



HOUSE BILL 1043: Pandemic Response Act.

2019-2020 General Assembly

Committee:		Date:	April 29, 2020
Introduced by:	Reps. Bell, Jackson, Lewis	Prepared by:	Legislative Analysis Division
Analysis of:	Third Edition		

OVERVIEW: *House Bill 1043 makes several policy changes and appropriations to respond to the Covid-19 emergency of 2020.*

CURRENT LAW AND BILL ANALYSIS:

PART I. ECONOMIC SUPPORT

SUBPART I-A. TAX RELIEF PROVISIONS

Section IA.1 would waive the accrual of interest on an underpayment of income and franchise tax due on or before July 15, 2020.

Section IA.2(a) would give taxpayers until July 15, 2020, to request a refund of 2016 tax overpayments. **Section IA.2(b)** would give taxpayers additional time to meet certain administrative and judicial action dates if those dates for action are due to be performed on or after April 1, 2020, and before July 15, 2020.

SUBPART I-B. UNEMPLOYMENT LAW CHANGES

Section IB.1 would affirm flexibility to administer unemployment compensation, as allowed by Executive Orders No. 118 and 131, and encouraged by Congress under the Families First Coronavirus Response Act.

Section IB.2 would do the following:

- Allow a claimant to satisfy one of the weekly job contacts by attending a reemployment activity offered by a local career center that the Division has verified as a suitable credit toward the work search requirement. The claimant will have to verify attendance at the activity to DES.
- Allow an employer to initiate an unemployment claim for employees when the unemployment is due directly to a disaster covered by a federal disaster declaration.
- Provide that a lien for county property taxes does not take priority over a previously filed lien for past due contributions.
- Repeal the sunset of the Joint Legislative Oversight Committee on Unemployment Insurance.

SUBPART I-C. APPROPRIATION FOR SMALL BUSINESS LOAN ASSISTANCE

Section IC.1 would appropriate \$75M to the Golden Leaf Foundation (GLF) for entities to provide emergency loan funding for small businesses adversely affected by the COVID-19 epidemic. This section, in large part, mimics the existing bridge loan program GLF has been providing with non-State funds.

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PART II. EDUCATION

Section IIA.1 defines terms used throughout Part II. **Section IIB.1** states the purpose of the act as a response to the COVID-19 emergency.

SUBPART II-C. WAIVERS AND MODIFICATIONS RELATED TO PUBLIC SCHOOL TESTING, ACCOUNTABILITY, GRADE PLACEMENT/PROMOTION, GRADUATION REQUIREMENTS, SCHOOL CALENDARS, AND SCHOOL IMPROVEMENT PLANS

Section IIC.1 clarifies or modifies various testing requirements, including EOGs, EOCs, the ACT, diagnostic and formative assessments for grades K-3, and WorkKeys.

Section IIC.2 waives the requirements for calculation and display of school report cards. Also waives certain requirements related to the evaluation of alternative schools and public school building-level reports.

Section IIC.3 waives identification of new low-performing schools, new continually low-performing schools, and new low-performing local school administrative units. Maintains identifications based on 2018-2019 data.

Section IIC.4 repeals the requirement that a new school be selected for the Innovative School District (ISD) based on data from the 2019-2020 school year. Waives the requirement that schools be added to the qualifying list for the ISD based on 2019-2020 data, and directs that schools added to the qualifying list based on 2018-2019 data remain on the qualifying list for the 2020-2021 school year.

Section IIC.5 does the following:

- **Subsection (a): Third Grade Retention Determination.** – Allows principals to make third grade promotion decisions in the same manner as for other grades.
- **Subsection (b): Parental Notice and Interventions.** – Makes the following modifications: (i) directs that statutorily-required notice be provided to parents based on data available up until the school closure period, (ii) waives monthly progress reports during the school closure period for students currently retained in third grade, (iii) requires that third graders retained for 2020-2021 based on principal discretion receive the same statutorily-required interventions they would have received had they been retained under mandatory retention.
- **Subsection (c): Reading Camps and Recommendation for Alternative Interventions.** – Waives reading camps corresponding to the 2019-2020 school year. Requires the State Board to submit recommendations to the Joint Legislative Education Oversight Committee on alternative interventions to summer instruction.
- **Subsection (d): Fourth Grade Reading Assessment.** – Requires a reading assessment to be administered to students entering fourth grade in 2020-2021 within 10 days of the start of the school year.
- **Subsection (e): Reporting Requirements.** – Waives online posting of K-3 reading outcomes. Specifies that reading data collected prior to the school closure period be reported to the Joint Legislative Education Oversight Committee.

Section IIC.6 requires initial math placement for the 2020-2021 school year to be consistent with local policies, in consultation with the student's 2019-2020 math teacher. Students who are not initially placed in advanced math can opt to take the 2019-2020 end-of-grade or end-of-course test, and if they score at the highest level on the test, must be placed in advanced math for the 2020-2021 school year.

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Section IIC.7 waives the statutory CPR graduation requirement for students who cannot complete it due to school closure, but are otherwise qualified to graduate.

Section IIC.8 does the following:

- **Subsection (a): 2019-2020 School Year Calendar.** – Allows remote instruction to satisfy the statutory instructional time requirement.
- **Subsection (b): Student Attendance Enforcement for 2019-2020.** – Waives attendance enforcement requirements during the school closure period.

Section IIC.9 does the following:

- **Subsection (a): Remote Instruction Plans.** – Directs public school units to develop Remote Instruction Plans (Plans) for the 2020-2021 school year and submit the Plans to the SBE by July 20, 2020. The Plans must include information as to how the units will deliver quality remote instruction to all students in the 2020-2021 school year as well as information as to how teachers will be trained, support for students and families, and engagement with community stakeholders.
- **Subsection (b): School Calendar.** – Mandates the following requirements for the 2020-2021 school year only:
 - Each public school unit must adopt a calendar that includes 190 days of instruction with (i) 185 or 1025 hours of instruction that includes 5 remote instruction days in accordance with the remote instruction plan; and (ii) an additional 5 instruction days that can only be satisfied by individually separate and distinct full instruction days, not by hours.
 - Each local school administrative unit must adopt a calendar that meets the following requirements: (i) opening date for students of August 17, 2020; (ii) closing date for students no later than June 11, 2021; (iii) no remote instruction days scheduled prior to August 24, 2020; and (iv) remote instruction days may be scheduled for use as teacher workdays. Local school administrative units with good cause waivers for the 2020-2021 school year cannot have an opening date for students earlier than August 17, 2020, but can use up to an additional 5 remote instruction days only for make-up days for closures due to inclement weather or other emergency situations.
 - If a state of emergency is declared which closes schools for more than 5 days during the 2020-2021 school year, public school units may use additional remote instruction days to satisfy instructional time requirements.
- **Subsection (c): Reporting Requirement.** – Requires the State Board of Education to report to the Joint Legislative Education Oversight Committee on the implementation of remote instruction by September 15, 2020.

Section IIC.10 provides a 6-month extension for school improvement plans set to expire at the end of the 2019-2020 school year. Those plans can remain in effect until December 31, 2020. The replacement plan would then expire in 18 months rather than 2 years.

Section IIC.11 provides funding and requirements for summer learning plans. If enacted, this provision would extend the submission date of those plans to June 22, 2020.

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SUBPART II-D. TEMPORARY BUDGET FLEXIBILITY AND DELAY IN K-3 CLASS SIZE REDUCTIONS FOR LOCAL BOARDS OF EDUCATION

Section IID.1 does the following:

- **Subsection (a): Flexibility for the Remainder of FY 2019-2020.** – Provides increased flexibility for local boards of education to transfer the unexpended cash balance in an allotment category to another allotment category with certain limitations for the remainder of the 2019-2020 fiscal year.
- **Subsection (b): Flexibility for FY 2020-2021.** – Provides increased flexibility for local boards of education to transfer funds from one allotment category to another allotment category with certain limitations for the 2020-2021 fiscal year.

Section IID.2 delays the kindergarten through third grade class size reduction for one school year and makes a corresponding reduction in the funding for program enhancement teacher positions for the 2020-2021 fiscal year.

SUBPART II-E. MODIFICATIONS TO SCHOOL PERSONNEL EMPLOYMENT AND EVALUATION PROVISIONS

Section IIE.1 would (i) permit eligible schools for purposes of the principal recruitment salary supplement to continue to be eligible schools from the 2019-2020 school year to the 2020-2021 school year and (ii) clarify an incorrect statutory reference.

Section IIE.2 expresses the intent of the General Assembly to refrain from using 2019-2020 school growth scores when establishing the 2020-2021 Principal Salary Schedule and, if school growth scores are used, to use data from the 2018-2019 school year or earlier.

Section IIE.3 would waive the requirement for the 2020-2021 school year that principals notify teachers of updated Education Value-Added Assessment System (EVAAS) data from the 2019-2020 school year.

Section IIE.4 would (i) waive requirements that local school administrative units provide the State Board of Education with teacher performance data from the 2019-2020 school year and that the State Board include such data in its own report and (ii) add a missing statutory heading to G.S. 115C-299.5.

Section IIE.5 would permit annual teacher evaluations from the 2019-2020 school year to be based on (i) observations completed in the 2019-2020 school year prior to the closure of public schools and (ii) other artifacts and evidence from the 2019-2020 school year. Waives any required observations not completed prior to the closure of public schools.

SUBPART II-F. WAIVERS FOR NONPUBLIC SCHOOLS RELATED TO TESTING AND ATTENDANCE

Section IIF.1 waives requirements in the 2019-2020 school year for nonpublic schools to administer and maintain records of standardized tests.

Section IIF.2 waives requirements for nonpublic schools to (i) keep attendance records during the closure of public schools by the Governor and (ii) operate for at least nine calendar months in the 2019-2020 school year.

SUBPART II-G. K-12 SCHOLARSHIP PROGRAMS ADMINISTERED BY THE STATE EDUCATION ASSISTANCE AUTHORITY

Section IIG.1 waives requirements in the 2019-2020 school year for nonpublic schools with students receiving opportunity scholarship grants to administer and report on standardized tests.

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Section IIG.2 allows the State Education Assistance Authority (Authority) to use carryforward from the Opportunity Scholarship Program to remit scholarship grant funds by October 1, 2020, to a nonpublic school that was unable to complete a parent endorsement for those funds for the spring semester of the 2019-2020 school year.

Section IIG.3 provides a one-month extension for the Authority to submit its annual reports on the Opportunity Scholarship Grant Program and the Disabilities Grant Program to the Joint Legislative Education Oversight Committee.

SUBPART II-H. MODIFICATIONS FOR EDUCATOR PREPARATION PROGRAMS/SCHOOL ADMINISTRATOR PREPARATION PROGRAMS

Section III.1 does the following:

- **Subsection (a): Waiver of Minimum EPP Admission Requirements.** – Waives the following minimum requirements for EPP admissions for the 2020-2021 academic year: (i) the testing requirement, (ii) the individual GPA requirement of at least a 2.7, provided the student has at least a 2.7 before beginning a clinical internship, and (iii) the cohort GPA requirement of at least a 3.0.
- **Subsection (b): Waiver of EPP Student Clinical Internship Requirement.** – Deems the EPP clinical internship requirement under G.S. 115C-269.25(d)(1) completed under certain conditions, including that the student meet the requirements on the certificate of teacher capacity and continues to work with a school to engage in remote learning as practicable.
- **Subsection (c): Pedagogy Assessments for Certain Teacher Candidates.** – Provides that students whose clinical internship requirement is deemed completed pursuant to subsection (b) of this section shall not be required by an EPP to complete a nationally normed and valid pedagogy assessment to determine clinical practice performance or for completion of the EPP program for the 2019-2020 academic year but that those students shall be required to attempt the pedagogy assessment by the end of their first year of licensure and must pass the assessment by the end of their third year of licensure.
- **Subsection (d): Waiver of the Report of Certain EPP Performance Data.** – Only requires EPPs to report data to the State Board for the purposes of performance standards that is practicably available during the 2019-2020 academic year due to the lack of student assessment data and the school closure period.
- **Subsection (e): Prohibits Certain EPP Data in Assigning Sanctions.** – Prohibits the State Board from considering data that was not practicably available related to the 2019-2020 school year when assigning sanctions to an EPP under G.S. 115C-269.45(c).
- **Subsection (f): Suspension of EPP Report Card Publication.** – Suspends publication of EPP report cards on the State Board Web site for the 2019-2020 academic year but continues the report to the Joint Legislative Education Oversight Committee.

Section III.2 provides that requirements will be deemed completed for (i) the year-long internship school administrator requirement under G.S. 115C-284(c2)(7) under certain conditions, including that competencies identified in the certification of capacity are met and the candidate continues to work with a school to engage in administrative duties as practicable and (ii) the portfolio requirement for emerging

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leaders, provided it is finished to the extent practicable prior to completion of the school administrator preparation program.

Section III.3 provides that the school leader clinical practice requirement under G.S. 116-209.72(a)(2)e. will be deemed completed under certain conditions and that a grant recipient shall not have grant funds retrieved for failure to require school leader candidates to complete a full-time paid clinical practice of at least five months and 750 hours in duration as part of the program during the 2019-2020 academic year.

SUBPART II-I. MODIFICATIONS FOR TEACHER LICENSURE REQUIREMENTS/REQUIREMENTS FOR OTHER SCHOOL PERSONNEL.

Section III.1 provides one-year extensions for teachers to meet licensure requirements set by the State Board and for teachers who are required to meet continuing education requirements for continuing licensure by June 30, 2020, provides a one-year extension to meet those requirements.

Section III.2 provides one-year extensions for school administrators and other school personnel to meet licensure examination requirements set by the State Board and for school administrators who are required to meet continuing education requirements for licensure renewal by June 30, 2020, provides a one-year extension to meet those requirements.

SUBPART II-J. NORTH CAROLINA COMMUNITY COLLEGE MODIFICATIONS

Section III.1 provides that a student who is unable to participate in an apprenticeship program due to the COVID-19 emergency may be eligible for a tuition waiver for community college courses until December 31, 2020.

SUBPART II-K. UNIVERSITY OF NORTH CAROLINA MODIFICATIONS

Section III.1 provides that a constituent institution shall not accrue or charge interest to a past due account receivable held by a student between March 13, 2020, and September 15, 2020.

Section III.2 extends various report dates for The University of North Carolina.

PART III. HEALTH CARE

SUBPART III-A. DEFINITIONS

Section IIIA.1 would establish definitions for "CDC," "COVID-19," "COVID-19 diagnostic test," "COVID-19 emergency," and "COVID-19 antibody test." This section would be effective when it becomes law.

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

Section IIIB.1 expresses the General Assembly's support for the actions taken by the Governor, the Department of Health and Human Services (DHHS), the North Carolina Medical Board, the North Carolina Board of Nursing, other health care provider licensing boards, and the State's teaching institutions for health care providers in response to the COVID-19 emergency. The General Assembly also affirms its support for:

- Encouraging front-line health care workers, law enforcement officers, and child care workers to have priority access to a COVID-19 vaccine when it is introduced.
- Pursuing all available federal waivers for child welfare.
- Providing flexibility to the State's teaching institutions for health care providers to ensure their students complete the necessary clinical hours.

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This section would become effective when it becomes law.

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

Section III.C.1(a) would establish definitions for "acute care providers," "first responders," "health care providers," "long-term care providers," and "non-health care entities."

Section III.C.1(b) would direct the Division of Public Health (DPH) and the Division of Health Service Regulation (DHSR), in conjunction with the North Carolina Division of Emergency Management to develop a plan for creating and maintaining a strategic state stockpile of personal protective equipment (PPE) and testing supplies. This plan must be submitted to the Joint Legislative Oversight Committee on Health and Human Services and the Joint Legislative Oversight Committee on Justice and Public Safety.

Section III.C.1(c) would require the plan to include:

- Recommendations about which agency should lead the stockpile effort.
- Improvements to the state procurement process for PPE.
- Recommendations on who should have access to the stockpile.
- Ways to increase production of PPE within the state.
- Recommendations about procuring testing supplies.
- Potential locations for the stockpile.
- Recommendations about the source, type, quality, and quantity of PPE and testing supplies the State should maintain.
- An inventory mechanism.
- A five-year budget.
- Any other items deemed necessary.

This section would become effective when it becomes law.

Section III.C.2 would require DHHS and the Division of Emergency Management to first consider North Carolina based companies when creating mobile response units. This section would be effective when it becomes law.

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

Under current law, the Board of Dental Examiners does not have the authority to waive any statutory requirements in an emergency. The Medical Board and the Board of Nursing do have the authority to waive statutory requirements in an emergency.

Section III.D.1 would amend the Dental Practice Act to give the Board of Dental Examiners the authority to waive requirements of the Act and the Dental Hygiene Act during a declared state of emergency in order to permit the provision of dental care during the emergency. This section would become effective when it becomes law.

Section III.D.2 would amend the definition of the practice of dentistry in G.S. 90-29(b) to include the administration of COVID-19 diagnostic and antibody tests. This section would become effective when it becomes law.

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Section IID.3(a) would allow any individual to petition the State Health Director to authorize immunizing pharmacists to administer a COVID-19 vaccine by means of a statewide order if one is approved by the CDC at a time when the General Assembly is not in session. The Director would have to consult with stakeholders before issuing a decision on the petition. **Section IID.3(b)** would allow the Director to issue a statewide standing order allowing immunizing pharmacists to administer a COVID-19 vaccine and make any statewide standing order issued by the Director expire upon the adjournment of the next regular session of the General Assembly. **Section IID.3(c)** would require the Director to submit a minimum standard screening questionnaire and safety procedures for written protocols for the vaccine to the Joint Legislative Oversight Committee on Health and Human Services, the North Carolina Medical Board, the North Carolina Board of Nursing, and the North Carolina Board of Pharmacy within 10 days of approving the petition. If the Director does not do so, those protocols must be developed by the Immunization Branch of the Division of Public Health. **Section IID.3(d)** would make the Director and any pharmacists administering COVID-19 vaccinations pursuant to the Director's order immune from civil and criminal liability. This section would become effective when it becomes law.

Section IID.4 would allow pharmacists to use the visual inspection of any government-issued photo I.D. to identify patients picking up prescriptions. Pharmacists would also be permitted to identify known customers by examining existing records. They would be required to review a patient's history on the controlled substances reporting system before filling an initial prescription for a Schedule II controlled substance. Couriers delivering mail-order prescriptions would be allowed to confirm identification of recipients by the visual inspection of any government-issued photo I.D. This section would become effective when it becomes law and expire 60 days after Executive Order 116 is rescinded or December 31, 2020, whichever is earlier.

Under current law, physician assistants and nurse practitioners must establish a practice arrangement with a licensed physician. One element of this arrangement is that the physician assistant or nurse practitioner must meet periodically with the physician as part of a quality improvement process. These arrangements must be renewed annually. There is an annual license renewal fee that physician assistants and nurse practitioners must pay.

Section IID.5(a) would establish definitions for "quality improvement plan rules," "application fee rules," and "annual renewal rules." **Sections IID.5(b), (c), and (d)** would prohibit the Medical Board and the Board of Nursing from enforcing any administrative rule that required any of the following:

- Quality improvement meetings between a physician and a physician assistant or nurse practitioner who had been practicing prior to February 1, 2020, and was continuing to practice when the section is enacted.
- Monthly quality improvement meetings between a physician and a physician assistant or nurse practitioner during the first six months of the practice arrangement.
- Any quality improvement meetings or payment of a license fee by a physician assistant or nurse practitioner who is providing volunteer services in response to the COVID-19 pandemic.
- The annual renewal or review of any practice arrangement between a physician and a physician assistant or nurse practitioner.

This section would become effective when it becomes law and expire 60 days after Executive Order 116 is rescinded or December 31, 2020, whichever is earlier.

Sections IID.6(a), (b), (c), (d), and (e) would charge the North Carolina Area Health Education Center (NC AHEC) with studying the issues that impact health care delivery and the health care workforce during a pandemic, including issues that need to be addressed in the aftermath of this pandemic and plans that

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should be implemented in the event of a future health crisis. Input must be solicited from all relevant stakeholders. Issues to be examined include:

- Adequacy of the health care workforce supply to respond to a pandemic by setting.
- Adequacy of the health care workforce supply to address the COVID-19 surge.
- Adequacy of the health care workforce training, by setting.
- Impact of the COVID-19 pandemic on communities with pre-existing workforce shortages.
- Impact of Personal Protective Equipment (PPE) availability on the health care workforce, by setting.
- Sufficiency of support mechanisms for the health care workforce.
- Impact of postponing or eliminating non-essential services and procedures on the health care workforce.
- Impact of postponing or eliminating non-essential services and procedures on hospitals, particularly rural hospitals.
- Interruptions on the delivery of routine health care during the COVID-19 pandemic.
- Impact of the COVID-19 pandemic on the delivery of behavioral health services.
- Ability of telehealth options to deliver routine and emergent health and behavioral health services to patients.
- Impact of telehealth on hospitals during the COVID-19 pandemic.
- Support necessary to resume health care delivery to pre-pandemic levels.
- Ability of the health care workforce and health care delivery structure to respond to the needs of minority populations, individuals with health disparities, and individuals and communities with increased health risks during a pandemic.
- Impact of the COVID-19 pandemic, including concerns surrounding PPE availability, on current health sciences students and implications for future students contemplating a career in health sciences.

The NC AHEC would be required to report findings and recommendations to the House Select Committee on COVID-19, Health Care Working Group, on or before November 15, 2020. The NC AHEC would also be authorized to report subsequent study findings and recommendations, as appropriate, to the Joint House Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Joint Legislative Oversight Committee on Health and Human Services. This section would become effective when it becomes law.

Section III.D.7 would grant health care facilities and providers immunity from civil or criminal liability for acts and omissions in the course of arranging health care services if all of the following apply:

- The services are provided pursuant to a COVID-19 emergency.
- The health care services are impacted by (1) a provider or facility's decisions in response to the COVID-19 epidemic, or (2) by the decisions or activities, in response to or as a result of the COVID 19 epidemic, of a health care facility or entity where a health care provider provides health care services.

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- The health care facility or provider is arranging the services in good faith.

Immunity would not apply if the damages were caused by willful or intentional misconduct, gross negligence, reckless misconduct, or intentional infliction of harm on the part of the health care facility or provider. Volunteer organizations would be immune from liability for damages that occur at their facility unless the volunteer organization unless there was willful or intentional misconduct, gross negligence, reckless misconduct, or intentional infliction of harm on the part of the volunteer organization. This section would become effective when it becomes law and would apply retroactively to all acts omissions, or decisions on or after March 10, 2020 that serve as a basis to a claim.

Section IID.8 would amend the definition of the practice of pharmacy in the Pharmacy Practice Act to include the administration of COVID-19 diagnostic and antibody tests. This section would become effective when it becomes law.

Section IID.9 would allow licensed hospitals, nursing homes, and clinics to dispense controlled substances at additional business locations, provided that they followed a registration process developed by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services of the North Carolina Department of Health and Human Services. This section would become effective when it becomes law and expire 60 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

Section IID.10 would require healthcare providers to report the results of COVID-19 testing performed prior to non-emergency surgery to the Commission for Public Health. This section would become effective when it becomes law.

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

Under current law, most healthcare providers in the state are required to connect to the health information exchange and submit demographic and clinical data by June 1, 2020. Most providers who are not connected by that date will be ineligible to receive state funds.

Section IIIE.1(a) and IIIE.1(b) would extend the deadline from June 1, 2020, to October 1, 2021, for most providers and entities to begin submitting demographic and clinical data to the Health Information Exchange Network and make other conforming changes. This section would become effective when it becomes law.

Section IIIE.2(a) would temporarily waive the requirement that all child care providers complete a fingerprint-based criminal history check every three years. **Section IIIE.2(b)** would clarify that name-based background checks must continue to be performed in accordance with Federal law. Fingerprint checks would be resumed 60 days after Executive Order 116 is rescinded. **Section IIIE.2(c)** would require DHHS to temporarily waive fingerprint background checks for adoptions, foster care, or child care institutions. Name-based background checks must continue to be performed in accordance with Federal law. Fingerprint checks would be resumed 60 days after Executive Order 116 is rescinded. This section would become effective when it becomes law and expire 60 days after Executive Order 116 is rescinded or December 31, 2020, whichever is earlier.

Section IIIE.3 would authorize DHHS to provide Medicaid coverage for COVID-19 testing for the uninsured during the nationwide coronavirus public health emergency as allowed under the Families First Coronavirus Response Act. The coverage may be retroactive to the extent allowed. This section would become effective when it becomes law.

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Section III.E.4(a) and (b) would authorize DHHS to provide temporary, targeted Medicaid coverage to individuals with incomes up to 200% of the federal poverty level, as described in the 1115 waiver request that DHHS submitted for federal approval. Coverage for this group cannot exceed coverage of services for the prevention, testing, and treatment of COVID-19, and must be for a limited time period related to the nationwide coronavirus public health emergency. The coverage may be retroactive to the extent allowed. This section would become effective when it becomes law.

Section III.E.5 would require DHHS to follow all federal laws and regulations necessary to receive the enhanced federal Medicaid funding available under the federal Families First Coronavirus Relief Act (FFCRA), notwithstanding any State law to the contrary. This section also acknowledges that the FFCRA supersedes and preempts State law requirements to the contrary. This section would become effective when it becomes law.

Section III.E.6 would eliminate the requirement that an individual must have received a Supplemental Security Income (SSI) payment to qualify for the Disabled Adult Child passalong in the Medicaid program, no later than June 1, 2020. This section would become effective when it becomes law.

Section III.E.7(a) would instruct the Department of Health and Human Services, Division of Health Service Regulation (DHSR), and local departments of social services to suspend all annual inspections, regular monitoring requirements, and adopted rules for licensed facilities for persons with disabilities or substance use disorders, adult care homes, hospitals, health care facilities licensed under Article 6 of Chapter 131E, and hospices. Annual inspections, regular monitoring requirements, or adopted rules deemed necessary by DHSR to avoid serious injury or death, or as directed by CMS, would not be suspended. **Section III.E.7(b)** would require DHSR to review the compliance history of facilities for persons with disabilities or substance use disorders and adult care homes found to be in violation, assessed penalties, or placed on probation within the six-month period preceding the beginning of the COVID-19 emergency for noncompliance with rules or CDC guidelines regarding infection control or the proper use of personal protective equipment. Employees of these facilities must undergo immediate training, permissible by video conference, about infection control and the proper use of personal protective equipment. This section would become effective when it becomes law and expire 60 days after Executive Order 116 is rescinded or December 31, 2020, whichever is earlier.

Section III.E.8 would allow the Department of Health and Human Services, Division of Social Services, to waive the 72-hour requirement of preservice training before child welfare services staff assumes direct client contact responsibilities. The Division is authorized to use web-based training in order to meet preservice training requirements. This section would become effective when it becomes law and expire 60 days after Executive Order 116 is rescinded or December 31, 2020, whichever is earlier.

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

Under current law, individuals taken into custody for involuntary commitment must have a first examination conducted by a commitment examiner without unnecessary delay. There is no provision for this examination to be conducted via telehealth, except in cases where geographic distance is an issue. A second examination must be conducted within 24 hours of the first examination.

Section III.F.1(a) would establish definitions for "Commitment examiner," "Telehealth," and "Qualified professional." **Section III.F.1(b) and (c)** would allow the first and second examinations, respectively, to be conducted via telehealth, provided that the commitment examiner is reasonably certain that a different result would not have been reached in a face-to-face examination. This section would become effective

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when it becomes law and expire 60 days after Executive Order 116 is rescinded or December 31, 2020, whichever is earlier.

Section III.F.2 would add a new section to Article 50 of Chapter 58 that would define "health benefit plan," "telehealth," and "virtual healthcare" and require insurers and the State Health Plan to:

- Provide coverage for telephonic healthcare and electronic patient visits, both of which would be considered virtual healthcare.
- Provide coverage for provider-to-provider consultations conducted via virtual healthcare if those consultations would have been covered if they had been face-to-face.
- Cover telehealth and virtual healthcare services without prior authorization or any limits on the originating or distant sites.
- Cover physical therapy, occupational therapy, and speech therapy when delivered via telehealth.
- Not charge a greater deductible, copay, or coinsurance for services delivered via telehealth than is required for in-person services.
- Reimburse providers the same rate for telehealth services as they do for in-person services.

This section would become effective when it becomes law and expire 60 days after Executive Order 116 is rescinded or December 31, 2020, whichever is earlier. The coverage required by this section would only be effective from (i) March 10, 2020, through the date Executive Order 116 expires or is rescinded, and (ii) the day any subsequent state of emergency is declared in response to the COVID-19 pandemic during the 2020 calendar year through 30 days after that subsequent state of emergency is rescinded.

Section III.F.3: The General Assembly urges the Centers for Medicaid and Medicare to provide coverage for health care provided through audio-only communication.

PART IV. APPROPRIATIONS

SUBPART IV-A. GENERAL PROVISIONS

Section IVA.1 establishes definitions used throughout the Part, including defining "COVID-19 Recovery Legislation" as the following legislation enacted by Congress:

- The Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. 116-136.
- The Families First Coronavirus Response Act, P.L. 116-127.
- The Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, P.L. 116-123.

Section IVA.2 states the findings and purpose of the Part.

Section IVA.3 provides that the appropriations and allocations in the Part are for the maximum amounts necessary to implement the Part, and directs State agencies to maximize the use of federal funds made available in the Part prior to using State funds.

Section IVA.4 provides that allocations made under this Part that are disallowed by federal law are repealed and the funds are to be transferred back to the Coronavirus Relief Reserve.

Section IVA.5 directs the Office of State Budget and Management (OSBM) to work with State agencies to ensure that receipts awarded pursuant to COVID-19 Recovery Legislation are used in accordance with program needs and within the parameters of the respective granting entities and applicable federal laws and regulations. Additionally, provides that funds may not be used for recurring expenditures. Depending on the nature of the award additional State personnel may be employed on a temporary or time-limited bases only.

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Section IVA.6 requires that , in addition to any other report required under this act or any other law, reports from OSBM and State agencies or departments that receive funds under the Part detailing how the funds are used.

Section IVA.7 directs the State Auditor to conduct a preliminary financial audit and a final performance audit of the Coronavirus Relief Fund by March 1, 2021.

Section IVA.8 addresses departmental receipts for fiscal years 2019-20 and 2020-21.

PART IV-B. COVID-19 RELIEF RESERVES AND FUNDS ESTABLISHED

Section IVB.1 establishes the Coronavirus Relief Reserve (Reserve) to maintain federal funds received from the Coronavirus Relief fund created under The CARES Act, P.L. 116-136.

Section IVB.2 establishes the Coronavirus Relief Fund (Fund) to be used to provide necessary and appropriate relief and assistance from the effects of COVID-19. All funds in the Fund must be used for necessary expenditures incurred due to the public health emergency resulting from COVID-19, and the expenditures must have been incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

PART IV-C. TRANSFER, APPROPRIATIONS, AND ALLOCATIONS

Section IVC.1 transfers the sum of \$1,635,567,029 from the Reserve to the Fund.

Section IVC.2 appropriates the sum of \$1,635,567,029 in nonrecurring funds for the 2019-2020 fiscal year from the Fund to OSBM and specifies that funds appropriated in this section that remain unspent at the end of the 2019-2020 fiscal year shall not revert and shall remain available to expend until December 30, 2020.

Section IVC.3 directs OSBM to allocate the funds appropriated in Section IVC.2 as specified.

PART IV-D. MEDICAID COVID-19 AUTHORIZATION AND RESPONSE

Section IVD.1 directs DHHS to provide a 5% increase in the Medicaid fee-for-service rates paid to all provider types by the Division of Health Benefits. The rate increase will be effective March 1, 2020, through the duration of the nationwide coronavirus public health emergency.

Section IVD.2 authorizes DHHS to provide Medicaid coverage for COVID-19 testing for the uninsured during the nationwide coronavirus public health emergency as allowed under the Families First Coronavirus Response Act. The coverage may be retroactive to the extent allowed.

Section IVD.3 authorizes DHHS to provide temporary, targeted Medicaid coverage to individuals with incomes up to 200% of the federal poverty level, as described in the 1115 waiver request that DHHS submitted for federal approval. Coverage for this group cannot exceed coverage of services for the prevention, testing, and treatment of COVID-19, and must be for a limited time period related to the nationwide coronavirus public health emergency. The coverage may be retroactive to the extent allowed.

Section IVD.4 would specify that certain provisions of State law pertaining to provider enrollment shall not apply to the Medicaid and Health Choice programs from March 1, 2020, through the duration of the nationwide coronavirus public health emergency, in order to implement temporary provider enrollment authorized under the recently-approved Medicaid 1135 waiver.

PART IV-E. ESTABLISHMENT OF TEMPORARY PANDEMIC RECOVERY OFFICE

Section IVE.1 directs OSBM to establish a time-limited Pandemic Recovery Office to oversee and coordinate federal funds for COVID-19 recovery.

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PART IV-F. FUNDS FOR OVERDOSE MEDICATION

Section IVF.1 directs use of certain allocated funds to be used to purchase units of opioid antagonist.

PART IV-G. ADDITIONAL ALLOCATIONS AND APPROPRIATIONS

Section IVG.1— Subsection (a) appropriates funds received from federal grants authorized under the COVID-19 Recovery Legislation. Subsection (b) provides an estimate of North Carolina's allocations from the COVID-19 Recovery Legislation to be deposited in the State's Treasury and administered by State agencies. Subsection (c) expresses the General Assembly's intent to address the State's additional election needs resulting from the COVID-19 pandemic in separate legislation, and specifies that no funds are appropriated in this act and no funds appropriated in the budget of the State Board of Elections for the 2019-2020 fiscal year shall be expended to meet the matching requirements for additional federal funds awarded to the State after enactment of S.L. 2019-239, Combat Absentee Ballot Fraud.

PART V. CONTINUITY OF STATE GOVERNMENT

Sections 5.2 & 5.3 address matters related to video notarizations and the notary commission. **Sections 5.2(a) and (c)** would allow North Carolina notaries to perform acknowledgments by observing, via video conference technology, the principal signing a document as opposed to the current requirement that the principal and the notary be physically present in the same location at the same time. The video conference technology must occur in real time, allow for direct audio and visual interaction between the notary and the principal, be of sufficient quality that the notary can observe the face of the principal and any required identification provided by the principal, is not pre-recorded, and is capable of being recorded and retained by the notary. The notary must visually observe the principal sign each document and the principal must state what documents are being signed. Depending upon the requirements of the transaction, the notary would then notarize either the original document or a legible copy of the document and return the same to the principal or the principal's designee. If the notarial act is an oath or affirmation, the notary may administer it using video conference technology. The notary must keep a journal of all emergency video notarizations for 10 years. The authority to perform emergency video notarizations would begin when the act becomes law and would expire at 12:01 A.M. on August 1, 2020, but any notarial acts performed during that time would remain effective.

Section 5.2(b) gives applicants for a notary commission an additional 45 days to appear before a register of deeds and take the general oath of office. It also allows register of deeds to administer the oath of office using video conference technology. This authority only applies to applicants whose commission was issued by the Secretary of State after March 9, 2020, and before August 1, 2020.

Section 5.3 would allow a person to witness a principal sign a document by using video conference technology instead of being in the physical presence of the principal if the technology allows for direct, real-time audio and video interaction between the principal and the witness. An attesting witness will be considered to have signed the record in the presence of the principal if the witness signs the record immediately after observing the principal sign it and while still in direct communication using the technology. This section would expire on August 1, 2020.

Section 5.4 would clarify that masks may be worn on certain public and private premises to ensure the physical health or safety of the wearer or others, but require the wearer to remove that mask upon the request of a law enforcement officer. Currently, the law allows masks to be worn for the following reasons: holidays; employment purposes; theatrical productions; defense drills, exercises, or emergencies; as part of a parade, ritual, initiation, ceremony, or celebration requirement of a society, order or organization; or when operating a motorcycle. This section would be effective when it becomes law.

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Section 5.4.5 would clarify that any signature required for the issuance of a search warrant or judicial order issued following a court hearing conducted by remote audio or visual transmission in a civil or criminal case, may be signed by use of an electronic signature. This section would be effective when it becomes law and expire on August 1, 2020.

Section 5.4.7 would authorize the Chairman of the ABC Commission to allow certain on-premises permittees to engage in retail sales for consumption off the premises, including delivery, and to allow a delivery service permittee to deliver certain products prepared by those on-premises permittees. The Chairman may prescribe terms and conditions under which sales and deliveries under this section are allowed, but must at least require that the products be (i) packaged in a container with a secure lid or cap and packaged in a manner designed to prevent consumption without removal of the lid or cap, (ii) sold only with food, and (iii) limited to two servings per meal or food item ordered. This section would be effective when it becomes law and would expire on the date that Executive Order 116 expires or is rescinded.

Section 5.4.8 would allow a lottery prize winner to submit a delayed claim for a lottery prize that is expiring or awarded between March 10, 2020, and August 1, 2020. The claim must be submitted to the Lottery Commission in writing no later than 90 days after the date the online game prize was announced or the instant game has closed. This section would be effective when it becomes law.

Section 5.5 would extend the validity of credentials issued by the Division of Motor Vehicles (Division). The Division issues many credentials, the requirements and durations of which are set out in Chapter 20 of the General Statutes. Credentials include: drivers licenses, permits, and identification cards; vehicle registrations, which require vehicle inspections and payment of vehicle property taxes; handicapped parking placards; inspection station and mechanic licenses; and motor vehicle dealer, sales representative, and manufacturer licenses. This section would do all of the following:

- Authorize the Commissioner of Motor Vehicles to extend validity of any credential issued by the Division for a period of up to six months if the credential expires during the coronavirus emergency.
- Require the Division to waive any penalties associated with failure to renew during a period of extension.
- Clarify that motor vehicle property tax due dates that are tied to vehicle registration expirations would also be delayed to correspond with extensions granted for registrations.
- Provide a defense for any person charged with an offense resulting from failure to renew a credential when that credential is valid by extension.

The Division would be directed to report to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division on any extension granted under this authority.

This section would apply retroactively to expirations occurring on or after March 10, 2020 and would expire August 1, 2020.

Section 5.6 would authorize the remote renewal of special identification cards. Under current law, drivers licenses may be renewed remotely under certain circumstances. However, identification cards, which use the same application, share a similar format, and expire on the same time line as drivers licenses, may not be renewed remotely. This section would authorize remote renewal of identification cards in the same manner as drivers licenses.

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Section 5.7 would delay the DMV Headquarters move. A 2018 budget provision directed all workers at the Division of Motor Vehicles Headquarters in Raleigh to vacate the property by October 1, 2020. This section would amend that provision, requiring that they only begin to vacate by that date.

Section 5.8 would amend the statutes related to Health Care Powers of Attorney and Advanced Directives for a Natural Death to waive the requirement that the principal's signature be executed in the presence of two qualified witnesses. This waiver would apply as long as the document is signed by the principal and properly acknowledged before a notary. This section would expire at 12:01 A.M. on March 1, 2021.

Section 5.9 would allow a sheriff to serve process on a resident of a long term care facility during a declared state of emergency for public health reasons by leaving a copy of the notice of hearing and petition with the employee of the facility who is apparently in charge of the office or who has apparent authority to receive documents intended for residents. The employee would then present the documents to the resident respondent. Proof of service would be filed with the clerk showing how the respondent was served. This section would become effective when it becomes law and expire August 1, 2020.

Section 5.10 would amend Chapter 45A of the General Statutes, Good Funds Settlement Act, to allow a settlement agent in a real estate transaction involving a one to four family residential dwelling or a lot restricted to residential use to disburse closing funds from the settlement agent's trust or escrow account prior to recording the deeds, deeds of trust, and any other required loan documents in the office of the register of deeds upon the written consent of the parties involved. Authority to disburse prior to recording would be limited to those areas under a declaration of emergency issued by the Governor or General Assembly where the office of the register of deeds is closed to the public and unable to accept documents for electronic recording. This section would become effective when it becomes law.

Section 5.11 would authorize each Register of Deeds to issue a license for marriage via remote audio-video communication provided the register of deeds can positively identify each applicant before the register of deeds, rather than having the applicants appear in person, and that marriage license would be valid for up to 120 days, rather than 60 days. This section would become effective February 1, 2020, and expire August 1, 2020.

Section 5.12 addresses personnel matters at the Department of Public Safety. **Section V12(a)** would provide that providing certain security services at a State prison facility is an authorized function of a person licensed as a security guard and patrol professional under Chapter 74C of the General Statutes. **Section V12(b)** would require that any security guard and patrol professional employed to provide services at a State prison facility must be trained in State prison policies prior to providing any services, and if so trained, may detain and use necessary force pursuant to those policies to prevent contraband entry and inmate escape. This section would become effective when it becomes law, and expire August 1, 2020.

Section 5.12.5 would authorize a justice or judge of the General Court of Justice to remotely administer the oath prescribed for attorneys using a form of live video conferencing technology, provided the swearing attorney is personally known to the justice or judge or the swearing attorney provides satisfactory evidence of identity. This section would become effective when it becomes law and expire December 1, 2020.

Section 5.13 would extend the time that the 2020 report by the Local Government Commission to the General Assembly on the level of each county's appropriations for public school capital outlay and any other information the Local Government Commission considers relevant from May 1, 2020, to July 1, 2020.

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Section 5.13.5 would provide that unexpended and unencumbered funds appropriated in the 2019-2020 fiscal year from the Civil Penalty and Forfeiture Fund to the State Public School Fund for drivers education will not revert, but rather remain available until the end of the 2020-2021 fiscal year. This section would become effective June 30, 2020.

Section 5.14 would authorize cities and counties to establish an expedited training for employees other than law enforcement for custody and transport of individuals for involuntary commitment proceedings. This section would become effective when it becomes law and expire August 1, 2020.

Section 5.15 would permit the administration of involuntary commitment cases with less face-to-face contact by authorizing the use of telemedicine for some statutorily required examinations and recommendations. This section would become effective when it becomes law and expire August 1, 2020.

Section 5.16 would specifically permit release of communicable disease health information by the DHHS or a local health department to a law enforcement official (i) to prevent or lessen a serious or imminent threat to the health or safety of a person or the public to the extent allowed under HIPPA; (ii) to enforce the communicable disease and health laws of this State, or (iii) to investigate a terrorist incident using nuclear, biological, or chemical agents. The law enforcement official would be limited in disclosing the information shared.

Section 5.16.2 would authorize an individual licensed as a soil scientist to prepare signed and sealed soil and site evaluations, specifications, plans, and reports for the site layout, construction, operation, and maintenance of a wastewater system without needing any further certification from the North Carolina On-Site Wastewater Contractors and Inspectors Board. A licensed soil scientist would also be authorized to conduct all necessary inspections, certifications, and approvals, including the issuance of the final inspection and report. Such authority would be at the direction of the owner of a proposed on-site wastewater system and would expire August 1, 2020.

Section 5.16.3 would authorize the Secretary of the Department of Environmental Quality (DEQ), to protect the public health and environment, to develop and implement emergency measures and procedures necessary for the proper management of solid waste generated during the Coronavirus emergency. The Secretary may act on the Secretary's own initiative, or upon the request of a public or private landfill operator. This section would also allow a county, city, or private company that is providing collection services for yard waste to request a waiver from DEQ to allow the disposal of yard waste in a landfill when able to show that prohibiting the disposal would constitute an economic hardship or a potential public health risk. This section would become effective when it becomes law and would expire on August 1, 2020.

Section 5.17 would expand the types of professionals qualified to serve as a medical examiner by allowing retired physicians, medicolegal death investigators, and pathologists' assistants to be appointed as county medical examiner. This section would become effective when it becomes law.

Section 5.19 would authorize the State Treasurer, with approval of the Board of Trustees for the State Health Plan, to give certain members or employing units the option to defer premium or debt payment when there is a state of disaster or emergency. A deferral period would not last beyond 90 days from the last day of the time period in which there is a state of disaster. Any payments in arrears would continue to be owed to the State Health Plan. Currently, the Commissioner of Insurance has authority to order a deferral of insurance premium and debt payment in the event of a state of emergency or disaster. This authority does not apply to the State Health Plan. This section would be effective retroactively to January 1, 2020.

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Section 5.20 would temporarily allow the Director of the Retirement Systems Division to make interim, eligibility only determinations and certifications and these interim decisions would be in place only until the medical board was able to make a final determination. The Director would not be able to determine that any individual was not eligible for disability benefits. If the medical board later determined that an individual found eligible by the Director was not eligible for benefits, then the medical board's decision would be a final decision and the benefit payments would cease. An individual would not be required to refund any payments or benefits received during that interim period. Currently, the medical board makes eligibility, or ineligibility, determinations and certifications for disability benefits under the Teachers' and State Employees' Retirement System, the Consolidated Judicial Retirement System, the Legislative Retirement System, and the Governmental Employees' Retirement System, and for the Disability Income Plan of North Carolina. These determinations and certifications are considered final decisions.

Section 5.21 would temporarily change the six month separation requirement for Teachers' and State Employee's Retirement System (TSERS) retirees to a one month separation and applies to individuals retiring on or after October 1, 2019, but before April 1, 2020, who return in a position needed due to COVID-19. This section temporarily lifts the earnings caps for TSERS and Local Governmental Retirement System (LGERS) retirees from March 10, 2020 until expiration for those retirees who retired prior to April 1, 2020 and return in a position needed due to COVID-19. This section also requires that any work performed between March 10, 2020, and the time that this section expires does not impact a law enforcement officer's special separation allowance benefits if the officer returns in a position needed due to COVID-19. This section would become effective when it becomes law and would expire on August 1, 2020.

Section 5.21.2 would extend until March 12, 2021, the validity of any probationary certificates issued to Code-enforcement officials by the North Carolina Code Officials Qualification Board under G.S. 143-151.13 that are otherwise set to expire between March 10, 2020, and March 10, 2021.

Section 5.21.3 would authorize, a State agency, as defined in G.S. 147-86.20(5), to waive any interest due on a past due account receivable. This section would not apply to money owed to the University of North Carolina Health Care System or to East Carolina University's Division of Health Sciences for health care services, to the North Carolina Turnpike Authority for money owed to the Authority for tolls, or to the North Carolina State Health Plan for past due account receivables related to premiums and claims payments. This section would become effective when it becomes law and would expire on August 1, 2020.

Section 5.22 would provide for the rescheduling of public hearings during temporary rule making. Under the State Administrative Procedure Act, there is a provision for rescheduling cancelled public hearings during the permanent rule making process, but there isn't such a provision for the temporary rule making process. **Section 5.22.(a)** would add the same type of provision for rescheduling cancelled public hearings for the temporary rule making process. This section would become effective retroactively to March 10, 2020.

During the Coronavirus emergency, a number of State agencies have had to cancel and reschedule public hearings during the temporary rule making process in order to provide for social distancing and virtual public hearings. There is some concern that without a provision for rescheduling cancelled public hearings for the temporary rule making process that some of the emergency and temporary rules related to the Coronavirus emergency could be invalidated.

Section 5.23 would authorize the Chief Administrative Law Judge to extend the time period for the filing of petitions for contested cases, but only if the Chief Justice of the North Carolina Supreme Court has determined that catastrophic conditions exist. Currently, if the Chief Justice of the North Carolina Supreme Court determines that catastrophic conditions exist, the Chief Justice may extend the time period

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for the filing of pleadings, motions, notices, and other documents and papers. This section would become effective retroactively to March 10, 2020.

Section 5.23.5 would provide that the budget officer of a unit of local government must file a copy of the unit's proposed budget with the clerk to the unit's governing board and that the clerk may post of copy of the proposed budget on the website of the unit of local government and must make the proposed budget available for public inspection. This section would become effective when it becomes law and would expire on August 1, 2020.

Section 5.24 would permit the Secretary of the Local Government Commission to set the amount of money local governments keep on hand that require daily deposit during a declared emergency. This section would authorize the Secretary to allow less than daily but no fewer than weekly deposits provided the money is maintained in a secure location. This section would become effective when it becomes law.

Section 5.25 would reauthorize counties and municipalities to issue special obligation bonds and notes. Former Chapter 159I of the General Statutes primarily concerned solid waste management program funding; however, one section of the Chapter, G.S. 159I-30, more broadly authorized counties and municipalities to issue special obligation bonds and notes not only for solid waste projects, but also for water projects, wastewater projects, and, for municipalities, any project authorized under G.S. 160A-536 provided in a municipal service district. Session Law 2019-32 repealed Chapter 159I in its entirety, effective July 1, 2019, inadvertently eliminating the broader special obligation bond authority used by local units of government for a variety of the authorized purposes. **Section 5.25(a)** would reinstate this authority and recodify it under Chapter 159, where other forms of local government indebtedness are authorized. **Sections 5.25(b)-(h)** make conforming changes to statutes affected by the recodification. This section would become effective retroactively to July 1, 2019, the effective date of the inadvertent repeal.

Section 5.26 would delay the effective date of the new consolidated land use planning statutes, Chapter 160D of the General Statutes, from January 1, 2021, to August 1, 2021, to give more time to counties and cities to review, amend, and adopt comprehensive local land use ordinances as required by that Chapter. This section would become effective when it becomes law and would expire on August 1, 2020.

Section 5.26.1 would allow land use development ordinances adopted by a county or city to reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by State and federal agencies and would authorize those ordinances or zoning maps to incorporate by reference the most recent officially adopted version of such maps. This section would also authorize land use development ordinances to provide that the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps, provided a copy of the currently effective version of any incorporated map is maintained for public inspection by the county or city. This section would become effective when it becomes law and would expire on August 1, 2021.

Section 5.27 would add a provision to the Emergency Management Act to specifically authorize official meetings of public bodies to be conducted via remote, simultaneous communication during periods of declarations of emergency for public health reasons, and make conforming changes to clarify that counties and cities may meet via simultaneous communication. This section would become effective when it becomes law and would apply throughout the duration of any declaration of emergency issued under G.S. 166A-19.20 in effect on or after that date.

Sections 5.28 & 5.29 would delay the deadline for local governments to report ordinances with criminal penalties to the Joint Legislative Administrative Procedures Oversight Committee from November 1, 2019, to March 1, 2021. This section would also extend the deadline for reporting any rules with criminal penalties from State agencies, boards, and commissions to March 1, 2021.

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Section 5.29.1 would extend to January 15, 2021, the final report of the Child Well-Being Transformation Council to the chairs of the House of Representatives Appropriations Committee on Health and Human Services, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division. This section would be effective when it becomes law.

Section 5.29.2 would extend until July 1, 2021, the date that transportation network sign company's must comply with signage requirements. This section would be effective when it becomes law.

Section 5.29.3 would extend until December 1, 2020, the Joint Legislative Study Committee on Small Business Retirement Options final report and any legislative proposals to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Fiscal Research Division. This section would be effective retroactively to March 31, 2020.

Section 5.30 would direct State agencies to exercise regulatory flexibility during the Coronavirus emergency. **Section 5.30(a)** would define "State agency" for purposes of this section to mean an agency or an officer in the executive branch, 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. "State agency" would not include the Division of Employment Security of the Department of Commerce, the Department of Health and Human Services, the State Board of Education, the Department of Public Instruction, The University of North Carolina, the State Board of Community Colleges, or the State Board of Elections. **Section 5.30(b)** would provide that, notwithstanding any other provision of State law, if a State agency determines that, due to the impacts of the Coronavirus, it is in the public interest, including the public health, safety, and welfare and the economic well-being of the citizens and businesses of the State, the agency must: (i) delay the collection of or modify the method the collection of any fees, fines, or late payments assessed by the agency under its statutes, including the accrual of interest associated with any fees, fines, or late payments, (ii) delay the renewal dates of permits, licenses, and other similar certifications, registrations, and authorizations issued by the agency pursuant to its statutes, and (iii) delay or modify any educational or examination requirements implemented by the agency pursuant to its statutes. **Section 5.30(c)** would direct each State agency to report to the Joint Legislative Administrative Procedure Oversight Committee, the Joint Legislative Commission on Governmental Operations, and the Office of State Budget and Management on its specific efforts to exercise regulatory flexibility under this section. The reports would be due no later than October 1, 2020. **Section 5.30(d)** would direct State agencies to exercise the authority granted in this section to the maximum extent practicable. **Section 5.30(e)** would authorize State agencies to adopt emergency rules for the implementation of this act and provide that an emergency rule adopted pursuant to this act will remain in effect during the pendency of the Coronavirus emergency, unless the State agency specifies an earlier expiration date. This section would be effective retroactively to March 10, 2020, and expire August 1, 2020.

Section 5.30.1 would authorize the Forensic Tests for Alcohol Branch of the Department of Health and Human Services to delay or modify any educational or examination requirements for recertification of law enforcement officers, and may extend any certifications already issued if the educational or examination requirements are delayed. This section would be effective March 10, 2020, and expire January 1, 2021.

Section 5.30.2 would provide that for any development approval that is current and valid at any point during the period beginning March 10, 2020, and ending April 28, 2020, the expiration date of the period of development approval and any associated vested rights is extended for five months. A development approval is defined as one of several approvals issued by a unit of local government, including building permits, sketch plans, site specific development plans, and development permits. This section would be effective when it becomes law and would expire September 28, 2020.

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Section 5.30.5 would allow a chief district court judge, until August 1, 2020, to modify an order of confinement or imprisonment in a local confinement facility if all the following conditions exist:

- Due to the local confinement facility's restrictions on inmates during the COVID-19 State of Emergency, the defendant is unable to serve one or more periods of confinement.
- Unless the order is modified, the defendant would be in violation of the criminal judgment.
- The District Attorney consents to the modification of the criminal judgment.

This section would be effective when it becomes law and would expire August 1, 2020.

Section 5.30.6 would require the Department of Transportation to maintain an available cash balance at the end of each month equal to at least one hundred twenty-five million dollars (\$125,000,000) for one year from the effective date. In the event this cash position is not maintained, no further transportation project contract commitments could be entered into until the cash balance has been regained. Any federal funds on hand are not to be considered as cash for this purpose. This section would be effective when it becomes law and would expire one year from its effective date.

Section 5.30.7 would amend the Transportation Emergency Reserve by:

- Clarifying Emergency Reserve funds may be used for unreimbursed expenditures arising from an emergency.
- Authorizing use of Emergency Reserve funds if the U.S. Secretary of Transportation authorizes the expenditure of federal emergency relief funds or if the Governor declares a disaster.
- Authorizing use of \$64,000,000 in the Emergency Reserve for an emergency occurring after December 31, 2015 that meets the criteria set forth in Transportation Emergency Reserve.
- Providing the Department of Transportation does not have to transfer funds to the Emergency Reserve in the 2020-2021 fiscal year.

This section would also clarify that the Department may use funds appropriated for Hurricane Dorian relief for unreimbursed expenditures, and it temporarily permits the Department to enter into contracts when the Department's cash balance goes below the cash floor if they are entered into in response to an emergency or they are future transportation project contract commitments funded by bonds or grants.

Section 5.30.8 would authorize the North Carolina Department of Emergency Management to utilize North Carolina Regional Councils of Government administering Federal Emergency Management Agency public assistance and individual assistance funds.

EFFECTIVE DATE: Except as otherwise noted, the act would become effective when it becomes law.