
11 Article 3 of Chapter 148 of the General Statutes, sheriffs having custody of inmates under the
12 Statewide Misdemeanant Confinement Program may utilize those inmates to maintain the
13 cleanliness of areas along local and State ~~roadways~~-roadways, which may include the removal of
14 debris resulting from a major disaster declaration by the President of the United States under the
15 Stafford Act (P.L. 93-288) or a disaster declared by the Governor under G.S. 166A-19.21."

16 **SECTION 5.3.(c)** Subsection (b) of this section is effective when it becomes law
17 and applies to debris removal resulting from disaster declarations made before, on, or after that
18 date.

19
20 **PROPERTY DISTRIBUTED AND ACQUIRED BY LOCAL GOVERNMENTS AND**
21 **VOADS TO AID IN DISASTER RECOVERY**

22 **SECTION 5.4.(a)** Article 3 of Chapter 143 of the General Statutes is amended by
23 adding a new section to read:

24 **"§ 143-49.2. Purchases by Volunteer Organizations Active in Disasters.**

25 In consideration of public service, any member organization of Volunteer Organizations
26 Active in Disasters (hereinafter "VOAD member") in the State of North Carolina may purchase
27 heavy construction equipment and motor vehicles under State contract through the Department
28 of Administration if the equipment and motor vehicles are purchased for the purpose of aiding in
29 disaster recovery in this State. The Department of Administration shall make its services
30 available to these organizations in the purchase of the equipment and motor vehicles under the
31 same laws, rules, and regulations applicable to nonprofit organizations as provided in
32 G.S. 143-49(6). Any proceeds or benefit received by a VOAD member from the disposition or
33 sale of equipment or motor vehicles purchased under this section shall be used for a public
34 purpose only."

35 **SECTION 5.4.(b)** Article 3A of Chapter 143 of the General Statutes is amended by
36 adding a new Part to read:

37 "Part 4. Miscellaneous.

38 **"§ 143-64.8. Distribution of surplus property for disaster recovery.**

39 (a) Notwithstanding any provision of Part 1 or Part 2 of this Article, the Department of
40 Administration as the State Surplus Property Agency and State agency for federal surplus
41 property shall regularly publish on its website a list of all heavy construction equipment and
42 motor vehicles in its possession and control for review and consideration by units of local
43 government and member organizations of Volunteer Organizations Active in Disasters
44 (hereinafter "VOAD member") as to the useability of the equipment and motor vehicles for
45 disaster recovery efforts in the State of North Carolina. The Department shall loan the property
46 to units of local government and VOAD members on a first-come basis for a period of five years
47 without assessing or collecting any service charge or fee; provided, however, any distribution of
48 property obtained from the United States of America shall comply with federal guidelines for the
49 distribution of federal surplus property and the provisions of G.S. 143-64.2(f). Property loaned
50 to a unit of local government or VOAD member under this section shall not be transferred to
51 another entity by the unit or VOAD member. After the expiration of the five-year time period,

1 the property loaned under this section shall become the property of the unit of local government
2 or VOAD member, as appropriate, and they may sell or otherwise dispose of the property. Any
3 proceeds or benefit received by a VOAD member from the disposition or sale of the property
4 shall be used for a public purpose only. The use of proceeds or benefits received from the sale of
5 the property by a unit of local government is for a public purpose.

6 (b) The Department of Administration shall maintain a record of each piece of
7 construction equipment and each motor vehicle distributed under subsection (a) of this section,
8 the unit of local government or VOAD member to which the equipment and/or motor vehicle
9 was distributed, and the approximate value of the equipment and/or motor vehicle at the time of
10 distribution. Not later than February 1 of each fiscal year, the Department shall submit a report
11 detailing the distributions to the House Appropriations Committee on General Government, the
12 Senate Appropriations Committee on General Government and Information Technology, and the
13 Fiscal Research Division."

14 15 **DEPARTMENT OF TRANSPORTATION THIRD-PARTY ADMINISTRATOR FOR** 16 **FEMA AND FHWA REIMBURSEMENTS**

17 **SECTION 5.5.** The Department of Transportation shall enter into a contract with a
18 third-party administrator to expeditiously seek reimbursement from FEMA and the Federal
19 Highway Administration (FHWA) for all qualifying disaster expenditures in the affected area.
20 No later than the end of each month, the Department shall submit a report to the Joint Legislative
21 Transportation Oversight Committee and the Fiscal Research Division that contains an itemized
22 list of all disaster expenditures in the affected area that qualify for federal reimbursement for
23 which reimbursement is still pending and the expected amount, including the total amount spent
24 for each expenditure, the expected amount of reimbursement to be received for each expenditure,
25 the reimbursement amount received to date, the dates the work plans and reimbursement
26 applications were submitted, and the expected dates of reimbursement.

27 28 **FUNERAL ESTABLISHMENT EXEMPTION WAIVER**

29 **SECTION 5.6.(a)** G.S. 90-210.27A(a1) reads as rewritten:

30 "(a1) If ~~the preparation room of~~ a funeral establishment is damaged or destroyed by fire,
31 ~~weather, weather event, or other~~ natural disaster, the Board may suspend the requirements of
32 ~~subsection (a)~~ subsections (a) and (c) of this section, in part or whole, for a period not to exceed
33 ~~180 days, one year,~~ provided that the funeral establishment remains in compliance with the
34 requirements of G.S. 90-210.25(d1) and G.S. 90-210.25(a2)(2) and (d) and all other applicable
35 State laws, rules, regulations, and requirements of the Division of Health Services and regulations
36 of the ~~municipality town, municipality,~~ or county where the funeral establishment is located. To
37 receive ~~a suspension~~ an extension of more than 90 days, one year from the date of loss, the
38 applicant ~~must show good cause for additional time.~~ funeral establishment may petition a court
39 of competent jurisdiction who, upon finding that granting the requested extension would not
40 negatively affect the public health, safety, and welfare, may grant an additional extension not to
41 exceed two years from the date of loss or one year from the date of the court's order, whichever
42 is greater."

43 **SECTION 5.6.(b)** The North Carolina Board of Funeral Service may adopt rules to
44 implement the provisions of this section.

45 46 **RECONSTRUCTION OF NONCONFORMING RESIDENTIAL STRUCTURES**

47 **SECTION 5.7.(a)** Notwithstanding any local government development regulation to
48 the contrary, and to the extent allowed by federal law, reconstruction or repair of a
49 nonconforming residential structure in the affected area shall be allowed when all of the
50 following criteria are met:

51 (1) The structure shall not be enlarged beyond its original footprint.

- 1 (2) The structure shall serve the same or similar residential use.
2 (3) There are no alternatives for replacing the structure to provide the same or
3 similar benefits to the structure owner in compliance with current law.
4 (4) The structure will be reconstructed so as to comply with a local government's
5 current development regulations to the maximum extent possible.
6 (5) If located in an area regulated by a unit of local government pursuant to a
7 floodplain or flood damage prevention regulation, the structure will be
8 compliant with the regulation.
9 (6) Reconstruction shall comply with any federal law requiring local government
10 implementation and enforcement.

11 **SECTION 5.7.(b)** For purposes of this section, "development regulation" means a
12 unified development ordinance, zoning regulation, subdivision regulation, historic preservation
13 or landmark regulation, or any other regulation adopted pursuant to Chapter 160D of the General
14 Statutes or a local act or charter that regulates land use or development. The term shall not include
15 (i) a floodplain or flood damage prevention regulation, (ii) local regulations adopted pursuant to
16 G.S. 143-138(e) or adopted pursuant to the North Carolina State Building Code, (iii) erosion and
17 sedimentation or stormwater control regulations adopted to comply with requirements of federal
18 law, or (iv) any other regulations adopted to comply with requirements of federal law.

19 **SECTION 5.7.(c)** This section is effective when it becomes law and expires June
20 30, 2030.

21 SCHOOL CALENDAR FLEXIBILITY

22 **SECTION 5.8.(a)** Calendar Flexibility. – Notwithstanding G.S. 115C-84.2(a)(1) or
23 any other provision of State law to the contrary, for any instructional days or equivalent hours
24 missed due to inclement weather during the months of December 2024 through February 2025,
25 Avery County Schools, Madison County Schools, Mitchell County Schools, Yancey County
26 Schools, and Watauga County Schools may, in their discretion, (i) make up any number of the
27 instructional days or equivalent hours missed, (ii) deem as completed any number of the
28 instructional days or equivalent hours missed up to a total of 10 days, or (iii) implement a
29 combination of both of the above.

30 **SECTION 5.8.(b)** Employee Compensation. – All employees and contractors of a
31 public school unit granted school calendar flexibility under subsection (a) of this section shall be
32 deemed to have worked for any scheduled instructional days missed due to inclement weather
33 during the months of December 2024 through February 2025 that a public school unit has deemed
34 completed and is not required to make up. Employees and contractors shall be compensated in
35 the same manner they would have if they had worked on the scheduled instructional days missed.

36 Of the funds allocated to the Department of Public Instruction from the Hurricane
37 Helene Disaster Recovery Fund to provide compensation to public school unit employees and
38 contractors of schools participating in the National School Lunch Program or School Breakfast
39 Program under Section 8.1(b) of S.L. 2024-51, the Department shall provide, from within funds
40 available, compensation authorized by this section to public school unit employees and
41 contractors of schools participating in the National School Lunch Program or School Breakfast
42 Program for scheduled instructional days when compensation would have been provided by
43 school meal receipts or by federal funds. Employees and contractors compensated using funds
44 described in this section shall be compensated in the same manner they would have had they
45 worked on the scheduled instructional days missed.

46 If the funds described by this section are insufficient to provide compensation
47 authorized by this section to public school unit employees and contractors in schools participating
48 in the National School Lunch Program or School Breakfast Program for scheduled instructional
49 days when compensation would have been provided by school meal receipts or by federal funds,
50 the Department of Public Instruction shall develop a uniform criteria to determine the
51

1 comparative economic need of public school units to which this section applies and shall ensure
2 that priority is given to public school units with greatest economic need when awarding available
3 funds.
4

5 **EXTEND QUALITY IMPROVEMENT PLAN FLEXIBILITY**

6 **SECTION 5.9.** Section 4B.3 of S.L. 2024-53 reads as rewritten:

7 **"SECTION 4B.3.(a)** Waiver of Collaborative Practice Agreement Rules. – Notwithstanding
8 any other provision of law to the contrary, neither the North Carolina Medical Board nor the
9 North Carolina Board of Nursing shall enforce any provision of the annual review rules or the
10 quality improvement plan rules for collaborative practice agreements under (i) 21 NCAC 36
11 .0806, .0810, .0813, (ii) 21 NCAC 32S .0204, .0213, and (iii) 21 NCAC 32M .0110 and .0115 if
12 the physician assistant or nurse practitioner resides in or is employed in the affected area.

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

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

23 **"SECTION 4B.3.(d)** Expiration. – This section expires ~~when one year after the statewide~~
24 ~~declaration of emergency was issued by the Governor in Executive Order No. 315, concurred to~~
25 ~~by the Council of State and as extended pursuant to S.L. 2024-51 and any other enactment of a~~
26 ~~general law, expires 315."~~
27

28 **UTILITY EMERGENCY AUTHORITY**

29 **SECTION 5.10.** Utilities are responsible for obtaining easements arising from land
30 acquisition for pole and transformer replacement and repair. Notwithstanding the foregoing, in
31 order to allow utilities the necessary time to identify and resolve potential claims by private
32 landowners in the affected area, no claim for inverse condemnation or trespass arising from pole
33 and transformer replacement and repair may be filed during the period the statewide declaration
34 of emergency referenced in Section 3.1 of this act is in effect until one year after that declaration's
35 expiration. The statute of limitations for such claims shall be extended for the same period, and
36 the landowner shall be able to recover prejudgment interest from the date of the pole or
37 transformer replacement or repair to the date of the date of judgment.
38

39 **PART VI. MISCELLANEOUS PROVISIONS**

40 **RETROACTIVE APPLICABILITY**

41 **SECTION 6.1.** Any provision extended under Part III or Section 5.1 of this act shall
42 be retroactively effective on March 1, 2025, unless otherwise prohibited by law.
43
44

45 **EFFECT OF HEADINGS**

46 **SECTION 6.2.** The headings to the parts and sections of this act are a convenience
47 to the reader and are for reference only. The headings do not expand, limit, or define the text of
48 this act, except for effective dates referring to a part or section.
49

50 **SEVERABILITY CLAUSE**

1 **SECTION 6.3.** If any section or provision of this act is declared unconstitutional or
2 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
3 the part so declared to be unconstitutional or invalid.
4

5 **EFFECTIVE DATE**

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