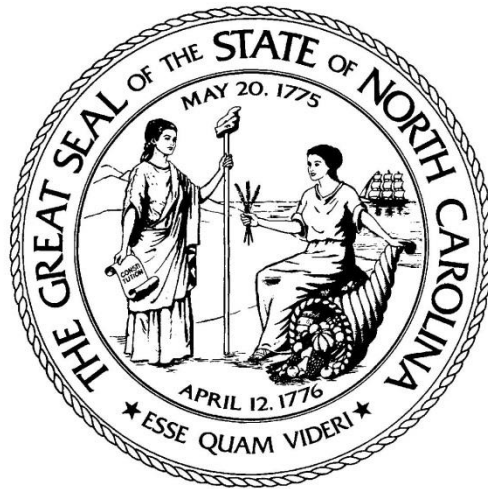


# SUMMARIES OF SUBSTANTIVE RATIFIED LEGISLATION

2020 SESSION



LEGISLATIVE ANALYSIS DIVISION  
N.C. GENERAL ASSEMBLY



November 2020

To the Members of the 2020 Session of the 2019 General Assembly:

This publication contains summaries of all substantive legislation of general applicability and certain local legislation having general import from the 2020 Short Session. Most local acts are not analyzed in this publication. Significant appropriations matters related to the subject area specified also are included.

The document is organized alphabetically by subject areas. A bill index is at the end of the publication. A complete copy of the publication may be downloaded using the link "All 2020 Summaries by Subject."

This document is the result of a combined effort by the following staff members of the Legislative Analysis Division: Cindy Avrette, Susan Barham, Virginia Barlow, Jennifer Bedford, Jessica Boney, Drupti Chauhan, Erika Churchill, Amy Darden, Kyle Evans, Tawanda Foster Artis, Nick Giddings, Billy Godwin, Wendy Graf Ray, Trina Griffin, Brian Gwyn, Kristen Harris, Jennifer Hillman, Brad Krehely, Howard Marsilio, Theresa Matula, Kara McCraw, Jennifer McGinnis, Jason Moran-Bates, Bill Patterson, Jeremy Ray, Keshawna Roberts, Greg Roney, Jessica Sammons, Chris Saunders, Susan Sitze, Kellett Wade, Samantha Yarborough, Jonathan Zator and Melissa Zbikowski. In addition, Jeff Cherry, Jacob Davis, Dan Etefagh, Luke Gillenwater, Kory Goldsmith, Amy Jo Johnson, Floyd Lewis, Matt Meinig, Matt Pagett, Phyllis Pickett, Jared Simmons, Myra Torain, and David Unwin, of the Legislative Drafting Division, also contributed to this document. Amy Darden is chief editor of this year's publication. Tawanda Foster Artis, Virginia Barlow, Susan Barham, Melissa Zbikowski, and Keshawna Roberts are co-editors. The specific staff members contributing to each summary are identified in the full summary text. If you would like further information regarding any legislation in the various summaries, please contact the Legislative Analysis Division Office at (919) 733-2578.

To access this publication, go to the General Assembly's homepage at <http://www.ncleg.gov>. Click on "Divisions," "Legislative Analysis Division," then "Publications," then "Summaries of Substantive Ratified Legislation." Click the Summaries link at the bottom of the page to access the 2020 link. Each summary overview is hyperlinked to the full summary text, final session law, the bill information and history, and any other available summaries.

I hope this publication will provide a useful source of information for the members of the General Assembly and the public in North Carolina. We would appreciate receiving any suggestions for this publication's improvement.

Yours truly,

A handwritten signature in black ink that reads "Jeff Hudson". The signature is written in a cursive style with a long, sweeping underline.

Jeff Hudson

Director  
Legislative Analysis  
Division

# 2020 Summaries of Substantive Ratified Legislation

## Agriculture and Wildlife

See full summary documents for additional detail

### **H308 - Regulatory Reform Act of 2020.**

#### **Sec. 22: Amend Species Conservation Plan Process. (SL 2020-74)**

Section 22 of S.L. 2020-74 changes the process the Wildlife Resources Commission (WRC) uses to adopt conservation plans, eliminate part of the required analysis, require WRC to publish draft plans online, and consider public comment. This section directs the NC Nongame Wildlife Advisory Committee to assist WRC in developing the conservation plans, including establishing a priority order for conservation plans and determining where combined conservation plans may be appropriate.

This section became effective July 1, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 4.15: Emergency Grants for Milk Producers. (SL 2020-4)**

Section 4.15 of S.L. 2020-4, as enacted by Section 1.3 of S.L. 2020-97, directs the expenditure of \$2 million appropriated to the Department of Agriculture and Consumer Services (Department) in Section 1.2 of S.L. 2020-97 for emergency grants to milk producers. This section directs the Department to make monthly grant payments from the Dairy Stabilization and Growth Fund to each eligible dairy producer in any month where the baseline price of \$20.38 exceeds the monthly Class I Milk Price for the Appalachian Milk Marketing Order area reported by the Agricultural Marketing Service of the United States Department of Agriculture. The maximum grant amount provided to any producer in any month cannot exceed \$25,000. The Department must report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division on its distribution of funds by November 1, 2020, and on the use of funds by recipients by February 1, 2021.

The Department can also use up to \$50,000 of the funds to study issues arising from the COVID-19 pandemic with transportation and product diversification within the North Carolina dairy industry. The Department must report its findings and recommendations to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division no later than April 1, 2022.

This section became effective September 4, 2020.

### **S315 - North Carolina Farm Act of 2019-20.**

#### **Sec. 2: Right-of-Way for Left-Turning Farm Equipment. (SL 2020-18)**

Section 2 of S.L. 2020-18 prohibits the passing of self-propelled farm equipment by vehicles proceeding in the same direction when the farm equipment is making a left turn or signaling that it intends to make a left turn.

This section becomes effective December 1, 2020, and applies to offenses committed on or after that date.

**S315 - North Carolina Farm Act of 2019-20.**

**Sec. 3: Expand Agricultural Outdoor Advertising. (SL 2020-18)**

Section 3 of S.L. 2020-18 expands outdoor advertising near highway rights-of-way for bona fide farm property by increasing the size of the sign allowed, broadening the area where the sign could be placed, allowing all bona fide farms to place signs, and allowing the sign to stand year-round.

This section became effective June 12, 2020.

**S315 - North Carolina Farm Act of 2019-20.**

**Sec. 5(a) and 5(b): Add Hunting, Fishing, and Equestrian Activities to the Definition of Agritourism. (SL 2020-18)**

Sections 5.(a) and 5.(b) of S.L. 2020-18 add hunting, fishing, and equestrian activities to the listed activities that constitute agritourism for purposes of agritourism activity liability and county zoning.

These sections became effective June 12, 2020, and shall not be construed to affect any existing agreement or settlement with a local government, any permit or zoning decision previously issued by a local government, or any pending or ongoing litigation.

**S315 - North Carolina Farm Act of 2019-20.**

**Sec. 5(c) and 5(d): Limit Regulation of Catering by Bona Fide Farms. (SL 2020-18)**

Sections 5.(c) and 5.(d) of S.L. 2020-18 prohibit local governments from requiring a business located on a property used for bona fide farm purposes, that provides on- and off-site catering services, to obtain a permit to provide catering services within the local government. These sections do not exempt the business from any health and safety rules adopted by a local health department, the Department of Health and Human Services, or the Commission for Public Health.

These sections became effective June 12, 2020.

**S315 - North Carolina Farm Act of 2019-20.**

**Sec. 6: Enact the North Carolina Sweetpotato Act for the Promotion of North Carolina Sweetpotatoes. (SL 2020-18)**

Section 6 of S.L. 2020-18 allows the Commissioner of Agriculture to register, license, and protect a trademark for the sale and promotion of North Carolina sweetpotatoes and to collect a reasonable royalty or license fee for use of the mark. The Commissioner must remit all royalties and license fees received, less any costs associated with monitoring the use of the trademark, prohibiting the unlawful or unauthorized use of the trademark, and enforcing rights in the trademark, to the North Carolina SweetPotato Commission for the promotion of North Carolina sweetpotatoes. This section also directs the Commissioner to appoint a

North Carolina Sweetpotato Advisory Council to give advice on the promotion of North Carolina sweetpotatoes.

This section became effective June 12, 2020.

### **S315 - North Carolina Farm Act of 2019-20.**

#### **Sec. 7: Soil and Water Conservation Job Approval Authority. (SL 2020-18)**

Section 7 of S.L. 2020-18 allows the North Carolina Soil and Water Conservation Commission (SWCC) to grant engineering job approval authority to Soil and Water Conservation District technical staff for the planning, design, and implementation of best management practices approved by the SWCC. Under prior law, job approval authority could only be granted to Soil and Water Conservation District staff by the USDA Natural Resources Conservation Service.

This section became effective June 12, 2020.

### **S315 - North Carolina Farm Act of 2019-20.**

#### **Sec. 8: Present Use Value Disqualification Event Notification. (SL 2020-18)**

Section 8 of S.L. 2020-18 provides that if a tax assessor determines that a property loses its eligibility for present use value classification for a reason other than failure to file a timely application required due to transfer of the land, the assessor must provide written notice of the decision. The decision may be appealed within 60 days after the date of the written notice. A new appeal to a decision of the assessor regarding the disqualification of property for which notice was received does not have to be submitted for subsequent tax years while the appeal of that disqualifying event is outstanding. When a property's present-use value classification is reinstated upon appeal of the disqualifying event, it is reinstated retroactive to the date the classification was revoked. If the assessor determines during the appeal process that the property has lost its eligibility for present use value classification because of an additional disqualifying event, the assessor must provide written notice of the subsequent disqualification.

This section became effective June 12, 2020.

### **S315 - North Carolina Farm Act of 2019-20.**

#### **Sec. 9: Change Name of Food Processing Innovation Center Committee. (SL 2020-18)**

Section 9 of S.L. 2020-18 changes the name of the Food Processing Innovation Center Committee, established in the 2017 Appropriations Act, to the North Carolina Food Innovation Lab Committee, to be consistent with the name of the facility at the North Carolina Research Campus in Kannapolis. This section also sunsets the North Carolina Food Innovation Lab Committee on January 1, 2021.

This section became effective June 12, 2020.

### **S315 - North Carolina Farm Act of 2019-20.**

#### **Sec. 10: Soil and Water Conservation Confidentiality Change. (SL 2020-18)**

Section 10 of S.L. 2020-18 provides that all information that is collected by soil and water conservation districts from farm owners, animal owners, agricultural producers or owners of agricultural land that is confidential under federal or State law must be held confidential by the soil and water conservation districts. This includes (i) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in soil and water conservation programs, and (ii) geospatial information otherwise maintained by the district about agricultural lands or operations for which certain information is provided. This does not include applications for cost share assistance and associated contract documents that require the approval of the soil and water conservation district or the Soil and Water Conservation Commission.

This section became effective October 1, 2020.

### **S315 - North Carolina Farm Act of 2019-20.**

#### **Sec. 11: Clarify Permitting for Certain Swine Farm Modifications. (SL 2020-18)**

Section 11 of S.L. 2020-18 allows the Environmental Management Commission to issue or modify a permit to authorize the construction, operation, or expansion of an animal waste management system serving a swine farm that employs an anaerobic lagoon as the primary method of treatment and land application of waste by means of a sprayfield as the primary method of waste management if the permitting action does not result in an increase in the permitted capacity of the swine farm, as measured by the annual steady state live weight capacity of the swine farm. The system may also meet the performance standards for new animal waste management systems serving swine farms that were enacted in 2007.

This section became effective June 12, 2020.

### **S315 - North Carolina Farm Act of 2019-20.**

#### **Sec. 14: Agriculture and Forestry Awareness Dairy Study. (SL 2020-18)**

Section 14 of S.L. 2020-18 directs the Agriculture and Forestry Awareness Study Commission to study policy options available to support the dairy industry in North Carolina and report its findings and recommendations, including any legislative proposals, to the General Assembly by December 1, 2021.

This section became effective June 12, 2020.

### **S390 - DuPont State Forest-Financial Study. (SL 2020-16)**

Session Law 2020-16 directs the Department of Agriculture and Consumer Services to study DuPont State Recreational Forest's operating model and create a plan to ensure a sustainable revenue stream for the Forest, and distributes a portion of the gross proceeds from the sale of State-owned real property located



outside the State Capitol Area to the Clean Water Management Trust Fund and the Parks and Recreation Trust Fund.

This act became effective June 12, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 5.1: DACS Report Changes. (SL 2020-78)**

Section 5.1 of S.L. 2020-78 makes changes to several annual reports required of the Department of Agriculture and Consumer Services, primarily to the committees at the General Assembly that receive the reports. These reports include the revenues and expenditures of the Spay/Neuter Account, the revenues and expenditures of the Animal Shelter Support Fund, the activities of the Farmland Preservation and Farmland Preservation Trust Fund and Advisory Committee, the activities of the North Carolina Sentinel Landscapes Committee, the Department's management activities at DuPont State Recreational Forest, information on all major or project wildfires in the prior fiscal year, information on the Forestry Development Fund, the B.R.I.D.G.E. Youthful Offenders Program, and funds allocated to the North Carolina Agricultural Foundation for programs of the North Carolina Future Farmers of America Association.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 5.2: Farmland Preservation Fund Codes. (SL 2020-78)**

Section 5.2 of S.L. 2020-78 directs the Office of State Budget and Management to close the Farmland Preservation Special Fund and redirect the current transfer from the Agriculture General Fund from the Farmland Preservation Special Fund to the Land Preservation and Trust Investment Fund, consistent with the General Assembly's intent to consolidate all fund balances related to the Agriculture Development and Farmland Preservation Trust Fund within the Land Preservation and Trust Investment Fund for the 2021-2022 fiscal year.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 9.1: Outdoor Heritage Amendment. (SL 2020-78)**

Section 9.1 of S.L. 2020-78 adds employees of the Outdoor Heritage Advisory Council to the list of employees exempt from the North Carolina Human Resources Act.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 9.3: Habitat Optimization Plan. (SL 2020-78)**

Section 9.3 of S.L. 2020-78 directs the Wildlife Resources Commission (WRC) and the North Carolina Forest Service to coordinate with the US Forest Service to formulate a plan to optimize habitats to reverse declines in wildlife population on State and federal lands. WRC and the North Carolina Forest Service must report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources regarding this plan no later than July 1, 2021.

This section became effective July 1, 2020.

**S812 - Agricultural Sciences Center Funds. (SL 2020-44)**

S.L. 2020-44 provides \$10.1 million in funding for the Department of Agriculture and Consumer Services' new Agricultural Sciences Center by reallocating existing cash balances from four different sources.

This act became effective July 1, 2020.

# Alcoholic Beverage Control

See full summary documents for additional detail

## **S226 - Delay Certain ABC Permit Renewal Payments. (SL 2020-94)**

For ABC permittees prohibited from operating due to the Governor's Executive Order No. 141, which prohibited on-premises service at certain types of establishments, S.L. 2020-94 delays the deadline for payment of a renewal fee for an ABC permit until 90 days after the Governor rescinds the Executive Order, if the permittee requests the delay. This act also allows those ABC permittees that had already paid a permit renewal fee to request a refund of the fee, which must be repaid by the extended payment deadline.

This act became retroactively effective June 30, 2020.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 4.39: Authorize Extension of Training and Certification of Law Enforcement Officers by Forensic Tests for Alcohol Branch. (SL 2020-3)**

Sec. 4.39 of S.L. 2020-3 does the following:

- Authorizes 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.
- For certifications issued prior to March 10, 2020, authorizes the Branch to extend those certifications for up to one year if the educational or examination requirements associated with renewal or recertification are delayed in accordance with this section.

EFFECTIVE DATE: This section became effective retroactively to March 10, 2020, and expires January 1, 2021.

# Children and Families

See full summary documents for additional detail

## **S704 - COVID-19 Recovery Act.**

### **Sec. 4.13: Marriage Licenses. (SL 2020-3)**

Section 4.13 of S.L. 2020-3 allows any register of deeds, who can positively identify each applicant for a marriage license to issue a marriage license via remote audio video communication during a declaration of emergency issued under G.S. 166A-19.20. This section also extends the time from 60 days to 120 days from the date of the issuance of a marriage license to celebrate the marriage in any place within the State.

This section became effective on May 4, 2020, and applies to any marriage license issued on or after February 1, 2020, and expires August 1, 2020, and any marriage license issued on or before that date must be valid for 120 days.

# Civil Law and Procedure

See full summary documents for additional detail

## **H32 - Collaborative Law. (SL 2020-65)**

This act is a modified version of the Uniform Collaborative Law Act and became effective October 1, 2020.

## **H118 - COVID-19 Liability Safe Harbor. (SL 2020-89)**

S.L. 2020-89 provides that no person is liable for any act or omission not amounting to gross negligence, willful or wanton conduct, or intentional wrongdoing in a claim alleging damages for contraction of COVID-19. This immunity does not apply to claims arising later than 180 days after the expiration or rescission of Executive Order No. 116, issued on March 10, 2020, and does not apply to workers' compensation claims.

The act requires persons to provide reasonable notice of actions taken by them to reduce the risk of COVID-19 transmission on premises owned by them or under their control. This requirement does not apply to premises owned by an individual unless the premises are used in operating a sole proprietorship.

The act does not affect any immunity granted under S.L. 2020-3 (Senate Bill 704).

The act became effective on July 2, 2020 and applies to claims arising on or after that date.

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 27: Extend Sunset on Remote Notary and Video Witnessing. (SL 2020-74)**

Section 27 of S.L. 2020-74 extends the authorization for remote notaries and video witnessing from August 1, 2020 to March 1, 2021.

This section became effective July 1, 2020.

## **H679 - Rules of Civ Procedure/E-Filing and Service. (SL 2020-46)**

S.L. 2020-46 amends Rule 3 and Rule 5 of the Rules of Civil Procedure to allow for electronic filing and service.

This act became effective on October 1, 2020, and applies to filings and service effected on or after that date.

## **H902 - Purchases & Contracts Changes/Global Transpark/Prison Pilot.**

### **Part VI: Limited Immunity from COVID-19 Related Claims Arising from Reopening of Privately Owned Community Swimming Pools. (SL 2020-90)**

Part VI of S.L. 2020-90 provides limited immunity to owners and operators of privately owned community swimming pools and their agents for claims and actions seeking damages for injury or death arising from transmission of COVID-19 resulting from pool reopening in accordance with applicable executive orders of the Governor.

This part of the act became effective July 2, 2020 and applies to claims arising on or after that date.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 4.1: Emergency Video Notarization. (SL 2020-3)**

Section 4.1 of S.L. 2020-3, as amended by Section 27 of S.L. 2020-74, does all of the following:

## **S704 - COVID-19 Recovery Act.**

### **Sec. 4.2: Emergency Video Witnessing. (SL 2020-3)**

Section 4.2 of S.L. 2020-3, as amended by Section 27 of S.L. 2020-74, authorizes a person to witness a principal sign a document by using video conference technology and treats the attesting witness as having signed the document in the presence of the principal if all of the following apply:

- The video conference technology allows for direct, real time audio and video interaction between each principal signer and the witness.
- During that period of direct, real time audio and video interaction, the principal's signature is witnessed by the attesting witness and the attesting witness immediately thereafter signs the document.
- The principal and witnesses are physically located in North Carolina when the document is executed.

This section became effective May 4, 2020, and, as amended by Section 27 of S.L. 2020-74, expires on March 1, 2021.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 4.14: Limited Business Immunity for Essential Businesses. (SL 2020-3)**

Sec. 4.14 of S.L. 2020-3 provides civil liability immunity for a limited time to:

- Essential businesses with respect to employee or customer claims for injury or death alleged to have been caused by contracting COVID-19 while doing business with or employed by the essential business.

- Emergency response entities with respect to customer, user, or consumer claims for injury or death alleged to have been caused by the COVID-19 pandemic or while doing business with the emergency response entity.

As used in this section, the term "essential business" means businesses, not-for-profit organizations, educational institutions, and governmental entities identified in Executive Order No. 121 issued on March 27, 2020, as amended by executive order, and the term "emergency response entity" means businesses, not-for-profit organizations, educational institutions, and governmental entities that manufacture, produce, or distribute personal protective equipment, testing equipment, or ventilators, or process COVID-19 testing results.

This section does not apply to claims based on acts or omissions constituting gross negligence, reckless misconduct, or intentional infliction of harm, and does not preclude an employee of an essential business or emergency response entity from seeking an appropriate remedy under the Workers' Compensation Act for injuries or death alleged to have been caused as a result of the employee contracting COVID-19 while employed by the essential business or emergency response entity.

These provisions for immunity from civil liability apply to acts or omission occurring after March 27, 2020 and expire upon the rescission or expiration of the COVID-19 emergency declaration (Executive Order No. 116) issued on March 10, 2020.

Section 2 of S.L. 2020-89 (House Bill 118) states that nothing in that act affects the immunity provided by this section.

This section became effective on May 4, 2020 and applies to claims filed on or after March 27, 2020.

# Commercial Law and Consumer Protection

See full summary documents for additional detail

## **H807 - Championship NC Act. (SL 2020-96)**

Session Law 2020-96 (i) modifies the Site Infrastructure Development Fund (SIDF) to permit businesses meeting eligibility criteria as a sports championship employer to be eligible for a site development award for a project and (ii) reallocates \$3.6M from funds available in the One NC Fund (\$3.5M) and the JDIG Special Revenue fund (\$100k). The act became effective September 4, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 4.2: Small Business Loan Assistance. (SL 2020-4)**

Section 4.2 of S.L. 2020-4 allocates \$125 million to the Golden Leaf Foundation (GLF) for grants to entities for the purpose of providing emergency bridge loan funding for small businesses adversely affected by the COVID-19 epidemic. The section, in large part, mimics the existing bridge loan program GLF provides with non-State funds. The funds appropriated for this section of the act come from the Coronavirus Relief Fund, into which federal COVID-19 assistance has been transferred.

This section became effective May 4, 2020.

The program was amended by Section 1.6 of S.L. 2020-97 by changing loan terms and loan prioritization and making technical changes. This section became effective September 4, 2020.

## **S364 - NC Commercial Receivership Act Revisions. (SL 2020-75)**

S.L. 2020-75 enacts the North Carolina Commercial Receivership Act, repeals statutory provisions governing receiverships and assignments for the benefit of creditors, and requires any action seeking appointment of a general receiver for an entity debtor with assets worth at least \$5 million to be designated a mandatory complex business case. The act becomes effective January 1, 2021 and applies to receiverships commenced on or after that date.

**CURRENT LAW:** Article 38 of Chapter 1 of the General Statutes governs the appointment and duties of receivers. A receiver is appointed by the court to take control of a debtor's property to preserve and manage it before judgment or in aid of execution after judgment, or when the debtor is a corporation that is insolvent or in imminent danger of insolvency, to liquidate the corporate assets as part of a creditor's action.

Articles 1 and 2 of Chapter 23 of the General Statutes govern the procedure by which debtors can make an assignment of their assets for the benefit of their creditors, through which the debtor's assets are assigned to a trustee charged with determining the amounts owed to each creditor and liquidating the property of the debtor to distribute to the creditors.



**S704 - COVID-19 Recovery Act .**

**Sec. 4.5: Extend Time Period to Claim Lottery Prizes.. (SL 2020-3)**

Section 4.5 of S.L. 2020-3 allows a lottery prize winner to submit a delayed claim for a lottery prize that is expiring between March 10, 2020, and August 1, 2020. The claim must be submitted no later than November 1, 2020.

EFFECTIVE DATE: This section became effective May 4, 2020.

# Constitution and Elections

See full summary documents for additional detail

## **H1169 - Bipartisan Elections Act of 2020. (SL 2020-17)**

Session Law 2020-17 does the following:

- For the 2020 general election, allows for one witness for the casting of absentee ballots and provide for voter assistance by individuals working as part of multipartisan teams. For all remaining elections in 2020, provides flexibility in the filling of positions for precinct officials and allow for completed absentee request forms to be e-mailed or faxed to county boards of elections.
- Requires the Department of Health and Human Services (DHHS) and the State Board of Elections (State Board) to develop guidelines on how to safely allow multipartisan teams to assist registered voters within a congregate living situation during the 2020 elections.
- Requires applications for absentee ballots to have a bar code allowing the county board of elections and the voter to track a voted ballot following its return to the county board.
- Provides an additional two weeks for county boards of elections to approve applications for absentee ballots.
- Clarifies that voters can call the State Board or a county board of elections and request a blank absentee ballot request form be sent to the voter by mail, e-mail, or fax.
- Provides that the State Board or its Executive Director cannot deliver absentee ballots to a voter who did not submit a valid request form or order an election using all mail-in absentee ballots.
- Requires the State Board to create an online portal for voters to submit online requests for absentee ballots by September 1, 2020.
- Creates a Class I felony for any member serving on or employed by the State Board or a county board of elections to knowingly send or deliver an unrequested absentee ballot.
- Allows for special identification cards for nonoperators issued by the Division of Motor Vehicles (DMV) to be renewed online.
- Allows for government-issued public assistance cards to be accepted for photo identification for voting identification.
- Appropriates funds to the State Board to respond to COVID-19.

Except as otherwise provided, this act became effective on June 12, 2020.

## **S217 - UI/Precinct Workers/2020 General Election. (SL 2020-71)**

S.L. 2020-71 exempts payments by county boards of elections to precinct officials for training and working on general election day in 2020 from income for purposes of unemployment insurance.

## **S782 - Merchandise Sales Limit/Meck Dist Ct. (SL 2020-84)**

S.L. 2020-84 does both of the following:

- Raises the maximum amount a political party executive committee or an affiliated committee can raise from the sale of goods or services in an election cycle from \$10,000 to \$20,000.
- Returns District Court judicial elections in Mecklenburg County to at-large.

Exempt Sales.

# Courts, Justice, and Corrections

See full summary documents for additional detail

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 26: Authorize Local Confinement Facilities to Provide and Use Wireless Communication Devices. (SL 2020-74)**

Section 26 of S.L. 2020-74 authorizes local confinement facilities to provide inmates with a mobile telephone or other wireless communication device if the specific device has been approved by the sheriff or other person in charge of the local confinement facility for use by inmates, and the device is provided to the inmate in a manner consistent with the approved use of that device.

This section became effective August 1, 2020, and applies to offenses committed on or after that date. This section does not abate or affect prosecutions for offenses committed before the effective date of this section.

## **H463 - Education in Prisons. (SL 2020-54)**

S.L. 2020-54 allows funds appropriated for community college courses for prison inmates to be used for Associate of Arts, Associate of Science, or Associate of General Education degrees.

This act became effective July 1, 2020.

## **H593 - JCPC/Detention/CAA and Other Fees. (SL 2020-83)**

S.L. 2020-83 does the following:

- Makes certain modifications to current law related to Juvenile Crime Prevention Councils.
- Clarifies that persons under 18 held in custody must be held in a juvenile detention facility.
- Makes conforming changes to current law related to inmates held in the Statewide Misdemeanant Confinement Program and transferred for medical treatment.
- Increases the Criminal Court Appointed Counsel Fee.
- Increases court costs to support Indigent Defense Services and the Criminal Justice Education and Training Standards Commission.
- Modifies deadlines related to the payment of radiological emergency planning fee.
- Creates an opportunity for an individual notified to register as a sex offender, to petition a court to review the registration requirement.
- Provides additional direction to municipalities and counties regarding the publication of declaration information.

This act has various effective dates. Please see the full summary for more detail.

### **H885 - Only Allow Courts to Charge FTA Fee Once. (SL 2020-68)**

S.L. 2020-68 provides that only one failure to appear (FTA) fee may be assessed to a defendant in a criminal case.

This act becomes effective December 1, 2020, and applies to costs assessed on or after that date.

### **H902 - Purchase and Contract Changes/Global Transportation/Prison Pilot. Part V: Clarify District Attorney Discretion in Registration Requirement Reviews. (SL 2020-90)**

Part V of S.L. 2020-90 replaces Sec. 11.5(c) of S.L. 2020-83, in order to clarify that the District Attorney has the authority to petition a court to review the sex offender registration requirement for individuals subject to a certain federal court order.

This part of the act became effective July 2, 2020.

### **H902 - Purchase and Contracts Changes/Global Transpark/Prison Pilot, Part III Prison Software Management Pilot Program. Part III: Prison Software Management Pilot Program. (SL 2020-90)**

Part III of Session Law 2020-90 does all of the following:

- Appropriates funds to develop and administer a Prison Software Management Pilot Program (Prison Pilot Program) to be implemented at Bertie Correctional Institution and Pasquotank Correctional Institution.
- Aims to transform the State Prison Management Information Systems with software infrastructure and equipment upgrades and to deploy a mobile inmate tracking system, both of which will enable the Department of Public Safety, Division of Adult Correction and Juvenile Justice (Department), to create a new shared database platform to replace the current OPUS System.
- Requires the Department to begin operating the Prison Pilot Program by October 15, 2020.
- Describes how the funds appropriated for the Prison Pilot Program must be used.
- Sets forth the requirements for selecting the most qualified technology vendors to create the Prison Pilot Program.
- Requires the Department to give a status update to the Senate Select Committee on Prison Safety no later than January 8, 2021, and a final report to the Joint Legislative Oversight Committee on Justice and Public Safety no later than April 1, 2021.

This part became effective July 1, 2020, and expires on July 1, 2022.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 4.2C: Domestic Violence Prevention Pilot Program . (SL 2020-4)**

Section 4.2C of S.L. 2020-4, as enacted by Section 1.1(e) of S.L. 2020-80, creates the Domestic Violence Prevention Pilot Program and appropriates \$3.5 million from the Coronavirus Relief Fund to the Administrative Office of the Courts to provide a grant to Caitlyn's Courage, Inc. to establish domestic violence prevention pilot programs in at least 9 judicial districts of varying caseloads. The domestic violence pilot programs shall provide judges the option to use global positioning system (GPS) electronic monitoring devices, establish local implementation teams, operate a 24-hour monitoring center, and train all participants about the GPS tracking devices.

No later than April 1, 2021, Caitlyn's Courage, Inc., in consultation with participating judicial districts and the East Carolina University Department of Criminal Justice, must report on the effectiveness of the pilot programs to the Joint Legislative Oversight Committee on Justice and Public Safety, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division.

This section became effective July 1, 2020.

## **H1187 - Raise the Age Funding. (SL 2020-15)**

S.L. 2020-15 allows funds in the Statewide Misdemeanant Confinement Fund to be used by the Department of Public Safety (DPS) for various Raise the Age projects.

This act became effective July 1, 2020.

## **S562 - The Second Chance Act. (SL 2020-35)**

S.L. 2020-35 makes various changes to the expunction statutes as follows:

- Provides for expunction of certain offenses committed prior to the effective date of "Raise the Age" legislation
- Amends prosecutor and law enforcement access to expunged files
- Streamlines expunctions for charges not resulting in conviction
- Modifies expunction of nonviolent misdemeanor and felony convictions

This act has various effective dates, please see full summary for effective dates of specific provisions.

## **S681 - Agency Policy Directives/2019-2020.**

### **Sec. 10.1: Technical Correction to Recently Enacted Human Trafficking Language. (SL 2020-78)**

Section 10.1 of this act corrects amendatory language from a recent act on human trafficking. This section has a retroactive effective date of December 1, 2019.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 10.2: District Attorneys/No Transfer of Funds and Study Feasibility of Office of Prosecutorial Services. (SL 2020-78)**

Sec. 10.2 of S.L. 2020-78 does the following:

- Prohibits the transfer of funds from the Office of the District Attorney Fund Code without the consent of the Conference of District Attorneys.
- Creates a study by the School of Government to determine the feasibility and cost of creating an Office of Prosecutorial Services, independent from the Administrative Office of the Courts.

This section of the act became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 11.1: Expand Criminal Justice Fellows Program Eligibility. (SL 2020-78)**

Section 11.1 of S.L. 2020-78 amends G.S. 17C-20 by modifying the definition of "Eligible County" regarding participation in the Criminal Justice Fellows Program. The modifications (i) increase the population ceiling under which a county must exist in order to be eligible to participate in the Criminal Justice Fellows Program; the population ceiling was increased to 125,000 from the previous ceiling of 75,000, and (ii) designates all development tier one counties pursuant to G.S. 143B-437.08 as also eligible to participate in the Criminal Justice Fellows Program.

This section became effective July 1, 2020, and applies to Criminal Justice Fellows Program recipients selected on or after that date.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 12.1: Inmate Construction Program. (SL 2020-78)**

Section 12.1 of S.L. 2020-78 adds a new section, G.S. 148-32.3, to Article 3 of Chapter 148 of the General Statutes. This new section allows the State Construction Office to utilize inmates in the custody of the Department of Public Safety (DPS) Division of Adult Correction for the repair and renovation of State-owned facilities, with priority given to DPS construction projects. This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 12.2: No Transfer of Positions to Other State Agencies. (SL 2020-78)**

Section 12.2 of S.L. 2020-78 restricts the Office of State Budget and Management from transferring any positions, personnel, and funds from the Department of Public Safety to any other agency during the 2020-2021 fiscal year unless the transfer was included in the base budget for that fiscal year. This restriction does not apply to a consolidation of information technology positions into the Department of Information Technology pursuant to G.S. 143B-1325.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 12.3: Caitlyn's Courage, Inc./Correct Entity Granting Funds. (SL 2020-78)**

Section 12.3 of S.L. 2020-78 corrects Section 3.3(54) of S.L. 2020-4 by replacing the Administrative Office of the Courts with the Department of Public Safety, Division of Administration, as the entity receiving Coronavirus Relief Funds and granting the funds to Caitlyn's Courage, Inc.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 12.5: Office of Recovery and Resiliency Temporary Positions Adjustment. (SL 2020-78)**

Section 12.5 of S.L. 2020-78 amends Section 5.7(a) of S.L. 2018-136, and allows the Office of Recovery and Resiliency to hire more than 30 new three-year time-limited positions supported by federal grant administrative funding to provide general disaster recovery coordination, citizen outreach, and other services.

This section became effective on July 1, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 4.4: Clarify Electronic Signatures for Search Warrants and Certain Court Orders. (SL 2020-3)**

Section 4.4 of S.L. 2020-3, clarifies that any signature required for the issuance of a search warrant or any 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 became effective on May 4, 2020, and expired on August 1, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 4.15: Expand the Definition of Security Guard and Patrol Profession to Include Security Services Providers at State Prisons. (SL 2020-3)**

Sec. 4.15 of S.L. 2020-3, as amended by Sec. 2 of S.L. 2020-15, does all of the following:

- Expands the definition of “security guard and patrol profession” in the Private Protective Services Act to include the provision of certain security services at State prison facilities.
- Requires any licensed security guard and patrol professional employed to provide security services at a State prison facility be trained in State prison policies.



- Establishes the scope of authority of licensed security guards and patrol professionals employed to provide security services at State prison facilities.

This section became effective May 4, 2020, and, as amended by Section 2 of S.L. 2020-15, expires upon the earlier of August 1, 2022, or the date of completion of the Youth Development Center in Rockingham County.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 4.16: New Attorneys' Oath. (SL 2020-3)**

Sec. 4.16 of S.L. 2020-3, authorizes a justice or judge of the General Court of Justice to remotely administer the oaths prescribed for attorneys using a form of live video conferencing technology provided the attorney taking the oath is personally known to the justice or judge or the attorney provides satisfactory evidence of identity.

This section became effective May 4, 2020, and expires December 1, 2020.

# COVID-19

**See full summary documents for additional detail**

## **H1023 - Coronavirus Relief Fund/Additions & Revisions.**

### **Sec. 1.1(e) Revisions to S.L. 2020-4. (SL 2020-80)**

Section 1.1(e) of S.L. 2020-80 creates multiple sections in S.L. 2020-4. Please see S.L. 2020-4 for these summaries.

## **H1105 - Coronavirus Relief Act 3.0.**

### **Sec. 1.3 Revisions to S.L. 2020-4. (SL 2020-97)**

Section 1.3 of S.L. 2020-97 creates multiple Sections in S.L. 2020-4. Please see S.L. 2020-4 for these summaries.

# Criminal Law and Procedure

See full summary documents for additional detail

## **H425 - Implement Conner's Law. (SL 2020-86)**

S.L. 2020-86 provides \$1,200,000 in nonrecurring funds to implement S.L. 2019-228, otherwise known as "Conner's Law", which provides a new death benefit of \$100,000 for public safety employees murdered in the line of duty. This act became effective July 1, 2020.

## **H511 - North Carolina First Step Act. (SL 2020-47)**

S.L. 2020-47 does all of the following:

- Authorizes a court to deviate from the mandatory minimum sentence for drug trafficking offenses if certain findings are made.
- Requires the Administrative Office of the Courts (AOC) to publish an annual report of the number of sentences modified under Section 2 of this act.
- Allows a person sentenced solely for trafficking or conspiracy to commit trafficking, to file a Motion for Appropriate Relief (MAR) requesting a resentencing in accordance with Section 2 of this act.
- Directs the Department of Information Technology (DIT) to study the collection of criminal justice data elements.

This act has various effective dates. Please see the full summary for more detail.

## **H1064 - GSC Clarifying Bingo License Statute. (SL 2020-72)**

S.L. 2020-72 clarifies the bingo license statute, updates references to conform to the current organization of the Department of Public Safety, and expands instances that constitute good cause for a continuance in a civil or criminal action. This act has various effective dates. Please see the full summary for more detail.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 4.41: Authorize Modification of Judgments Requiring Intermittent Active Time. (SL 2020-3)**

Sec. 4.41 of S.L. 2020-3 temporarily allowed a chief district court judge to modify an order of confinement or imprisonment in a local confinement facility if all of the following conditions were met:

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

EFFECTIVE DATE: This section became effective May 4, 2020 and expired August 1, 2020.

# Education

See full summary documents for additional detail

## **H308 - Regulatory Reform Act of 2020.**

**Sec. 25: Allow a Teaching Hospital Affiliated With But Not Part Of Any Constituent Institution of the University of North Carolina to Assign Campus Police Officers of its Campus Law Enforcement Agency to Any Other Facility Within the Teaching Hospital's System Network. (SL 2020-74)**

Section 25 of S.L. 2020-74 allows a campus police agency of a teaching hospital affiliated with but not part of any constituent institution of The University of North Carolina to assign its campus police officers to any other facility within that teaching hospital's system network. The jurisdiction of campus police officers assigned in this way extends only to the premises of the assigned facility, and does not include any public roads or highways passing through or immediately adjoining the facility.

This section became effective July 1, 2020.

## **H472 - NCSU/NC A&T Matching Funds/Umstead Act.**

**Sec. 3: Sale of Dairy Products at NC A&T Facilities. (SL 2020-26)**

Sec. 3 of S.L. 2020-26 allows the sale of dairy products at facilities owned by North Carolina Agricultural and Technical State University (NC A&T), if the products are produced by the University Farm at NC A&T and any profits from the sales are used to support the Agricultural Research Program and the College of Agricultural and Environmental Sciences at NC A&T.

This section became effective July 1, 2020.

## **H1023 - Coronavirus Relief Fund/Additions & Revisions.**

**Sec. 2.3: Student Meal Debt Report and Reduced-Price Lunch Co-Pays. (SL 2020-80)**

Sec. 2.3 of S.L. 2020-80 directs the State Board of Education to report by October 15, 2021, to the Joint Legislative Education Oversight Committee on unpaid meal charges in local school administrative units (LEAs). The report must include the following information:

- The percentage of students of all grade levels in each LEA who (i) qualify for and participate in reduced price meals and (ii) do not carry an unpaid meal charge.
- The total amount of debt carried by each LEA related to unpaid meal charges.
- Summaries of approaches adopted by each LEA regarding unpaid meal charges.
- Options for a statewide policy on the uniform administration of unpaid meal charges in local LEAs. Every option shall ensure that students are not prevented from receiving nutritious meals because of an unpaid meal charge.

This section also directs the Department of Public Instruction (DPI) to transfer \$3.9 million in nonrecurring funds from the School Bus Replacement Fund to the State Public School Fund for the 2020-2021 fiscal year. The funds must be used to provide free school lunches to students of all grade levels qualifying for

reduced-price meals in all schools participating in the National School Lunch Program in the 2020-2021 school year. If the funds are insufficient to provide lunch for all qualifying students, DPI must use any excess funds appropriated for the National School Breakfast Program to cover the costs.

This section became effective July 1, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(86): Covid-19 Pandemic Alternative Education Options for Students with Disabilities. (SL 2020-4)**

S.L. 2020-4, Sec. 3.3(86), as enacted by S.L. 2020-97, Sec. 1.2, provides additional funds to the State Education Assistance Authority to fund Personal Education Savings Accounts (PESAs) and Special Education Scholarships for Students with Disabilities (SWD Scholarships). Eligible students who (i) applied for these scholarships for the 2020-2021 school year within established application deadlines and (ii) were not awarded scholarships as of September 4, 2020, must be awarded funds for the fall semester of the 2020-2021 school year only. If feasible, any remaining scholarship funds must be distributed to additional eligible students under the same conditions.

Students awarded PESAs with these funds will not receive priority award of future PESA scholarships. Students awarded SWD Scholarships will be deemed to meet the public school enrollment requirements for eligibility for SWD Scholarships in the 2021-2022 school year, but will not receive priority in the award of those scholarships.

This subdivision became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 4.2D: Plasma Games Pilot Program. (SL 2020-4)**

Sec. 4.2D of S.L. 2020-4, as enacted by Sec. 1.1(e) of S.L. 2020-80, establishes a pilot program for the 2020-2021 school year to promote access to innovative digital and personalized learning solutions for high school students that bridge the gap between chemistry and physical science classes and career and technical education (CTE) career pathways. The pilot program will be administered by the Office of Science, Technology, and Innovation (the Office) in the Department of Commerce. Participating local school administrative units (LEAs) will use educational software developed by Plasma Games, Inc. in select classes and CTE programs to encourage student interest and workforce development for chemistry-dependent industries located in North Carolina. Participating LEAs must provide the Office with a plan for using Plasma Games, Inc.'s educational technology in its schools, which must include professional development and training for school personnel. LEAs must report to the Office by May 1, 2021, on the implementation of the pilot program, including:

- How the pilot program funds were used.
- The number of students impacted by the pilot program and the number of students pursuing STEM-related CTE career pathways as a result of the pilot program, measured by the number of students declaring interest in a career with a chemistry-dependent industry located in North Carolina and the number of students pursuing higher education in a chemistry-related major or technical certification at a school in North Carolina.
- Demand for and feedback by teachers on the use of the STEM-focused educational technology.

- Any other information requested by the Office.

The Office must report by June 1, 2021, to the Joint Legislative Education Oversight Committee, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division on the implementation of the pilot program and information reported by participating LEAs.

This section became effective July 1, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 4.13: Temporary Flexibility for Transportation Allotment. (SL 2020-4)**

Sec. 4.13 of S.L. 2020-4, as enacted by Sec. 1.3 of S.L. 2020-97, authorizes local school administrative units, for the 2020-2021 school year, to use funds from the transportation allotment for additional purposes, including:

- School nutrition.
- School- and community-based child care.
- Sanitizing schools and buses.
- Personal protective equipment.
- Remote instruction.

This section became effective September 4, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 4.16: Smart School Bus Safety Pilot Program. (SL 2020-4)**

S.L. 2020-4, Sec. 4.16, as enacted by S.L. 2020-97, Sec. 1.3, directs the Department of Public Instruction (DPI) to establish the Smart School Bus Safety Pilot Program (Program) by November 23, 2020, and ending it on or before January 1, 2024. The Program is to improve the transportation of public school students through technology in response to the COVID-19 pandemic. All funds from the Coronavirus Relief Fund must be expended by December 30, 2020.

Minimum Technology and Services – Local school administrative units (LEAs) must identify and contract with qualifying vendors to provide technology and services for school buses. Authorized LEAs can elect not to participate in the Program. Qualifying vendors must provide technology and services for school buses in participating LEAs with the LEAs having discretion over the specific technology and services provided as long as the following minimum requirements are met:

- Improve overall communications and reporting on school buses.
- Include automated school bus safety cameras and on-board integration with those cameras.
- Enable employee time tracking, student ridership tracking, and contact tracing in the event of a COVID-19 infection.
- Enable global positioning system tracking of school buses.
- Enable turn by turn navigation along bus routes.
- Optimize time, expenditure, and safety of bus routes.
- Provide pre- and post-trip vehicle inspections that may be transmitted to DPI on a regular basis.

- Communicate ridership information to the student information management system.
- Permit parents or legal guardians to access applicable information.
- Conform to applicable guidance provided by the North Carolina Department of Health and Human Services for the transportation of students during the COVID-19 pandemic.
- Include implementation and project management assistance, training, radio frequency identification technology, and check-in and check-out security stickers or other badges for students.

LEA Requirements – The following requirements and contingencies apply to each participating LEA:

- Every school bus designed for the transportation of children with disabilities must be outfitted with technology provided pursuant to the Program as long as the technology is appropriate for children with disabilities and can be provided in a cost-effective manner.
- At the conclusion of the Program, all hardware provided to an LEA becomes the property of that LEA.

Reports – No later than November 1 and March 1 of each year the Program is in effect, DPI, in consultation with each participating LEA, must report at least all the following information to the Joint Legislative Education Oversight Committee, any committee constituted by the House of Representatives or Senate to address school safety, and the Fiscal Research Division:

- An itemized breakdown of software infrastructure, hardware infrastructure, and equipment provided by qualifying vendors to participating LEAs pursuant to the Program.
- A description of all services provided by qualifying vendors to participating LEAs pursuant to the Program.
- A list of qualifying vendors contracting with participating LEAs pursuant to the Program.
- The impact and effectiveness of the Program.
- All expenditures of State funds pursuant to the Program.

This section became effective September 4, 2020.

### **H1050 - PED/Low-Performing School Districts. (SL 2020-55)**

S.L. 2020-55 requires that plans for improvement and comprehensive needs assessments of low-performing local school administrative units include consideration and examination of early childhood learning.

This act became effective June 30, 2020, and applies beginning with plans of improvement and comprehensive needs assessments for LEAs identified as low-performing based on data from the 2020-2021 school year.

### **H1096 - UNC Omnibus Changes/UNC Lab School Funds.**

#### **Sec. 1: Repeal of Mandatory Board of Governors Review of Certain UNC Human Resources Actions. (SL 2020-56)**

Sec. 1 of S.L. 2020-56 repeals the requirement that the Board of Governors monitor the following human resources actions taken at constituent institutions or The University of North Carolina System Office: (i) nonlegislative annual employee salary increases of 5% or more granted to employees that have annual



salaries of \$100,000 or more, or would have salaries at or above \$100,000 after the salary increase and (ii) new personnel positions created having annual salaries of \$70,000 or more.

This section became effective June 30, 2020.

## **H1096 - UNC Omnibus Changes/UNC Lab School Funds.**

### **Sec. 2: UNC Laboratory School Modifications/Funds. (SL 2020-56)**

Sec. 2 of S.L. 2020-56 makes the following changes to laboratory schools:

- Requires nine laboratory schools to be established, but allows a constituent institution to operate more than one laboratory school. This section changes requirements on when schools must open by, requiring six to be opened by the 2020-2021 school year, and an additional three by the 2022-2023 school year.
- Provides laboratory schools, in addition to other granted immunities, the same immunities granted under Chapter 115C to local boards of education.
- Authorizes a laboratory school to be renewed for additional five-year terms even if the local school administrative unit (LEA) criteria are not met, if the governing Subcommittee finds the school is successfully meeting its mission. This section also authorizes the governing Subcommittee to terminate the operation of a laboratory school at any time for failing to meet expected progress.
- Requires the Board of Governors of The University of North Carolina and State Board of Education to jointly develop maximum cost standards for facilities and services an LEA can provide a laboratory school. Laboratory schools have the ability to request any of the following to be provided by an LEA, who will be required to provide the services based on those cost standards: facilities, transportation, food services, and student services.
- Makes a conforming change to provide transportation funding to laboratory schools.

These changes apply beginning with the 2021-2022 school year, and apply to leases and agreements entered on or after June 30, 2020. The changes do not apply to existing leases, contracts, or agreements, unless mutually modified by the parties.

This section also makes the following changes regarding laboratory school admissions and student assignment:

- Allows a child of a laboratory school employee to be eligible to attend the school.
- Allows a laboratory school to enroll students not meeting any of the statutory criteria after March 1 annually if the school does not reach enrollment capacity by that date. The number of students admitted under this provision would be capped at 20% of total capacity.
- Requires reasonable efforts to be made by the laboratory school to reflect the demographics of the general population of the LEA within one year of opening.

These changes became effective with the 2020-2021 school year.

This section also transfers \$200,000 from funds provided for the Future Teachers of North Carolina program to the Laboratory School Program for support services for the 2020-2021 school year.

Except as otherwise provided, this section became effective June 30, 2020.

**H1096 - UNC Omnibus Changes/UNC Lab School Funds.**

**Sec. 3: Extend Report Date for UNC Board of Governors Planning Task Force. (SL 2020-56)**

Sec. 3 of S.L. 2020-56 gives the UNC Board of Governors Planning Task Force an extension until July 30, 2020, to submit its report containing the UNC System Plan and any legislative recommendations to the Joint Legislative Capital Improvements Oversight Committee and the Fiscal Research Division.

This section became effective June 30, 2020.

**H1096 - UNC Omnibus Changes/UNC Lab School Funds.**

**Sec. 4: Modify Future Teachers of North Carolina. (SL 2020-56)**

S.L. 2020-56, Sec. 4, changes the structure of the Future Teachers of North Carolina program from a high school-based course developed with a college partner to a symposium-based program administered by the Future Teachers of North Carolina Advisory Council that introduces high school students to the teaching profession.

This section became effective June 30, 2020.

**H1096 - UNC Omnibus Changes/UNC Lab School Funds.**

**Sec. 5: Modifications to the North Carolina Teaching Fellows Program. (SL 2020-56)**

Sec. 5 of S.L. 2020-56 adjusts the number of institutions of higher education to be selected to participate in the North Carolina Teaching Fellows Program from five to up to eight that represent a diverse selection of institutions within The University of North Carolina system and private postsecondary institutions operating in the State.

This section also raises the amount provided for all program participants to participate in the New Teacher Support Program from \$2,000 to \$2,200, with a priority for teachers serving in low-performing schools.

The increase in Teaching Fellows institutions applies to the award of forgivable loans beginning with the 2022-2023 school year, and the increase in per-student Teaching Fellows funding for the New Teacher Support Program became effective July 1, 2020.

**H1096 - UNC Omnibus Changes/UNC Lab School Funds.**

**Sec. 6: Exempt NC School of the Arts and NC School of Science and Math from Public School Unit Definition. (SL 2020-56)**

Sec. 6 of S.L. 2020-56 removes the North Carolina School of the Arts and the North Carolina School of Science and Mathematics from the definition of public school unit in Chapter 115C of the General Statutes.

This section became effective June 30, 2020.

**H1096 - UNC Omnibus Changes/UNC Lab School Funds.**

**Sec. 8: Millennial Campus Designation for UNC-Affiliated Institutions. (SL 2020-56)**

Sec. 8 of S.L. 2020-56 allows an affiliated institution of The University of North Carolina to have real property designated as a "Millennial Campus" of that affiliated institution.

This section became effective June 30, 2020.

**H1096 - UNC Omnibus Changes/UNC Lab School Funds.**

**Sec. 8A: Accelerated Degree Completion Study by The University of North Carolina. (SL 2020-56)**

S.L. 2020-56, Sec. 8A, requires the Board of Governors of The University of North Carolina to study the feasibility of offering accelerated undergraduate degree programs at constituent institutions. The Board of Governors must report on its findings to the Joint Legislative Education Oversight Committee by March 1, 2021.

This section became effective June 30, 2020.

**H1105 - Coronavirus Relief Act 3.0.**

**Sec. 3.1: Average Daily Membership Hold Harmless. (SL 2020-97)**

Sec. 3.1 of S.L. 2020-97, for the 2020-2021 fiscal year, prohibits the State Board of Education from reducing allocations to innovative schools, charter schools, regional schools, the North Carolina Virtual Public School, laboratory schools, virtual charter schools, and local school administrative units due to a discrepancy between the actual and anticipated average daily membership.

This section became effective September 4, 2020.

**H1105 - Coronavirus Relief Act 3.0.**

**Sec. 3.2: Virtual Charter School Enrollment. (SL 2020-97)**

Sec. 3.2 of S.L. 2020-97 authorizes schools participating in the State's virtual charter school pilot program to increase enrollment for the 2020-2021 school year. The North Carolina Cyber Academy is authorized to increase enrollment by 1,000 students and the North Carolina Virtual Academy is authorized to increase enrollment by 2,800 students.

For the 2021-2022 school year, each virtual charter school must give enrollment priority to students who were enrolled for the 2020-2021 school year prior to September 4, 2020. Each virtual charter school must provide an interim report by March 15, 2021, and a final report by November 15, 2021, to the Joint Legislative Education Oversight Committee on the impact of the increase in student enrollment.

This section became effective September 4, 2020.

## **H1105 - Coronavirus Relief Act 3.0.**

### **Sec. 3.3: Changes to the Opportunity Scholarship Grant Program. (SL 2020-97)**

Sec. 3.3 of S.L. 2020-97 makes several changes to the Opportunity Scholarship Grant Program (Program).

Remove Cap on K-1 Grade Funds – This section removes the cap on the amount of funds that can be used to award scholarship grants to eligible students entering kindergarten or first grade. For the 2020-2021 school year, from the funds that are made available by the removal of the restriction, the State Education Assistance Authority must award scholarship grants for the 2020 fall semester to provide alternative educational options during the COVID-19 pandemic, to eligible students who had applied for the scholarship grants for the 2020-2021 school year but had not been awarded scholarship grants as of September 4, 2020.

Change to Income Eligibility Threshold – This section also requires that a student eligible for the Program must reside in a household with an income level not in excess of 150% of the amount required for the student to qualify for the federal free or reduced-price lunch program.

**EFFECTIVE DATE:** This section became effective September 4, 2020. The removal of the cap on K-1 grade funds applies beginning with applications for scholarship grants for the 2020-2021 school year. The income eligibility change applies beginning with applications for scholarship grants for the spring semester of the 2020-2021 school year.

## **H1105 - Coronavirus Relief Act 3.0.**

### **Sec. 3.4: North Carolina Patriot Star Family Scholarship Program. (SL 2020-97)**

Sec. 3.4 of S.L. 2020-97 provides funding in the form of grants to the Patriot Foundation and the Marine Corps Scholarship Foundation, Inc., (nonprofits) to establish the North Carolina Patriot Star Family Scholarship Program (Program) for postsecondary scholarships for eligible children and spouses of certain qualifying veterans and members of the Armed Forces.

The following criteria must be met for award of a scholarship by the nonprofits:

- Children - An eligible child must meet the following criteria:
  - Attend or be accepted to enroll in an eligible postsecondary institution.
  - Be a legal resident of the State when the scholarship documentation is completed. For children claimed as a dependent by their parent, residency can be established based on the parent being an active duty service member permanently stationed in the State.
  - Have complied with the requirements of the Selective Service System.
  - Have a parent who is a veteran or a currently serving member of the Armed Forces that meets both of the following criteria:
    - One of the following residency conditions:
      - A resident of the State at the time of scholarship documentation completion.
      - A resident of the State at the time of service entrance.
      - Permanently stationed in the State at the time of death.
      - An active duty service member permanently stationed in the State at the time of scholarship documentation completion.
- One of the following service conditions:

- A service member killed in action or the line of duty, or who died of wounds or other causes not due to willful misconduct during a period of war or national emergency.
- A service member who died of service-connected injuries, wounds, illness, or other causes incurred or aggravated while enlisted during a period of war or national emergency.
- A service veteran who incurred traumatic injuries or wounds or sustained a major illness while enlisted during a period of war or national emergency and is receiving compensation for a wartime service-connected disability of at least fifty percent (50%).
- A current service member who incurred traumatic injuries or wounds or sustained a major illness while enlisted during a period of war or national emergency.
- Spouse – An eligible spouse must meet the following criteria:
  - Attend or be accepted to enroll in an eligible postsecondary institution.
  - Be a legal resident of the State when the scholarship documentation is completed.
  - Have complied with the requirements of the Selective Service System.
  - Was married to a service member killed in action or in the line of duty, or died of wounds or other causes not due to the service member's willful misconduct during a period of war or national emergency.

The nonprofits must establish criteria for administration of the Program. A scholarship awarded to an eligible child or spouse must not exceed the cost of attendance at the eligible postsecondary institution, and must be reduced by other scholarships and grants covering costs of attendance. The nonprofits must each report to the Joint Legislative Education Oversight Committee and the Fiscal Research Division on the use of State funds and activities related to the Program administration by April 1, 2021.

This section became effective September 4, 2020.

### **H1105 - Coronavirus Relief Act 3.0.**

#### **Sec 3.6: Expansion of Authority for UNC to Designate Counsel. (SL 2020-97)**

Section 3.6 of S.L. 2020-97 allows the Board of Governors (BOG) of The University of North Carolina (UNC) to authorize the President of UNC to designate legal counsel, including private counsel, as the President deems necessary to represent the interests of the BOG, UNC, any constituent institution, or officer or employee of UNC in any matter in or before any court or agency in North Carolina, any other state, or the United States. This authority includes the discretion to determine if legal representation in any matter is provided by the Attorney General's office, attorneys employed on the legal affairs staff of UNC, private counsel, or any combination. When the President employs counsel in addition to or other than the Attorney General, the President may designate the lead counsel that will have final decision-making authority with respect to representation, counsel, or service for UNC.

This section became effective September 4, 2020.

### **H1136 - Funds for NCSSM-Morganton Campus. (SL 2020-31)**

S.L. 2020-31 provides that funds made available from a reduction to the State employer contribution rates for death benefits be used to support the opening and operation of the Morganton campus of the North Carolina School of Science and Mathematics.

This act became effective July 1, 2020.

**S113 - Education Omnibus.**

**Sec. 1: School Psychologist Licensure Exemption. (SL 2020-49)**

Sec. 1 of S.L. 2020-49 extends the exemption from licensure by the North Carolina Psychology Board to contracted school psychologists and those employed by any public school unit in North Carolina. These school psychologists must still be licensed by the State Board of Education.

This section became effective June 29, 2020.

**S113 - Education Omnibus.**

**Sec. 3: Modification to the 2020-2021 School Calendar. (SL 2020-49)**

S.L. 2020-49, Sec. 3 amended S.L. 2020-3, Sec. 2.11. Please see summary for S.L. 2020-3, Sec. 2.11 for complete summary.

**S113 - Education Omnibus.**

**Sec. 6: Charter School Report Date Change. (SL 2020-49)**

Sec. 6 of S.L. 2020-49 adjusts the due date of an annual State Board of Education report to the Joint Legislative Education Oversight Committee on the educational effectiveness of charter schools and the effect of charter schools on the public schools in the local school administrative unit in which the charter schools are located from February 15 to June 15.

This section became effective June 29, 2020.

**S113 - Education Omnibus.**

**Sec. 7: Superintendent May Approve Bonds to Finance or Refinance a Charter School Facility. (SL 2020-49)**

Sec. 7 of S.L. 2020-49 designates the Superintendent of Public Instruction as an applicable elected representative under the Internal Revenue Code who can approve issuance of a private activity bond to finance a charter school facility, following a public hearing conducted in the county where the charter school facility is or will be located in accordance with the Internal Revenue Code and applicable State and federal laws and regulations.

This section became effective June 29, 2020.

## **S113 - Education Omnibus.**

### **Sec. 9: Extend Grant Term for the North Carolina Transforming Principal Preparation Program. (SL 2020-49)**

Sec. 9 of S.L. 2020-49 extends the maximum grant term for a grant awarded under the North Carolina Transforming Principal Preparation Program from 5 years to 6 years.

This section became effective July 1, 2020, and applies to grants awarded or renewed on or after that date.

## **S113 - Education Omnibus.**

### **Sec. 10: Covid-19 Immunity for Nonpublic Schools. (SL 2020-49)**

S.L. 2020-49, Sec. 10, grants limited immunity to nonpublic schools for claims related to tuition and fees paid for the 2019-2020 academic year that arise from alleged acts or omissions by the school between March 10 and July 1, 2020, in response to COVID-19. The immunity can be asserted if the alleged acts or omissions were reasonably related to protecting the public health, safety, or welfare in response to COVID-19 executive orders or guidance from the Centers for Disease Control and Prevention, and if the nonpublic school offered remote learning options for students to complete the academic year. The immunity cannot be asserted for losses or damages resulting solely from breach of an express contractual provision that allocated pandemic liability, or if the losses or damages were caused by an act or omission that was in bad faith or malicious.

This section became effective June 29, 2020, and applies to actions commenced on or after that date.

## **S208 - COVID-19 Immunity/IHEs. (SL 2020-70)**

S.L. 2020-70 creates a new Article in the General Statutes granting limited immunity for institutions of higher education (IHEs) for claims related to tuition and fees paid for the spring 2020 semester that arise from alleged acts or omissions by the IHE in response to COVID-19. IHEs can assert this immunity if the alleged acts or omissions were reasonably related to protecting the public health, safety, or welfare in response to COVID-19 executive orders or guidance from the Centers for Disease Control and Prevention, and if the IHE offered remote learning options for students to complete spring semester coursework.

IHEs cannot assert this immunity for losses or damages resulting solely from the breach of an express contractual provision that allocated liability in the event of a pandemic, or if the losses or damages were caused by an act or omission that was in bad faith or malicious.

This Article is limited to alleged acts or omissions occurring between March 10, 2020, and June 1, 2020. Additionally, provisions in the Article are severable if a court invalidates certain sections.

This act became effective July 1, 2020, and applies to all actions commenced on or after March 27, 2020.

**S212 - Capital Appropriations/R&R/DIT/Cybersecurity.  
Sec. 10: Definition of Year-Round School. (SL 2020-81)**

S.L. 2020-81, Sec. 10, defines the term "year-round" school for purposes of school calendars established for local school administrative units. A year-round school is one that provides a single- or multi-track instructional calendar throughout the entire school calendar year, by utilizing at least one of three possible plans that either stagger student attendance or alternate instruction and vacation days on a regular schedule.

This section became effective July 1, 2020, and applies beginning with the 2021-2022 school year.

**S476 - School-Based Mental Health. (SL 2020-7)**

Session Law 2020-7 directs the State Board of Education (SBE) to adopt a school-based mental health policy and directs K-12 school units to adopt and implement a school-based mental health plan that includes a mental health training program and a suicide risk referral protocol.

This act became effective June 8, 2020. School personnel who are required to complete the training and are employed in a K-12 school unit as of that date must complete initial mental health training by the end of the 2021-2022 school year.

**S560 - Scholarships for Children of Wartime Veterans. (SL 2020-1)**

S.L. 2020-1 provides additional funding for the North Carolina Scholarship for Children of Wartime Veterans.

The act became effective July 1, 2019.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 2.1: Elimination of Report to Superintendent on the Adopted Schedule of Fees. (SL 2020-78)**

Sec 2.1 of S.L. 2020-78 eliminates the requirement that all schedules of fees, charges, and solicitations be reported by the local boards of education to the Superintendent of Public Instruction. Instead, each local board of education must publish a schedule of fees, charges, and solicitations approved by the local board on the local school administrative unit's Web site by October 15 of each school year and within 30 days of each subsequent revision.

This section became effective July 1, 2020, and applies beginning with the 2020-2021 school year.



**S681 - Agency Policy Directives/2019-2020.**

**Sec. 2.2: Authorize the NC CTE Education Foundation to Administer Certain Grants. (SL 2020-78)**

Sec. 2.2 of S.L. 2020-78 requires the North Carolina Education and Workforce Innovation Commission (Commission) to collaborate with the North Carolina Career and Technical Education Foundation (Foundation) in the Commission's administration of two career and technical education (CTE) grant programs: The Education and Workforce Innovation Program and the CTE Grade Expansion Program. The Foundation will serve as a grant administrator by providing assistance and support to grantees for initiating, expanding, improving, and promoting CTE initiatives.

This section became effective July 1, 2020, and applies to the administration of grant programs on or after that date.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 2.3: Broaden Certain Charter School Enrollment Priorities. (SL 2020-78)**

Sec. 2.3 of S.L. 2020-78 expands the categories of students that a charter school can give enrollment priority to, to include siblings who apply to the charter school for admission beginning in the same school year, such as when a sibling was not initially admitted due to grade level capacity. This section also allows charter schools to give priority enrollment to children of individuals who work full-time in the daily operations of the charter school, including children of individuals employed by an education management organization or charter management organization for the charter school.

This section became effective July 1, 2020, and applies beginning with the 2020-2021 school year.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 2.4: Expand Schools That Lead Pilot Program. (SL 2020-78)**

S.L. 2020-78, Sec. 2.4, expands the number of possible schools from 60 to 75 in the Schools That Lead Pilot Program providing professional development to teachers and principals.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 2.5: Arts Education Graduation Requirement. (SL 2020-78)**

Sec. 2.5 of S.L. 2020-78 requires the State Board of Education (SBE) to modify the high school graduation requirements to include one required credit in arts education to be completed by each student at any time in sixth grade through twelfth grade. The implementation of this requirement begins with students entering the sixth grade in 2022.

The SBE must include an exemption from this requirement for students transferring into a North Carolina public school beginning in the ninth grade or later, if the arts education requirement would prevent the student from graduating on time. Additionally, the SBE must establish procedures and a timeline for phasing in the arts education graduation requirement and the minimum criteria to meet the arts education requirement.

The SBE must report to the Joint Legislative Education Oversight Committee by December 15, 2022, on the statewide implementation of the three interdependent components of comprehensive arts education (arts education, arts integration, and arts exposure) and the arts education graduation requirement.

This section became effective July 1, 2020.

## **S681 - Agency Policy Directives/2019-2020.**

### **Sec. 2.6: Advanced Teaching Roles Changes. (SL 2020-78)**

Sec. 2.6 of S.L. 2020-78 codifies the Advanced Teaching Roles Program (Program). Local boards of education will be required to submit their proposals by October 15, 2020, and annually thereafter, to participate in the Program. This section does not limit the number of local school administrative units (LEAs) that can participate in the Program, but it prioritizes funding for up to 15 LEAs that fit in certain size categories. Additionally, LEAs participating in the existing pilot program in the 2020-2021 school year are guaranteed approval, provided that their application is not inconsistent with the codified program's requirements.

This section includes several changes from the pilot in the requirements for participation in the Program, such as:

- Requiring information on how the LEA would utilize and train classroom teachers in advanced teaching roles.
- Requiring the minimum qualifications for advanced teaching roles positions to meet two of the identified criteria rather than one.
- Requiring teachers who qualify for advanced teaching roles based on student growth to have an average Education Value-Added Assessment System (EVAAS) student growth index score of 1.5 or greater (and no score below zero) over the previous three years.
- Requiring a description of how the LEA could partner with local educator preparation programs, institutions of higher education, or community colleges to improve teacher effectiveness.

Initially selected LEAs will implement their plans beginning with the 2021-2022 school year. The State Board of Education (SBE) will review participating LEAs every five years to ensure compliance with the approved plan. After review, the SBE can renew or terminate the plan.

Schools that are included in an LEA's approved application will receive class size flexibility, and LEAs that participate in the Program will receive budget flexibility for the purpose of providing salary supplements.

Funds awarded for this Program are subject to availability and can be awarded for a term of up to three years. LEAs are only eligible to receive funding for one term. Unlike the pilot program, awarded funds cannot be used for salary supplements.

The SBE must contract with an independent research organization to provide an evaluation during the first two years of the Program. Beginning October 15, 2023, and annually thereafter, the SBE will perform the evaluation and provide the annual reports.

The codified language of this section became effective July 1, 2020. The current Pilot will be repealed June 30, 2021.

## **S681 - Agency Policy Directives/2019-2020.**

### **Sec. 3.1: UNC Report on State Budget Allocations and Policies. (SL 2020-78)**

Sec. 3.1 of S.L. 2020-78 directs the Board of Governors of The University of North Carolina to report by February 1 of each year to the Joint Legislative Education Oversight Committee, the Senate Appropriations Committee on Education/Higher Education, the House of Representatives Appropriations Subcommittee on Education, and the Fiscal Research Division of the General Assembly on the actions and adjustments necessary to its budgetary policies, regulations, and standards that result from the Current Operations Appropriations Act for the administration and operation of The University of North Carolina and the distribution of State and federal funds to its constituent institutions. This report must include at least the following information for each constituent institution:

- Guidelines related to State salaries of The University of North Carolina employees, including range, median, and mean of faculty salaries at the institution.
- Budget allocations and reductions, including for operating expenses and specific programs.
- Distribution of additional State allocations for enrollment funding.
- Use of State funds and budget flexibility.
- Availability of federal funds.
- Tuition and fees.
- Composition of the student population at the constituent institution, including headcount enrollment and full-time student enrollment for both undergraduate and graduate students, and aggregate data on residency status, median household income, gender, race, and ethnicity.
- Student retention and graduation rates.
- Postsecondary educational attainment rate at the constituent institution, including comparison to statewide data.
- A comparison to prior fiscal year expenditures and appropriations.

This section became effective July 1, 2020.

## **S681 - Agency Policy Directives/2019-2020.**

### **Sec. 3.2: University of North Carolina System Office/Create Searchable Database of Military Credit Equivalencies. (SL 2020-78)**

S.L. 2020-78, Sec. 3.2, requires The University of North Carolina System Office, in collaboration with the North Carolina Community College System through the Military Credit Advisory Council, to create a searchable database of military credit equivalencies to complete the initial phase of military credit evaluations.

This section became effective July 1, 2020.

## **S681 - Agency Policy Directives/2019-2020.**

### **Sec. 3A.1: Need-Based Scholarships for Dependents of Veterans and Active Duty Military. (SL 2020-78)**

Sec. 3A.1 of S.L. 2020-78 creates the following two additional criteria that a student can meet to be eligible to receive a need-based scholarship to attend a private institution of higher education: (i) be the dependent relative of a veteran abiding in North Carolina if the relative lives with the veteran and provides the private institution a letter of intent to establish residency in North Carolina, and (ii) be the dependent relative of an active duty member of the Armed Forces abiding in North Carolina because of active military duty while the relative lives with the active duty member.

This section became effective July 1, 2020, and applies beginning with the award of scholarships for the 2021-2022 school year.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 2.3: Tests and Assessment Waivers. (SL 2020-3)**

Sec. 2.3 of S.L. 2020-3 does the following:

- Waives the end-of-grade and end-of-course tests for the 2019-2020 school year.
- Provides that public school units must administer the norm-referenced college admissions test that was made available by the State Board of Education (SBE) to all students who were in the 11th grade during the 2019-2020 school year to any student who was not administered the test during the 2019-2020 school year. The test must be administered during the fall semester of the 2020-2021 school year unless the student has already taken a comparable test and scored at or above a level set by the SBE.
- Waives any required diagnostic and formative reading assessments after March 16, 2020, for the 2019-2020 school year for kindergarten, first, second, and third grade students.
- Provides that, for the spring semester of the 2019-2020 school year, local school administrative units are not required to administer the WorkKeys test to any student who completes a concentration in career and technical education courses.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 2.4: School Performance, Annual Report Cards for Schools, Evaluation of Alternate Programs, and School Building Reports. (SL 2020-3)**

Section 2.4 of S.L. 2020-3 creates exceptions to various requirements for the 2019-2020 school year due to lack of data collected during the COVID-19 pandemic.

Calculation and Issuance of School Performance Grades – The State Board of Education (SBE) is not required to display school report card information for the 2020-2021 school year, but must display a brief explanation that school report cards were not issued for the 2020-2021 school year because assessment data was not collected during the 2019-2020 school year due to COVID-19.

Display of School Report Cards – Public school units are not required to display school report card information for the 2020-2021 school year, but must display a brief explanation that school report cards were not issued for the 2020-2021 school year because assessment data was not collected during the 2019-2020 school year due to COVID-19.

Evaluation of Alternative Programs – To the extent that education performance and growth of students in alternative schools and alternative programs are based on the measures used by the SBE to award school achievement, growth, and performance scores to each school within a local school administrative unit, education performance and growth of students in alternative schools and alternative programs will not be evaluated based on data from the 2019-2020 school year.

School Building Reports – The requirement for local school administrative units to produce and make public a school building report does not apply for the October 15, 2020, report based on building-level data from the 2019-2020 school year.

This section became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act .**

##### **Sec. 2.5: Low-Performing Schools. (SL 2020-3)**

Section 2.5 of S.L. 2020-3 waives the requirement to identify new low-performing schools, new continually low-performing schools, and new low-performing local school administrative units. Instead, identifications must be maintained based on 2018-2019 data.

This section became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 2.6: Innovative School District. (SL 2020-3)**

Section 2.6 of S.L. 2020-3 prohibits the State Board of Education from identifying any additional schools as qualifying schools for the Innovative School District based on data from the 2019-2020 school year. Any schools that were identified as qualifying schools for the 2019-2020 school year based on 2018-2019 school year data will remain on the qualifying list. The lowest scoring qualifying school in the State identified based on the school performance score calculated from 2020-2021 school year data, will become an innovative school in the 2022-2023 school year.

EFFECTIVE DATE: This section became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 2.7: Third Grade Retention, Reading Camps, and Fourth Grade Reading Assessment. (SL 2020-3)**

Section 2.7 of S.L. 2020-3 makes the following changes to requirements related to third grade reading:

Third Grade Retention Determination – For grade level determination for the 2020-2021 school year, principals and charter schools have the authority to determine the appropriate 2020-2021 school year grade level for students who were in the third grade during the 2019-2020 school year in the same manner as for students in all other grade levels. Principals must designate whether a third grade student is retained due to reading deficiencies. Principals are encouraged to consult with a student's 2019-2020 third grade teacher in determining grade classification.

Parental Notice and Interventions – If a first, second, or third grade student demonstrated difficulty with reading development or was not reading at grade level during the 2019-2020 school year based on assessments completed on or before March 13, 2020, the parent or guardian must receive notice. Teachers and principals must provide opportunities, including, but not limited to information sessions, to discuss this notification with parents and guardians.

For third grade students retained for the 2019-2020 school year, no written reports on student progress are required after March 16, 2020.

For third grade students retained for the 2020-2021 school year, all requirements regarding successful reading development and notification of parents and guardians apply, except (i) encouraged enrollment in reading camps and (ii) notification of good cause exemptions from mandatory retention based on failing to demonstrate reading proficiency on a standardized test of reading comprehension.

Reading Camps – Local school administrative units are not required to provide reading camps corresponding to the 2019-2020 school year.

Fourth Grade Reading Assessment – No later than the tenth day that school buildings are open to students for the 2020-2021 school year, public school units must administer to all fourth grade students the third grade end-of-year diagnostic reading assessment. The results of the assessment will be used to identify reading deficiencies and inform instruction and remediation needs in order to ensure that all students achieve proficiency at the earliest date possible.

Reporting Requirements – For the 2020-2021 school year, accountability reporting published and reported by local boards of education based on data from the 2019-2020 school year is not required, except that by September 1, 2020, local boards of education must report to the State Board of Education (SBE) the following information:

- The number and percentage of first, second, and third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
- The number and percentage of third grade students retained due to reading deficiencies.

For the 2020-2021 school year, accountability reporting published and reported by charter schools based on data from the 2019-2020 school year is not required, except that by September 1, 2020, charter schools and other public school units subject to charter school statutory requirements must report to the SBE the following information:

- The number and percentage of third grade students on track and not on track to meet year-end expectations based on assessments completed on or before March 13, 2020.
- The number and percentage of third grade students retained due to reading deficiencies.

The SBE must compile the information reported and submit a State-level summary of each component by local school administrative unit and charter school to the Joint Legislative Education Oversight Committee by October 15, 2020.

This section became effective May 4, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 2.8: Advanced Courses in Mathematics. (SL 2020-3)**

Section 2.8 of S.L. 2020-3 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.

This section became effective May 4, 2020.

**S704 - COVID-19 Recovery Act .**

**Sec. 2.9: CPR Graduation Requirement Waiver. (SL 2020-3)**

Section 2.9 of S.L. 2020-3 waives the cardiopulmonary resuscitation (CPR) graduation requirement for the 2019-2020 school year for any student in grade twelve who has not satisfied the requirement for completion of instruction in CPR. The student is still eligible to graduate if (i) CPR instruction cannot be completed because of the COVID-19 emergency, and (ii) the student is otherwise eligible to graduate.

This section became effective May 4, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 2.10: School Calendar for the 2019-2020 School Year. (SL 2020-3)**

Section 2.10 of S.L. 2020-3 adjusts the instructional time requirements for the 2019-2020 school year by deeming that public school units that provided remote instruction have satisfied the minimum days and hours required by State law. For the purposes of this section, remote instruction is defined as learning that takes place outside of the traditional school setting using various media and formats, which can include video conference, telephone conference, print material, online material, or learning management systems. Each public school unit is required to continue remote instruction for the remainder of the 2019-2020 school year.

Additionally, for the 2019-2020 school year, the compulsory student attendance requirements do not apply beginning March 16, 2020.

This section became effective May 4, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 2.11: School Calendar for the 2020-2021 School Year. (SL 2020-3)**

Sec. 2.11 of S.L. 2020-3, as amended by Sec. 3 of S.L. 2020-49, requires the following for school calendars for public school units in the 2020-2021 school year:

- Remote Instruction Plans. – Public school units must develop Remote Instruction Plans (Plans) for the 2020-2021 school year and submit the Plans to the State Board of Education (SBE) by July 20, 2020. The Plans must include information on how the units will deliver quality remote instruction to all students in the 2020-2021 school year, as well as information on teacher training, support for students and families, and engagement of community stakeholders.
- School Calendar. – The following requirements apply to the 2020-2021 school year only:
  - All public school units must adopt a calendar that includes 190 days of instruction meeting all of the following requirements:
    - 185 or 1025 hours of instruction that includes five remote instructional days in accordance with the remote instruction plan.
    - An additional five instructional days that can only be satisfied by individually separate and distinct full instructional days, not by hours.
    - Local school administrative unit (LEA) calendars must meet the following additional requirements:
      - An opening date for students of August 17, 2020, except for defined year-round or modified calendar schools.
      - A closing date for students no later than June 11, 2021, except for defined year-round or modified calendar schools.
      - No remote instruction days scheduled prior to August 24, 2020.
- Required remote instruction days may be scheduled for use as teacher workdays.
- LEAs with good cause waivers cannot have an opening date for students earlier than August 17, 2020, but can use up to five additional remote instruction days for make-up days due to inclement weather or other emergency situations requiring closures.
- LEAs with qualifying year-round school calendars may make certain calendar modifications if needed for student health and safety.
- Public school units may use additional remote instruction days to satisfy instructional time requirements if the governing board determines remote instruction is needed to ensure student health and safety. The governing board must comply with required guidance from the SBE, Department of Health and Human Services, and Department of Public Instruction.

Reporting Requirement. – The SBE must report to the Joint Legislative Education Oversight Committee on the implementation of remote instruction by September 15, 2020.

This section became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 2.12: School Improvement Plans. (SL 2020-3)**

Section 2.12 of S.L. 2020-3 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 will then expire in 18 months rather than 2 years.

This section became effective May 4, 2020.



**S704 - COVID-19 Recovery Act.**

**Sec. 2.13: Principal Recruitment Supplement. (SL 2020-3)**

Section 2.13 of S.L. 2020-3 provides that a school that is eligible to be in the Principal Recruitment Supplement Program (Program) in the 2019-2020 school year will continue to be an eligible school for the Program in the 2020-2021 school year.

This section became effective May 4, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 2.14: Notification Requirement for Teacher Performance Data. (SL 2020-3)**

Section 2.14 of S.L. 2020-3 waives the requirement during the 2020-2021 school year that principals notify teachers of updated Education Value-Added Assessment System data from the 2019-2020 school year.

This section became effective May 4, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 2.15: Teacher Effectiveness Reporting Requirements. (SL 2020-3)**

Section 2.15 of S.L. 2020-3 removes, for the 2020-2021 school year, the requirement that local school administrative units provide teacher effectiveness data from the 2019-2020 school year to the State Board of Education (SBE). The SBE is not required to include any disaggregated data on teacher effectiveness from the 2019-2020 school year in its December 15, 2020, report on the state of the teaching profession in North Carolina.

This section became effective May 4, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 2.16: Teacher Evaluation and Observation Requirements. (SL 2020-3)**

Section 2.16 of S.L. 2020-3 permits annual teacher evaluations from the 2019-2020 school year to be based on (i) observations completed in the 2019-2020 school year prior to March 16, 2020, and (ii) other artifacts and evidence from the 2019-2020 school year. This section also waives any required observations not completed prior to March 16, 2020.

This section became effective May 4, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 2.17: Standardized Testing Requirements for Nonpublic Schools. (SL 2020-3)**

Section 2.17 of S.L. 2020-3 waives requirements for the 2019-2020 school year for nonpublic schools to administer and maintain records of standardized tests.

This section became effective May 4, 2020

**S704 - COVID-19 Recovery Act.**

**Sec. 2.18: Attendance and Calendar Requirements for Nonpublic Schools. (SL 2020-3)**

Section 2.18 of S.L. 2020-3 waives requirements for nonpublic schools to (i) keep attendance records after March 16, 2020 for the 2019-2020 school year, and (ii) operate for at least nine calendar months in the 2019-2020 school year.

This section became effective May 4, 2020.

**S704 - COVID-19 Recovery Act .**

**Sec. 2.19: Standardized Testing and Reporting Requirements for Nonpublic Schools with Students Receiving Opportunity Scholarships. (SL 2020-3)**

Sec. 2.19 of S.L. 2020-3 establishes that nonpublic schools that accept eligible students receiving scholarship grants are not required to do any of the following for the 2019-2020 school year:

- Provide the eligible student's scores on standardized achievement tests to the parent or guardian.
- Administer a nationally standardized test or other nationally standardized equivalent measurement to any eligible students in grades three and higher.
- Submit standardized test performance data from the 2019-2020 school year to the State Education Assistance Authority (SEAA).
- For nonpublic schools enrolling more than 25 students whose tuition and fees are paid in whole or in part with a scholarship grant, the following: (i) report to SEAA on the aggregate standardized test performance of eligible students, and (ii) provide standardized test performance data from the 2019-2020 school year to an independent research organization.

This section became effective May 4, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 2.20: Opportunity Scholarship Program Disbursement of Funds. (SL 2020-3)**

Section 2.20 of S.L. 2020-3 allows the State Education Assistance Authority to use carryforward funds 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.

This section became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 2.21: Extension of K-12 Scholarship Program Report Dates. (SL 2020-3)**

Section 2.21 of S.L. 2020-3 provides a one-month extension for the State Education Assistance Authority to submit the annual reports on the Opportunity Scholarship Grant Program and the Disabilities Grant Program to the Joint Legislative Education Oversight Committee. The reports are now due on November 15, 2020.

This section became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 2.22: Educator Preparation Programs. (SL 2020-3)**

Section 2.2. of S.L. 2020-3 makes the following changes for Educator Preparation Programs (EPPs):

- Waiver of Minimum EPP Admission Requirements. – The following minimum requirements for EPP admissions are waived for the 2020-2021 academic year:
  - The admissions testing requirement.
  - The individual grade performance average (GPA) requirement of at least a 2.7, provided the student has at least a 2.7 before beginning a clinical internship.
  - The cohort GPA requirement of at least a 3.0.
- Waiver of EPP Student Clinical Internship Requirement. – The EPP required clinical internship for Spring 2020 is deemed completed under certain conditions, including that the student meets the requirements on the certificate of teacher capacity and continues to work with a school to engage in remote learning as practicable.
- Pedagogy Assessments for Certain Teacher Candidates. – Students whose clinical internships are deemed completed for Spring 2020 cannot be required by the State Board of Education (SBE) to complete a pedagogy assessment as a requirement for completion of the EPP program for the 2019-2020 academic year. Those students will 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.
- Waiver of the Report of Certain EPP Performance Data. – In submitting data to the SBE for the purposes of performance standards in 2020, EPPs are only required to report data that is practicably available from the 2019-2020 academic year, due to the lack of student assessment data and the closure of schools for in-person instruction.
- Use of Certain EPP Data Prohibited in Assigning Sanctions. – The SBE is prohibited from considering data that was not practicably available related to the 2019-2020 school year when assigning sanctions to an EPP.
- Suspension of EPP Report Card Publication. – Publication of EPP report cards on the SBE Web site for the 2019-2020 academic year is suspended. The SBE must, however, report the information to the Joint Legislative Education Oversight Committee.

This section became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 2.23: School Administrator Preparation Programs. (SL 2020-3)**

Sec. 2.23 of S.L. 2020-3 allows certain statutory requirements for a school administrator enrolled in a school administrator preparation program that meets the approval standards established by the State Board of Education to be deemed completed for the 2019-2020 academic year.

The requirement that a candidate complete a year-long internship is deemed completed under the following conditions: (i) the candidate completed as much time in the internship as practicable before March 10, 2020, (ii) the candidate would be unable to complete the preparation program by August 15, 2020, unless the internship is deemed completed, (iii) the candidate was engaged in administrative duties as practicable while schools were closed for the remainder of the 2019-2020 school year, and (iv) the candidate has otherwise met the competencies identified in the certification of capacity utilized by the preparation program.

The candidate must complete a portfolio for emerging leaders to demonstrate the application of his or her training to actual school needs and training to the extent practicable prior to the completion of the preparation program.

This section became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 2.24: Transforming Principal Preparation Grant Program Requirements. (SL 2020-3)**

Section 2.24 of S.L. 2020-3 provides that the school leader clinical practice requirement under G.S. 116-209.72(a)(2)e. will be deemed completed for the 2019-2020 school year if the candidate (i) completed as much time in the clinical practice as practicable prior to March 10, 2020, and (ii) has been engaged in school leader duties as practicable while the school is closed for the remainder of the 2019-2020 school year.

Additionally, a grant recipient must 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.

This section became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 2.25: Teacher Licensure Requirements. (SL 2020-3)**

Section 2.25 of S.L. 2020-3 provides the following extensions for teachers to meet licensure requirements set by the State Board of Education (SBE):

- Individuals in their first year of licensure, including those with an initial professional license (IPL), lateral entry license, or residency license (RL), who have not taken the examination required by the SBE as of March 10, 2020, can take the examination during their second year of licensure.

- Applicants for continuing professional licenses (CPLs) whose lateral entry licenses expired June 30, 2020, who have not met the examination and coursework requirements established by the SBE as of March 10, 2020, are provided an extension until June 30, 2021.
- Applicants for CPLs whose IPLs expired June 30, 2020, who have not met the examination requirement established by the SBE as of March 10, 2020, are provided an extension until June 30, 2021.
- Applicants for CPLs who are elementary education (K-6) or special education general curriculum teachers with IPLs or RLs who were previously granted extensions until June 30, 2020, and who have not met the examination requirement established by the SBE as of March 10, 2020, are provided an extension until June 30, 2021.

This section also provides that any teacher who is required to have at least eight continuing education credits for continuing licensure by June 30, 2020, has until June 30, 2021 to meet those requirements.

This section became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 2.26: Licensure Requirements for Other School Personnel. (SL 2020-3)**

Section 2.26 of S.L. 2020-3 provides a one-year extension for both (i) licensure examination requirements set by the State Board of Education for school administrators and other school personnel and (ii) continuing education requirements required for licensure renewal by June 30, 2020 for school administrators.

This section became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 2.27: Community College Tuition Waiver for Students in Apprenticeship Programs. (SL 2020-3)**

Sec. 2.27 of S.L. 2020-3 allows a student who has been unable to continue participation in a pre-apprenticeship or apprenticeship program due to the COVID-19 emergency to be eligible for a tuition waiver for community college courses in the student's documented plan of study related to a job-specific occupational or technical skill until December 31, 2020.

This section became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 2.28: Waiver of Interest Charges on UNC Student Debt. (SL 2020-3)**

Section 2.28 of S.L. 2020-3 prohibits a constituent institution from accruing or charging interest to a past due account receivable held by a student between March 13, 2020, and September 15, 2020.

This section became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 2.29: Extension of UNC Report Dates. (SL 2020-3)**

Section 2.29 of S.L. 2020-3 provides an additional 60 days to the Board of Governors of The University of North Carolina (BOG) to submit the following reports to the Joint Legislative Education Oversight Committee (JLEOC):

- The annual report due by April 15 each year on teacher education efforts at The University of North Carolina.
- The annual report due by April 15 each year on the supply and demand of school administrators to determine the number of school administrators to be trained in school administrator training programs within the constituent institutions of The University of North Carolina in each year of the fiscal biennium.
- The biennial report due by May 15 every two years on the goals for State operated health professional schools that offer training programs for licensure or certification of physician assistants, nurse practitioners, and nurse midwives for increasing the percentage of the graduates of those programs who enter clinical programs and careers in primary care.

This section also allows the BOG until June 15, 2020, to submit its annual report on the UNC-NCCCS 2+2 E Learning Initiative which is due by April 15 each year to the JLEOC, the State Board of Education (SBE), the Office of State Budget and Management, and the Fiscal Research Division. Finally, this section allows The University of North Carolina System Office until June 15, 2020, to submit its annual report on the UNC-NCCCS Joint Initiative for Teacher Education and Recruitment which is due by April 15 each year to the SBE, the BOG, the State Board of Community Colleges, the Education Cabinet, the JLEOC, and the Office of State Budget and Management.

This section became effective May 4, 2020.

## **S816 - CC Funds/CIHS Funds/CR Funds and Offsets.**

### **Secs. 4A-7: Cooperative Innovative High School Changes. (SL 2020-64)**

S.L. 2020-64, Secs. 4A-7, provide supplemental funding for certain cooperative innovative high schools (CIHSs) for the 2020-2021 school year, and authorizes the operation of three additional CIHSs.

The Department of Public Instruction (DPI) must report to the Joint Legislative Education Oversight Committee by January 15, 2021, on CIHSs approved to receive funds by the General Assembly, including the development tier used for funding in the 2020-2021 school year. DPI must include in the report projected adjustments to required funding based on the development tier designation for CIHSs, effective for the 2021-2022 fiscal year, and the projected total difference in required state funding for the 2020-2021 and 2021-2022 fiscal years for the CIHSs, if all currently funded schools are funded for 2021-2022 in accordance with the updated development tier designations.

The State Board of Education (SBE) may not approve new CIHSs that require General Assembly funding for the 2021-2022 school year.

For applicants for CIHSs opening in the 2022-2023 school year and after, the SBE may conditionally approve up to three CIHSs to open in a school year, if those schools request General Assembly funding, and may prioritize CIHSs in local school administrative school units that do not currently have CIHSs.

These sections became effective July 1, 2020.

# Environment, Natural Resources, and Energy

See full summary documents for additional detail

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 1: North Carolina On-Site Wastewater Contractors and Inspectors Certification Board/Grant of Authority to Hold Real Property. (SL 2020-74)**

Section 1 of S.L. 2020-74 authorizes the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board to acquire, hold, convey, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to the approval of the Governor and Council of State.

This section became effective July 1, 2020.

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 1A: Establish a Maximum Fee for the Authorized On-Site Wastewater Evaluator Program. (SL 2020-74)**

Section 1A of S.L. 2020-74 authorizes the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board to establish an application fee for an authorized on-site wastewater evaluator in an amount not to exceed \$300.

This section became effective July 1, 2020.

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 2: Allow Division of Coastal Management to Accept Electronic Payments. (SL 2020-74)**

Section 2 of S.L. 2020-74 allows the Division of Coastal Management, or the appropriate city or county authority, to accept electronic payments for permit applications, in addition to checks or money orders.

This section became effective July 1, 2020.

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 3: Allow the Department of Environmental Quality to Establish Emergency Measures and Procedures Applicable to Solid Waste Management During a State of Emergency Declared by the Governor. (SL 2020-74)**

Section 3 of S.L. 2020-74 authorizes the Secretary of the Department of Environmental Quality (DEQ) to develop and implement emergency measures and procedures necessary for the proper management of solid waste generated during a state of emergency declared by the Governor. Such emergency procedures and measures expire no more than 60 days after a declaration of a state of emergency has expired or been rescinded by the Governor, and may include any of the following: (i) restrictions on the collection, storage, and transportation of solid waste; (ii) decisions on facility operational conditions such as operational times



and waste acceptance and (iii) any other measures or procedures necessary to allow for the proper disposal of solid waste within impacted communities.

This section became effective July 1, 2020.

### **H308 - Regulatory Reform Act of 2020.**

#### **Sec. 4: Abandoned and Derelict Vessels. (SL 2020-74)**

Section 4 of S.L. 2020-74 amends S.L. 2019-224 to require Wildlife Resources Commission (WRC) to provide notice to the owner of an abandoned or derelict vessel, if possible, post notice on the vessel itself, and allow 30 days for response prior to taking actions to remove and dispose of the abandoned or derelict vessel. This section also directs WRC to prioritize the removal of abandoned and derelict vessels on public waters and lands, and clarifies the definition of "abandoned and derelict vessel."

This section became effective July 1, 2020.

### **H308 - Regulatory Reform Act of 2020.**

#### **Sec. 5 & 6: Clarify Funding for the Lindsey Bridge Dam Repair and Stream Restoration Project in Rockingham County. (SL 2020-74)**

Sections 5 and 6 of S.L. 2020-74 reallocate funds to provide a directed grant to the Town of Madison for the Lindsey Bridge dam repair and stream restoration project, subject to certain requirements.

This section became effective July 1, 2020 and expires June 30, 2021.

### **H308 - Regulatory Reform Act of 2020.**

#### **Sec. 7: Mercury Switch Program Extension. (SL 2020-74)**

Section 7 of S.L. 2020-74 extends the expiration of the Mercury Switch Program, and the funding for the program, from June 2021 until June 2031.

This section became effective July 1, 2020.

### **H308 - Regulatory Reform Act of 2020.**

#### **Sec. 8: Collaboratory Reporting Changes. (SL 2020-74)**

Section 8 of S.L. 2020-74 does the following:

- Delays deadlines for the following reports, due to the impact of the COVID-19 pandemic on academic research required for the legislative directives:

- o From October 2020 to April 2021, the Collaboratory's report on the results of sampling done in conjunction with nontargeted analysis for PFAS (per/poly-fluoroalkyl substances) at all public water supply

surface water intakes and one public water supply well to establish a water quality baseline for all sampling sites.

o From December 2020 to June 2021, the Collaboratory's report on the study of flooding and resiliency against future storms in Eastern North Carolina and development of an implementation plan with recommendations.

- Amends the language enacted in 2016 that originally established the Collaboratory, which provided its purpose was to facilitate the dissemination of the policy and research expertise of The University of North Carolina, to also include other institutions of higher learning within North Carolina. Language is also added, however, to provide that wherever possible, funding preference may be given to campuses within The University of North Carolina System. In addition, language is added to provide that any funds appropriated by the General Assembly for use by the Collaboratory may not be used for indirect overhead costs.

This section became effective July 1, 2020.

### **H308 - Regulatory Reform Act of 2020.**

#### **Sec. 10: Mine Reclamation Reporting Date Change. (SL 2020-74)**

Section 10 of S.L. 2020-74 moves the annual mine reclamation reporting date for mine operators from July 1 to September 1, and moves the date late fees begin for failure to submit the annual report or pay the required annual fee to accrue from July 31 to September 30.

This section became effective July 1, 2020.

### **H308 - Regulatory Reform Act of 2020.**

#### **Sec. 11: DEQ Reports Date Change. (SL 2020-74)**

Section 11 of S.L. 2020-74 moves the reporting date for certain Department of Environmental Quality (DEQ) reports, largely related to solid waste, to April 15 from January 15, makes other conforming changes, and changes the recipient of annual reports relating to the use of federal dredging funds from the Joint Legislative Commission of Governmental Operations to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources.

This section became effective July 1, 2020.

### **H308 - Regulatory Reform Act of 2020.**

#### **Sec. 14: Consolidate River Basin Advisory Commission Reports. (SL 2020-74)**

Section 14 of S.L. 2020-74 moves an audit report date to October 1 of each year, allowing the River Basin Advisory Commission to submit the required audits as a part of the required annual report, and simplifies the number of entities receiving the annual reports.

This section became effective July 1, 2020.

### **H308 - Regulatory Reform Act of 2020.**

#### **Sec. 15: Electronic Permitting Clarification. (SL 2020-74)**

Section 15 of S.L. 2020-74 clarifies that the Environmental Management Commission may issue permits, certifications, authorizations, or other approvals by electronic delivery, registered or certified mail, or any other means authorized by G.S. 1A-1, Rule 4.

This section became effective July 1, 2020.

### **H308 - Regulatory Reform Act of 2020.**

#### **Sec. 17: Underground Storage Tank Spill Bucket Rule Change. (SL 2020-74)**

Section 17 of S.L. 2020-74 requires the Environmental Management Commission to adopt a rule to allow the use of mechanical liquid detecting sensors for interstitial leak detection on spill buckets replaced on underground storage tanks installed prior to November 1, 2007, if those spill buckets meet certain requirements.

This section applies to all spill buckets replaced on or after August 1, 2020, and expires when the Environmental Management Commission adopts permanent rules implementing this section.

### **H873 - System Development Fee/Accessory Dwelling Units Sewer Permit. (SL 2020-61)**

S.L. 2020-61 does all of the following:

- Clarifies the timing of collection of system development fees.
- Allows system development fees calculated under the combined cost method to be used for previously completed capital improvements for which capacity still exists and capital rehabilitation projects once collected by the local governmental unit.
- Requires the Department of Environmental Quality to amend a rule that currently allows a sewer that serves a single building to be deemed permitted, to allow a sewer shared with an accessory building on the same property to be deemed permitted as well.

This act has various effective dates. Please see the full summary for more details.

### **H1087 - Water/Wastewater Public Enterprise Reform. (SL 2020-79)**

S.L. 2020-79 does all the following:

- Establishes a process for identifying distressed public water systems and wastewater systems.
- Establishes the Viable Utility Fund, within the Department of Environmental Quality, to be used for assisting public water and wastewater systems to become self-sustaining.
- Establishes a process for a water or wastewater system created under Chapter 162 of the General Statutes to request merger or dissolution of that system.

- Encourages interlocal cooperation between public water and wastewater systems.
- Makes a one-time transfer of \$9,000,000 from the One NC Fund to the Viable Utility Fund and appropriate those funds for the purposes of the Viable Utility Fund.
- Appropriates \$9 million to the Southern Regional Area Health Education Center in Fayetteville, reallocate \$2 million of unused funds appropriated in a prior budget bill to the PFAS Recovery Fund for a variety of local water quality and PFAS response activities., and allocate \$310,000 from the Wastewater Reserve to repair a damaged sewer line in Rockingham County.
- Appropriates funds received by the State from the environmental mitigation trust established in settlement of the Volkswagen Clean Diesel Marketing, Sales Practices, and Products Liability litigation in accordance with Phase 1 of the Department of Environmental Quality's Mitigation Plan.
- Makes one-time transfers from the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund and the Film and Entertainment Grant Fund and appropriate those funds for various water resources development projects, and adds flood storage capacity restoration to the purposes and permissible uses of the Ecosystem Restoration Fund administered by the Department of Environmental Quality's Division of Mitigation Services.

This act became effective July 1, 2020, except for the reallocation of previous appropriations to the PFAS Recovery Fund\ and certain Viable Utility Fund conforming changes to previously enacted bills, which became effective June 30, 2020.

### **H1105 - Coronavirus Relief Act 3.0.**

#### **Sec. 3.19: Reallow Licensed Soil Scientists to Evaluate, Inspect, and Approve On-Site Wastewater Systems Projects During the Coronavirus Emergency. (SL 2020-97)**

Sec. 4.18 of 2020-3 authorizes 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 is also authorized to conduct all necessary inspections, certifications, and approvals, including the issuance of the final inspection and report. Such authority is at the direction of the owner of a proposed on-site wastewater.

This section became effective September 4, 2020, and will expire 90 days after Executive Order 116 is rescinded. However, the expiration of this section does not prevent a licensed soil scientist acting under this section's authority from completing a proposed wastewater system begun before this section expired.

### **H1163 - Guilford Funds/Cabarrus Land/Brunsw Shellfish. (SL 2020-63)**

S.L. 2020-63 does the following:

- Reallocates the unused portion of funds originally allocated to Guilford County and certain municipalities in northwest Guilford County for water and wastewater system improvements by dividing that unused portion equally among the municipalities of Oak Ridge, Stokesdale, and Summerfield to be used for water infrastructure projects.
- Transfers certain parcels of the Stonewall Jackson Manual Training and Industrial School campus to Cabarrus County.

- Creates a pilot program to lift a moratorium on shellfish leases in certain waters in Brunswick County.

This act became effective July 1, 2020. The section creating a shellfish lease pilot program will expire July 1, 2032, and any leases granted pursuant to that section must expire no later than July 1, 2033.

### **S315 - North Carolina Farm Act of 2019-20.**

#### **Sec. 12: Prevent Grant Funding Duplication. (SL 2020-18)**

Section 12 of S.L. 2020-18 amends existing law to provide that projects that are part of the Environmental Quality Incentives Program (EQIP) are ineligible for State Water Resources Development Grant (WRDG) funding if they receive funding from the Clean Water Management Trust Fund (CWMTF), and are ineligible for CWMTF funding if they receive WRDG funding. This section also required the Department of Environmental Quality and the Department of Natural and Cultural Resources to report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than September 30, 2020, regarding funding overlaps between water resources development grant funding and CWMTF grants for EQIP funding for the Western Stream Initiative and the efforts of both Departments to improve administration of State grants for that program.

This section became effective June 12, 2020.

### **S315 - North Carolina Farm Act of 2019-20.**

#### **Sec. 13: Improve Performance Management of State Grant Funds. (SL 2020-18)**

Section 13 of S.L. 2020-18 directs the Department of Environmental Quality and, as applicable, the Clean Water Management Trust Fund to collect and report to the General Assembly certain grant administration and grant implementation efficiency and effectiveness measures. The report is due annually no later than November 1 to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division.

This section became effective June 12, 2020.

### **S315 - North Carolina Farm Act of 2019-20.**

#### **Sec. 15: Specify that the TMDL Transport Factor Applies When Offsetting Certain Permitted Wastewater Discharges. (SL 2020-18)**

Sections 15.(a) and 15.(b) of S.L. 2020-18 provide that nutrient offset credits must be applied to a wastewater permit by applying the Total Maximum Daily Load (TMDL) transport factor to the permitted wastewater discharge and to the nutrient offset credits. These sections apply only to wastewater discharge permit applications for a local government located in the Neuse River Basin with a customer base of fewer than 15,000 connections.

Section 15.(c) provides that no later than August 1, 2020, the Department of Environmental Quality (DEQ), in conjunction with affected parties, must begin modeling necessary to determine new transport zones and delivery factors for the Neuse River Basin for point source discharges and nutrient offset credits. Once DEQ completes that modeling, the Environmental Management Commission must then adopt new transport

zones and delivery factors by rule, using the DEQ modeling and other information provided during the public comment period.

This section became effective June 12, 2020. Sections 15.(a) and 15.(b) expire when the rule required by Section 15.(c) becomes effective.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 6.1: Commerce Report Change. (SL 2020-78)**

Section 6.1 of this act amends G.S. 143B-434.01(b) by changing the recipients of the Comprehensive Strategic Economic Development Plan annual update sent each year by the Secretary of Commerce.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 7.1: Septage Management Program Permitting Time Line Amendments. (SL 2020-78)**

Section 7.1 of S.L. 2020-78 moves the deadline to submit an application and annual fee for the septage management program from January 1 to December 15, and moves the deadline by which the Department of Environmental Quality must mail renewal fee reminders from November 1 to October 1.

EFFECTIVE DATE: This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 7.2: DEQ Report Changes. (SL 2020-78)**

Section 7.2 of S.L. 2020-78 moves the reporting date for certain Department of Environmental Quality reports, largely related to solid waste, from January 15 to April 15, makes other conforming changes, and changes the recipient of annual reports relating to the use of federal dredging funds from the Joint Legislative Commission of Governmental Operations to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources.

EFFECTIVE DATE: This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 7.3: Investment Flexibility and Retained Earnings for Environmental Funds. (SL 2020-78)**

Sec. 7.3 of S.L. 2020-78 amends a statute directing the State Treasurer to invest the cash of certain enumerated funds to include the Riparian Buffer Restoration Fund, adds that fund, as well as the Ecosystem Restoration Fund, to a list of certain funds that can be invested in a broader range of investments by the State Treasurer, and allows the funds to retain the interest or other investment income earned.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 7.4: Conservation Grant Fund Changes. (SL 2020-78)**

Sec. 7.4 of S.L. 2020-78 makes various changes to the statutes governing the Conservation Grant Fund (Fund), including changes that allow: (i) additional uses for the Fund, to include acquisition of conservation properties and easements and to steward properties held by deed or conservation easement by the State; and (ii) grant eligibility for a conservation property that has been previously restored, or is a high-quality preservation (in addition to properties that are "reasonably restorable," which were previously eligible).

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 8.1: State Liaison for Federal Land and Water Conservation Fund. (SL 2020-78)**

Section 8.1 of S.L. 2020-78 clarifies language designating the Director of the Division of Parks and Recreation within the Department of Natural and Cultural Resources as the State liaison officer with respect to funding received from the federal Land and Water Conservation Fund or any successor fund.

EFFECTIVE DATE: This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 8.2: DNCR Report Changes. (SL 2020-78)**

Section 8.2 of S.L. 2020-78 requires the Department of Natural and Cultural Resources (DNCR) to submit a report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economics Resources yearly by October 15th detailing fees charged in the previous fiscal year at all historic sites, museums, aquariums, State parks, the North Carolina Zoological Park, and the U.S.S. North Carolina Battleship. The report must include the amount and type of fee charged, total fee amount collected and how the funds were expended, breakdowns of paying visitors and fee waivers, any fee changes and justifications, number of days a site was open to visitors, and any plans to change fees in the upcoming year. This section also makes conforming changes to certain DNCR statutes.

EFFECTIVE DATE: This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 8.3: Natural Heritage Program Administration and Fund Correction. (SL 2020-78)**

Sec. 8.3 of S.L. 2020-78 clarifies and conforms existing laws applicable to the Natural Heritage Program (NHP) to reflect the 2015 reorganization transferring the Natural Heritage Program from the Department of Environmental Quality (DEQ) to the Department of Natural and Cultural Resources (DNCR). The provision clarifies the treatment of fees collected by DNCR for the Natural Heritage Program, and transfers

all duties and responsibilities related to stewardship and oversight of properties and interests for which tax credits for tax years beginning before January 1, 2014, were granted under the Conservation Tax Credit program from DEQ to DNCR, specifying that those duties and responsibilities transferred must be exercised through the Natural Heritage Program.

This section became effective July 1, 2020.

### **S681 - Agency Policy Directives/2019-2020.**

#### **Sec. 8.5: Report on Attractions Marketing. (SL 2020-78)**

Section 8.5 of S.L. 2020-78 directs the Department of Natural and Cultural Resources to study and report on the marketing of the North Carolina Zoological Park, the North Carolina Aquariums, and the North Carolina State Museum of Natural Sciences, including marketing conducted by affiliated or independent support or friends organizations. The report must include, for the 2018-2019 and 2019-2020 fiscal years, all public and private funds spent on marketing, identification of new or innovative marketing techniques that currently lack funding, the scope and effectiveness of collaborative marketing with other agencies or corporations, and how current marketing programs are evaluated. This report was due to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division no later than October 15, 2020.

EFFECTIVE DATE: This section became effective July 1, 2020.

### **S704 - COVID-19 Recovery Act .**

#### **Secs. 4.19 and 4.20: Solid Waste Emergency Measures . (SL 2020-3)**

Section 4.19 of S.L. 2020-3 authorizes implementation of emergency measures for the management and disposal of solid waste, and Section 4.20 authorizes waivers to allow the disposal of yard trash in a landfill, during the Coronavirus emergency. These sections became effective May 4, 2020, and expired on August 1, 2020.

### **S811 - Connect NC Park Facilities Operating Reserves. (SL 2020-42)**

S.L. 2020-42 transfers funds from the Pay Plan Reserve and the Parks and Recreation Trust Fund to the Department of Natural and Cultural Resources for up to 19 full-time equivalent positions, equipment, and other nonrecurring expenses for State parks expanded or improved through Connect NC bonds.

This act became effective July 1, 2020.



# Finance

**See full summary documents for additional detail**

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 3.3(75a): Lost Wage Assistance Program. (SL 2020-4)**

Section 3.3(75a) of S.L. 2020-4, as enacted by Sec. 1.2 of S.L. 2020-97, provides that up to \$50 million of the CARES Act funds may be used to fulfill the State's match obligation for the FEMA-approved \$300/beneficiary grant funding for the Lost Wage Assistance program. Portions not used for this purpose will be used for continuity of operation needs across State government, in accordance with Section 3.3(3) of S.L. 2020-4. If this provision's allocation is insufficient for the state match requirement, OSBM may meet the requirement with funds allocated under Section 3.3(3) of S.L. 2020-4.

This provision became effective when it became law, on September 4, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 4.2B: Job Retention Grants. (SL 2020-4)**

Sec. 4.2B of S.L. 2020-4, as enacted by Sec. 1.1(e) of S.L. 2020-80, and amended by Sec. 1.5(a) of S.L. 2020-97, appropriates additional money from the Coronavirus Relief Fund to the Office of State Budget and Management (OSBM) and allocates \$15 million to be used to establish a Job Retention Grant program.

This section became effective July 1, 2020.

## **H1079 - Various Sales Tax Changes. (SL 2020-6)**

S.L. 2020-6 has three parts consisting of various sales and use tax changes:

- Part I of the act provides relief to auctioneers and estate sale companies in light of recent law changes. The expansion of the sales tax exemption for the purchase of certain animals by qualifying farmers contained in this Part becomes effective July 1, 2020. The remainder of this Part became effective June 5, 2020.
- Part II of the act expands the scope of the sales and use tax exemption for equipment purchased by a large fulfillment facility. This provision becomes effective July 1, 2020, and applies to sales occurring on or after that date.
- Part III of the act makes the following changes with respect to the sales tax on digital property:
  - Clarifies that the provision of an "educational service" by certain institutions, regardless of whether all or a portion of the instruction is delivered through an online class, whether live or recorded, is not a taxable event.
  - Exempts sales of digital audio works and digital audiovisual works that qualify as an educational expense when purchased by the operator of a homeschool.
  - Exempts sales of digital audio works and digital audiovisual works that consist of nontaxable service content when the transfer occurs contemporaneously with the provision of the nontaxable service in real-time.

This Part is effective retroactively to October 1, 2019, and applies to sales occurring on or after that date.

## **H1080 - Revenue Laws Recommendations. (SL 2020-58)**

Session Law 2020-58 makes the following changes:

- Updates the reference to the Internal Revenue Code from January 1, 2019 to May 1, 2020.
  - It conforms to the exclusion from gross income of any amount of indebtedness forgiven on a loan covered under the Paycheck Protection Program.
  - It conforms to the reduction of the threshold amount for the medical expense deduction from 10% to 7.5% for 2019 and 2020 and transfers \$36 million from the Medicaid Transformation Reserve to the General Fund to finance this tax reduction.
- Sets and codifies the insurance regulatory charge used to fund the Department of Insurance at 6.5%. The charge generated \$47.2M in FY2018-19.
- Extends JDIG from January 1, 2021 to January 1, 2030.
- Extends the Natural Gas Economic Development Infrastructure Cost Recovery program from July 1, 2021 to July 1, 2026.
- Makes various other tax law changes recommended by the Department of Revenue and approved by the Revenue Laws Study Committee.

See full summary for effective dates.

## **H1105 - Coronavirus Relief Act 3.0.**

### **Sec. 1.3: Extra Credit Grant Program. (SL 2020-97)**

This provision allocates \$440,541,000 of the federal funds in the Coronavirus Relief Fund to provide a grant of \$335 to eligible families to assist with virtual schooling and child-care costs during the COVID-19 pandemic. The grant is available to families that resided in the State for all of 2019 and reported they had at least one child eligible for the federal child tax credit in 2019. 1.2 million families, with almost 2 million children, are expected to qualify for the grant. The provision also provides a State income tax deduction for the 2020 taxable year equal to the grant amount received.

Section 1.1(c) and Section 1.3 of this act became effective when the act was signed into law on September 4, 2020. Section 1.4 of this act is effective for taxable years beginning on or after January 1, 2020, and expires for taxable years beginning on or after January 1, 2021.

## **H1105 - Coronavirus Relief Act 3.0.**

### **Sec. 1.5: Job Retention Grant Program. (SL 2020-97)**

This provision does the following:

- Allocates an additional \$45.5 million of the federal funds in the Coronavirus Relief Fund to the Job Retention Grant program created by S.L. 2020-80.
- Corrects a statutory reference that will enable 501(c)(6) entities to be eligible for a grant under this program.
- Provides that if any funds remain available after the first round of grants, a second round of grants will be made available solely for a business or nonprofit that employs 20 or fewer employees.

## **H1105 - Coronavirus Relief Act 3.0.**

### **Sec. 1.6A: Increased Benefit Amount. (SL 2020-97)**

This provision allocates \$87 million of the federal CARES act funds to provide individuals receiving State unemployment assistance an increased benefit amount of \$50/week. The increased benefit amount is payable for weeks beginning on or after September 5, 2020. It expires immediately following the week that fully expends the \$87 million or the week beginning December 26th, whichever occurs first.

This provision became effective when it was signed into law, September 4, 2020.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 1.1: Waive Accrual of Interest on Deferred Payment of Corporate Income and Franchise Tax and Individual Income Tax and Extend Certain Tax Related Deadlines. (SL 2020-3)**

Section 1.1 of S.L. 2020-3 waives the accrual of interest on individual income tax and corporate income and franchise tax returns due on or before April 15, 2020, from April 15 until July 15. The relief applies to partnership and estate and trust tax returns, as well as estimated tax payments for 2020 due on or before April 15, 2020. It also extends certain tax-related deadlines.

**CURRENT LAW AND BACKGROUND:** The Department of Revenue is statutorily required to waive the penalty for late filing and payment of taxes for any period in which the time for filing a federal return or report or for paying a federal tax is extended because of a presidentially declared disaster. The Department does not have the statutory authority to waive the accrual of interest. In the wake of past disasters, although the late filing and payment penalties have been waived, the accrual of interest has not.

On March 13, 2020, the POTUS declared a national emergency concerning the COVID-19 outbreak under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. As part of that declaration, he instructed Secretary Mnuchin to provide relief from tax deadlines. On March 20, 2020, the United States Department of Treasury and the Internal Revenue Service announced that the time for filing federal income tax returns, as well as estimated tax payments for tax year 2020 that are due on April 15, 2020, was extended to July 15, 2020. The announcement stated penalties and interest will begin to accrue on any unpaid balances as of July 16, 2020.

On April 9, 2020, the IRS extended the following tax deadlines:

- The time for filing estimated tax payments due on or before June 15 to July 15.
- The time to request a refund of 2016 tax overpayments extended to July 15.
- The time to file certain petitions and requests for review due to be performed on or after April 1, 2020, and before July 15, 2020, extended to July 15.

On March 10, 2020, the Governor signed Executive Order 116 declaring a state of emergency in response to COVID-19. On March 17, the Department of Revenue announced penalty relief for taxpayers. On March 21, in response to the federal action, the Department announced it would extend the April 15 tax filing deadline to July 15 for individual income tax and corporate income and franchise taxes to mirror the announced deadline change from the IRS. The Department will not assess late action penalties if the returns are filed and payments made on or before July 15.

On March 31, 2020, the Department expanded penalty relief for failure to obtain a license, file a return, or pay tax that is due on March 15, 2020, through July 15, 2020, if the corresponding license is obtained, return is filed, or tax is paid on or before July 15, 2020. The tax relief applies to the following tax types:

- Withholding tax
- Sales and use tax
- Scrap tire disposal tax, white goods disposal tax, solid waste disposal tax, and dry-cleaning solvent tax
- Motor vehicle lease and subscription tax
- 911 service charge for prepaid telecommunications tax
- Primary forest product tax
- Freight car line companies
- Excise tax on alcohol, tobacco products, installment paper dealers
- Privilege tax
- Excise tax on motor carrier, motor fuel, alternative fuel and inspection tax

**BILL ANALYSIS:** Subsection 1.1(a) waives the accrual of interest from April 15, 2020, through July 15, 2020, on an underpayment of tax imposed on a franchise, corporate income, or individual income tax return, including a partnership and estate and trust tax return, due from April 15, 2020, through July 15, 2020. The relief from accrual of interest would also include estimated tax payments due on or before April 15, 2020; that would apply to the first and second quarter estimated taxes. The act does not waive the accrual of interest on the tax payment extension of the other tax types.

Subsections 1.1(b) and 1.1(c) extend certain tax-related deadlines in the same manner as the IRS extended certain federal tax-related deadlines in its notice published on April 9th:

- Subsection 1.1(b) gives taxpayers until July 15, 2020, to request an overpayment of individual income taxes and corporate income and franchise taxes for which the statute of limitations to seek a refund expires on or after April 15, 2020, and before July 15, 2020. Under the general statute of limitations in G.S. 105-241.6, the time for requesting an overpayment of a tax due on or before April 15, 2017, would be April 15, 2020. This subsection provides an exception to the general rule by allowing a taxpayer to make the request on or before July 15, 2020.
- Section 1.1(c) gives 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. Those actions include requests for a Departmental review of a proposed denial of a refund or a proposed assessment of tax, a petition for a contested case hearing at the Office of Administrative Hearings when a taxpayer disagrees with a notice of final determination issued by the Department, and a petition seeking judicial review of a party aggrieved by the final decision in a contested case. The actions are considered timely if filed on or before July 15, 2020.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 1.2: Flexibility to Administer Unemployment Compensation and SUTA Tax Credit. (SL 2020-3)**

Section 1.2 of S.L. 2020-3 authorizes unemployment insurance benefits (UI) for employees affected by the coronavirus emergency due to the employer temporarily ceasing operations or reducing hours or the employee being diagnosed with coronavirus or being quarantined by a health care provider or government official.

Section 1.2 of the act also grants employers a credit equal to the employer's first quarter UI tax due, effectively eliminating UI tax for the first quarter of 2020.

Section 1.2 of the act became effective May 4, 2020; applies retroactively beginning March 10, 2020; and expires on the earlier of: the rescission of Executive Order No. 116, Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID 19 or December 31, 2020.

#### **S704 - COVID-19 Recovery Act .**

##### **Sec. 1.4: UI Oversight Committee Recommendations. (SL 2020-3)**

Section 1.4 of S.L. 2020-3 enacts three of the four recommendations of the Joint Legislative Oversight Committee on Unemployment Insurance:

- Allows an employer to file a UI claim for an employee (i.e., attached claim) for unemployment due directly to a disaster covered by a federal disaster declaration.
- Clarifies that liens for UI taxes have the same priority as other State tax liens.
- Makes the Joint Legislative Oversight Committee on Unemployment Insurance a permanent statutory study committee.

This section became effective when the act became law, May 4, 2020.

#### **S704 - COVID-19 Recovery Act .**

##### **Sec. 1.3: Unemployment Insurance Oversight Committee Recommendations. (SL 2020-3)**

Section 1.3 of S.L. 2020-3 enacts one of the four recommendations of the Joint Legislative Oversight Committee on Unemployment Insurance. It allows an unemployment insurance (UI) claimant to satisfy a work search contact by attending a reemployment activity offered by a local career center.

The section became effective July 1, 2020.

# Health and Human Services

See full summary documents for additional detail

## **H1023 - Coronavirus Relief Fund/Additions & Revisions.**

### **Sec. 1.1(d) Revisions to S.L. 2020-4. (SL 2020-80)**

Section 1.1(d) of S.L. 2020-80 amends and/or creates multiple subsections in Section 3.3. of S.L. 2020-4. Please see Section 3.3 of S.L. 2020-4 for these summaries.

## **H1023 - Coronavirus Relief Fund/Additions & Revisions.**

### **Sec. 2.5: Waive Match Requirement/Competitive Grants Process for Nonprofits.. (SL 2020-80)**

Sec. 2.5 of S.L. 2020-80 requires the Department of Health and Human Services, Division of Central Management and Support to waive the fifteen percent (15%) match requirement for the competitive grants process for nonprofit organizations for the 2020-21 fiscal year.

This section became effective July 1, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 3.3(22): Duke University Human Vaccine Institute. (SL 2020-4)**

Section 3.3(22) of S.L. 2020-4, requires the Office of State Budget and Management to allocate \$15 million of the funds appropriated from the Coronavirus Relief Fund to the Duke University Human Vaccine Institute (DHVI) of the Duke University School of Medicine to develop a safe and effective COVID-19 vaccine. This initial allocation became effective May 4, 2020.

Section 1.2 of S.L. 2020-97 amended Section 3.3(22) of S.L. 2020-4, to increase the allocation from \$15 million to \$17 million and to require the DHVI to develop both (i) a safe and effective COVID-19 vaccine and (ii) rapid, low-cost COVID-19 testing for active infections. This additional allocation and requirement became effective September 4, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 3.3(24): Brody School of Medicine Funds. (SL 2020-4)**

Section 3.3(24) of S.L. 2020-4 requires the Office of State Budget and Management to allocate \$15 million of the funds appropriated from the Coronavirus Relief Fund to the Brody School of Medicine at East Carolina University to be used for the following: (i) rapid development of a countermeasure of neutralizing antibodies for COVID-19, (ii) bringing a safe and effective COVID-19 vaccine to the public as soon as possible, (iii) community testing initiatives, and (iv) other research and activities related to monitoring, assessing, and addressing the public health and economic impacts of COVID-19.

No later than September 1, 2020, the Brody School of Medicine is required to report to the Joint Legislative Oversight Committee on Health and Human Services on the progress of the requirements of this subdivision and the use of appropriated funds.

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(25): Campbell University School of Osteopathic Medicine Funds. (SL 2020-4)**

Section 3.3(25) of S.L. 2020-4 requires the Office of State Budget and Management to allocate \$6 million of the funds appropriated from the Coronavirus Relief Fund to the Campbell University School of Osteopathic Medicine for a community- and rural-focused primary care workforce response to COVID-19, including, but not limited to: i) supporting community testing initiatives, (ii) providing treatment in community-based health care settings, (iii) monitoring rural populations, (iv) educating health professionals on best practices for a pandemic response, and (v) supporting rural communities through primary care.

No later than September 1, 2020, the Campbell University School of Osteopathic Medicine is required to report to the Joint Legislative Oversight Committee on Health and Human Services on the progress of the requirements of this subdivision and the use of appropriated funds.

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(26): Wake Forest University Health Services Funds for Syndromic Surveillance and Antibody Testing. (SL 2020-4)**

Section 3.3(26) of S.L. 2020-4 requires the Office of State Budget and Management to allocate \$20 million of the funds appropriated from the Coronavirus Relief Fund to Wake Forest University Health Services to be used to expand its COVID-19 study to include syndromic surveillance and representative sample antibody testing to provide policymakers and researchers with near real-time coronavirus prevalence, hospitalization, and facility data.

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(27): DHHS Funds for Public Health, Rural Providers, Infection Control in Nursing and Adult Care Homes, Behavioral Health Emergencies. (SL 2020-4)**

Section 3.3(27) of S.L. 2020-4 requires the Office of State Budget and Management to allocate \$20 million of the funds appropriated from the Coronavirus Relief Fund to the Department of Health and Human Services to provide funds to support local health departments, rural health providers, the state Laboratory of Public Health, and behavioral health and crisis services. Allowable uses include, but are not limited to, the following: increasing nursing capacity, increasing the number of community health workers, expanding telehealth services, providing infection control support and training in nursing home and adult care homes, and diverting behavioral health emergencies from emergency departments.

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(28): DHHS Funds for Food Banks. (SL 2020-4)**

Section 3.3(28) of S.L. 2020-4 requires the Office of State Budget and Management to allocate \$6,000,000 of the funds appropriated from the Coronavirus Relief Fund to the Department of Health and Human Services to be distributed equally among each of the six food banks in the State. The food banks are encouraged to use the funds allocated to purchase food from North Carolina-based farmers and vendors. This allocation became effective May 4, 2020.

Section 1.2 of S.L. 2020-97 amended Section 3.3(28) of S.L. 2020-4 to increase the allocation to DHHS for the food banks from \$6 million to \$12 million. This additional allocation became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(29): DHHS, DSS Funds for LINKS Foster Care Support Program. (SL 2020-4)**

Section 3.3(29) of S.L. 2020-4 requires the Office of State Budget and Management to allocate \$290,000 of the funds appropriated from the Coronavirus Relief Fund to the Department of Health and Human Services, Division of Social Services, to provide funds for the LINKS foster care support program for youth ages 13-21. The funds must be used to support youth in the LINKS program who are not receiving foster care assistance payments and need assistance with housing or transitional costs due to COVID-19. The funds must be allocated as follows: \$250,000 for LINKS Transitional Living Services, and \$40,000 for LINKS Transitional Housing.

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(30): DHHS, DSS Funds for Facilities Receiving State-County Special Assistance. (SL 2020-4)**

Section 3.3(30) of S.L. 2020-4 requires the Office of State Budget and Management to allocate \$25,000,000 of the funds appropriated from the Coronavirus Relief Fund to the Department of Health and Human Services, Division of Social Services, to provide funds for facilities licensed to accept State-County Special Assistance. The funds must be used to provide a one-time payment to these facilities to offset the increased costs of service residents during the COVID-19 emergency. Each eligible facility must receive \$1,325 for each resident of the facility who is a recipient of State-County Special Assistance between March 10, 2020, through July 30, 2020. If a recipient who transfers from one facility to another during this time period, only the first eligible facility of residence will receive the payment. Nothing in this section must be construed as an obligation by the General Assembly to appropriate funds for the purpose of this section, or as an entitlement by any facility, resident of a facility, or other person to receive financial assistance under this section. The following definitions apply:



- Facility licensed to accept State-County Special Assistance payments. – Any residential care facility that is (i) licensed by the Department of Health and Human Services and (ii) authorized to accept State-County Special Assistance payments from its residents.
- State-County Special Assistance. – The program authorized by G.S. 108A-40.

This section became effective May 4, 2020.

Note: Also see summary of Section 3.3(30a) of S.L. 2020-4, as added by Section 1.2 of S.L. 2020-97 which pertains to State-County Special Assistance funds.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(31): DHHS Funds for Rural and Underserved Communities Hit Hard by COVID-19. (SL 2020-4)**

Section 3.3(31) of S.L. 2020-4 requires the Office of State Budget and Management to allocate \$50,000,000 of the funds appropriated from the Coronavirus Relief Fund to the Department of Health and Human Services to provide funds for rural and underserved communities hit especially hard by the COVID-19 pandemic. The emergency funds allocated in this subdivision must support health provider grants, targeted Medicaid assistance for rural hardship grants to nonhospital providers, enhanced Telehealth services, transportation for critical services, health care security for the uninsured, the Office of Minority Health, and related items.

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(32): NC Association of Free and Charitable Clinics Funds. (SL 2020-4)**

Section 3.3(32) of S.L. 2020-4, as amended by Section 1.1(d) of S.L. 2020-80, requires the Office of State Budget and Management to allocate \$7,425,000 of the funds appropriated from the Coronavirus Relief Fund to the North Carolina Association of Free and Charitable Clinics (NCAFCC), a nonprofit organization, to be used for distribution to its member clinics to cover the cost of eligible health services provided during the COVID-19 emergency and other costs allowed pursuant to federal guidance. The NCAFCC is required by August 1, 2020, to report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division on a plan for allocating the funds received under this section, and by February 1, 2021, on the use of these funds by recipients.

This section, as amended, became effective July 1, 2020.

Section 1.2 of S.L. 2020-97 amended Section 3.3(32) of S.L. 2020-4, as amended by Sec.1.1(d) of S.L. 2020-80, to increase the amount of the allocation from \$7,425,000 to \$12,425,000 and in addition to August 1, 2020, a reporting date of November 1, 2020, was added.

The increased allocation and additional reporting date became effective September 4, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 3.3(33): DHHS Funds for MedAssist. (SL 2020-4)**

Section 3.3(33) of S.L. 2020-4 requires the Office of State Budget and Management allocate \$1,500,000 of the funds appropriated from the Coronavirus Relief Fund to the Department of Health and Human Services to provide a grant to NC MedAssist, a nonprofit corporation, to offset increased costs for providing prescription assistance service during the COVID-19 pandemic to individuals who are indigent or uninsured. This allocation became effective May 4, 2020.

Section 4B.2 of S.L. 2020-78 amended Section 3.3(33) of S.L. 2020-4 to clarify that the funds provided to NC MedAssist can be used for other costs allowed pursuant to federal guidance. This clarification became effective July 1, 2020.

Section 1.2 of S.L. 2020-97 amended Section 3.3(33) of S.L. 2020-4, as amended by Section 4B.2 of S.L. 2020-78, to increase the allocation to NC MedAssist from \$1,500,000 to \$6,500,000. This additional allocation became effective September 4, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 3.3(34): North Carolina Community Health Centers Association Funds. (SL 2020-4)**

Section 3.3(34) of S.L. 2020-4, as amended by Section 1.1(d) of S.L. 2020-80, requires the Office of State Budget and Management to allocate \$7,425,000 of the funds appropriated from the Coronavirus Relief Fund to the North Carolina Community Health Center Association (NCCHCA), a nonprofit organization, to be used for distribution to its member health centers to cover the cost of eligible health services provided during the COVID-19 emergency and other costs allowed pursuant to federal guidance. By August 1, 2020, the NCCHCA is required to report to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division on a plan for allocating the funds received under this section, and by February 1, 2021, on the use of these funds by recipients.

This section, as amended, became effective July 1, 2020.

Section 1.2 of S.L. 2020-97 further amended Section 3.3(34) of S.L. 2020-4, as amended by Section 1.1(d) of S.L. 2020-80, to increase the allocation to NCCHCA from \$7,425,000 to \$12,425,000 and to require that \$600,000 be equally distributed to the following federally qualified health center look-alikes, that are nonprofit corporations, to cover the cost of eligible health services provided during the COVID-19 emergency and other costs as federal guidance allows: Black River Health Services, Inc., Hot Springs Health Program, NeighborHealth Center, Inc.. The remaining funds must be used for distribution to member health centers. This amendment also added a November 1, 2020, reporting requirement in addition to the August 1, 2020, reporting requirement.

These amendments became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(35): DHHS Funds to Expand Testing, Contact tracing, and Trends Tracking. (SL 2020-4)**

Section 3.3(35) of S.L. 2020-4 allocates \$25 million to the Department of Health and Human Services to expand COVID-19 testing, contact tracing, and trends tracking by (1) building capacity for widespread COVID-19 diagnostic testing to enable rapid case-based interventions; (2) building capacity for widespread COVID-19 antibody testing to enable rapid deployment when such testing becomes available, (3) expanding contact tracing workforce and infrastructure to routinely identify potentially exposed persons and take appropriate public health actions; and (4) increasing research and data tools and analysis infrastructure to support better predictive models, surveillance, and response strategies

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(36): DHHS Funds to Support Behavioral Health and Crisis Services. (SL 2020-4)**

Section 3.3(36) of S.L. 2020-4 allocates \$20 million to the Department of Health and Human Services to support behavioral health and crisis services through the COVID-19 pandemic. The funds must be used (1) to divert individuals experiencing behavioral health emergencies from emergency departments; (2) to allocate \$12.6 million to be distributed as a one-time payment to each local management entity/managed care organization for the purposes of providing temporary additional funding assistance for Intermediate Care Facilities for Individuals with Intellectual Disabilities services on a per diem basis; and (3) to allocate \$400,000 in nonrecurring funds to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, for the purchase of units of opioid antagonist.

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(37): Department of Health and Human Services Funds to Support Residential Settings . (SL 2020-4)**

Section 3.3(37) of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to allocate \$20 million to the Department of Health and Human Services to provide funding for food banks, residential settings that are incurring additional costs to mitigate spread or isolate positive cases, adult and child protective services response, homeless and domestic violence shelters and housing security, child care response, costs to expand NCCARE360, a Statewide coordinated care network that will connect individuals impacted by COVID-19 to local services such as food, housing, child care and other resources, and technology modifications to support COVID-19 emergency relief to beneficiaries. \$3.5 million of this sum is allocated to Reinvestment Partners for its Produce Prescription Program.

The section containing the initial \$19 million appropriation became effective May 4, 2020. The full appropriation became effective September 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 3.3(38): Funds for Old North State Medical Society, Inc.. (SL 2020-4)**

Section 3.3(38) of S.L. 2020-4 allocates \$1.8 million to the Old North State Medical Society, Inc. to address the COVID-19 disparities in underserved areas of the State.

This section became effective May 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 3.3(39): Rural Hospitals Relief Fund. (SL 2020-4)**

Section 3.3(39) of S.L. 2020-4 allocates \$65 million to establish the COVID-19 Rural Hospitals Relief Fund. This section became effective May 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 3.3(40): Teaching Hospitals Relief fund. (SL 2020-4)**

Section 3.3(40) of S.L. 2020-4 allocates \$15 million to establish the COVID-19 Teaching Hospitals Relief Fund. This section became effective May 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 3.3(41): General Hospitals Relief Fund. (SL 2020-4)**

Section 3.3(41) of S.L. 2020-4 allocates \$15 million to establish the COVID-19 General Hospitals Relief Fund. This section became effective May 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 3.3(42): Department of Health and Human Services Funds for Foster Care . (SL 2020-4)**

Section 3.3(42) of S.L. 2020-4, as amended by Section 1.1(d) of S.L. 2020-80, and as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to allocate \$4,350,000 to the Department of Health and Human Services, Division of Social Services, to assist in serving children in foster care during the COVID-19 emergency. The funds must be used for monthly supplemental payments in the amount of \$100 for each child receiving foster care assistance payments beginning in April 2020 and continuing until the funds are exhausted.

The section containing the initial \$3,550,000 appropriation became effective May 4, 2020. The full appropriation became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(50): UNC School of Medicine Asheville Campus Funds. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.1(d) of S.L. 2020-80 to add a new subsection (50) that requires the Office of State Budget and Management to allocate \$4.8 million of the funds appropriated from the Coronavirus Relief Fund to the University of North Carolina at Chapel Hill for the UNC School of Medicine's Asheville Campus for COVID-19 related response activities, including outreach and education.

This section became effective July 1, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(53): NC HealthConnex Funds. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.1(d) of S.L. 2020-80 to add a new subsection (53) allocating \$2.6 million to the Office of State Budget and Management to provide additional funding for the statewide health information exchange network known as NC HealthConnex, for the implementation of specified COVID-19 related operations and improvements.

This section became effective July 1, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(54): Caitlyn's Courage, Inc. Funds. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.1(d) of S.L. 2020-80 to add a new subsection (54) allocating \$3.5 million to the Administrative Office of the Courts to be used as a grant for Caitlyn's Courage, Inc.

This section became effective July 1, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(63): Department of Public Instruction Funds for PPE. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.1(d) of S.L. 2020-80 to add a new subsection (63) allocating \$7 million to the

Department of Public Instruction to provide personal protective equipment (PPE) for public schools in response to the COVID-19 pandemic. The PPE is to facilitate in-person instruction for the 2020-2021 school year.

This section became effective July 1, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(65): UNC at Pembroke Funds for COVID-19 Project. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.1(d) of S.L. 2020-80 to add a new subsection (65) allocating \$3 million to the University of North Carolina at Pembroke for an advanced analytics project to focus on providing a better understanding of the nature and impact of the COVID-19 pandemic, particularly in rural and at-risk communities.

This section became effective July 1, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(66): UNC at Pembroke Department of Nursing Funds. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.1(d) of S.L. 2020-80 to add a new subsection (66) requiring the Office of State Budget and Management to allocate \$2 million of the funds appropriated from the Coronavirus Relief Fund to the University of North Carolina at Pembroke for the Department of Nursing in the College of Health Sciences for training necessary when caring for COVID 19 patients in a variety of facility settings.

This section became effective July 1, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(67): DHHS Funds for IDD Group Homes. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.1(d) of S.L. 2020-80 to add a new subsection (67) requiring the Office of State Budget and Management to allocate \$5 million of the funds appropriated from the Coronavirus Relief Fund to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, to be allocated to group homes for individuals with intellectual or developmental disabilities, or both, to support the implementation of guidance for preventive measures to address the introduction and spread of COVID-19 among residents and staff of these facilities.

This section became effective July 1, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 3.3(68): Hospital Grants to Offset COVID-19 Patient Care Expenses . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.1(d) of S.L. 2020-80 to add a new subsection (68) requiring the Office of State Budget and Management to allocate \$7 million of the funds appropriated from the Coronavirus Relief Fund to be allocated as grants in equal amounts to the following hospitals: (i) Good Hope Hospital, Inc., (ii) Lake Norman Regional Medical Center, (iii) Cape Fear Valley Health Hoke Hospital, (iv) Catawba Valley Medical Center, (v) Davis Regional Medical Center, (vi) Carolinas Healthcare System Blue Ridge, and (vii) AdventHealth Hendersonville. These funds shall only be used to offset specified expenses incurred for providing patient care in response to the COVID-19 pandemic.

No later than December 1, 2020, each grant recipient shall submit a report to the 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, that contains a breakdown of all expenditures from the funds received and the total amount of funds received from the Provider Relief Fund provided for in P.L. 116-136 and any other COVID-19 recovery legislation or other legislation enacted by Congress during calendar year 2020 to support the national response to COVID-19.

This section became effective July 1, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 3.3(69): Funds to Tier Two Counties. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.1(d) of S.L. 2020-80 to add a new subsection (69) requiring the Office of State Budget and Management to allocate \$2.5 million of the funds appropriated from the Coronavirus Relief Fund to any county designated as a development tier two area, as defined in G.S. 143B-437.08, with a population of less than 150,000, that has a hospital located within its borders meeting specified criteria. These funds must only be used to offset specified expenses incurred for providing patient care in response to the COVID-19 pandemic.

No later than December 1, 2020, each grant recipient must submit a report to the 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, that contains a breakdown of all expenditures from the funds received and the total amount of funds received from the Provider Relief Fund provided for in P.L. 116-136 and any other COVID-19 recovery legislation or other legislation enacted by Congress during calendar year 2020 to support the national response to COVID-19.

This section became effective July 1, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(70):Funds to the Children's Advocacy Center of NC. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.1(d) of S.L. 2020-80 to add a new subsection (70) requiring the Office of State Budget and Management to allocate \$4.3 million of the funds appropriated from the Coronavirus Relief Fund to the Children's Advocacy Centers (CACNC) of North Carolina, Inc., a nonprofit corporation, to be distributed to child advocacy centers in the State that are in good standing with CACNC to cover the cost of increased child caseloads and the statewide provision of more effective and available virtual counseling due to the COVID-19 pandemic.

This section became effective July 1, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(71): Funds to the Crossnore School and Children's Home . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.1(d) of S.L. 2020-80 to add a new subsection (71) requiring the Office of State Budget and Management to allocate \$375,000 of the funds appropriated from the Coronavirus Relief Fund to the Crossnore School and Children's Home, a nonprofit child welfare organization, for COVID-19 related preventative measures to protect staff and children in a close congregate living facility.

This section became effective July 1, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(82): Funds to OSMB for Virtual Learning Support . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (82) that allocates \$150,000 to OSMB to be allocated to the Steve Smith Family Foundation to be used for its virtual learning support program that assists homeless students during the COVID-19 pandemic. Funds must be used for COVID-19 eligible expenses, including the cost of tutors, meals, personal protective equipment, cleaning, rental of work space for students, and on-site support of information technology and counseling.

This subsection became effective September 4, 2020.



### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(83): Funds to the Community Colleges System Office to Purchase Personal Protective Equipment . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (83) that allocates \$5 million to the Community Colleges System Office to Purchase Personal Protective Equipment.

This subsection became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(84): Funds to the University of North Carolina at Charlotte Bioinformatics Research Center . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (84) that allocates \$9 million to University of North Carolina at Charlotte Bioinformatics Research Center. \$4 million must be used for the development and analysis of viral and epidemiological data to address viral spread, assess treatments and therapeutics, and combat the COVID-19 pandemic and future viruses. \$5 million must be used for the development of a novel COVID-19 monitoring program based on the presence of the virus in wastewater and public transportation systems.

This subsection became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(85): Funds to the Board of Governors of the University of North Carolina System for Personal Protective Equipment . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (85) that allocates \$13 million to the Board of Governors of the University of North Carolina System to be allocated to constituent institutions for purchase of Personal Protective Equipment.

This subsection became effective September 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 3.3(93): Funds for Equipment for Health Care Workforce and First Responder Programs . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (93) that provides \$5 million to the Community Colleges System Office to allocate to community college campuses for equipment costs for health care workforce and first responder programs necessary for the State's response to the COVID-19 pandemic.

This subdivision became effective September 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 3.3(97): Funds for Southern Regional Area Health Education Center. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (97) that provides \$500,000 to the University of North Carolina at Chapel Hill to be used for the Southern Regional Area Health Education Center (AHEC) for COVID-19 related response activities, including outreach and education.

This subdivision became effective September 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 3.3(98): Funds for East Carolina University to Conduct Research with Dartmouth Atlas Project on COVID-19 Impacts . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (98) that provides \$500,000 to East Carolina University to conduct research in partnership with the Dartmouth Atlas Project at the Dartmouth Institute for Health Policy and Clinical Practice on the key impacts of COVID-19, including studying patient clinical outcomes, health impacts, resulting economic hardships, and other long-term economic outcomes, such as unemployment, bankruptcy, and recovery.

This subdivision became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(99): Funds for Fayetteville State University to Complete Physical and Virtual Technology Laboratories on COVID-19 Impact . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (99) that provides \$5 million to Fayetteville State University for physical and virtual technology laboratories to continue existing research on COVID-19 impacts with \$2 million used for build-out of existing structure and \$3 million for developing virtual infrastructure.

This subdivision became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(23): NC Policy Collaboratory Funds. (SL 2020-4)**

Section 3.3(23) of S.L. 2020-4, requires the Office of State Budget and Management to allocate \$29,000,000 of the funds appropriated from the Coronavirus Relief Fund to the University of North Carolina at Chapel Hill for the North Carolina Policy Collaboratory to be used for the following: (i) rapid development of a countermeasure of neutralizing antibodies for COVID-19, (ii) bringing a safe and effective COVID-19 vaccine to the public as soon as possible, (iii) community testing initiatives, and (iv) other research and activities related to monitoring, assessing, and addressing the public health and economic impacts of COVID-19. The following statutes do not apply to the purchase of apparatus, supplies, material, or equipment with the funds allocated under this subdivision: purchase and contract requirements in Article 3 of Chapter 143 of the General Statutes, the procedure for letting of public contracts contained in G.S. 143-129, and the powers of the Board of Governors of the University of North Carolina regarding certain purchasing contract contained in G.S. 116-31.10

No later than September 1, 2020, the Collaboratory is required to report to the Joint Legislative Oversight Committee on Health and Human Services on the progress of the requirements of this subdivision and the use of appropriated funds.

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(102): Funds for the Council for Women for Domestic Violence and Sexual Assault . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (102) that provides a total of \$12 million to the Department of Administration, Council for Women, with \$6 million provided for domestic violence centers and \$6 million for sexual assault programs to mitigate increased incidents as a result of the COVID-19 pandemic.

This subdivision became effective September 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 3.3(107): Funds for the Children's Home Society of North Carolina . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (107) that allocates \$300,000 to the Department of Health and Human Services, Division of Social Services, for the Children's Home Society of North Carolina, Inc., to provide virtual foster care and adoption services for families and children experiencing hardship as a result of the COVID-19 pandemic.

This subdivision became effective September 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 3.3(108): Funds for a Grant to Backpack Ministry, Inc. . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (108) that allocates to the Office of State Budget and Management \$100,000 to provide a grant to Backpack Ministry, Inc., d/b/a Food for Families, a nonprofit that provides food to students who would otherwise not receive a meal at home, to address increased food service demands due to the impact of COVID-19.

This subdivision became effective September 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 3.3(109): Funds for a Student Health Collaborative Pilot Program . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (109) that allocates \$300,000 to the Department of Health and Human Services, Division of Social Services, to establish a student health collaborative pilot program in accordance with Section 4.18 of S.L. 2020-97.

This subdivision became effective September 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 3.3(110): Bridge to Recovery, Inc. Funds. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (110) that allocates \$400,000 to the

Office of State Budget and Management to provide a grant to Bridge to Recovery, Inc to offset the costs of increased demand for substance use disorder services related to the impacts of COVID-19 and to fund the development of innovative substance use disorder programs in Union County, Stanly County, and surrounding areas as a result of COVID-19.

This subsection became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(111): Funds to Triangle Residential Options for Substance Abusers, Inc.. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (111) that provides \$500,000 to the Office of State Budget and Management to provide a grant to Triangle Residential Options for Substance Abusers, Inc., a nonprofit corporation, to be used for (i) offsetting increased operational expenses incurred for providing comprehensive residential substance use disorder treatment associated with the COVID-19 pandemic, for the period beginning March 1, 2020, and ending December 30, 2020, and (ii) any other COVID-19 related losses or expenses incurred during that time period, as allowed under the Coronavirus Aid, Relief, and Economic Security Act.

This subsection became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(112): Funds to Nurse Family Partnership. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (112) that provides \$1 million to the Office of State Budget and Management to be allocated to Nurse Family Partnership, a nonprofit corporation located in North Carolina, to help offset COVID-19 related expenses incurred for specified services provided and supplies, such as personal protective equipment, used within the State between March 1, 2020, and December 30, 2020.

This subsection became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(114): Funds to North Carolina Assisted Living Association . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (114) that provides \$750,000 to the Office of State Budget and Management to be allocated to North Carolina Assisted Living Association (NCALA), a nonprofit organization, to facilitate safe visitation and communication between residents and

family members and to maintain Centers for Disease Control and Prevention infection control guidance and safety standards.

NCALA shall distribute the following equally among its member facilities: \$500,000 to be distributed for the purchase of communications equipment and technology, such as smart devices for residents, and \$250,000 for the purchase of environmental supplies and the development of plans to redesign visitation or common areas to address resident isolation.

This subsection became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(30a): Funds for State-County Special Assistance . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (30a) that provides \$20 million to the Department of Health and Human Services, Division of Social Services, for facilities licensed to accept State-County Special Assistance. The funds must be used to provide temporary monthly payments to the facilities to offset increased costs during the COVID-19 emergency. From August 1, 2020, through December 30, 2020, the payment will be \$250 per individual. The payments will be terminated December 30, 2020, or when the funds run out, whichever is earlier.

This subsection became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(30a): DHHS, DSS Funds for Facilities Receiving State-County Special Assistance (Aug-Dec 2020). (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (30a) that provides \$20 million to the Department of Health and Human Services, Division of Social Services, for facilities licensed to accept State-County Special Assistance.

The funds must be used to provide a temporary financial assistance in the form of a monthly payment to these facilities to offset the increased costs of service residents who are recipients of State-County Special Assistance during the COVID-19 emergency. For the period August 1, 2020 and ending December 30, 2020, the amount of the monthly payment authorized must be equal to \$250.00 per month for each resident who is a recipient of State-County Special Assistance. The DSS must terminate all monthly payments pursuant to this subdivision on the earlier of December 30, 2020, or when funds are depleted.

Nothing in this subdivision can be construed as an obligation by the General Assembly to appropriate funds for the purpose of this subdivision, or as an entitlement by any facility, resident of a facility, or other person to receive financial assistance under this subdivision. The following definitions apply:

- Facility licensed to accept State-County Special Assistance payments. – Any residential care facility that is (i) licensed by the Department of Health and Human Services and (ii) authorized to accept State-County Special Assistance payments from its residents.
- State-County Special Assistance. – The program authorized by G.S. 108A-40.

This subdivision became effective September 4, 2020.

Note: Also see summary of Section 3.3(30) of S.L. 2020-4, which pertains to State-County Special Assistance funds.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(35a): Funds to OSMB for COVID-19 Testing . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (35a) that allocates \$34,002,617 to OSMB for COVID-19 testing to be allocated as follows. \$29,002,617 in equal amounts to NC Senior Living Association (NCSLA), NC Health Care Facilities Association (NHCFA), and NC Assisted Living Association (NCALA). The organizations must distribute the funds equally to their member facilities. \$5,000,000 to the Board of Governors of The University of North Carolina (UNC), to be used to effectively mitigate the spread of COVID-19 on UNC campuses.

This subsection became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(106a): Funds for Licensed Child Care Providers . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (106a) that allocates a total of \$35 million to the Department of Health and Human Services, Division of Child Development and Early Education, to provide operational grants to licensed child care providers to be used for various costs incurred in providing child care in response to the COVID-19 pandemic.

This subdivision became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(106b): Funds for Assistance Payments to Parents Using Remote Learning Opportunities . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (106b) that allocates a total of \$8 million to the Department of Health and Human Services, Division of Child Development and Early Education, to provide assistance payments to parents using remote learning opportunities for the care of

their children with preference given to applicants who reside in a household with an income level not in excess of 150% of the amount required for a child in the home to qualify for the federal free or reduced-price lunch program.

This subdivision became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(106c): Funds to Establish the North Carolina COVID-19 Provider Relief Fund . (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (106c) that allocates \$20 million to the Department of Health and Human Services to establish the North Carolina COVID-19 Provider Relief Fund to reimburse providers enrolled in the NC Medicaid program for costs incurred in providing COVID-19 related treatment to uninsured patients during the COVID-19 pandemic. The program shall be modeled after the federal Provider Relief Program established under the CARES Act.

This subdivision became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(114a): Funds to the Iredell County Health Department. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (114a) that provides \$34,000 to the Office of State Budget and Management to provide a grant to the Iredell County Health Department, to be used to purchase a cargo trailer, temporary fencing, and a canopy to support a mobile mass-testing site for COVID-19.

This subsection became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(114b): Funds to the North Carolina Medical Society Foundation. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (114b) that provides \$25 million to the Office of State Budget and Management to allocate to the North Carolina Medical Society Foundation to ensure access to medical care for the citizens of this State by distributing these funds to independent medical practices in this State with demonstrable financial needs related to COVID-19.

This subsection became effective September 4, 2020.



### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(114c): Funds to Watauga County. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (114c) that provides \$10,000 to the Office of State Budget and Management to be allocated to Watauga County to be used to purchase a portable broadband kit for the local health department to facilitate the real-time transmission of testing data from COVID-19 mobile testing sites located in rural areas served by the local health department. These funds shall not be used for any purpose other than to purchase the equipment described in this subdivision or to purchase subscription services.

This subsection became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(114d): Funds for Personal Protective Equipment in Child Care Settings. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (114d) that provides \$6 million to be allocated to the Department of Health and Human Services to purchase personal protective equipment and sanitizing supplies for prevention efforts to combat COVID-19 in child care settings regulated by the State.

This subsection became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(114e): Funds to the NCHCFA, the NCSLA and the NCALA. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (114e) that provides \$23 million to the Office of State Budget and Management, one-half to be allocated to North Carolina Health Care Facilities Association (NCHCFA) and one-quarter each to be allocated to North Carolina Senior Living Association (NCSLA) and North Carolina Assisted Living Association (NCALA). NCHCFA, NCSLA and NCALA shall use the allocated funds to purchase and distribute, free of charge, to licensed skilled nursing facilities, adult care homes and family care homes, COVID-19 related supplies and equipment necessary for life safety, health, and sanitation, and personal protective equipment. NCSLA and NCALA shall collaborate to assure equitable distribution of the materials described in this subdivision to adult care homes and family care homes.

By February 1, 2021, NCSLA, NCHCFA, and NCALA shall each submit a report on their use of these allocated funds to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division.

This subsection became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(114f): Funds to LME/MCOs. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subsection (114f) that provides \$38,000,000 to the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMH/DD/SAS), to be distributed to local management entities/managed care organizations (LME/MCOs) as additional lump sum single-stream allocations. LME/MCOs must not use these funds for any purpose other than to provide eligible individuals direct services associated with the COVID-19 pandemic.

The DMH/DD/SAS must distribute these funds among the LME/MCOs as follows: \$5,899,330 to Alliance Behavioral Healthcare, \$9,166,016 to Cardinal Innovations Healthcare, \$4,027,152 to Eastpointe, \$4,375,407 to Partners Behavioral Health Management, \$4,631,095 to Sandhills Center, \$5,292,267 to Trillium Health Resources and \$4,608,733 to Vaya Health.

This subsection became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(35a): COVID-19 Testing Funds. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (35a) that provides \$34,002,617 to the Office of State Budget and Management to be allocated for COVID-19 testing as provided below.

- \$29,002,617 to be distributed in equal amounts to the NC Senior Living Association, NC Health Care Facilities Association, and the NC Assisted Living Association to purchase COVID-19 tests with 50% of the funds used to purchase rapid COVID-19 tests. The tests must be distributed equally among member facilities, free of charge, for testing facility staff, residents, and visitors. Additionally, member facilities must reserve COVID-19 rapid tests received under this subdivision for testing visitors who are family members or legal guardians of residents.
- \$5 million to the Board of Governors of The University of North Carolina to be used to mitigate the spread of COVID-19 on UNC campuses through testing, tracing, enforcing required on-campus isolation and quarantine and providing COVID-19 related health care services.

This subdivision became effective September 4, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 4.5: Provide Medicaid Coverage for COVID-19 Testing to Uninsured Individuals in North Carolina During the Nationwide Public Health Emergency. (SL 2020-4)**

Section 4.5 of S.L. 2020-4 authorizes the Department of Health and Human Services 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 became effective May 4, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 4.6: Medicaid Provider Rate Increases. (SL 2020-4)**

Section 4.6 of S.L. 2020-4 requires the Department of Health and Human Services 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 is effective from March 1, 2020, through either (i) the end of the nationwide coronavirus public health emergency, (ii) the end of the statewide public health emergency, or (iii) March 31, 2021, whichever occurs first.

This section became effective May 4, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 4.7: Implement Temporary Provider Enrollment Changes Authorized Under the Medicaid 1135 Waiver. (SL 2020-4)**

Section 4.7 of S.L. 2020-4 specifies that certain provisions of State law pertaining to provider enrollment must 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 the temporary provider enrollment authorized under the approved Medicaid 1135 waiver. The provisions of State law that do not apply are as follows:

- G.S. 108C-2.1, which requires a \$100 fee for provider enrollment applications and requires recertifying every five years.
- G.S. 108C-4(a), which imposes a State requirement to conduct criminal history record checks.
- G.S. 108C-9(a) and (c), which requires providers to complete certain trainings prior to initial enrollment as a Medicaid and Health Choice provider.

This section became effective May 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 4.8: Disabled Adult Child Passalong Eligibility/Medicaid. (SL 2020-4)**

Section 4.8 of S.L. 2020-4 eliminates, no later than June 1, 2020, 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.

This section became effective May 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 4.9: Child Care and Development Fund Block Grant Increased Availability to Address Immediate Child Care Needs . (SL 2020-4)**

Section 4.9 of S.L. 2020-4 amends Section 1.1(a) of Session Law 2019-192 to change the appropriations from federal block grants for child care and development during the 2019-20 fiscal year. The funding for Child Care Services is increased from \$232,109,943 to \$268,109,943, and the funding for the Quality and Availability Initiatives (TEACH Program) is increased from \$55,217,124 to \$67, 217,124.

This section became effective May 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 4.11: Funds for Overdose Medications. (SL 2020-4)**

Sec. 4.11 of S.L. 2020-4 directs the Department of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMH/DD/SAS) to use \$400,000 allocated in sub-subdivision (36)c. of Section 3.3 of this act to purchase units of opioid antagonist at no charge to opioid treatment programs. Sec. 4.11 requires opioid treatment programs within two weeks of receiving the opioid antagonist to provide a prescription, at least one unit of opioid antagonist, and the opportunity to obtain prescription refills for opioid antagonist to participants who meet certain criteria.

This section became effective May 4, 2020.

**H1043 - 2020 COVID-19 Recovery Act.**

**Sec. 4.18: Establish Student Health Collaborative Pilot Program. (SL 2020-4)**

Sec. 4.18 of S.L. 2020-4, as enacted by Section 1.3 of S.L. 2020-97, directs the expenditure of \$300,000 appropriated to the Department of Health and Human Services, Division of Social Services, to establish a student health collaborative pilot program allowing a local education agency to collaborate with the county department of social services to assist students with their mental and physical well-being while in a public school setting in response to the COVID-19 pandemic.

The Division of Social Services must submit a progress report six months after implementing the pilot program to the Joint Legislative Oversight Committee on Health and Human Services, the Joint Legislative Education Oversight Committee, and the Fiscal Research Division.

This section became effective September 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 3.3(94): Funds for PPE-NC Initiative. (SL 2020-4)**

Section 3.3 of S.L. 2020-4, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 1.2 of S.L. 2020-97 to add a new subdivision (94) that provides \$14.3 million to the Office of State Budget and Management for the PPE-NC Initiative. The PPE-NC Initiative is a partnership between the Manufacturing Solutions Center at Catawba Valley Community College, Gaston College's Textile Technology Center, the City of Conover, Gaston County, and the private sector to create a launch pad for prototyping and testing reusable personal protective equipment products for entrepreneurs and existing manufacturers. The funds are allocated as follows: \$9 million as a grant to the City of Conover for a facility to house testing labs, rapid prototyping, and textile sourcing; cleanroom upfit; and a rapid prototyping pilot line to create product and train a workforce; and \$5.3 million as a grant to Gaston County to construct an Incubator and Extrusion Center for Advanced Fibers for Gaston College's Textile Technology Center.

This subdivision became effective September 4, 2020.

### **H1105 - Coronavirus Relief Act 3.0.**

#### **Sec. 1.2 Use of Coronavirus Relief Funds. (SL 2020-97)**

Section 1.2 of S.L. 2020-97 amends and/or creates multiple subsections in Section 3.3 of S.L. 2020-4. Please see Section 3.3 of S.L. 2020-4 for these summaries.

### **H1105 - Coronavirus Relief Act 3.0.**

#### **Sec. 3.7: Medicaid Nontax Revenue/Clarification of Amount to be Transferred. (SL 2020-97)**

Section 3.7 of S.L. 2020-97 clarifies the amount of funds to be transferred by the Department of Health and Human Services (DHHS) as nontax revenue for the 2020-2021 fiscal year under Section 2.3(b) of S.L. 2019-242. If funds returned to DHHS exceed \$130,000,000, then DHHS shall transfer as nontax revenue the full amount returned.

This section became effective July 1, 2020 and applies only to the 2020-2021 fiscal year.

### **H1105 - Coronavirus Relief Act 3.0.**

#### **Sec. 3.7A: Flexibility for Certain Child Care Licensing Requirements . (SL 2020-97)**

Section 3.7A(a) of S.L. 2020-97 creates a new section, G.S. 110-98.5, in Article 7 of Chapter 110 of the General Statutes regarding care for school-age children during a state of emergency. A community-based organization is authorized to provide care for school-age children at a remote learning facility when remote or virtual learning is required due to a declared state of emergency. The community-based organization must be registered with the Department of Health and Human Services (Department) through a process consistent with the registration process the Department uses for licensed child care facilities. Care provided to school-age children pursuant to this section is not considered child care as defined under G.S. 110-86.

Sec. 3.7A(b) of S.L. 2020-97 amends the exemption for cooperative arrangements from the definition of child care found in G.S. 110-86(2)(i). It clarifies cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment includes arrangements between a group of parents, regardless of whether the parents are working, to provide for the instructional needs of their children.

Sec. 3.7A(c) of S.L. 2020-97 requires any community-based organization operating pursuant to subsection (a) of this section during the COVID-19 pandemic to comply with the same COVID-19 related sanitation requirements as required of licensed child care facilities.

This section became effective September 4, 2020.

### **H1105 - Coronavirus Relief Act 3.0.**

#### **Sec. 3.11: Funds for the Community Living House Fund and the North Carolina Housing Finance Agency. (SL 2020-97)**

Section 3.11(a) transfers \$1,948,121 from the Transitions to Community Living Fund to the Community Living Housing Fund within the North Carolina Housing Finance Agency.

Section 3.11.(b) appropriates \$10,472,993 in nonrecurring funds for the 2020-2021 fiscal year from the Community Living Housing Fund to the North Carolina Housing Finance Agency to be used as provided in G.S. 122E-3.1(c).

This section became effective September 4, 2020.

### **H1157 - Abolish Coroner in Various Counties. (SL 2020-21)**

S.L. 2020-21 abolishes the office of coroner in Montgomery County effective June 17, 2020. It also abolishes the office of coroner in Avery, Bladen, Hoke, Counties and makes various changes to coroner terms effective January 1, 2021.

### **S232 - Repeal Death Invest Conf/Masks/Health&Safety. (SL 2020-93)**

Section 1 of S.L. 2020-93 would have repealed language in another bill (Sec. 2.5 of SB 168) pertaining to the establishment of confidentiality for certain death investigation information but the language was not enacted so no repeal was necessary. Sections 2 and 3 of the act amend language pertaining to masks and hoods for the protection of health. Section 2 of the act amends Section 4.3(b) of S.L. 2020-3 by removing the August 1, 2020 expiration date on language pertaining to masks and hoods worn for the protection of health. Section 3 of the act amends G.S. 14-12.11, as amended by Section 4.3 of S.L. 2020-3, to clarify language pertaining to wearing masks and hoods for the protection of health.

This act became effective July 10, 2020.

### **S361 - Healthy NC. (SL 2020-82)**

Session Law 2020-82 (1) enacts the Psychology Interjurisdictional Licensure Compact (PSYPACT), (2) allows marriage and family therapists to conduct the first-level exam for involuntary commitment, (3) eliminates redundancy in adult care home inspections, (4) modifies step therapy protocols, and (5) clarifies the use of coronavirus relief funds allocated to the North Carolina community Health Center Association. This act has various effective dates. Please see the full summary for details.

### **S681 - Agency Policy Directives/2019-2020.**

#### **Sec. 4A.1: Authorization for Secretary of DHHS to Raise the Maximum Number of State-County Special Assistance In-Home Payments. (SL 2020-78)**

Sec. 4A.1 of S.L. 2020-78 allows the Secretary of the Department of Health and Human Services to waive the fifteen percent (15%) cap on the number of Special Assistance in-home payments, as the Secretary deems necessary and within existing appropriations for State-County Special Assistance.

This section became effective on July 1, 2020 and expires on June 30, 2021.

### **S681 - Agency Policy Directives/2019-2020.**

#### **Sec. 4B.1: Elimination of Unnecessary and Redundant Reports. (SL 2020-78)**

Section 4B.1 of S.L. 2020-78 eliminates the following reports: Expansion of Controlled Substances Reporting System Monitoring Capacity, Coordination of Diabetes Programs and Department's Coordination of Chronic Care Initiatives.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 4B.2: NC MedAssist/Expand Allowable Uses of Coronavirus Relief Funds. (SL 2020-78)**

Section 4B.2 of S.L. 2020-78 amends Section 1.1(d) of S.L. 2020-4 to expand the allowable uses of \$1,500,000 in grant funding to NC MedAssist. NC MedAssist may use the grant funding for other costs allowed pursuant to federal guidance.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 4C.1: Smart Start Initiatives. (SL 2020-78)**

Section 4C.1 of S.L. 2020-78 requires the North Carolina Partnership for Children, Inc. to report on program initiatives, services, progress, and recommendations no later than December 1 of each year to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division of the General Assembly, instead of the General Assembly.

This section is effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 4D.1: Medicaid Eligibility . (SL 2020-78)**

Section 4D.1 of S.L. 2020-78 codifies the Medicaid eligibility groups and income thresholds that have been established for the Medicaid program.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 4D.2: Annual Issuance of Medicaid Identification Cards. (SL 2020-78)**

Section 4D.2 of S.L. 2020-78 requires the Department of Health and Human Services (DHHS) to issue Medicaid identifications cards on an annual basis, and to adopt or amend current rules related to Medicaid identification cards as necessary to implement this section. DHHS must submit a report confirming the amendment or adoption of rules as required to the Joint Legislative Oversight Committee on Medicaid and NC Health Choice by February 1, 2021.

This section became effective July 1, 2020.



**S681 - Agency Policy Directives/2019-2020.**

**Sec. 4D.3: Volume Purchase Plans and Single Source Procurement. (SL 2020-78)**

Section 4D.3 of S.L. 2020-78 allows the Department of Health and Human Services, Division of Health Benefits to use volume purchase plans, single source procurement or other contracting processes to contract for services, medical equipment, supplies, and appliances in order to improve cost containment.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 4D.4: LME/MCO Out-of-Network Agreements. (SL 2020-78)**

Section 4D.4 of S.L. 2020-78 requires local management entities/managed care organizations (LME/MCOs) to utilize out-of-network agreements between a single provider of behavioral health or intellectual and developmental disability (IDD) services and the LME/MCO to ensure access to care. LME/MCOs must use an out-of-network agreement instead of a comprehensive provider contract to allow their enrollees to receive services outside of the LME/MCO's catchment area when certain conditions are met.

LME/MCOs may not restrict the number of out-of-network agreements to provide inpatient hospitalization services except in limited circumstances or restrict the number of out-of-network agreements for other behavioral health and IDD services to foster children or independent foster care adolescents who are already receiving services from the provider.

Any provider enrolled in the North Carolina Medicaid program that provides services pursuant to an out-of-network agreement must be considered a network provider for purposes of Chapter 108D of the General Statutes only as it relates to enrollee grievances and appeals for those services.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 4D.5: LME/MCO Intergovernmental Transfer. (SL 2020-78)**

Section 4D.5 of S.L. 2020-78 directs each local management entity/managed care organization (LME/MCO) to contribute a specified amount through intergovernmental transfer in the aggregate amount of \$18,028,217 to the Division of Health Benefits (DHB).

DHB shall have the authority to reallocate the amount of the intergovernmental transfer that each affected LME/MCO is required to make in the event any county disengages from an LME/MCO and realigns with another LME/MCO during the 2019-2021 fiscal biennium, provided the aggregate amount received from all LME/MCOs in each year of the fiscal biennium is achieved.

If, in any given month, DHB does not make the additional capitated payment associated with the Medicaid risk reserve to an LME/MCO, then the LME/MCO's intergovernmental transfer shall be reduced on a pro rate basis and the aggregate amount to be collected adjusted for the corresponding fiscal year.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 4E.1: Funds for Local Inpatient Psychiatric Beds or Bed Days. (SL 2020-78)**

Section 4E.1 requires the Department of Health and Human Services to report by no later than December 1, 2020 and by no later than December 1, 2021, to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division on the following:

- A uniform system for beds or bed days purchased during the preceding fiscal year from specified funds.
- An explanation of the process used by the Department to ensure that, local inpatient psychiatric beds or bed days purchased in accordance with this section are utilized solely for individuals who are medically indigent and the number of medically indigent served by these beds or bed days.
- The amount of funds used to pay for facility-based crisis services and to pay for nonhospital detoxification services, along with the number of individuals who received these services and the outcomes for each individual.
- Other Department initiatives funded by State appropriations to reduce State psychiatric hospital use.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 4E.2: Report on Use of Funds to Purchase Inpatient Alcohol and Substance Use Disorder Treatment Services. (SL 2020-78)**

Section 4E.2 requires the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services to report on the implementation of the use of funds to purchase inpatient alcohol and substance use disorder treatment services. The report must include specified information for each Alcohol and Drug Abuse Treatment Center for the prior fiscal year and the two preceding fiscal years. The report is due annually beginning September 1, 2020, and ending on September 1, 2026, to the Joint Legislative Oversight Committee on Health and Human Services and the Fiscal Research Division.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 4F.1: Expand Composition of Child Fatality Task Force . (SL 2020-78)**

Section 4F.1 of S.L. 2020-78 increases the membership of the Child Fatality Task Force to include the Director of the Juvenile Justice Section, Division of Adult Correction and Juvenile Justice, Department of Public Safety. It directs ex officio members and appointing authorities to use best efforts when making appointments or designating representatives to select individuals with sufficient knowledge, experience and to reflect the geographical, political, gender, and racial diversity of this State to the extent possible.

This section became effective August 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 4G.1: Enhance Performance innovation Initiative. (SL 2020-78)**

Sec. 4G.1 of S.L. 2020-78 adds additional guidance to the description of Permanency Training Services used by the Permanency Innovation Initiative Fund to implement its goals. It specifies Permanency Training Services shall advance permanency-focused services for children in the legal custody of county departments of social services, and provide training and support services to caregivers and family members who are supporting the permanency goal of children in the legal custody of county departments of social services.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 4G.2: Successful Transition/Foster Care Youth. (SL 2020-78)**

Section 4G.2 of S.L. 2020-78 directs the Foster Care Transitional Living Initiative Fund to continue to fund and support transitional living services that demonstrate positive outcomes for youth, attract significant private sector funding, and lead to the development of evidence-based programs to serve the at-risk population. The Fund shall continue to support a demonstration project with services provided by Youth Villages to reach specified goals.

Section 4G.2 requires the Fund to support transitional living services, public-private partnership, impact measurement and evaluation, and advance of evidence-based process while continuing to implement its goals.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 14.1: Plan for Results First Benefit-Cost Analysis of DHHS Programs. (SL 2020-78)**

Sec. 14.1 of S.L. 2020-78 requires the Office of State Budget and Management (OSBM) to submit a plan to conduct, as part of North Carolina's Results First project, a benefit-cost analysis of all Department of Health and Human Services (DHHS) programs funded by State appropriations. The plan shall include (i) an inventory of all Department programs funded by State appropriations and (ii) an estimate of the cost to conduct the Results First benefit-cost analysis for each DHHS program funded by State appropriations.

OSBM must submit the plan by January 15, 2021 to the Joint Legislative Oversight Committee on General Government, the Joint Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division.

This section is effective July 1, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 3B.1: Affirmations of Actions Taken in Response to COVID-19. (SL 2020-3)**

Section 3B.1 of S.L. 2020-3 expresses the General Assembly's support for the actions taken by 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.

The affirmations of support became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 3C.1: Establishment of a State Stockpile for Personal Protective Equipment. (SL 2020-3)**

Section 3C.1 of S.L. 2020-3 directs the Division of Public Health (DPH) and the Division of Health Service Regulation (DHSR) within the Department of Health and Human Services (DHHS), in conjunction with the North Carolina Division of Emergency Management within the Department of Public Safety 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. The plan must 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 of the act became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 3C.2: Priority Consideration of North Carolina-Based Companies. (SL 2020-3)**

Section 3C.2 of S.L. 2020-3 directs the Department of Health and Human Services and the North Carolina Division of Emergency Management within the Department of Public Safety to first consider North Carolina-based companies that can provide mobile response units with capabilities to reach rural areas of the State during public health emergencies. This section of the act became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 3D.1: Dental Board Flexibility. (SL 2020-3)**

Section 3D.1 of S.L. 2020-3 amends 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 became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 3D.2: Authorization for Dentists to Administer COVID-19 Tests. (SL 2020-3)**

Section 3D.2 of S.L. 2020-3 amends 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 became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 3D.3: Authorization Process for Immunizing Pharmacists to Administer COVID-19 Vaccinations/Immunizations. (SL 2020-3)**

Section 3D.3 of S.L. 2020-3 allows 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 must consult with stakeholders before issuing a decision on the petition. The Director can issue a statewide standing order allowing immunizing pharmacists to administer a COVID-19 vaccine and makes any statewide standing order issued by the Director expire upon the adjournment of the next regular session of the General Assembly. The Director must develop and 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. The Director and any pharmacists administering COVID-19 vaccinations pursuant to the Director's order immune from civil and criminal liability.

This section became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 3D.4: Prescription Identification Requirements. (SL 2020-3)**

Section 3D.4 of S.L. 2020-3 allows pharmacists to use the visual inspection of any government issued photo I.D. to identify patients picking up prescriptions. Pharmacists are also permitted to identify known customers by examining existing records. They must review a patient's history on the controlled substances reporting system before filling an initial prescription for a Schedule II controlled substance only if it were already required under existing law.

This section became effective May 4, 2020, and expires 60 days after Executive Order 116 is rescinded or December 31, 2020, whichever is earlier.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 3D.5: Temporary Flexibility for Quality Improvement Plans . (SL 2020-3)**

Section 3D.5 of S.L. 2020-3 prohibits the Medical Board and the Board of Nursing from enforcing any administrative rule that requires 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 became effective May 4, 2020, and expires December 31, 2021.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 3D.7: Health Care Liability Protection for Emergency or Disaster Treatment. (SL 2020-3)**

Section 3D.7 of S.L. 2020-3 grants 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.
- The health care facility or provider is arranging the services in good faith.

Immunity does 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 are immune from liability for damages that occur at their facility 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 became effective May 4, 2020, and applies to acts or omissions occurring during the time of Executive Order No. 116 issued on March 10, 2020, by Governor Roy A. Cooper, and any subsequent time period during which a state of emergency is declared to be in effect during calendar year 2020.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 3D.8: Temporarily Dispense and Use Controlled Substances at Additional Places of Business. (SL 2020-3)**

Section 3D.8 of S.L. 2020-33 allows licensed hospitals, nursing homes, and clinics to dispense controlled substances at additional business locations, provided 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 became effective May 4, 2020, and expires 60 days after Executive Order No. 116 is rescinded, or December 31, 2020, whichever is earlier.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 3D.9: Pre-Procedure COVID-19 Test Result Reporting. (SL 2020-3)**

Section 3D.9 of S.L. 2020-3 requires healthcare providers to report the results of COVID-19 testing performed prior to non emergency surgery to the Commission for Public Health.

This section became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 3D.6: Pandemic Health Care Workforce Study. (SL 2020-3)**

Section 3D.6 of S.L. 2020-3 charges 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 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 preexisting 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 nonessential services and procedures on the health care workforce.
- Impact of postponing or eliminating nonessential 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 must 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 is also 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 became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 3E.1: Extension of Time for Establishing Connectivity to the State's Health Information Exchange. (SL 2020-3)**

Section 3E.1 of S.L. 2020-3 extends 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 became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 3E.2: Temporary Waiver of Three-Year Fingerprinting Requirement/Child Care Providers/Adoptions/Foster Care. (SL 2020-3)**

Section 3E.2 of S.L. 2020-3 temporarily waives the requirement that all child care providers complete a fingerprint based criminal history check every three years and clarifies 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. The Department of Health and Human Services is also required 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 became effective May 4, 2020, and expires 60 days after Executive Order 116 is rescinded or December 31, 2020, whichever is earlier.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 3E.3: Modification of Facility Inspections and Training to Address Infection Control Measures for COVID-19. (SL 2020-3)**

Section 3E.3 of S.L. 2020-3 instructs the Division of Health Service Regulation (DHSR), the Department of Health and Human Services, 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, are not suspended. DHSR must 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 became effective May 4, 2020, and expires 60 days after Executive Order 116 is rescinded or December 31, 2020, whichever is earlier.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 3E.4: Allow Temporary Waiver of 72-Hour Pre-Service Training Requirement/Child Welfare Staff. (SL 2020-3)**

Section 3E4 of S.L. 2020-3 allows 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 became effective May 4, 2020, and expires 60 days after Executive Order 116 is rescinded or December 31, 2020, whichever is earlier.

#### **S704 - COVID-19 Recovery Act .**

##### **Sec. 3E.1(b): Technical Correction to COVID-19 Recovery Act. (SL 2020-3)**

Section 3E.1(b) in S.L. 2020-3, as may have been amended by Section 3 of S.L. 2020-32, Section 4 of S.L. 2020-49, Section 1.1(d) of S.L. 2020-80, Section 3B(b) of S.L. 2020-88, and Section 4.9(a) of S.L. 2020-91, is amended by Section 3.7B(b) of S.L. 2020-97 to change the reference in the introductory language from G.S. 90-414(a2) to G.S. 90-414.4(a2).

This section became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 3F.1: Expanded Use of Telehealth to Conduct First and Second Involuntary Commitment Examinations. (SL 2020-3)**

Section 3F.1 of S.L. 2020-3 allows 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 became effective May 4, 2020, and expires 30 days after Executive Order 116 is rescinded.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 3F.2: Increased Access to Telehealth Under the Medicaid Program. (SL 2020-3)**

Section 3F.2 of S.L. 2020-3 states that the General Assembly urges the Centers for Medicaid and Medicare to provide coverage for health care provided through audio only communication.

This section became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 4.3: Masks & Hoods for the Protection of Health. (SL 2020-3)**

Section 4.3 of S.L. 2020-3, as amended by Section 2 and Section 3 of S.L. 2020-93, clarifies that masks may be worn on certain public and private premises to ensure the physical health or safety of the wearer or others, but requires the wearer to remove that mask upon the request of a law enforcement officer during a traffic stop or when the officer has reasonable suspicion or probable cause during a criminal investigation.

Section 4.3 of S.L. 2020-3 became effective May 4, 2020 and initially included an expiration date of August 1, 2020. However, Sections 2 and 3 of S.L. 2020-93, which became law July 10, 2020, clarified language regarding the wearing of mask and hoods for the protection of health and removed the August 1, 2020, expiration date initially included in Section 4.3 of S.L. 2020-3.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 4.10: Witness Requirement During State of Emergency/Health Care Power of Attorney and Advanced Directive for Natural Death. (SL 2020-3)**

Sec. 4.10 of S.L. 2020-3 amends the statutes related to health care powers of attorney and advanced directives for a natural death declaration to waive the requirement that the principal's signature be executed in the presence of two qualified witnesses. This waiver applies if the document is signed by the principal, properly acknowledged before a notary, and contains a short and plain statement indicating that the instrument was executed in accordance with this section. The waiver applies to those documents executed on or after May 4, 2020, and it expired on August 1, 2020.

This section became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 4.11: Adult Guardianship Service. (SL 2020-3)**

Section 4.11 of S.L. 2020-3 temporarily amended the law pertaining to service of the notice and petition for incompetency. This section of the act allowed a sheriff to serve process on a resident of a facility that restricts visitors during a public health emergency by leaving a copy of the notice of hearing and petition with the employee of the facility who appears to be in charge of the office or who has apparent authority to receive documents intended for residents. The employee is required to present the documents to the resident respondent as soon as possible. Proof of service would be filed with the clerk showing how the respondent was served.

This section became effective May 4, 2020, and expired August 1, 2020.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 4.17: Communicable Disease Information Law Enforcement. (SL 2020-3)**

Sec. 4.17 of S.L. 2020-3 creates exceptions for the release of confidential communicable disease health information by the Department of Health and Human Services (DHHS) or a local health department to a law enforcement official in order 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, or to enforce the communicable disease and health laws of the State. This section became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 4.22: Interim Determinations and Interim Certifications for Certain Disability Benefits. (SL 2020-3)**

Sec. 4.22 of S.L. 2020-3 allowed the Director of the Retirement Systems Division of the Department of State Treasurer, or designee, to make an interim determination or interim certification that a member or beneficiary is eligible for disability benefits. However, the Director or designee is not allowed to make an interim determination or interim certification that the member or beneficiary is not eligible. The medical board is required to review any interim determinations or interim certifications as soon as practicable and to make a final determination or final certification. If, subsequent to the interim determination or interim certification, the medical board makes a determination or certification that the member or beneficiary is not eligible for disability benefits, then any payment to that member or beneficiary will cease and the determination will be applied prospectively so that the final determination will not require any refund by the member or beneficiary for benefits received during the interim determination period.

This section became effective May 4, 2020 and the language allowing interim determinations or interim certifications expired August 1, 2020. Any interim determination or interim certification made under the authorization of this section remains valid until a final determination is made in accordance with the section.

## **S808 - Medicaid Funding Act. (SL 2020-88)**

Session Law 2020-88 appropriates funds for the Dorothea Dix campus relocation project and NC FAST; appropriates Coronavirus Relief Funds for early childhood initiatives, behavioral health and crisis services, and COVID-19 testing, contract tracing, and trends tracking and analysis; appropriates funds for the Medicaid program and Medicaid transformation; and makes changes related to Medicaid transformation implementation.

Except where provided otherwise, this act is effective July 2, 2020. See full summary for details.

# Information Technology

See full summary documents for additional detail

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 4.17: Special Supplementary GREAT Act Grant Process. (SL 2020-4)**

S.L. 2020-4, Sec. 4.17, as enacted by S.L. 2020-97, Sec. 1.3, modifies criteria and guidelines established under G.S. 143B-1373 for a discrete, supplementary broadband infrastructure grant period to be administered by the Department of Information Technology.

EFFECTIVE DATE: This section became effective September 4, 2020.

## **H1105 - Coronavirus Relief Act 3.0.**

### **Sec. 3.13: GDAC Revisions. (SL 2020-97)**

Section 3.13 of S.L. 2020-97 requires the Department of Information Technology and the Office of State Budget and Management to identify existing resources to ensure that funding and positions supported by the Information Technology Fund are not adversely affected in the implementation of a reduced transfer of funds to the IT Reserve for the 20-21FY required by Section 9(a) of S.L. 2020-81. The Department of Information Technology is required to report to the Chairs of the Joint Legislative Oversight Committee on Information Technology, the Joint Legislative Commission on Governmental Operations and Fiscal Research at least 15 days prior to any transfers or reductions to funding or positions for the Governmental Data Analytics Center.

This section became effective September 4, 2020.

## **H1105 - Coronavirus Relief Act 3.0.**

### **Sec. 3.14: GREAT Act Revisions. (SL 2020-97)**

Section 3.14 of S.L. 2020-97 makes various changes to definitions, scoring, and administration of the GREAT broadband infrastructure grant program in G.S. 143B-1373.

This section became effective September 4, 2020.

## **S212 - Capital Appropriations/R&R/DIT/Cybersecurity. (SL 2020-81)**

S.L. 2020-81:

- Appropriates funds for various capital and repair and renovation projects for State agencies and The University of North Carolina, and to the Department of Information Technology for certain purposes.
- Amends various laws that relate to funding, commencing, and administering capital projects from the State Capital and Infrastructure Fund.

- Establishes two separate pilot programs and a Satellite-Based Broadband Grant Program within the Department of Information Technology.
- Amends laws that relate to leases for broadband infrastructure on State property.

Section 10 is summarized in a separate document.

This act became effective June 26, 2020, except, sections 1, 2, 3, and 8 of this act which became effective July 1, 2020. Section 8 became effective July 1, 2020 and applied to applications for new leases and lease renewals submitted on or after that date, and expires January 1, 2025.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 12.4: Public Safety Answering Point Funding Changes. (SL 2020-78)**

Sec. 12.4 of S.L. 2020-78, does all of the following:

- Authorizes the distribution of 911 Funds to a city or county operating a public safety answering point (PSAP) to pay the costs to comply with an intergovernmental support agreement with a major military installation requiring the city or county and that major military installation to serve as a back-up PSAP or secondary PSAP for each other's 911 system.
- For purposes of the 911 funding formula, it requires the 911 Board to:
- Include the population of a major military installation operating a PSAP in the population count of any PSAP operated by a city or county that is a party to an intergovernmental support agreement with that major military installation.
- Treat an intergovernmental support agreement between a city or county operating a PSAP, and a major military installation operating a PSAP, as an interlocal agreement.

This section became effective July 1, 2020 and applies to distributions for the 2020-2021 fiscal year and subsequent fiscal years.

**S681 - Agency Policy Directives/2019-2020.**

**Part XIX: Information Technology. (SL 2020-78)**

Part 19 of Session Law 2020-78 makes various changes to laws that relate to the Department of Information Technology in:

- State agency electronic transaction fees and project expenditures.
- Competitive bidding exceptions for cybersecurity procurement.
- Administration of the CJLEADS program.

This part became effective July 1, 2020.

# Insurance

**See full summary documents for additional detail**

## **H471 - Exempt Direct Primary Care from DOI Regs. (SL 2020-85)**

S.L. 2020-85 clarifies that medical direct primary care agreements are not subject to the provisions of Chapter 58 (Insurance) and establishes standards for medical direct primary care agreements.

This act became effective July 1, 2020.

# Labor and Employment

See full summary documents for additional detail

## **H1229 - Unemployment Insurance Program Integrity. (SL 2020-53)**

S.L. 2020-53 appropriates two million dollars (\$2,000,000) for the 2019-2020 fiscal year to the Department of Commerce, Division of Employment Security, to strengthen the program integrity of the unemployment insurance program during the COVID-19 pandemic.

The act became effective June 30, 2020.

## **S681 - Agency Policy Directives/2019-2020.**

### **Sec. 6.2: Golden LEAF Foundation Codification and Report Changes. (SL 2020-78)**

Section 6.2.(a) of this act creates Article 74A of Chapter 143 of the General Statutes by repealing and codifying various sections of S.L. 1999-2, which provides for the authorization and creation of the nonprofit corporation, known as the Golden LEAF Foundation. Section 6.2.(b) makes technical changes and reporting requirements to the new Article 74A. Section 6.2.(c) makes a conforming amendment to G.S. 105-113.4C.

This section became effective on July 1, 2020.

## **S681 - Agency Policy Directives/2019-2020.**

### **Sec. 6.3: Commerce Nonprofits/Reporting Requirements. (SL 2020-78)**

Section 6.3.(a) of this act requires certain entities receiving direct appropriations for economic development purposes to annually report to various committees of the General Assembly on prior State fiscal year program activities, objectives, accomplishments, itemized expenditures, and fund sources. Section 6.3.(b) lists the North Carolina Biotechnology Center, High Point Market Authority, and RTI International as the entities that must comply with the reporting requirements set forth in subsection (a).

This section became effective on July 1, 2020.



# Local Government

See full summary documents for additional detail

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 31: Clarification Regarding Submission of Certain Component Designs or Proposals. (SL 2020-74)**

Section 31 of S.L. 2020-74 requires the design or proposal for a component or element in the construction of buildings be completed under valid seal of an architect or engineer only when required by the North Carolina State Building Code.

This section became effective July 1, 2020.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 2.3: Establishment of Local Government Coronavirus Relief Reserve. (SL 2020-4)**

Sec. 2.3 of S.L. 2020-4, as amended by Sec. 1.1.(a) of S.L. 2020-80, and Sec. 1.1.(c) of S.L. 2020-97, does all of the following:

- Establishes a Local Government Coronavirus Relief Reserve (Local Reserve) in the General Fund to maintain certain federal funds transferred from the Coronavirus Relief Reserve (Reserve) eligible to mitigate the impact of COVID 19 on the revenue of North Carolina local governments.
- Transfers the sum of three hundred million dollars (\$300,000,000) from the Reserve to the Local Reserve.
- Transfers interest earned on funds held in the Local Reserve to the Coronavirus Relief Fund.

This section became effective May 4, 2020.

## **H1105 - Coronavirus Relief Act 3.0.**

### **Sec. 3.21: Reextend Certain Local Government Approvals Affecting the Development of Real Property Within the State. (SL 2020-97)**

Section 3.21 of S.L. 2020-97 provides that for any development approval that is current and valid at any point from September 2, 2020, and ending 30 days after Executive Order No. 116 is rescinded, the expiration date of the period of the development approval and any associated vested right is automatically extended 120 days from the expiration date. For any development approval that is extended, the holder of the development approval must do all of the following:

- Comply with all applicable laws and policies in effect at the time the development approval was originally issued.
- Maintain all performance guarantees that are imposed as a condition of the initial development approval for the duration of the period the development approval is extended or until affirmatively released from that obligation by the governmental entity.
- Complete any necessary infrastructure to obtain a certificate of occupancy or other final permit approval by the governmental entity.

Failure to comply with any condition in this section may result in termination of the extension of the development approval. Termination of an extension of a development approval may be appealed to the Board of Adjustment if the development approval was issued by a unit of local government with planning authority.

This section became effective September 4, 2020, and expires 30 days after Executive Order No. 116 is rescinded.

**S704 - COVID-19 Recovery Act.**

**Sec. 4.27: Clarify "Available for Public Inspection" / Local Government Budget Process. (SL 2020-3)**

Sec. 4.27 of S.L. 2020-3, does all of the following:

- Requires the budget officer of a unit of local government to file a copy of the unit's proposed budget directly with the clerk to the unit's governing board.
- Authorizes the clerk to post a copy of the proposed budget on the Web site of the unit of local government and requires the clerk to make the proposed budget available for public inspection.

This section became effective May 4, 2020, and expired on August 1, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 4.28: Daily Deposit Requirement Under The Local Government Budget And Fiscal Control Act. (SL 2020-3)**

Section 4.28 of S.L. 2020-3 permits 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 authorizes the Secretary to allow less than daily but no fewer than weekly deposits provided the money is maintained in a secure location.

This section became effective May 4, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 4.29: Local Government Commission Revisions. (SL 2020-3)**

Section 4.29 of S.L. 2020-3 requires local finance officers to submit statements of financial information concerning COVID-19 impacts on local finances to the Local Government Commission (LGC) by February 15, 2021. The section requires the LGC to submit a report of this financial information and any recommended legislation to the Joint Legislative Committee on General Government and the Fiscal Research Division by March 15, 2021.

The section became effective May 4, 2020. The provisions addressing the COVID-19 financial information expire February 15, 2021, and the provision addressing the LGC report expires March 15, 2021.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 4.30: Reinstate Special Obligation Bonds. (SL 2020-3)**

Section 4.30 of S.L. 2020-3 reauthorizes 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 4.30(a) reinstates this authority and recodifies it under Chapter 159, where other forms of local government indebtedness are authorized. Sections 4.30(b)-(h) make conforming changes to statutes affected by the recodification.

This section became effective retroactively to July 1, 2019.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 4.33: Extend Effective Date of Chapter 160D of the General Statutes. (SL 2020-3)**

Sec. 4.33 of S.L. 2020-3, delayed the effective date of Chapter 160D of the General Statutes, the consolidated land use planning and development statutes, from January 1, 2021, to August 1, 2021. This section became effective May 4, 2020, but was repealed effective June 19, 2020, by Sec. 51 of S.L. 2020-25, which also made Chapter 160D effective June 19, 2020, and applicable to local government development regulation decisions made on or after the earlier of:

(1) The effective date of the amendments to local development regulations made to conform to the provisions of Part II of S.L. 2019-111, or

(2) July 1, 2021.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 4.34: Floodplain Maps by Incorporation into Local Ordinances. (SL 2020-3)**

Section 4.34 of S.L. 2020-3 allows 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 authorizes those ordinances or zoning maps to incorporate by reference the most recent officially adopted version of such maps. This section also authorizes 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 became effective May 4, 2020, and expires August 1, 2021.

**S704 - COVID-19 Recovery Act .**

**Sec. 4.40: Extend Certain Local Government Approvals Affecting the Development of Real Property within the State. (SL 2020-3)**

Section 4.40 of S.L. 2020-3 provided that for any development approval that was current and valid at any point during the period beginning March 10, 2020 and ending April 28, 2020, the development approval period expiration date and any associated vested rights were extended for five months.

The section became effective May 4, 2020 and expired September 28, 2020. However, Section 3.21 of S.L. 2020-97 reextends certain development approvals. See Section 3.21 of S.L. 2020-97 or its summary for more information.

**S704 - COVID-19 Recovery Act .**

**Sec. 4.42: Use of Regional Council of Governments in Administration of FEMA Public Assistance and Individual Assistance Funds. (SL 2020-3)**

Section 4.42 of S.L. 2020-3 authorizes the North Carolina Department of Emergency Management to utilize North Carolina Regional Councils of Government in administering Federal Emergency Management Agency public assistance and individual assistance funds.

This section became effective May 4, 2020.

# **Military, Veterans, and Indian Affairs**

**See full summary documents for additional detail**

## **H1053 - PED/Military OL & Audiology Interstate Compct. (SL 2020-87)**

S.L. 2020-87 implements recommendations from the Program Evaluation Division regarding ways to improve the occupational licensing process for military-trained applicants and military spouses; and makes North Carolina a member of the Interstate Compact for Audiology and Speech-Language Pathology.

Part I of this act becomes effective December 1, 2020, and applies to applications for licensure received on or after that date. Part II of this act becomes effective when at least 10 states have enacted the Interstate Compact for Audiology and Speech Pathology. Part III of this act became effective July 2, 2020.

## **S681 - Agency Policy Directives/2019-2020.**

### **Sec. 17.1: Department of Military and Veterans Affairs/Military Presence Stabilization Fund. (SL 2020-78)**

Sec. 17.1 of S.L. 2020-78 does all of the following:

- Specifies how the Military Presence Stabilization Fund may be used.
- Directs the North Carolina Military Affairs Commission to report expenditures from the Fund to the General Assembly annually.
- Provides an uncodified process including a timeline, for the payment of expenses from the Military Presence Stabilization Fund by the Department of Military and Veterans Affairs.

This section of the act became effective July 1, 2020.

## **S681 - Agency Policy Directives/2019-2020.**

### **Sec. 17.2: Veterans Affairs Commission/Awarding of Service Medals. (SL 2020-78)**

Sec. 17.2 of S.L. 2020-78 eliminates the Veterans' Affairs Commission's duty to promulgate rules concerning awarding the North Carolina Services Medal.

This section of the act became effective July 1, 2020.

## **S681 - Agency Policy Directives/2019-2020.**

### **Sec. 17.3: Department of Military and Veterans Affairs/Technical Amendment to Delete Obsolete Language from Statute Regulating Scholarships. (SL 2020-78)**

Sec. 17.3 of S.L. 2020-78, deleted obsolete language in G.S. 143B-1225(a)(4), that gave recipients of the scholarship for dependents of North Carolina's Wartime Veterans until August 1, 2010, to use their scholarship.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 17.4: Establish North Carolina Veterans Cemetery Trust Fund. (SL 2020-78)**

Sec. 17.4 of S.L. 2020-78, establishes the North Carolina Veterans Cemeteries Trust Fund (Fund), a special fund within and administered by the Department of Military and Veterans Affairs (Department) consisting of interest and investment earnings on monies in the Fund and any other funds, as directed by the General Assembly. This section requires the Fund to accumulate until sufficient interest is generated to maintain the State's veterans' cemeteries once they have reached full capacity, limits use of interest earnings to maintenance of existing veterans' cemeteries once they reach full capacity, prohibits expenditure of interest to open new veterans' cemeteries, prohibits any spending of the principal, and gives the Veterans Affairs Commission sole authority to approve the authorized uses of the Fund without direction from or supervision of the Secretary of the Department.

This section became effective July 1, 2020.

**S801 - Military Presence Stabilization Fund/Funding. (SL 2020-24)**

S.L. 2020-24 appropriates funds to the Military Presence Stabilization Fund.

This act became effective July 1, 2020.

# Occupational Boards and Licensing

See full summary documents for additional detail

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 19: Library Statute Changes. (SL 2020-74)**

Section 19 of S.L. 2020-74 does the following:

- Expands the dean's seat on the Public Librarian Certification Commission to include "department chair, program director, or equivalent."
- Eliminates the requirement for standing committees within the State Library Commission, and instead give the authority to create four-person committees to the Chair of the State Library Commission with the approval of the Library Commission.
- Repeals the requirement that State publications that are of historical or enduring value and importance to the citizens of North Carolina must be printed on alkaline (acid-free) paper.

This section became effective July 1, 2020.

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 24: Allow Self-Insurers to Make Payments for an Initial Assessment Over a Period. (SL 2020-74)**

Section 24 of S.L. 2020-74 allows an individual self-insurer upon receiving its license from the North Carolina Commission of Insurance to pay its required initial assessment over a period as determined by the Board of Directors of the North Carolina Self-Insurance Security Association. Under prior law, an initial assessment had to be paid upon the receipt of an initial license by an individual self-insurer.

This section became effective July 1, 2020.

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 28: Architectural License Exception for Small Projects. (SL 2020-74)**

Section 28 of S.L. 2020-74 allows commercial architectural projects with a value of \$200,000 or an area of less than 3,000 square feet to be completed without an architectural license.

This section became effective July 1, 2020.

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 29: North Carolina Board of Architecture Modifications. (SL 2020-74)**

Section 29 of S.L. 2020-74 makes technical changes to statutes relating to the North Carolina Board of Architecture and other changes to the educational criteria necessary to sit for the architect licensure exam.

This section became effective July 1, 2020.



# Property, Trusts, and Estates

See full summary documents for additional detail

## **H736 - Elective Share-Joint Accounts. (SL 2020-60)**

Session Law 2020-60 changes the calculation of the amount of property subject to a surviving spouse's elective share as follows:

- Treat property held by a deceased spouse and surviving spouse as joint tenants with right of survivorship the same as property held by other persons.
- Treat all property held as joint tenants with right of survivorship as owned by the decedent only to the extent of the decedent's pro rata share of property. Contributions are presumed to equal the share owned. The presumption can be overcome by clear and convincing evidence.

The Act became effective June 30, 2020, and applies to estates of decedents dying on or after that date and applies to estate proceedings to determine the elective share which are not final on that date because the proceeding is subject to further judicial review. The Act also imposes a new \$200 fee for filing a claim for an elective share, and the new fee is effective December 1, 2020.

## **H902 - Purchases & Contracts Changes/Global Transpark/Prison Pilot.**

### **Part IV: Association Charges for Statements of Unpaid Assessments. (SL 2020-90)**

Part IV of S.L. 2020-90 authorizes owners' associations in planned communities and condominiums to charge a reasonable fee for providing owners or their authorized agents with a statement of unpaid assessments and other charges, not to exceed \$200 per statement or request. Part IV of the act also authorizes owners' associations to charge an additional expedite fee not exceeding \$100 if the request is made within 48 hours of closing.

This part became effective on July 2, 2020.

## **H920 - Condominium Association Changes. (SL 2020-52)**

S.L. 2020-52 amends the North Carolina Condominium Act to:

- Specify what must be contained in an architect/engineer's certification of what the condominium plat/plan depicts, and in a professional land surveyor's certification of the statutory requirements that have been met by the plat.
- Amend the statutory requirements for the contents of a condominium declaration.
- Limit the time within which any development or declarant rights must be exercised if not specified in the declaration.
- Permit the time limit for exercising any development or declarant right as set forth in the declaration to be extended for a period of not more than 10 years by consent of owners of units to which at least 67% of the association votes are allocated.
- Require liberal construction of statutory provisions governing establishment of a condominium in favor of its validity.

- Specify purposes for which the executive board may propose a corrective amendment to the declaration and provide that upon recordation in the office of the register of deeds for the county where the condominium is located, any such correction relates back to and is effective as of the date the declaration was originally recorded.
- Provide a procedure for judicial reformation of a declaration to correct certain ambiguities, errors, inconsistencies in condominium instruments, and requiring any collateral action challenging a judgment ordering reformation to be brought within one year of the entry of judgment.
- Amend provisions governing encroachment easements.
- Provide that when a declarant's failure to substantially comply with the Condominium Act in establishing a condominium is due to defects in the drafting, execution, or recordation of the declaration, plats or plans, a condominium unit's title will be deemed marketable if there is no legal challenge to the validity of the documents establishing the condominium within four years of their recordation.
- Conform provisions in the Condominium Act to corresponding provisions in the Planned Community Act relating to executive board members and officers, meeting notice and quorum requirements, and assessments against a unit for common expenses caused by a unit occupant's misconduct.

The act's provisions for judicial reformation of a declaration became effective on October 1, 2020 and apply to actions filed on or after that date. The remainder of the act became effective on June 24, 2020.

### **H1072 - GSC Technical Corrections 2020. (SL 2020-69)**

S.L. 2020-69 contains corrections of a technical nature to the General Statutes and session laws. This act also includes an amendment to provide that the register of deeds does not need to verify the capacity or authority of the person listed as the drafter of a deed or deed of trust. This act has various effective dates. Please see the full summary for more detail.

### **S595 - Changes to Real Property Statutes. (SL 2020-50)**

S.L. 2020-50 recodifies and clarifies existing statutory provisions governing tenancy by the entireties and joint tenancy, and codifies principles governing these subjects currently set forth in case law. The act also makes technical corrections and resolves an engrossing conflict with another 2020 session law.

The technical corrections in this act became effective on August 1, 2020. The remainder of this act became effective on June 30, 2020.

### **S704 - COVID-19 Recovery Act .**

#### **Sec. 4.12: Disbursement of Funds Prior to Recordation of Deed in Certain Circumstances. (SL 2020-3)**

Section 4.12 of S.L. 2020-3 allows disbursement of closing funds prior to the recordation of deeds, deeds of trust, and other loan documents if certain conditions are met.

Section 4.12 of S.L. 2020-3 became effective May 4, 2020, and expired August 1, 2020.

Section 4.12(b) of S.L. 2020-3, as enacted by S.L. 2020-80, Section 2.8, changes the expiration date from August 1, 2020 to March 1, 2021.

**S720 - GSC Conforming Amendments/2019 Land-Use Changes. (SL 2020-25)**

S.L. 2020-25 incorporates amendments by the 2019 session laws to former Article 19 of Chapter 153A and former Article 18 of Chapter 160A of the General Statutes into Chapter 160D of the General Statutes. This act became effective on June 19, 2020.

**S729 - GSC Modernize Partition Laws. (SL 2020-23)**

S.L. 2020-23 modernizes the partition of property statutes, makes conforming and technical amendments to statutes referencing the former partition chapter, and makes technical, conforming, and modernizing amendments to the elective life estate statute. This act became effective October 1, 2020.

# Retirement

See full summary documents for additional detail

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 9: Extend Right to Work Authorization for State and Local Government Retirees During the COVID-19 Emergency. (SL 2020-74)**

Section 9 of S.L. 2020-74 extended the expiration date of a temporary provision concerning the retirement system from August 1, 2020 to August 31, 2020.

This section became effective July 1, 2020.

## **H1218 - Salary-Related Contributions/Debt Service Funds. (SL 2020-41)**

S.L. 2020-41 reduced the State employer salary-related contributions and appropriated funds to be used to meet the State's General Fund debt service obligations.

This act became effective July 1, 2020.

## **S47 - Morganton Firemen's Relief Fund. (SL 2020-8)**

S.L. 2020-8 repeals the Morganton Firemen's Supplemental Retirement System and transfers assets to the Morganton Fireman's Relief Fund.

This act became effective June 8, 2020.

## **S379 - Retirement Systems Admin. Changes. (SL 2020-29)**

S.L. 2020-29 makes clarifying and administrative changes to law relating to the State Treasurer, the Teachers' and State Employees' Retirement System (TSERS), the Local Governmental Employees' Retirement System (LGERS), the Consolidated Judicial Retirement System (CJRS), the Legislative Retirement System (LRS), and to related statutes. This act also allows the Legislative Services Commission to obtain criminal record checks of any prospective employees, volunteers, or contractors of the General Assembly.

This act has various effective dates. Please see the full summary for more detail.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 4.23: Temporarily Remove Barriers to Allow Retirees of the Teachers' and State Employees' Retirement System and the Local Government Employees' Retirement System**

## **to Return to Work on a Part-Time, Temporary, or Interim Basis During State of Emergency Related to COVID-19. (SL 2020-3)**

Section 4.23 of S.L. 2020-3, as amended by Section 9 of S.L. 2020-74 and Section 1.1(f) of S.L. 2020-80, 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 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 became effective May 4, 2020, and expired on August 31, 2020.

### **S704 - COVID-19 Recovery Act .**

#### **Sec. 4.37: Extend the Joint Legislative Study Committee on Small Business Retirement Options. (SL 2020-3)**

Section 4.37 of S.L. 2020-3 made the committee's March 2020 report an interim report and allowed the Committee to submit a final report by December 1, 2020. This section also changed the date by which the Committee would terminate to August 1, 2020 or when the final report was submitted, whichever occurs first.

This section became effective retroactively to March 31, 2020.

### **S719 - Retirement Tech./Protect./& Other Changes. (SL 2020-48)**

S.L. 2020-48 amends statutes pertaining to the following: Teacher's and State Employees' Retirement System (TSERS), the Local Governmental Employees' Retirement System (LGERS), the Consolidated Judicial Retirement System (CJRS), the Legislative Retirement System (LRS), the Supplemental Retirement Income Plan, the Achieving A Better Life Experience (ABLE) Program Trust, the NC National Guard Pension Fund, North Carolina Public School Teachers' and Professional Educators' Investment Plan, local government finance, 403(b) administrative costs, Unfunded Liability Solvency Reserve and Health Benefit Fund, Escheats, Unclaimed Property, and separate insurance benefit plan offerings.

Except as otherwise provided this act became effective June 26, 2020. See the full summary for details.

# State Government

See full summary documents for additional detail

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 18: Prevent from Becoming Effective Rules Modifying the North Carolina Building Code. (SL 2020-74)**

Section 18 of S.L. 2020-74 prevents certain North Carolina Building Code rules related to the use of certain plastic pipes from becoming effective.

This section became effective July 1, 2020.

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 23: Confidentiality Changes for Certain Documents in Securities Investigations. (SL 2020-74)**

Section 23 of S.L. 2020-74 exempts from public records requests certain investor financial information obtained during an investigation conducted by the Secretary of State.

This section became effective July 1, 2020.

## **H902 - Purchase and Contracts Changes/Global Transpark/Prison Pilot.**

### **Part I: Purchase and Contracts Changes. (SL 2020-90)**

Part I of S.L. 2020-90 implements the expenditure benchmarks established under G.S. 143-53.1 as the monetary thresholds to review protests on contracts and waivers of competition and mandates that reports on emergency purchases by State departments, institutions, and agencies be submitted to the Division of Purchase and Contracts. It provides that the benchmark must not be greater than \$100,000 for State departments, institutions, and agencies, except the President of The University of North Carolina or a special responsibility constituent institution of The University of North Carolina and community colleges.

This part became effective July 2, 2020 and applies to contracts entered into on or after that date.

## **H1043 - 2020 COVID-19 Recovery Act.**

### **Sec. 1.5: Conflict with Federal Law. (SL 2020-4)**

Section 1.5 of S.L. 2020-4 provides that if an allocation made under the act is disallowed by federal law, the disallowed allocation is repealed, and the Office of State Budget and Management (OSBM) must transfer the amount of the disallowed allocation to the Coronavirus Relief Reserve. If the funds have been allocated to a nonprofit corporation, and the use of funds by the nonprofit corporation is disallowed by federal law, the nonprofit corporation must return the amount of funds allocated to the nonprofit corporation to OSBM to transfer the funds into the Coronavirus Relief Reserve.

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 1.6: General Guidance on Use of Funds. (SL 2020-4)**

Section 1.6 of S.L. 2020-4 requires the Office of State Budget Management to work with the recipient State agencies to budget receipts awarded pursuant to COVID-19 Recovery Legislation according to the program needs and within the parameters of the respective granting entities and applicable federal laws and regulations. State agencies are not permitted to use funds received pursuant to COVID-19 Recovery Legislation for recurring purposes and revenue replacement is not a permissible use of funds received pursuant to the CARES Act, P.L. 116-136.

This section became effective May 28, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 1.7: Required Report on Use of Funds. (SL 2020-4)**

Section 1.7 of S.L. 2020-4 requires the Office of State Budget Management (OSBM) to submit a report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division by March 1, 2021, detailing the use of funds allocated under Section 3.3 of this act. This report from OSBM must include the amount of funds allocated to each State agency, State department, and nonprofit organization; how the funds were used by each State agency, State department, and nonprofit organization; and the amount of funds allocated to each State agency, State department, and nonprofit organization that remained unspent as of December 30, 2020.

Each State agency or department that receives federal grant funds under Section 4.1 of this act must also submit a report to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division no later than 90 days from the day the grant period ends detailing the use of funds. The report required from each State agency or department that receives federal grant funds under Section 4.1 of this act must include the amount of funds granted, the source of the funds, how the funds were used, and the amount of funds that remained unspent at the end of the grant period.

This section became effective May 28, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 1.8: Audit Coronavirus Relief Fund. (SL 2020-4)**

Section 1.8 of S.L. 2020-4 requires the State Auditor to conduct a preliminary financial and a final performance audit of the Coronavirus Relief Fund created by S.L. 2020-4, no later than March 1, 2021.

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 2.1: Establishment of Coronavirus Relief Reserve. (SL 2020-4)**

Sec. 2.1 of S.L. 2020-4 directs the State Controller to establish the Coronavirus Relief Reserve (Reserve) in the General Fund to maintain federal funds received under the CARES Act to mitigate the impact of COVID-19 in North Carolina. The State Controller must transfer funds from the Reserve to the Coronavirus Relief Fund only as needed to meet the appropriations set out in this act and only at the request of the Director of the Budget.

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 2.2: Establishment of Coronavirus Relief Fund. (SL 2020-4)**

Sec. 2.2 of S.L. 2020-4 establishes the Coronavirus Relief Fund (Fund) to provide necessary and appropriate relief and assistance from the effects of COVID-19. The Fund must be maintained as a special fund and administered by the Office of State Budget and Management. All funds allocated from the Fund must be used for necessary expenditures incurred due to the public health emergency with respect to COVID-19. Only expenditures incurred during the period that begins on March 1, 2020, and ends on December 30, 2020, are eligible for funding from this Fund.

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 4.3: Establishment of Temporary Pandemic Recovery Office. (SL 2020-4)**

Section 4.3 of S.L. 2020-4 requires the Office of State Budget and Management to establish a temporary North Carolina Pandemic Recovery Office to manage funds made available under COVID-19 Recovery Legislation. It clarifies the Pandemic Recovery Office must ensure coordination of federal funds received by State agencies and local governments, and proper reporting and accounting of all funds. This authorization for the Pandemic Recovery Office provided in this section expires 12 months after it became effective.

This section became effective May 4, 2020.

### **H1043 - 2020 COVID-19 Recovery Act.**

#### **Sec. 4.14: Construction PPE and Education. (SL 2020-4)**

Section 4.14 of S.L. 2020-4, as enacted by Sec. 1.3 of S.L. 2020-97, sets forth enactments that promote the general welfare, serve the public interest, and further the public purpose of helping to better protect citizens from the coronavirus. This section details how eligible entities can apply for grants and how funds allocated in subdivision (74) of Sec. 3.3, as enacted by Sec. 1.2 of S.L. 2020-97, to the Office of State Budget and Management must be used to provide grants to CAGC Foundation, Inc., (Foundation) and how the



Foundation will award those grants. All contractual and interagency agreements necessary to implement this section must be executed within 30 days of this section becoming law. Further, a grant recipient cannot utilize grant funds to pay for expenses that have been or will be covered under another coronavirus relief program.

This section became effective on September 4, 2020.

### **H1063 - Fund VIPER Tower Hardware Upgrades. (SL 2020-14)**

S.L. 2020-14 allocates \$19,800,530 to the Department of Public Safety to be used for tower hardware upgrades to the Voice Interoperability Plan for Emergency Responders (VIPER) network.

This act became effective on July 1, 2020.

### **H1105 - Coronavirus Relief Act 3.0.**

#### **Sec. 1.7: Purchasing Supplies and Materials During COVID-19 Pandemic. (SL 2020-97)**

Section 1.7 of S.L. 2020-97 allows State departments, institutions, and agencies subject to Article 3 of Chapter 143 to obtain supplies, material, equipment, printing, or services to address the COVID-19 pandemic, including purchases that exceed the benchmark established under G.S. 143-53-1, without the authorization or approval of the Secretary of Administration. A report on COVID-19 expenditures must be made a matter of record promptly after the expenditures have been made. If the expenditure exceeds the benchmark established under G.S. 143-53.1, the report must be made promptly to the Division of Purchase and Contract.

This section applies to contracts entered into on or after September 4, 2020 and expires December 30, 2020.

(Also see summary of Section 13.1 of S.L. 2020-78 pertaining to amendments of the benchmark referenced in Section 1.7 of S.L. 2020-97.)

### **H1105 - Coronavirus Relief Act 3.0.**

#### **Secs. 2.1 - 2.5: Earthquake Disaster Relief. (SL 2020-97)**

Secs. 2.1 through 2.5 of S.L. 2020-97 establish the Earthquake Disaster Recovery Reserve (Recovery Reserve), and make various appropriations to provide necessary and appropriate relief and assistance from the effects of the M5.1 earthquake (Alleghany County Earthquake) that occurred on August 9, 2020, in Alleghany County, North Carolina. These sections became effective September 4, 2020.

### **H1105 - Coronavirus Relief Act 3.0.**

#### **Sec. 3.20: Reauthorize State Agency Regulatory Flexibility. (SL 2020-97)**

Section 3.20 of S.L. 2020-97 is a reauthorization of regulatory flexibility given to State agencies by Section 4.38 of S.L. 2020-3 for the period of March 10, 2020, through August 1, 2020, in response to the

Coronavirus emergency. This section authorizes State agencies to exercise regulatory flexibility to the maximum extent practicable during the Coronavirus emergency in order to protect the economic well-being of the citizens and businesses of the State, while also continuing to protect public health, safety, and welfare. For purposes of this section, "Coronavirus emergency" covers the time period beginning on August 1, 2020, and provides:

- State agencies, upon a determination that it is in the public interest to do so due to the impacts of the coronavirus, are authorized to:
  - Delay fees and fines collections.
  - Delay renewal dates of permits, licenses, certifications, and authorizations.
  - Delay or modify educational or examination requirements.
- State agencies must 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.
- State agencies are authorized to adopt emergency rules for this purpose, without the simultaneous commencement of the temporary rule making process.

### **S315 - North Carolina Farm Act of 2019-20.**

#### **Sec. 4: Agriculture and Forestry Awareness Study Commission Cochair Holdover. (SL 2020-18)**

Section 4 of S.L. 2020-18 provides that a cochair of the Agriculture and Forestry Awareness Study Commission may continue to serve for so long as the cochair remains a member of the General Assembly and no successor has been appointed. A cochair of the Agriculture and Forestry Awareness Study Commission who does not seek reelection or is not reelected to the General Assembly would be allowed to complete a term of service on the Commission until the day on which a new General Assembly convenes.

This section became effective June 12, 2020.

### **S681 - Agency Policy Directives/2019-2020.**

#### **Sec. 13.1: Procurement Simplification and Increased Accountability. (SL 2020-78)**

Section 13.1 of S.L. 2020-78 amends the law on award recommendation for contracts (G.S. 143-52.1) to change the benchmark amount that triggers the State Procurement Officer monthly report. The new benchmark must not be greater than \$100,000 (as provided in G.S. 143-53.1) for State departments, institutions, and agencies, except the President of The University of North Carolina or a special responsibility constituent institution of The University of North Carolina and community colleges. A conforming change is also made to the requirement to adopt rules (G.S. 143-53) and for purchasing in emergencies (G.S. 143-57).

This section became effective July 1, 2020, and applies to contracts entered into on or after that date.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 13.2: Department of Administration/Update E-Procurement System. (SL 2020-78)**

Section 13.2 of S.L. 2020-78 requires the Department of Administration to submit a report on replacement of the State's E-Procurement System (System) no later than October 1, 2020, to the Joint Legislative Oversight Committee on General Government and the Joint Legislative Oversight Committee on Information Technology. The report must include all of the following:

- Description of the project.
- Interface capability.
- Activities undertaken to date.
- Itemized expenditures to date and itemized costs anticipated.
- Project implementation timeline and milestones completed.
- Compliance with statutory requirements for information technology projects.

This section became effective July 1, 2020.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 16.1: Industrial Commission Use Electronic Mail to Send Decisions. (SL 2020-78)**

Sec. 16.1 of S.L. 2020-78 allows decisions and orders issued by the North Carolina Industrial Commission to be sent by electronic mail.

This section became effective July 1, 2020 and applies to decisions and orders sent on or after that date.

**S681 - Agency Policy Directives/2019-2020.**

**Sec. 18.1: Office of State Auditor Reporting. (SL 2020-78)**

Section 18.1 of S.L. 2020-78 amends the duties of the State Auditor to provide that the auditor must make findings of fact on whether State agencies are adhering to statutory requirements that include conditions precedent, classifications, and similar eligibility or qualifying standards to assure that statutory intent is carried out. This section provides that the State Auditor is responsible for verification audits for compliance with statutory requirements, with or without advance notice to the organization or State agency being audited, which may be initiated at the discretion of the Auditor or as requested by the Governor or General Assembly. The Auditor may examine accounts and records or organizations or State agencies for verifications audits.

This section became effective July 1, 2020.

## **S681 - Agency Policy Directives/2019-2020.**

### **Sec. 20.1: Report on Use of Lapsed Salaries. (SL 2020-78)**

Sec. 20.1 of S.L. 2020-78 requires the Office of State Budget and Management to produce a yearly report on State agency use of lapsed salaries.

This section became effective July 1, 2020.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 4.6: Lottery Commission Report. (SL 2020-3)**

Section 4.6 of SL 2020-3 requires the NC State Lottery Commission to submit a report on the impact of COVID-19 that contains the elements outlined below.

- The impact on sales of lottery games, including county-level data.
- The impact on revenues.
- The impact on retailers, included changes to the number of retailers.
- The impact on expenses of the lottery.
- The impact on transfers of net revenue under the law (G.S. 18C-64) that defines the net revenues for the NC State Lottery Fund and requires that they be transferred at least four times a year to the Education Lottery Fund.

The report must be submitted to the Joint Legislative Oversight Committee on the North Carolina State Lottery and the Fiscal Research Division on or before September 1, 2020.

This section became effective May 4, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 4.21: State Health Plan Premium and Debt Payment Deferral Option During Declaration of Emergency. (SL 2020-3)**

Section 4.21 of S.L. 2020-3 authorizes 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. This section was effective retroactively to January 1, 2020.

## **S704 - COVID-19 Recovery Act.**

### **Sec. 4.24: Flexibility to Waive Interest on Procurement. (SL 2020-3)**

Section 4.24 of S.L. 2020-3 authorizes a State agency to waive any interest due on a past due account receivable. This section does 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 became effective May 4, 2020, and expired on August 1, 2020.

**S704 - COVID-19 Recovery Act .**

**Sec. 4.25: Provide for the Rescheduling of Public Hearings During Temporary Rule Making. (SL 2020-3)**

Section 4.25 of S.L. 2020-3 amends a State agency's authority and procedure for adopting a temporary rule by requiring an agency to publish an additional notice, for a proposed temporary rule hearing that has been cancelled, at least five days prior to a new rescheduled hearing date.

This section became effective retroactively to March 10, 2020.

**S704 - COVID-19 Recovery Act .**

**Sec. 4.26: Authorize the Chief Administrative Law Judge to Extend the Time Period for the Filing of Contested Cases During Catastrophic Conditions. (SL 2020-3)**

Section 4.26 of S.L. 2020-3 authorizes the chief administrative law judge by order to extend the time period for the filing of contested cases during catastrophic conditions when the Chief Justice of the North Carolina Supreme Court determines and declares that catastrophic conditions exist or have existed in one or more counties of the State and issues an order pursuant to G.S. 7A 39(b). The extension must be to a date certain no fewer than 10 days after the effective date of the order, the time or period of limitation, whether established by another statute or this section, for the filing of a petition for a contested case. The order must be in writing and must become effective for each affected county upon the date set forth in the order, and if no date is set forth in the order, then upon the date the order is signed by the chief administrative law judge. The order shall provide that it expires upon the expiration of the Chief Justice's order.

This section became effective retroactively to March 10, 2020.

**S704 - COVID-19 Recovery Act.**

**Sec. 4.31: Public Bodies/Remote Meetings During Declared Emergencies. (SL 2020-3)**

Section 4.31 of S.L. 2020-3, establishes clear authority for public bodies to meet remotely during times of gubernatorial or legislatively declared emergencies, effective May 4, 2020, and applying to any such declaration of emergency in effect on or after that date.

**S704 - COVID-19 Recovery Act.**

**Sec. 4.32: Extend the North Carolina Child Well-Being Transformation Council. (SL 2020-3)**

Section 4.32 of S.L. 2020-3 amended Section 24.1(i) of S.L. 2018-5 to extend the time for the North Carolina Child Well-Being Transformation Council to submit their final report from June 30, 2020 to August 1, 2020.

This act became law on May 4, 2020.

#### **S704 - COVID-19 Recovery Act.**

##### **Sec. 4.35: Extend General Statutes Commission Report. (SL 2020-3)**

Section 4.35 of S.L. 2020-3 changes the reporting date for the General Statutes Commission report and recommendations on the local government ordinances and North Carolina Administrative Code rules that criminalize conduct required by S.L. 2019-198 from May 1, 2020 to March 1, 2021. This section became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act .**

##### **Sec. 4.38: Authorize State Agency Regulatory Flexibility. (SL 2020-3)**

Section 4.38 of S.L. 2020-3 authorized State agencies to exercise regulatory flexibility to the maximum extent practicable during the Coronavirus emergency in order to protect the economic well-being of the citizens and businesses of the State, while also continuing to protect public health, safety, and welfare.

- State agencies, upon a determination that it is in the public interest to do so due to the impacts of the coronavirus, were authorized to:
  - Delay fees and fines collections.
  - Delay renewal dates of permits, licenses, certifications, and authorizations.
  - Delay or modify educational or examination requirements.
- State agencies must 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.
- State agencies were authorized to adopt emergency rules for this purpose, without the simultaneous commencement of the temporary rule making process.

#### **S704 - COVID-19 Recovery Act .**

##### **Sec. 4.43: Joint Legislative Oversight Committees/Extend Reporting Deadlines. (SL 2020-3)**

Section 4.43 of S.L. 2020-3 requires reports to be submitted to a joint legislative oversight committee of the General Assembly between March 10, 2020 and July 15, 2020 to be held in abeyance until July 15, 2020 and submitted thereafter. Any report required to be submitted after July 15, 2020 must be submitted as scheduled.

This section became effective on May 2, 2020.

# Transportation

See full summary documents for additional detail

## **H77 - DOT 2020-2021 FY Budget/Governance. (SL 2020-91)**

S.L. 2020-91 adjusts the North Carolina Department of Transportation's FY 2020/2021 Certified Budget, and implements various financial governance provisions, including changes to the North Carolina Board of Transportation.

- Parts 1 through 4 of the act make various changes and clarifications to the Department's FY 2020/2021 budget.
  - Sections 4.2 and 4.6 relate to Motor Fuel Tax changes, and these provisions and their effective dates are summarized separately.
- Part 5 makes various changes to laws that relate to the governance, reporting requirements, and financial management of the Department.
- Parts 6 and 7 contain miscellaneous and technical provisions of this act.

The act became effective July 1, 2020, except for Section 4.9, which became effective June 15, 2020, and Section 5.1, which became effective July 31, 2020.

## **H77 - DOT 2020-2021 FY Budget/Governance. Sec. 4.2: Motor Fuel Excise Tax Floor . (SL 2020-91)**

Section 4.2 of S.L. 2020-91 sets a temporary floor on the motor fuel excise tax rate such that the 2021 rate cannot be lower than the current rate of 36.1¢ per gallon. Effective July 1, 2020, this change is expected to increase revenue by \$20.2 million in FY 2020-21 and \$33.4 million in FY 2021-22.

This section became effective July 1, 2020.

## **H77 - DOT 2020-2021 FY Budget/Governance. Sec. 4.6: Modify Fuel Tax Distribution. (SL 2020-91)**

Section 4.6 of S.L. 2020-91 modifies the current 71%/29% distribution of motor fuel tax revenue to the Highway Fund and the Highway Trust Fund as follows:

- Effective July 1, 2020, 81% to the Highway Fund and 19% to the Highway Trust Fund.
- Effective July 1, 2021, 80% to the Highway Fund and 20% to the Highway Trust Fund.
- Effective July 1, 2022, 75% to the Highway Fund and 25% to the Highway Trust Fund.

This section became effective July 1, 2020.

## **H158 - COVID-19 New Driver Response. (SL 2020-30)**

S.L. 2020-30 does the following:

- Waives the road test requirement to obtain a Level 2 limited provisional license. A Level 2 limited provisional license holder who receives a waiver has to pass a road test in order to obtain a Level 3 full provisional license. The waiver provision expires when the Division resumes administering road tests.
- Provides accommodations for students enrolled in a driver education course in the spring semester of 2020.

This act became effective June 19, 2020.

### **H307 - Mod. Utility Vehicle Classification. (SL 2020-40)**

S.L. 2020-40 amends the motor vehicle laws of this State to create a definition for a modified utility vehicle, sets the registration fee, and allows for the operation of a modified utility vehicle on roadways with certain restrictions.

This act became effective October 1, 2020.

### **H455 - Amend Various Motor Vehicle Laws. (SL 2020-51)**

S.L. 2020-51 extends deadlines related to loaner dealer registration plates and dealer data requirements and includes out-of-state titles in the titled in transit process.

This act became effective June 30, 2020.

### **H694 - Designate Legacy Airports. (SL 2020-62)**

S.L. 2020-62 requires the North Carolina Department of Transportation to designate North Carolina airports meeting certain criteria as legacy airports.

This act became effective July 1, 2020.

### **H902 - P&C Changes/Glob. Tranp./Prison Pilot.**

#### **Part II: Global Transpark Provisions. (SL 2020-90)**

Part II of S.L. 2020-90 modifies the application of various insurance and building code enforcement laws for privately leased or owned buildings located within the North Carolina Global TransPark.

This part became effective October 1, 2020 and applies to projects initiated or contracts entered into, renewed, or modified on or after that date.



### **H1105 - Coronavirus Relief Act 3.0.**

#### **Sec. 3.15: Extend Applicability Period for Certain Division of Motor Vehicles Credential Extensions. (SL 2020-97)**

Section 3.15 of S.L. 2020-97 amends the applicability period of some Division of Motor Vehicles credential extensions provided for by Section 4.7 of S.L. 2020-3. An explanation of the extensions, as originally enacted, can be found in the summary for S.L. 2020-3.

This section amends the applicability period for extensions of commercial drivers licenses, commercial learner's permits, handicapped placards, special identification cards, and inspection mechanic licenses issued by the Division of Motor Vehicles so that the extension applies to those credentials that expire between March 1, 2020, and the date 30 days after the date the Governor rescinds Executive Order No. 116 or issues another order lifting restrictions on Division functions. It also authorizes the Division to waive requirements for medical examinations and certifications for commercial drivers license and commercial learner's permit holders consistent with any waiver issued by the Federal Motor Carrier Safety Administration.

This section became effective August 1, 2020, and applies to expirations occurring on or after that date.

### **H1105 - Coronavirus Relief Act 3.0.**

#### **Sec. 3.16: Commercial Driver Intrastate Medical Waiver Extensions. (SL 2020-97)**

Section 3.16 of S.L. 2020-97 amends the authorization for the Division of Motor Vehicles to extend intrastate medical waivers for commercial drivers issued by the Division provided for by Section 4.7 of S.L. 2020-3. An explanation of the provision, as originally enacted, can be found in the summary for S.L. 2020-3.

This section amends the authorization so that the Division may provide the extension for waivers that expire on or after March 1, 2020, and before the date 30 days after the date the Governor rescinds Executive Order No. 116 or issues another order lifting restrictions on Division functions.

This section became effective August 1, 2020, and applies to expirations occurring on or after that date.

### **H1105 - Coronavirus Relief Act 3.0.**

#### **Sec. 3.17: Division of Motor Vehicles Improvements Report. (SL 2020-97)**

Section 3.17 of S.L. 2020-97 requires the Division of Motor Vehicles to report on improvements to operations and wait times at its offices. The Division was required to report to the Joint Legislative Transportation Oversight Committee on or before September 15, 2020, detailing improvements and on or before November 1, 2020, on the effects of the implemented changes.

This section became effective September 4, 2020.

## **H1168 - Murphy Branch Corridor Reduction. (SL 2020-59)**

S.L. 2020-59 reduces the Department of Transportation's (DOT) right-of-way interest in certain portions of the Murphy Branch rail corridor in Cherokee County and transfers certain portions of the Murphy Branch rail corridor in Cherokee County to adjacent real property owners upon the adjacent real property owner's release of all claims against the State and DOT with respect to the interest transferred.

This act became effective June 30, 2020.

**CURRENT LAW:** The Murphy Branch rail line was constructed in the 1880's as part of the Western North Carolina Railroad whose western terminus was the Town of Murphy. The Andrews to Murphy leg of the branch closed in 1985 and the State purchased the portion of tract between Dillsboro and Murphy. Article 2D of Chapter 136 relates to railroad revitalization and the programs for railway corridor preservation. DOT is the State agency responsible for administering all State and federal railroad revitalization programs.

## **S488 - Division of Motor Vehicles/Motor Vehicle Dealer Changes. (SL 2020-77)**

S.L. 2020-77 makes changes to various Division of Motor Vehicles processes including:

- Authorizing use of commission contractors to distribute temporary registration plates.
- Temporary modifications to applications for notations of security interests.
- Providing for electronic submission of dealer temporary plate orders.
- Clarification of criminal record check requirements.
- Providing a grace period for expired dealer licenses when renewal is in process.
- Allowing application for a limited driving privilege when a driver's license has been revoked solely for failing to pay fines or court costs.

The act became effective July 1, 2020, except for sections pertaining to electronic submission of dealer temporary plate orders, criminal record check requirements, and application for limited driving privilege. See full summary for specific effective dates.

## **S704 - COVID-19 Recovery Act .**

### **Sec. 4.7: Division of Motor Vehicles/Extend Deadlines. (SL 2020-3)**

Section 4.7 of S.L. 2020-3 extends for five months the validity of listed credentials issued by the Division of Motor Vehicles that expire on or after March 1, 2020, and before August 1, 2020. It also:

- Authorizes the Division to extend validity of intrastate medical waivers that expire during the same time frame for up to five months if the Division's Medical Review Unit determines extension is appropriate.
- Extends the validity of driving eligibility certificates dated on or after February 9, 2020, and before March 10, 2020.
- Waives fines, fees, and penalties associated with failing to renew an extended credential.
- Extends the corresponding due date for motor vehicle taxes on vehicles for which registrations have been extended.

- Provides a defense for any person charged with an offense resulting from failure to renew a credential when that credential is valid by extension.
- Requires the Division to report to the Joint Legislative Transportation Oversight Committee and Fiscal Research on the implementation of the extensions.

The applicability period for some of these extensions was amended by Sections 3.15 and 3.16 of S.L. 2020-97. An explanation of those sections can be found in the summary for that act.

This section became effective March 1, 2020, and applies to expirations occurring on or after that date.

#### **S704 - COVID-19 Recovery Act .**

##### **Sec. 4.8: Delay Division of Motor Vehicles Headquarters Move. (SL 2020-3)**

Section 4.8 of S.L. 2020-3 delays the Division of Motor Vehicles Headquarters move. A provision enacted in S.L. 2018-5 directed all workers at the Division of Motor Vehicles Headquarters in Raleigh to vacate the property by October 1, 2020. This section amends that provision, requiring that they only begin to vacate by that date.

This section became effective May 4, 2020.

#### **S704 - COVID-19 Recovery Act .**

##### **Sec. 4.9: Department of Transportation Emergency Reserve Modification. (SL 2020-3)**

Section 4.9 of S.L. 2020-3 amends requirements regarding the Transportation Emergency Reserve. The law establishing the Transportation Emergency Reserve requires the Department of Transportation to transfer \$125 million to the Emergency Reserve from the Highway Fund by July 30 of each fiscal year. This section provides that the Department does not have to transfer funds to the Reserve for the 2020-2021 fiscal year.

This section became effective May 4, 2020.

#### **S739 - Personal Delivery Device/Delivery Robots. (SL 2020-73)**

S.L. 2020-73 authorizes the use of personal delivery devices by businesses in pedestrian areas and on portions of highways and regulates their use.

The act becomes effective December 1, 2020, and applies to offenses committed on or after that date.

# Utilities

**See full summary documents for additional detail**

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 16: Nonbetterment Cost Recovery for Certain Private Water and Sewer Systems. (SL 2020-74)**

Section 16 of S.L. 2020-74 adds water and sewer lines owned by a private water or sewer utility organized pursuant to Chapter 62 of the General Statutes serving 10,000 or fewer customers to the type of lines that DOT must pay to relocate for transportation improvement projects.

This section is effective retroactively to March 1, 2020, and applies to nonbetterment costs for State transportation improvement projects incurred on or after that date.

## **H308 - Regulatory Reform Act of 2020.**

### **Sec. 30: Broadband Easements. (SL 2020-74)**

Section 30 of S.L. 2020-74 clarifies that with regard to easements held by electric membership corporations and their subsidiaries for electrification and to supply high-speed broadband, the corporations and subsidiaries must comply with applicable requirements related to notice, safety, and permitting requirements when constructing or maintaining lines or broadband fiber on, over, under, or across property owned by a railroad company.

This section became effective July 1, 2020.

## **S315 - North Carolina Farm Act of 2019-20.**

### **Sec. 1: Require Utility Companies to Dispose of Certain Unused Easements Under Certain Circumstances. (SL 2020-18)**

Section 1 of S.L. 2020-18 creates a process by which the underlying fee owner of land encumbered by any easement acquired by a utility company, on which the utility company has not commenced construction within 20 years of the date of acquisition, may file a complaint with the Utilities Commission for an order requiring the utility company to terminate the easement in exchange for payment by the underlying fee owner of the current fair market value of the easement. If the utility company does not agree that the easement should be terminated, the utility company may request a determination from the Utilities Commission as to whether the easement is necessary or advisable for the utility company's long range needs for the provision of utilities to serve its service area, and whether termination of the easement would be contrary to the interests of the using and consuming public. If the parties cannot reach a mutually agreeable fair market value, the Utilities Commission must request the clerk of superior court in the county where the easement is located to appoint commissioners to determine the fair market value in accordance with the eminent domain valuation process.

This section became effective October 1, 2020, and applies to easements acquired on or after that date.

**S704 - COVID-19 Recovery Act .**

**Sec. 4.18: Allow Licensed Soil Scientists to Evaluate, Inspect, and Approve On-Site Wastewater System Projects During the Coronavirus Emergency. (SL 2020-3)**

Sec. 4.18 of 2020-3 authorized 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. While this section was effective, a licensed soil scientist was also authorized to conduct all necessary inspections, certifications, and approvals, including the issuance of the final inspection and report. Such authority was at the direction of the owner of a proposed on-site wastewater.

**EFFECTIVE DATE:** This section became effective May 4, 2020, and expired August 1, 2020. However, the expiration of this section does not prevent a licensed soil scientist acting under this section's authority from completing a proposed wastewater system begun before this section expired.

# Vetoed Legislation

See full summary documents for additional detail

## **H258 - Open Amusement Parks/Arcades/Venues. (Ratified)**

OVERVIEW: House Bill 258 would have done the following:

- Authorize amusement parks, any fair or carnival, which is a member of the North Carolina Association of Agricultural Fairs, and gaming and business establishments with video games and arcade games to open and resume operations, provided specific conditions are met.
- Authorize existing venues for receptions or parties to resume operations, provided specific conditions are met.
- Authorize outdoor stadiums having a spectator capacity of 12,000 or less that are operating restaurants on the stadium premises to open and operate food and drink service for on-premises consumption, provided specific conditions are met.
- Allow the Governor, with a concurrence of the majority of the Council of State, to exercise emergency powers to exercise emergency powers with regard to amusement parks, gaming and business establishments with video games and arcade games, any fair or carnival which is a member of the North Carolina Association of Agricultural Fairs, venues for receptions or parties, and outdoor stadiums that operate restaurants, provided the concurrence is documented and released.
- Require the Secretary of Health and Human Services or the Secretary of Environmental Quality to notify the Governor and obtain the concurrence of a majority of the Council of State before issuing an order of abatement related to COVID-19 that requires closure of amusement parks, gaming and business establishments with video games and arcade games, any fair or carnival which is a member of the North Carolina Association of Agricultural Fairs, venues for receptions or parties, and outdoor stadiums that operate restaurants, and to document and release the majority concurrence of the Council of State.

House Bill 258 was ratified by the General Assembly on June 24, 2020, and vetoed by the Governor on July 2, 2020.

## **H536 - Temp Outdoor Restaurants for Outdoor Seating. (Ratified)**

House Bill 536 would have temporarily authorized existing food establishment, private clubs or private bars, wineries, and distilleries to offer and operate outdoor dining and beverage service options, provided specific conditions were met. House Bill 536 was ratified by the General Assembly on May 28, 2020, and was vetoed by the Governor on June 5, 2020.

## **H594 - Temporarily Open Gyms/Health Clubs/Fitness Centers. (Ratified)**

House Bill 594 would have done the following:

- Authorize existing indoor or outdoor exercise and fitness facilities, gyms, health clubs, and fitness centers to open and resume operations, provided specific conditions are met, although temporarily closed by executive order due to COVID-19.

- Authorize existing food establishment, private clubs or private bars, wineries, and distilleries to offer and operate outdoor dining and beverage service options, provided specific conditions are met, although temporarily closed by executive order due to COVID-19.
- Allow the Governor, with a concurrence of the majority of the Council of State, to exercise emergency powers to reclose the restaurants, bars, and fitness facilities opened by HB594, provided the concurrence is documented and released.
- Require the Secretary of Health and Human Services or the Secretary of Environmental Quality to seek the concurrence of the majority of the Council of State has been obtained and released when issuing an order of abatement related to COVID-19 that requires closure of restaurants, bars, and fitness facilities.

House Bill 594 was ratified by the General Assembly on June 10, 2020, and vetoed by the Governor on June 19, 2020.

### **H612 - Department of Social Services Review of Procedures/Criminal History/Office of Administrative Hearings. (Ratified)**

House Bill 612 would have required the Department of Health and Human Services, Division of Social Services to identify any publications, policies, and procedures that might be considered rules under Chapter 150B of the General Statutes. Any publications, policies, and procedures identified as rules would have to have been adopted through the rule-making process, or they would have become void on July 1, 2022. Licensing Boards and state licensing agencies would not have been permitted to require certain criminal background information as a precondition of granting a license. Finally, the bill would have clarified the procedures for when rules that receive objections become effective. House Bill 612 was ratified on June 26, 2020, and vetoed on July 2, 2020.

### **H652 - 2nd Amendment Protection Act. (Ratified)**

House Bill 652 would have made various changes to the firearms laws in the following areas:

- Handguns on religious property that is also the location of a school.
- Concealed handgun permit lapse.
- Concealed carry for certain law enforcement facility employees.
- Concealed carry for certain emergency medical services personnel.

House Bill 652 was ratified by the General Assembly on June 25, 2020, and vetoed by the Governor on July 2, 2020.

### **H686 - Freedom to Celebrate the Fourth of July. (Ratified)**

House Bill 686 would have allowed 4th of July parades and regulated firework displays. House Bill 686 was ratified by the General Assembly on June 24, 2020, and vetoed by the Governor on July 2, 2020.

### **H806 - Open Exercise & Fitness Facilities. (Ratified)**

House Bill 806 would have authorized the reopening and resumption of activities by existing indoor or outdoor exercise and fitness facilities, gyms, health clubs, and fitness centers temporarily closed by executive order due to COVID-19, provided specific conditions were met.

The act would have become effective when it became law and expired when Executive Order No. 147, issued on June 24, 2020, was repealed, replaced, or rescinded.

House Bill 806 was ratified by the General Assembly on June 26, 2020, and vetoed by the Governor on July 2, 2020.

### **H918 - Expedite Permanency/DHHS Report SNAP/TANF. (Ratified)**

House Bill 918 would have amended various abuse, neglect, and dependency laws to do the following:

- Ensured the safety of children in out-of-home placements.
- Expedited permanency planning hearings for children who have been removed from the home.
- Created a presumption that foster parents with whom a child has lived continuously for nine months are deemed nonrelative kin.
- Created an aggravating circumstance for the exposure of unlawful controlled substances in utero or controlled substances in violation of the law in utero.
- Required the Department of Health and Human Services (DHHS), Division of Social Services (DSS) to report annually on certain expenditures for the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) Program.

House Bill 918 was ratified on June 25, 2020, and was vetoed by the Governor on July 2, 2020.

### **S105 - Clarify Emergency Powers. (Ratified)**

Senate Bill 105 would have clarified that the Governor must seek a concurrence of the Council of State prior to exercising certain authorities under the Emergency Management Act.

Senate Bill 105 was ratified by the General Assembly on June 20, 2020, and was vetoed by the Governor on July 2, 2020.

### **S168 - DHHS & Other Revisions. (Ratified)**

Senate Bill 168 made a number of changes in the health and human services area. The bill made primarily technical and conforming changes to laws pertaining to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services and the Division of Public Health in the Department of Health and Human Services (DHHS). The bill included changes to allow the Chief Medical Examiner to appoint emergency medical examiners during a state of emergency and to specify that all information and records provided by a city, county, or other public entity to the Office of the Chief Medical Examiner concerning a



death investigation will retain the same degree of confidentiality it had while in the possession of the city, county or other public entity. The bill made technical, conforming, and other changes to DHHS Block Grants. Finally, the bill contained a privilege exception to the reporting requirement for crimes against juveniles for psychiatric physicians.

Senate Bill 168 was ratified by the General Assembly on June 26, 2020, and vetoed by the Governor on July 6, 2020.

### **S599 - Open Skating Rinks/Bowling Alleys. (Ratified)**

OVERVIEW Senate Bill 599 would have done the following:

- Authorized existing skating rinks and bowling alleys to open and resume operations, provided specific conditions were met.
- Temporarily allowed minor league baseball stadiums with existing food and beverage establishments to have outdoor seating up to ten percent (10%) of the permanent seating capacity of the stadium, provided certain conditions were met.
- Allowed the Governor, with a concurrence of the majority of the Council of State, to exercise emergency powers to reclose the skating rinks and bowling alleys opened by Senate Bill 599, provided the concurrence was documented and released.
- Required the Secretary of Health and Human Services or the Secretary of Environmental Quality to notify the Governor, obtained a concurrence of a majority of the Council of State, and released that concurrence before issuing an order of abatement related to COVID-19 that required closure of skating rinks and bowling alleys.

Senate Bill 599 was ratified by the General Assembly on June 19, 2020, and vetoed by the Governor on July 2, 2020.

