

GENERAL ASSEMBLY OF NORTH CAROLINA

THIRD EXTRA SESSION 2018

SESSION LAW 2018-134
HOUSE BILL 4

AN ACT TO ENACT THE HURRICANE FLORENCE EMERGENCY RESPONSE ACT.

The General Assembly of North Carolina enacts:

PART I. TITLE OF ACT

SECTION 1.1. This act shall be known as "The Hurricane Florence Emergency Response Act."

PART II. LEGISLATIVE FINDINGS

DAMAGE CAUSED BY HURRICANE FLORENCE

SECTION 2.1.(a) The General Assembly finds that Hurricane Florence was one of the strongest storms to form in the Atlantic Ocean in the history of North Carolina, reaching wind speeds of up to 140 miles an hour and covering 500 miles; making landfall on September 14, 2018; causing heavy rainfall, record flooding, high storm surge, and dozens of deaths in the State as of the date of this act; and necessitating the declaration of a State of Emergency for the State by the Governor and a Major Disaster Declaration by the President of the United States for multiple counties in the State.

SECTION 2.1.(b) The General Assembly finds that as a result of Hurricane Florence the following has occurred:

- (1) Central and southeastern North Carolina suffered significant damage to public and private property.
- (2) Essential utility services and systems and other critical infrastructure have been seriously disrupted.
- (3) Over 880,000 people have lost power, thousands of people have been displaced from their homes, and 1,600 roads have been closed.
- (4) Riverine flooding began at the start of Hurricane Florence, and the effects continue to be felt across the State. Several large rivers reached and exceeded major flooding levels.
- (5) As of the date of this act, twenty-eight of the State's counties have been declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288), with others requested and pending approval.
- (6) North Carolinians have lost their lives, their loved ones, their homes, their communities, their schools and houses of worship, their life savings, their businesses and places of employment, their possessions, their pets, and their ways of life.
- (7) Entire towns throughout eastern North Carolina were flooded to the rooftops as the record storm surge combined with water levels of rivers and streams crested at flood-stage heights far beyond those ever seen before in this State.
- (8) Thirty-four states assisted North Carolina in addressing the devastation caused by Hurricane Florence.



- (9) Thousands of emergency responders, National Guard members, and other volunteers worked to respond and assist disaster areas during and after the time the storm made landfall.
- (10) Swift action by the General Assembly is necessary to provide relief to and facilitate recovery efforts for the citizens of North Carolina devastated from the Hurricane.
- (11) Assessments from the damages resulting from Hurricane Florence are ongoing, and Public Assistance projects are in planning stages to repair facilities and roads, remove debris, and otherwise effectuate cleanup and repair.
- (12) Further assistance by the General Assembly will be needed on behalf of the people and local governments who have suffered damage to public buildings, roads, wastewater treatment plants, and other critical infrastructure.

PART III. CREATION OF HURRICANE FLORENCE DISASTER RECOVERY FUND

SECTION 3.1.(a) The Hurricane Florence Disaster Recovery Fund is established.

The purpose of the Fund is to provide necessary and appropriate relief and assistance from the effects of Hurricane Florence, consistent with the provisions of this act, subsequent legislation addressing the effects of Hurricane Florence. The Fund shall be maintained as a special fund and administered by the Office of State Budget and Management or by another State agency, as determined by the Governor, to carry out the provisions of this and subsequent acts necessitated as a result of Hurricane Florence. All State and federal funds appropriated for Hurricane Florence relief and recovery efforts shall be budgeted and accounted for in the Fund established in this section.

SECTION 3.1.(b) Funds shall be drawn from the Fund only as needed upon justification by a State agency as evidence of the need for funds related to Hurricane Florence recovery efforts.

SECTION 3.1.(c) Funds in the Fund that are not expended, made subject to an encumbrance, or disbursed shall remain available to implement the provisions of this act and subsequent acts necessitated as a result of Hurricane Florence until the General Assembly directs the reversion of the unexpended funds. Funds received by a State agency from the Fund that are not expended, made subject to an encumbrance, or disbursed to another entity at the end of each fiscal year shall revert to the Fund. Funds received by a non-State entity from the Fund that, after three years, are not expended, made subject to an encumbrance, or disbursed to a subgrantee shall be returned to the Fund.

PART IV. FUNDING OF DISASTER RELIEF

APPROPRIATIONS AND ALLOCATIONS OF FUNDS FOR DISASTER RELIEF

SECTION 4.1. Notwithstanding G.S. 143C-4-2, the State Controller shall transfer the sum of fifty-six million five hundred thousand dollars (\$56,500,000) for the 2018-2019 fiscal year from the Savings Reserve in the General Fund to the Hurricane Florence Disaster Recovery Fund and these funds are appropriated within the Fund and shall be allocated as follows:

- (1) Six million five hundred thousand dollars (\$6,500,000) to the Department of Public Instruction to supplement or replace lost compensation of school lunch employees due to school closures resulting from Hurricane Florence.
- (2) Fifty million dollars (\$50,000,000) for the following purposes related to Hurricane Florence:
 - a. To provide the State match for federal disaster assistance programs.
 - b. To pay for the costs and the relief and assistance authorized by G.S. 166A-19.42(b). This sub-subdivision applies to the North

Carolina counties that are or become designated under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Florence.

EACH APPROPRIATION AND ALLOCATION IS MAXIMUM AND CONDITIONAL

SECTION 4.2. The appropriations and allocations made in this act are for maximum amounts necessary to implement this act. Savings shall be effected where the total amounts appropriated or allocated are not required to implement this act.

APPROPRIATION OF FEDERAL FUNDS

SECTION 4.3. Appropriation/Federal Funds. – Funds received on or after September 13, 2018, under the federal Stafford Act (P.L. 93-288) and other federal disaster assistance programs for State disasters as a result of Hurricane Florence are appropriated in the amounts provided in the notifications of award from the federal government or any entity acting on behalf of the federal government to administer federal disaster recovery funds. The Office of State Budget and Management and affected State agencies shall report all notifications of award to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division of the General Assembly.

PART V. IMPLEMENTATION OF ACT

INVOLVEMENT OF HISTORICALLY UNDERUTILIZED BUSINESSES

SECTION 5.1. It is the intent of the General Assembly that, during this time of rebuilding and relief efforts, each State agency should strive to acquire goods and services from historically underutilized business vendors, whether directly as principal contractors or indirectly as subcontractors or otherwise.

LEGISLATIVE REVIEW OF FEDERAL FUNDING AND REMAINING UNMET NEEDS

SECTION 5.2. It is the intent of the General Assembly to review in 2018 and 2019 the funds appropriated by Congress for disaster relief and to consider actions needed to address any remaining unmet needs. It is also the intent of the General Assembly to review the adequacy of the measures funded by Section 4.1 of this act at that time.

ELECTIONS RELIEF

SECTION 5.3.(a) In response to Hurricane Florence and its aftermath, for the November 2018 election only, the following shall apply:

- (1) Notwithstanding G.S. 163A-865(d), 163A-883, and 163A-884, applications for voter registration for the November 2018 election may be submitted until 5:00 P.M. on October 15, 2018. If the application for registration is submitted by mail, the application shall be postmarked no later than October 15, 2018. If the application for voter registration is submitted by facsimile transmission or transmission of a scanned document, a permanent copy of the completed, signed form shall be delivered to the county board of elections no later than October 20, 2018.
- (2) For any site that has previously been designated a one-stop site for absentee ballots to be applied for and cast during the period required by G.S. 163A-1300(b) for the November 2018 election under G.S. 163A-1303, a county board of elections by unanimous vote may provide for a substitution of the one-stop site, provided that the change is solely to substitute a one-stop

site that was damaged by Hurricane Florence or made otherwise inaccessible or impractical for use as a result of damage from Hurricane Florence.

(3) A county board of elections may adopt a resolution altering voting places for the November 2018 election, provided that the change is solely to substitute a voting place that was damaged by Hurricane Florence or made otherwise inaccessible or impractical for use as a result of damage from Hurricane Florence. Notwithstanding G.S. 163A-1045(a) and any other notice requirements provided in statute, the county board shall provide notice of the change in location in the most expedient manner possible. This notice may be distributed through public service announcements, print, radio, television, online, and social media. If necessary to alter a voting place for a precinct that was damaged by Hurricane Florence or made otherwise inaccessible or impractical for use as a result of damage from Hurricane Florence, the county board may also make changes as provided in G.S. 163A-1047, 163A-1048, and 163A-1049.

SECTION 5.3.(b) Subsection (a) of this section (i) is effective when it becomes law, (ii) applies only in the counties designated under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Florence as of October 2, 2018, and (iii) applies for the November 2018 election only.

SECTION 5.3.(c) County boards of elections shall educate the public, particularly individuals impacted or displaced by Hurricane Florence, about voting in the November 2018 election as follows:

- (1) Counties that maintain a board of elections Web site shall include information on that Web site about:
 - a. Options to register to vote, including same day registration during the early voting period, and how to determine residency for voting purposes.
 - b. Options to vote in the November 2018 election, including mail-in absentee voting and early one-stop voting. Information shall include locations and times of early one-stop voting.
- (2) When publishing notices of elections under G.S. 163A-769(8) for the 2018 general election, the notice shall include a brief statement regarding how to obtain information on voting for individuals impacted or displaced by Hurricane Florence.

SECTION 5.3.(d) The Bipartisan State Board of Elections and Ethics Enforcement shall educate the public, particularly individuals impacted or displaced by Hurricane Florence, about voting in the November 2018 election. The State Board shall:

- (1) Include on its Web site information about:
 - a. Options to register to vote, including same day registration during the early voting period, and how to determine residency for voting purposes.
 - b. Options to vote in the November 2018 election, including mail-in absentee voting and early one-stop voting.
- (2) Distribute information about the options to register to vote, including same day registration during the early voting period, and options to vote in the November 2018 election, including mail-in absentee voting and early one-stop voting to State agencies, shelters, groups, and other organizations serving persons impacted or displaced by Hurricane Florence.
- (3) Coordinate with the State and federal agencies to identify and notify as many persons as possible displaced by Hurricane Florence about the options to register to vote, including same day registration during the early voting period

and options to vote in the November 2018 election, including mail-in absentee voting and early one-stop voting. When practicable, the State Board shall provide county specific information as to early one-stop voting locations and times.

- (4) Disseminate information about the options to register to vote, including same day registration during the early voting period and options to vote in the November 2018 election, including mail-in absentee voting and early one-stop voting. Information may be distributed through public service announcements, print, radio, television, online, and social media.
- (5) Assist any county board of elections altering one-stop sites and voting places for the November 2018 election under subsection (a) of this section in educating the public on the changes.

SECTION 5.3.(e) Notwithstanding G.S. 163A-1535 and G.S. 163A-1520, there is appropriated from the cash balance in Budget Code 68025 in the Bipartisan State Board of Elections and Ethics Enforcement the sum of four hundred thousand dollars (\$400,000) for the purpose of implementing this section. Expenditures of this appropriation are not subject to the provisions of Article 3 and Article 8 of Chapter 143 of the General Statutes.

MOSQUITO VECTOR POPULATION CONTROL

SECTION 5.4. It is the intent of the General Assembly to prevent large populations of floodwater mosquitoes from emerging following Hurricane Florence, as this could adversely impact the public health by hindering the State's response and recovery efforts and increasing the number of vector-borne illnesses. To that end, the General Assembly encourages the Department of Health and Human Services, Division of Public Health, to continue to work with local health departments to expedite mosquito control efforts in counties that are or become part of a disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Florence. For purposes of this section, mosquito control efforts include mosquito abatement activities, integrated mosquito management activities, education regarding mosquito bite avoidance, and the purchase and distribution of materials for personal prevention measures.

WAIVER OF CERTAIN DMV FEES

SECTION 5.5.(a) Notwithstanding G.S. 20-14, 20-37.7, 20-85, and 20-88.03, the Governor may waive any fees assessed by the Division of Motor Vehicles under those sections for the following:

- (1) A duplicate drivers license, duplicate commercial drivers license, or duplicate special identification card.
- (2) A special identification card issued to a person for the first time.
- (3) An application for a duplicate or corrected certificate of title.
- (4) A replacement registration plate.
- (5) An application for a duplicate registration card.
- (6) Late payment of a motor vehicle registration renewal fee.

SECTION 5.5.(b) The waiver authorized under subsection (a) of this section only applies to residents of counties impacted by Hurricane Florence, as determined by the Governor. A resident is allowed a refund of any fee assessed and collected by the Division of Motor Vehicles and waived pursuant to this section. The Division shall post notice of the availability of a refund on its Web site.

SECTION 5.5.(c) This section is effective when it becomes law and applies to fees assessed or collected on or after September 13, 2018. This section expires December 31, 2018.

WAIVER OF HOMEOWNERS RECOVERY FEE

SECTION 5.6.(a) Notwithstanding G.S. 87-15.6, the Governor may waive the fee assessed by city and county building inspectors and credited to the Homeowners Recovery Fund for the reimbursement of homeowners suffering reimbursable losses in constructing or altering a single-family residential dwelling unit.

SECTION 5.6.(b) The waiver authorized under subsection (a) of this section only applies to residents of counties impacted by Hurricane Florence, as determined by the Governor. A permit applicant is allowed a refund of any fee assessed and collected by city and county building inspectors and waived pursuant to this section. A city or county subject to this section shall post notice of the availability of a refund on its Web site.

SECTION 5.6.(c) This section is effective when it becomes law and applies to applications for issuance of a permit subject to the Homeowners Recovery Fund fee that were received on or after September 13, 2018. This section expires December 31, 2018.

ADDITIONAL LIMITATIONS ON USE OF FUNDS

SECTION 5.7. The Governor shall ensure that funds appropriated in this act are expended in a manner that does not adversely affect any person's or entity's eligibility for federal funds that are made available, or that are anticipated to be made available, as a result of Hurricane Florence. The Governor shall also, to the extent practicable, avoid using State funds to cover costs that will be, or likely will be, covered by federal funds.

PART VI. EFFECTIVE DATE

SECTION 6.1. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 2nd day of October, 2018.

s/ Daniel J. Forest
President of the Senate

s/ Brenden H. Jones
Presiding Officer of the House of Representatives

s/ Roy Cooper
Governor

Approved 12:24 p.m. this 3rd day of October, 2018