



# SENATE BILL 743: The Disaster Recovery Act of 2024 - Part II.

2023-2024 General Assembly

<b>Committee:</b>		<b>Date:</b>	October 24, 2024
<b>Introduced by:</b>		<b>Prepared by:</b>	Legislative Drafting & Legislative Analysis
<b>Analysis of:</b>	Conference Committee Substitute (S743-CCSMC-8)		

**OVERVIEW:** *The Proposed Committee Substitute (CCS) for Senate Bill 743 expands upon, modifies, and provides additional appropriations for The Disaster Recovery Act of 2024 to support disaster relief and recovery and includes measures for education; health and human services; agriculture, natural, and economic resources; justice and public safety; general government; salaries and benefits; transportation; and finance.*

**BILL ANALYSIS:** The CCS includes the following:

- **Section 1.1** reflects the title as "The Disaster Recovery Act of 2024 – Part II."
- **Section 1.2** states that the appropriations and allocations made in this act are for maximum amounts necessary to implement this act.
- **Section 1.3** notes that this bill, unless otherwise provided, applies to the North Carolina counties in the affect area, as defined in Section 1.4.
- **Section 1.4** provides the following definitions to apply to this act: "Affected area," "FEMA," "Helene Fund," "OSBM," "Recipient," and "Saving Reserve."
- **Section 2.1** establishes the schedule for appropriations, made for the 2024-2025 fiscal year from the Helene Fund, totaling \$604,150,000, for budgets of the State agencies and non-State entities, and for other purposes enumerated. This section also transfers and appropriates \$40M from the Savings Reserve to the OSBM Disaster Relief Reserve to be allocated by the Department of Public Safety for needs associated with the NCORR Florence Homeowners Recovery Program (\$30M) and for the FEMA State match requirements for PTC 8 and Hurricane Debby (\$10M).
- **Section 2.2** categorizes the availably of funds for Hurricane Helene disaster response derived from the Savings Reserve and other adjustments for the 2024-2025 fiscal year.
- **Section 3.1** denotes reversion, receipt of allocations, remittance, contract requirements, and reporting requirements related to funds appropriated by this act.
- **Section 3.2** states the intent of the General Assembly to review federal disaster relief funds, considers actions to address any remaining unmet needs, and to review the adequacy of the measures funded by this act.
- **Section 3.3** states the intent of the General Assembly that, during this time of rebuilding and relief efforts, each state agency should strive to acquire goods from historically underutilized business vendors.

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- **Section 3.4** permits the Governor to establish time-limited personnel positions to implement this act.
- **Section 4A.1** allows the Superintendent of Public Instruction to excuse an additional 20 days of missed instructional time on a case by case basis in addition to the 20 days already allowed under the Disaster Recovery Act of 2024.
- **Section 4A.2** allows charter school students that were displaced from Hurricane Helene to hold their seat at the charter school for the next (2025-2026) school year without having to reapply, even if the student temporarily attends an alternate school.
- **Section 4A.3** provides grants that cover the full cost of tuition and registration fees for the spring of 2025 for eligible students for curriculum and continuing education courses at certain community colleges.
- **Section 4A.4** provides grants that cover the full cost of tuition for the spring 2025 semester for students at UNC Asheville.
- **Section 4A.5** waives the testing requirement for applications for admissions to certain affected public and private educator preparation programs for the 2025 spring semester.
- **Section 4A.6** establishes a program to provide emergency scholarship grants of up to \$2,500 to eligible postsecondary students who are enrolled at certain public and private institutions of higher education and were impacted by Hurricane Helene. Allocates \$5M for UNC constituent institutions, \$10.5M for community colleges, and \$1M for eligible private postsecondary institutions.
- **Section 4A.7** appropriates funds and provides flexibility from funds available for the State Education Assistance Authority to provide additional scholarship grants to students receiving need-based scholarship grants in the 2024-2025 academic year.
- **Section 4A.8** provides \$5M for public school units in the counties designated as FEMA assistance categories A-G to provide additional mental health services to students, student families, and school staff by allowing public school units to contract with community partners or individuals to provide services or by hiring additional mental health service providers.
- **Section 4B.1** temporarily authorizes the Division of Health Service Regulation to extend by up to 90 additional days the duration of an initial six-month license issued to an adult care home or a family care home in an impacted area if the initial license is due to expire within the six-month period between September 25, 2024, and March 25, 2024.
- **Section 4B.2** allows for extension of the law waiving, as necessary, the requirements of Chapter 131E of the General Statutes and any rules adopted pursuant to that Chapter for hospitals participating in the federal Acute Hospital Care at Home (AHCAH) initiative, to a date beyond the current sunset of December 31, 2024, upon enactment of federal law or regulation that extends the AHCAH initiative.
- **Section 4B.3** suspends the requirements for physician assistants and nurse practitioners to pay application fees and meet certain collaborative practice agreement requirements if they live or work in the affected area until March 1, 2025.
- **Section 4B.4** extends the term of the person currently holding the office of coroner in Avery County by six months.

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- **Section 4B.5** exempts funds allocated to the North Carolina Partnership for Children, Inc., for child care centers and family child care homes impacted by Hurricane Helene from requirements for (i) administrative costs, (ii) child care services funding, (iii) child care subsidy expansion, and (iv) matching.
- **Section 4B.6** provides hospitals located in affected areas additional time to comply with the requirements of the Hospital Violence Protection Act, which went into effect October 1, 2024.
- **Section 4B.7** provides funds to county departments of social services for rental assistance to eligible individuals in counties impacted by Hurricane Helene.
- **Section 4C.1** modifies the food bank assistance program in the Appropriations Act of 2021 to allow grants awarded prior to October 1, 2024, to also be used by certain nonprofit organizations in the affected area to repair or replace infrastructure and equipment damaged as a result of Hurricane Helene.
- **Section 4C.2** states the intent of the General Assembly to appropriate funds for Golden L.E.A.F. to administer grants to government entities and certain non-profit organizations to address damages caused by Hurricane Helene and to support disaster relief efforts.
- **Section 4C.3** allocates funds to Golden L.E.A.F. from the Helene Fund to be used to administer a program to make bridge loans to qualifying businesses suffering economic distress as a direct result of Hurricane Helene. This section also outlines this program's requirements, including the appropriate use of funds, application procedures, reversion and repayment deadlines, and reporting requirements.
- **Section 4C.4** makes technical corrections to language to The Disaster Recovery Act of 2024, which provided flexibility to the Department of Environmental Quality in using certain water and wastewater infrastructure funds for Helene-related emergency response.
- **Section 4C.5** provides the Department of Environmental Quality discretion to waive statutory fees on emergency loans during a natural disaster-related state of emergency.
- **Section 4C.6** exempts certain emergency loans issued pursuant to The Disaster Recovery Act of 2024 to local government by the Department of Environmental Quality from requiring the approval of the Local Government Commission.
- **Section 4C.7** establishes a bridge loan program intended to assist local governments with short term financial cashflow issues in performing repairs necessary to restore water and wastewater systems to operational capacity following damage incurred by Hurricane Helene.
- **Section 4C.8** establishes a bridge loan program intended to assist the owners or operators of commercial underground storage tanks in the affected area. This section also lists the eligible use of funds, limitations, application and review procedures, and reporting requirements related to the program.
- **Section 4C.9** gives the Department of Environmental Quality authority to reimburse contractors and third parties with the consent of an owner, operator, or landowner for the costs related to the cleanup and assessment of underground storage tanks during a declared state of emergency.
- **Section 4C.10** authorizes the Department of Environmental Quality to permit the temporary storage of storm-related debris at a mine when a state of emergency has been declared for a period not to exceed one year from the end of the state of emergency.

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- **Section 4C.11** codifies language in the 2024 regulatory reform bill (S.L. 2024-45) that made permitting changes applicable to dock, pier, and walkway replacement in the applicable coastal area.
- **Section 4C.12** codifies language in the 2024 regulatory reform bill (S.L. 2024-45) that established a measurement line that represents the location of the first line of stable and natural vegetation for dune building projects conducted pursuant to permitted terminal groin construction.
- **Section 4C.13** allows, until January 31, 2025, the Economic Investment Committee to suspend the required finding for a JDIG award that a development tier 3 area have appropriate participation in recruitment and offered incentives, if the area is one of the 25 originally included counties covered by the Helene disaster declaration.
- **Section 4D.1** allows out of state security guards, armored trucks, and guard dogs to provide licensed services in the affected area until March 1, 2025, if they are licensed out of state and notify the Private Protective Services Board of license, insurance, and firearm certification requirements.
- **Section 4E.1** provides State agencies the authority to delay renewal dates or continuing education requirements for employment-related certifications of residents of affected areas.
- **Section 4E.2** allows for inactive code enforcement officials to obtain a standard or limited certificate during a state of emergency to provide licensed services in a disaster area.
- **Section 4E.3** authorizes local governments in affected areas to use third parties to perform independent plan review, inspections, or other work of a building inspections department. Eligible third parties must be licensed professional engineers or architects with standard certifications from the Code Officials Qualification Board.
- **Section 4E.4** allows the Chief Justice to extend statutory and Industrial Commission deadlines for matters under the jurisdiction of the Industrial Commission during catastrophic conditions.
- **Section 4F.1** temporarily extends various administrative deadlines related to disability, death, and retirement benefits for State and local employees.
- **Section 4F.2** provides temporary flexibility to the State Treasurer to waive the penalties associated with late payment by employers of employee or employer retirement contributions. Any extension of contribution deadlines may not exceed 90 days.
- **Section 4G.1** extends emission inspection mechanic licenses for mechanics in the affected area if the license is due to expire within the six-month period commencing September 25, 2024, and ending March 1, 2025.
- **Section 4G.2** places reporting requirements on the Department of Transportation for certain qualifying projects that were authorized in The Disaster Recovery Act of 2024.
- **Section 4H.1** expand the waiver provision for the same time periods to additionally include taxpayers whose tax preparers or records needed to meet a tax deadline are located in a disaster county, but this waiver would be granted only upon request. A taxpayer seeking this waiver must notify the Department of Revenue within 30 days of the bill becoming law that they are eligible for this waiver.
- **Sections 5.1 through 5.7** make technical changes to Section 4.1(a), 4.1(b), 5.1(a), 6.1(a), 6.2(a), 7.1(h), and 11.3(b) of The Disaster Recovery Act of 2024.

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- **Section 6.1** states that the document titled Joint Conference Committee Report on the Disaster Recovery Act of 2024 – Part II shall indicate action by the General Assembly on this act. If the Committee Report conflicts with this act, the act prevails.
- **Section 6.2** states that the headings to the parts, subparts, and sections of this act are a convenience to the reader and for reference only.
- **Section 6.3** states that if any section or provision of this act is declared unconstitutional or invalid by the courts, it does not affect the validity of this act as a whole or any part other.
- **EFFECTIVE DATE: Section 6.4**, except otherwise provided, makes the CCS for SB 743 effective when it becomes law.

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