



HOUSE BILL 149: Disaster Recovery Act of 2024.

2023-2024 General Assembly

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| Committee: | House Rules, Calendar, and Operations of the House | Date: | October 9, 2024 |
| Introduced by: | Reps. Elmore, Hardister, Paré | Prepared by: | Legislative Drafting & Legislative Analysis |
| Analysis of: | Conference Committee Substitute (H149-CCSMC-7) | | |

OVERVIEW: *The Conference Committee Substitute (CCS) for House Bill 149 creates the Hurricane Helene and Potential Tropical Cyclone #8 Funds to support disaster relief and recovery and permits flexibility measures/modifications for education, elections, environmental protocols, state employment benefits, rapid recovery loan program, transportation, tax deadlines, and health and public safety.*

BILL ANALYSIS: The CCS includes the following:

- **Section 1.1** reflects the title.
- **Section 2.1** reflects the legislative findings.
- **Section 3.1** extends the statewide declaration of emergency until March 1, 2025.
- **Section 4.1** creates the Hurricane Helene Disaster Recovery Fund (Helene Fund) to provide necessary and appropriate relief and assistance from the effects of the Hurricane Helene to any county declared a major disaster under the Stafford Act and Nash County. Funds shall be drawn from the Helene Fund only as needed upon justification by a State agency.
- **Section 5.1** creates the Potential Tropical Cyclone #8 (PTC8) Disaster Recovery Fund (PTC8 Fund) to provide necessary and appropriate relief and assistance from the effects of PTC8 to Brunswick and New Hanover Counties. Funds shall be drawn from the PTC8 Fund only as needed upon justification by a State agency.
- **Section 6.1** transfers two hundred seventy-three million dollars (\$273,000,000) for the 2024-2025 fiscal year from the Savings Reserve to the Helene Fund.
- **Section 6.2** appropriates funds received on or after September 1, 2024, under the Stafford Act and other federal disasters assistance programs for State disasters as a result of Hurricane Helene or PTC8.
- **Section 7.1** denotes reversion, limitations, and reporting requirements of the appropriated funds.
- **Section 8.1 (a)** allows public school units (PSUs) to excuse days missed for schools that closed in September or October 2024 due to weather, **(b)** increases the amount of authorized remote instruction time for schools in disaster-declared counties and counties identified as impacted by PTC8 for the remainder of this school year, **(c)** treats employees and contractors of PSUs as having worked on days deemed completed by the PSU due to Hurricane Helene and provides funds to

Kara McCraw
Director



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replace lost compensation of school nutrition employees, and **(d)** requires DPI to report on the calendar flexibility and compensation provided.

- **Section 8.2** extends the payment deadline for growth bonuses for principals by one month to November 30, 2024, for principals employed in public school units located in affected counties.
- **Section 8.3** waives requirements for students enrolled in educator preparation programs who were affected by Hurricane Helene or PTC8 to complete clinical internships over a certain amount of time if the requirement would impact the students' ability to graduate in December of 2024.
- **Section 9.1** changes the following, for the November 2024 election only, in the 25 listed Western counties:
 - Chief judges, judges, assistants, student election assistants, ballot counters, and staff to early voting sites who are registered voters of the State could be appointed without regard to precinct or county of residence. Poll observers could also be appointed without regard to precinct or county of residence.
 - By bipartisan majority vote, one of the impacted 25 county board of elections could modify the Plan for Implementation for early voting or make adjustments to Election Day precinct polling places.
 - Provide that multipartisan teams may assist any eligible voter in requesting an absentee ballot, may serve as witnesses to an absentee ballot, or may otherwise assist in the process of absentee voting, once the county board of elections, by bipartisan majority vote, has established guidelines for the operation of the multipartisan team.
 - State employees could serve as precinct officials without need to take leave time.
- **Section 9.2** allows a voter impacted by the disaster to return a voted absentee ballot to any county board of elections office and early voting site while open for conducting elections and to the State Board of Elections when that office is open. This section also requires the State Board of Elections to report to the Joint Legislative Elections Oversight Committee regarding the efforts made to implement these provisions no later than April 15, 2025.
- **Section 10.1** allows the Department of Environmental Quality to authorize local government units that were provided funds for wastewater or drinking projects under previous budget bills to use those funds for mitigation or remediation of disaster related impairment to allow a drinking water or wastewater infrastructure project to begin, resume, or continue to operate. Additionally, funds may be used for temporary measures that allow the preservation or restoration of drinking water and wastewater service.
- **Section 10.2** amends G.S. 143-215.3 to add a new subsection that allows the Department of Environmental Quality, during a state of emergency, to require wastewater treatment plants to accept domestic septage.
- **Section 10.3** authorizes open burning without an air quality permit of "storm-related debris" originating from designated counties as a result of the impacts of Hurricane Helene. The exemption applies from the date that the state of emergency was declared by the Governor through March 31, 2025.
- **Section 10.4** amends G.S. 106-951 to add a new section that authorizes open burning without a permit issued by the Department of Agriculture and Consumer Service of

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"storm related debris" originating from areas affected by a natural disaster as designated in a state of emergency declared by the Governor.

- **Section 10.5** requires the Department of Environmental Quality to amend the "Air Curtain Incinerators Rule" to provide that, consistent with recent revisions to the federal Clean Air Act's Air Curtain Incinerators Title V Permitting provisions, owners and operators of certain permanent and temporary air curtain incinerators shall not be required to obtain a General Title V Operating Permit.
- **Section 10.6** permits lenders, authorized by Golden L.E.A.F., to extend the term of loans made under the Rapid Recovery Loan Program to up to 180 months for businesses located in specific counties impacted by Hurricane Helene, as determined by the Small Business Administration.
- **Section 11.1** temporarily authorizes the Governor to waive certain fees assessed for drivers licenses, identification cards, titles, registrations, and late payments.
- **Section 11.2** clarifies statutory authority of the Governor to waive certain environmental requirements for the repair of components of the State highway system in states of emergency.
- **Section 11.3** authorizes the Department of Transportation to use certain contracting methods for repair of transportation infrastructure damaged by Hurricane Helene.
- **Section 12.1** temporarily changes 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 April 1, 2024, but before October 1, 2024, who return in a position needed due to Hurricane Helene. This section temporarily lifts the earnings caps for TSERS and Local Governmental Retirement System (LGERS) retirees from September 25, 2024, until expiration for those retirees who retired prior to October 1, 2024, and return in a position needed due to Hurricane Helene. This section also requires that any work performed between September 25, 2024, 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 Hurricane Helene. changes the six-month separation requirement for Teachers' and State Employee's Retirement System retirees to a one-month separation and applies to individuals retiring on or after April 1, 2024, but before October 1, 2024, who return in a position needed due to Hurricane Helene.
- **Section 12.2** allows temporary employees supporting disaster recovery response efforts through Temporary Solutions to continue in their temporary employment beyond the mandatory 11-month separation time requirement for the duration of the state of emergency. These employees are required to have a break in service within six months after the end of the emergency.
- **Section 13.1** provides financial relief to certain taxpayers located in the counties affected by Hurricane Helene who would otherwise be required to file returns and make tax payments in the immediate wake of the recovery period. The relief is in the form of a mandatory waiver by the Secretary of Revenue of the accrual of interest that applies to late filings and payments. It would also provide additional time for partnerships and S Corporations to file for an election to be taxed at the entity level, which would otherwise be due by October 15 for those entities that have extensions expiring on that date.
- **Section 14.1** temporarily extends from 7 to 21 working days the deadline for preliminary hearings related to post-release supervision and parole violations once a supervisee has been arrested for an alleged violation. This section expires 21 days after the state of emergency.

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- **Section 15.1** provides a temporary waiver of certain mandatory standards for a license for childcare facilities in an area impacted by Hurricane Helene.
- **Section 15.2** temporarily authorizes the Division of Health Service Regulation to allow one or more of the following with respect to kidney disease treatment centers: (i) an increase in the number of home hemodialysis training stations, (ii) an increase in the number of dialysis stations, or (iii) the relocation of dialysis stations to another physical space or setting.
- **Section 15.3** temporarily authorizes the Division of Health Service Regulation to extend by up to 60 additional days the duration of a provisional license issued to an adult care home or a family care home in an impacted area if the license is due to expire within the six-month period between September 25, 2024, and March 25, 2024.
- **Section 16.1** extends the grace period for corporations, nonprofits, and LLCs in FEMA-designated counties to correct the grounds for administrative dissolution.
- **Section 16.2** imposes a three-month moratorium on certain construction fees charged by the Department of Insurance, counties, and cities on property damaged by Hurricane Helene.
- **Section 17.1** states the intent of the General Assembly to review the funds appropriated, consider the actions needed to address any remaining unmet needs, and review the adequacy of funded acts.
- **Section 17.2** states the intent of the General Assembly that, during the rebuilding and relief efforts, each State agency should strive to acquire goods and services from historically underutilized business vendors.
- **Section 17.3** states that appropriations and allocations made in this act are for maximum amounts necessary to implement this act.
- **Section 17.4** permits the Governor to establish time-limited personnel positions to implement this act.

EFFECTIVE DATE: **Section 18.1**, except otherwise provided, make CCS for HB 149 effective when it becomes law.

**Robert Penington with the Legislative Drafting Division substantially contributed to this summary*