

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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BILL DRAFT 2019-STfzp-47 [v.10]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
4/20/2020 6:28:16 PM

Short Title: COVID-19 Time Sensitive Matters.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE LAW RELATED TO THE COVID-19
3 PUBLIC HEALTH CRISIS.

4 The General Assembly of North Carolina enacts:

5
6
7 **RULE 5 SERVICE DURING DECLARATION OF EMERGENCY**

8 **SECTION 1.(a)** G.S. 1A-1, Rule 5, reads as rewritten:

9 **"Rule 5. Service and filing of pleadings and other papers.**

10 ...

11 (b) Service – How made. – A pleading setting forth a counterclaim or cross claim shall
12 be filed with the court and a copy thereof shall be served on the party against whom it is asserted
13 or on the party's attorney of record as provided by this subsection.

14 With respect to all pleadings subsequent to the original complaint and other papers required
15 or permitted to be served, service shall be made upon the party's attorney of record and, if ordered
16 by the court, also upon the party. If the party has no attorney of record, service shall be made
17 upon the party. With respect to such other pleadings and papers, service with due return may be
18 made in a manner provided for service and return of process in Rule 4. Service under this
19 subsection may also be made by one of the following methods:

20 (1) Upon a party's attorney of record:

- 21 a. By delivering a copy to the attorney. Delivery of a copy within this
22 sub-subdivision means handing it to the attorney, leaving it at the
23 attorney's office with a partner or employee, or sending it to the
24 attorney's office by a confirmed telefacsimile transmittal for receipt by
25 5:00 P.M. Eastern Time on a regular business day, as evidenced by a
26 telefacsimile receipt confirmation. If receipt of delivery by
27 telefacsimile is after 5:00 P.M., service will be deemed to have been
28 completed on the next business day.

29 b. By mailing a copy to the attorney's office.

30 c. By electronic means.

31 (2) Upon a party:

- 32 a. By delivering a copy to the party. Delivery of a copy within this
33 sub-subdivision means handing it to the party.



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1 satisfactory evidence shall not be required to complete an emergency video notarization. An
2 emergency video notarization shall not change any originality verification requirements for
3 recording with a Register of Deeds, Clerk of Superior Court, or other government or private
4 office in this State. Nothing in this section shall not apply any notarization under Article 20 of
5 Chapter 163 of the General Statutes.

6 (b) As used in this section, video conference technology is electronic communication
7 that:

8 (1) Occurs in real time.

9 (1a) Allows direct interaction between the principal seeking the notary's services
10 and the notary so that each can communicate simultaneously by sight and
11 sound through an electronic device or process.

12 (2) Includes audio with sound clear enough that each participant in the notarial
13 act can hear and understand all other participants.

14 (3) Has sufficient quality to allow a clear and unobstructed visual observation of
15 the face of each participant, and any identification provided by the principal
16 for a sufficient time to allow the notary to determine if it is satisfactory
17 evidence. The notary shall determine if the time is sufficient.

18 (4) Is not pre-recorded video or audio or both.

19 (5) May be capable of recording by means of one of the following:

20 a. The video conference technology's recording and storage services.

21 b. An independent video recording device.

22 c. Electronically-saved screen shots clearly showing each participant's
23 face, identification presented by the principal, and the notarized
24 document.

25 (c) The requirement of personal appearance, appear in person before a notary, physical
26 presence, and presence, as those terms are used in this Chapter, are satisfied for the purpose of
27 an emergency video notarization if the principal verifies to the notary that he or she is physically
28 present in North Carolina at the time of the notarization, identifies the county where he or she is
29 located at the time of the notarial act, and the principal and notary use video conference
30 technology that complies with the requirements of this section.

31 (d) A notary who has personal knowledge of a principal may rely on the video conference
32 technology to verify the principal's identity unless the notary, in the notary's sole discretion,
33 requires satisfactory evidence. A notary who does not have personal knowledge of a principal
34 shall require satisfactory evidence of the principal's identity. The requirement of satisfactory
35 evidence, as that term is used in this Chapter, is satisfied for the purpose of an emergency video
36 notarization if identification of the principal is based on at least one document that meets all of
37 the following:

38 (1) Is current, or if expired, did not expire prior to March 10, 2020.

39 (2) Is issued by a federal, state, or federal or state-recognized tribal government
40 agency.

41 (3) Bears a photographic image of the principal's face.

42 (4) Has both the principal's signature and a physical description of the principal.

43 (e) The notary shall use video conference technology to observe each principal sign each
44 document that is to be notarized. The principal shall verbally state what documents are being
45 signed for the notarial record. After the document is signed by the principal, the principal or the
46 principal's designee shall do the following:

47 (1) If an original wet-signed notarization on an original wet-signed document is
48 not required, transmit a legible copy of the signed document to the notary by
49 fax or other electronic means on the same day it was signed. The notary shall
50 notarize the document on the same day the notary receives the document and
51 the notary shall transmit the notarized document back to the principal or the

1 principal's designee by physical delivery, fax, or other electronic means on the
2 same day the notary signed the document.

3 (2) If an original wet-signed notarization on an original wet-signed document, is
4 required, transmit a legible copy of the signed document by fax or other
5 electronic means to the notary on the same day on which the document was
6 signed and also deliver the original signed document to the notary by mail or
7 other physical method. The notary shall compare the original document with
8 the document transmitted by fax or other electronic means. If the faxed or
9 electronic document is the same as the document received by mail or physical
10 delivery, the notary shall notarize the wet-signature on the original document
11 and date the notarial act as of the date of the act observed using video
12 conference technology and promptly transmit the original wet-notarized
13 original document to the principal or the principal's designee by mail or other
14 physical delivery as directed by the principal.

15 (f) If the notarial act is an oath or affirmation, the notary shall administer the oath or
16 affirmation to the affiant using video conference technology.

17 (g) An acknowledgement or jurat certificate for an emergency video notarization shall
18 include all of the following:

19 (1) The North Carolina county in which the Notary Public was located during the
20 emergency video notarization.

21 (2) The North Carolina county in which the principal stated he or she was
22 physically located during the emergency video notarization.

23 (3) The following statement:

24 I signed this notarial certificate on _____ (Date) according to the emergency video
25 notarization requirements contained in G.S. 10B-25.

26 (h) If an acknowledgement or jurat certificate provided to a notary does not include the
27 statement required by subsection (g) of this section, the notary shall insert the statement. By
28 making or giving a notarial certificate using emergency video notarization, whether or not stated
29 in the certificate, a notary certifies compliance with all the requirements of this section.

30 (i) A notary who performs an emergency video notarization shall record information
31 about the notarization in a notary journal that is the exclusive property of the notary. The journal
32 shall be retained by the notary for at least 10 years and may be maintained in electronic form.
33 The notary shall keep the journal in a secure location and shall not allow another person to make
34 entries in the journal. A notary may surrender the journal to the notary's employer upon
35 termination of employment, but the notary shall also keep and maintain an accurate copy of the
36 journal.

37 (j) At a minimum, for each emergency video notarization, the notary shall include the
38 following information in the journal:

39 (1) The time of day when the notary observed the signing of the document by
40 each principal and was presented with the principal's acceptable form of
41 identification.

42 (2) The date of the completion of the emergency video notarization notarial
43 certificate.

44 (3) The last and first name of each principal.

45 (4) The type of notarial act performed.

46 (5) The type of document notarized or proceeding performed.

47 (6) The type of acceptable form of identification presented including, if
48 applicable, the issuing agency and identification number on the identification
49 presented.

50 (7) The type of video conference technology used during the emergency video
51 notarization

1 (2) The county in which each remote witness was physically located when
2 witnessing execution of the record.

3 (3) The county in which each principal signer was physically located during the
4 witnessed execution of the record.

5 (d) Notwithstanding any general or special law to the contrary, absent an express
6 prohibition in a legal document against signing in counterparts, any record witnessed pursuant to
7 this Article may be signed in counterpart, which counterparts, when combined, shall create a
8 single original record."

9 **SECTION 3.(b)** This section is effective when it becomes law.

10 **MASKS AND HOODS FOR THE PROTECTION OF HEALTH**

11 **SECTION 4.(a)** G.S. 14-12.11 reads as rewritten:

12 **"§ 14-12.11. Exemptions from provisions of Article.**

13 (a) TheAny of the following are exempted from the provisions of G.S. 14-12.7, 14-12.8,
14 14-12.9, 14-12.10 and 14-12.14:

15 (1) Any person or persons wearing traditional holiday costumes in ~~season;~~season.

16 (2) Any person or persons engaged in trades and employment where a mask is
17 worn for the purpose of ensuring the physical safety of the wearer, or because
18 of the nature of the occupation, trade or ~~profession;~~profession.

19 (3) Any person or persons using masks in theatrical productions including use in
20 Mardi Gras celebrations and masquerade ~~balls;~~balls.

21 (4) Persons wearing gas masks prescribed in civil defense drills and exercises or
22 ~~emergencies;~~ and emergencies.

23 (5) Any person or persons, as members or members elect of a society, order or
24 organization, engaged in any parade, ritual, initiation, ceremony, celebration
25 or requirement of such society, order or organization, and wearing or using
26 any manner of costume, paraphernalia, disguise, facial makeup, hood,
27 implement or device, whether the identity of such person or persons is
28 concealed or not, on any public or private street, road, way or property, or in
29 any public or private building, provided permission shall have been first
30 obtained therefor by a representative of such society, order or organization
31 from the governing body of the municipality in which the same takes place,
32 or, if not in a municipality, from the board of county commissioners of the
33 county in which the same takes place.

34 (6) Any person wearing a mask for the purpose of ensuring the physical health or
35 safety of the wearer or others.

36 Provided, that the provisions of this Article shall not apply to any preliminary meetings held
37 in good faith for the purpose of organizing, promoting or forming a labor union or a local
38 organization or subdivision of any labor union nor shall the provisions of this Article apply to
39 any meetings held by a labor union or organization already organized, operating and functioning
40 and holding meetings for the purpose of transacting and carrying out functions, pursuits and
41 affairs expressly pertaining to such labor union.

42 (b) Notwithstanding G.S. 14-12.7 and G.S. 14-12.8, a person may wear a mask for the
43 purpose of protecting the person's head, face, or head and face, when operating a motorcycle, as
44 defined in G.S. 20-4.01. A person wearing a mask when operating a motorcycle shall remove the
45 mask during a traffic stop, including at a checkpoint or roadblock under G.S. 20-16.3A, or when
46 approached by a law enforcement officer."

47 **SECTION 4.(b)** This section is effective when it becomes law.

48 **EXTEND VALIDITY OF CREDENTIALS ISSUED BY THE DIVISION OF MOTOR** 49 **VEHICLES**

1 **SECTION 5.(a)** Definition. – For purposes of this section, "Coronavirus emergency"
2 means the period from March 10, 2020, through the date the Governor signs an Executive Order
3 rescinding Executive Order 116, a Declaration of a State of Emergency to Coordinate Response
4 and Protective Actions to Prevent the Spread of COVID-19.

5 **SECTION 5.(b)** Extend validity of credentials. — Notwithstanding any provision of
6 law to the contrary, the Commissioner of Motor Vehicles is authorized to extend for a period of
7 up to six months the validity of any license, permit, registration, or other credential issued by the
8 Division of Motor Vehicles under Chapter 20 of the General Statutes that expires during the
9 Coronavirus emergency. Any credential extended under this subsection shall expire on the date
10 designated by the Division of Motor Vehicles up to six months from the date it otherwise expired
11 as prescribed by law prior to this act.

12 **SECTION 5.(c)** Waive penalties. – The Division of Motor Vehicles shall waive any
13 fines, fees, or penalties associated with failing to renew a license, permit, registration, or other
14 credential during the period of time the credential is valid by extension under subsection (b) of
15 this section.

16 **SECTION 5.(d)** Motor vehicle taxes. – Notwithstanding any provision of law to the
17 contrary, due dates for motor vehicle taxes that are tied to registration expiration under Article
18 22A of Chapter 105 of the General Statutes shall be extended to correspond with extended
19 expiration dates designated by the Division of Motor Vehicles under subsection (b) of this
20 section.

21 **SECTION 5.(e)** Financial responsibility. – Nothing in this section waives a vehicle
22 owner's duty to maintain continuous financial responsibility as required by Article 9A and Article
23 13 of Chapter 20 of the General Statutes.

24 **SECTION 5.(f)** Validity by extension a defense. – A person may not be convicted or
25 found responsible for any offense resulting from failure to renew a license, permit, registration,
26 or other credential issued by the Division of Motor Vehicles if, when tried for that offense, the
27 person shows that the offense occurred during the period of time the credential is valid by
28 extension under subsection (b) of this section.

29 **SECTION 5.(g)** Report. – Within 30 days of any extension made under subsection
30 (b) of this section, the Division of Motor Vehicles shall submit a report to the Joint Legislative
31 Transportation Oversight Committee and the Fiscal Research Division detailing the credentials
32 affected and the duration of the extension.

33 **SECTION 5.(h)** Effective date. – This section is effective retroactively to March 10,
34 2020, and applies to expirations occurring on or after that date.

35 36 **REMOTE RENEWAL OF SPECIAL IDENTIFICATION CARDS**

37 **SECTION 6.(a)** G.S. 20-7(f)(6) reads as rewritten:

38 "(6) Remote renewal or conversion. – Subject to the following requirements and
39 limitations, the Division may offer remote renewal of a drivers license or
40 identification card or remote conversion of a full provisional license issued by
41 the Division:

- 42 a. Requirements. – To be eligible for remote renewal or conversion under
43 this subdivision, a person must meet all of the following requirements:
- 44 1. The license holder possesses either (i) a valid Class C drivers
45 license or (ii) a valid full provisional license and is at least 18
46 years old at the time of the remote conversion.
 - 47 2. The license holder's current license includes no restrictions
48 other than a restriction for corrective lenses.
 - 49 3. The license or identification card holder attests, in a manner
50 designated by the Division, that (i) the license or identification
51 card holder is a resident of the State and currently resides at the

1 address on the license or identification card to be renewed or
2 converted, (ii) the license or identification card holder's name
3 as it appears on the license or identification card to be renewed
4 or converted has not changed, and (iii) all other information
5 required by the Division for an in-person renewal under this
6 Article has been provided completely and truthfully. If the
7 license or identification card holder does not currently reside
8 at the address on the license or identification card to be
9 renewed or converted, the license or identification card holder
10 may comply with the address requirement of this
11 sub-sub-subdivision by providing the address at which the
12 license or identification card holder resides at the time of the
13 remote renewal or conversion request.

14 4. For a remote renewal, the most recent renewal was an
15 in-person renewal and not a remote renewal under this
16 subdivision.

17 5. The license or identification card holder is otherwise eligible
18 for renewal or conversion under this subsection.

19 b. Waiver of requirements. – When renewing a drivers license or
20 identification card or converting a drivers license pursuant to this
21 subdivision, the Division may waive ~~the~~ any examination and
22 photograph that would otherwise be required for the renewal or
23 conversion.

24 c. Duration of remote renewal or conversion. – A drivers license or
25 identification card issued to a person by remote renewal or conversion
26 under this subdivision expires according to the following schedule:

27 1. For a person at least 18 years old but less than 66 years old, on
28 the birthday of the licensee or identification card holder in the
29 eighth year after issuance.

30 2. For a person at least 66 years old, on the birthday of the
31 licensee or identification card holder in the fifth year after
32 issuance.

33 d. Rules. – The Division shall adopt rules to implement this subdivision.

34 e. Federal law. – Nothing in this subdivision shall be construed to
35 supersede any more restrictive provisions for renewal or conversion of
36 drivers licenses prescribed by federal law or regulation.

37 f. Definition. – For purposes of this subdivision, "remote renewal or
38 conversion" means renewal of a drivers license or identification card
39 or conversion of a full provisional license by mail, telephone,
40 electronic device, or other secure means approved by the
41 Commissioner."

42 **SECTION 6.(b)** This section is effective when it becomes law.

43
44 **DELAY DMV HEADQUARTERS MOVE**

45 **SECTION 7.(a)** Section 34.24(a) of S.L. 2018-5 reads as rewritten:

46 "**SECTION 34.24.(a)** All Division of Motor Vehicles employees and contractors
47 working at the Division of Motor Vehicles building located on New Bern Avenue in the City of
48 Raleigh shall ~~vacate~~ begin vacating the property by October 1, 2020."

49 **SECTION 7.(b)** This section is effective when it becomes law.
50

1 **WITNESS REQUIREMENT DURING STATE OF EMERGENCY/HEALTH CARE**
2 **POWER OF ATTORNEY AND ADVANCED DIRECTIVE FOR NATURAL DEATH**

3 **SECTION 8.(a).** G.S. 32A-16 reads as rewritten:

4 **"§ 32A-16. Definitions.**

5 The following definitions apply in this Article:

6 ...

7 (3) Health care power of attorney. — ~~A~~Except as provided in G.S. 32A-16A, a
8 written instrument that substantially meets the requirements of this Article,
9 that is signed in the presence of two qualified witnesses, and acknowledged
10 before a notary public, pursuant to which an attorney-in-fact or agent is
11 appointed to act for the principal in matters relating to the health care of the
12 principal. The notary who takes the acknowledgement may but is not required
13 to be a paid employee of the attending physician or mental health treatment
14 provider, a paid employee of a health facility in which the principal is a
15 patient, or a paid employee of a nursing home or any adult care home in which
16 the principal resides.

17 ...

18 (6) Qualified witness. — ~~A~~Except as provided in G.S. 32A-16A, a witness in
19 whose presence the principal has executed the health care power of attorney,
20 who believes the principal to be of sound mind, and who states that he or she
21 (i) is not related within the third degree to the principal nor to the principal's
22 spouse, (ii) does not know nor have a reasonable expectation that he or she
23 would be entitled to any portion of the estate of the principal upon the
24 principal's death under any existing will or codicil of the principal or under
25 the Intestate Succession Act as it then provides, (iii) is not the attending
26 physician or mental health treatment provider of the principal, nor a licensed
27 health care provider who is a paid employee of the attending physician or
28 mental health treatment provider, nor a paid employee of a health facility in
29 which the principal is a patient, nor a paid employee of a nursing home or any
30 adult care home in which the principal resides, and (iv) does not have a claim
31 against any portion of the estate of the principal at the time of the principal's
32 execution of the health care power of attorney.

33"

34 **SECTION 8.(b).** Article 3 of Chapter 32A of the General Statutes is amended by
35 adding a new section to read:

36 **"§ 32A-16A. Health care powers of attorney executed during State of Emergency.**

37 (a) The requirement of G.S. 32A-16(3) that a health care power of attorney be executed
38 in the presence of two qualified witnesses shall be waived for all instruments executed on or after
39 the effective date of this section and prior to termination of the State of Emergency declared by
40 Governor Roy Cooper in Executive Order No. 116, on March 10, 2020, as the same may be
41 extended by any subsequent Executive Order, such that an instrument that is signed by the
42 principal, properly acknowledged before a notary public, and otherwise executed in compliance
43 with the provisions of this Article shall not be invalidated by the principal's failure to execute the
44 health care power of attorney in the presence of two qualified witnesses.

45 (b) Health care powers of attorney executed without two qualified witnesses during the
46 time period defined in subsection (a) of this section shall contain a short and plain statement
47 indicating that the instrument was executed in accordance with the procedures of this section."

48 (c) This section shall expire at 12:01 A.M. on March 1, 2021; provided however, all
49 instruments made in accordance with this section and while this section is in effect shall remain
50 effective and shall not need to be reaffirmed.

51 **SECTION 8.(c)** G.S. 90-321 reads as rewritten:

"§ 90-321. Right to a natural death.

(a) The following definitions apply in this Article:

(1a) ~~Declaration. —Any—~~Except as provided in G.S. 90-321A, any signed, witnessed, dated, and proved document meeting the requirements of subsection (c) of this section.

...
(c) The attending physician shall follow, subject to subsections (b), (e), and (k) of this section, a declaration:

...
(3) ~~That—~~Except as provided in G.S. 90-321A, that has been signed by the declarant in the presence of two witnesses who believe the declarant to be of sound mind and who state that they (i) are not related within the third degree to the declarant or to the declarant's spouse, (ii) do not know or have a reasonable expectation that they would be entitled to any portion of the estate of the declarant upon the declarant's death under any will of the declarant or codicil thereto then existing or under the Intestate Succession Act as it then provides, (iii) are not the attending physician, licensed health care providers who are paid employees of the attending physician, paid employees of a health facility in which the declarant is a patient, or paid employees of a nursing home or any adult care home in which the declarant resides, and (iv) do not have a claim against any portion of the estate of the declarant at the time of the declaration; and

...."

SECTION 8.(d) Article 23 of Chapter 90 is amended by adding a new section to read:

"§ 90-321A. Advanced directive for a natural death executed during a State of Emergency.

(a) The requirement of G.S. 90-321 that an advanced directive for a natural death declaration be executed in the presence of two qualified witnesses shall be waived for all instruments executed on or after the effective date of this section and prior to termination of the State of Emergency declared by Governor Roy Cooper in Executive Order No. 116, on March 10, 2020, as the same may be extended by any subsequent Executive Order, such that an instrument that is signed by the declarant, properly acknowledged before a notary public, and otherwise executed in compliance with the provisions of this Article shall not be invalidated by the declarant's failure to execute the advanced directive for a natural death declaration in the presence of two qualified witnesses.

(b) Advanced directives for a natural death declaration executed without two qualified witnesses during the time period defined in subsection (a) of this section shall contain a short and plain statement indicating that the instrument was executed in accordance with the procedures of this Section, which may but need not be cited by title or section number.

(c) This section shall expire at 12:01 A.M. on March 1, 2021; provided however, all instruments made in accordance with this section and while this section is in effect shall remain effective and shall not need to be reaffirmed."

SECTION 8.(e). This act is effective when it becomes law.

ADULT GUARDIANSHIP SERVICE AND HEARINGS

SECTION 9.(a) G.S. 35A-1109 reads as rewritten:

"§ 35A-1109. Service of notice and petition.

(a) Copies of the petition and initial notice of hearing shall be personally served on the respondent. Respondent's counsel or guardian ad litem shall be served pursuant to G.S. 1A-1, Rule 4, Rules of Civil Procedure. A sheriff who serves the notice and petition shall do so without demanding his fees in advance. The petitioner, within five days after filing the petition, shall mail

1 or cause to be mailed, by first-class mail, copies of the notice and petition to the respondent's
2 next of kin alleged in the petition and any other persons the clerk may designate, unless such
3 person has accepted notice. Proof of such mailing or acceptance shall be by affidavit or certificate
4 of acceptance of notice filed with the clerk. The clerk shall mail, by first-class mail, copies of
5 subsequent notices to the next of kin alleged in the petition and to such other persons as the clerk
6 deems appropriate.

7 (b) Notwithstanding subsection (a) of this section, during a declared state of emergency
8 for public health reasons, service on a respondent residing in a long term care facility may be
9 accomplished by leaving a copy of the notice and petition with owner, manager or director of
10 that long term care facility. A sheriff serving a notice and petition under this subsection shall note
11 with which individual associated with the long term care facility the notice and petition were left,
12 and that individual's position with the long term care facility."

13 **SECTION 9.(b)** G.S. 35A-1114(c1) reads as rewritten:

14 "(c1) The motion and notice setting the date, time, and place for the hearing shall be served
15 promptly on the petitioner, the respondent and on his counsel or guardian ad litem, and other
16 persons the clerk may designate. The hearing shall be held as soon as possible but not later than
17 15 days after the motion has been served on the respondent. The hearing to consider the
18 appointment of an interim guardian may be held, or any party or witness may appear, via video
19 conference if the clerk determines good cause exists. Prior to any hearing held or appearance by
20 video conference, the clerk shall submit to the Administrative Office of the Courts the procedures
21 and type of equipment for video conference for approval by the Administrative Office of the
22 Courts."

23 **SECTION 9.(c)** This section is effective when it becomes law.
24

25 **DISBURSEMENT OF FUNDS PRIOR TO RECORDATION OF DEED IN CERTAIN** 26 **CIRCUMSTANCES**

27 **SECTION 10.(a)** Chapter 45A of the General Statutes is amended by adding a new
28 section to read:

29 "**§ 45A-4.1. Disbursement during certain declarations of emergency.**

30 (a) Notwithstanding any other provision of this Chapter, upon issuance of a declaration
31 of emergency under G.S. 166A-19.20, in real estate transactions involving a one-to-four family
32 residential dwelling or a lot restricted to residential use, a settlement agent may, in accordance
33 with this section, make disbursement of closing funds prior to recordation of the deeds, deeds of
34 trust, and any other required loan documents in the office of the register of deeds.

35 (b) No disbursement of closing funds prior to recordation shall be made under this
36 section, unless all the following apply:

37 (1) On the date of closing, the office of the register of deeds where the deeds,
38 deeds of trust, and any other required loan documents are to be recorded meets
39 the following criteria:

40 a. Is located within the emergency area under G.S. 166A-19.20.

41 b. Is closed to the public as a result of the declaration of emergency.

42 c. Is unable to accept documents for electronic recording.

43 (2) The lender's closing instructions authorize disbursement of closing funds prior
44 to recording.

45 (3) All parties agree in writing to all the following:

46 a. To waive the requirement of G.S. 45A-4 that the settlement agent shall
47 not disburse closing funds until the deeds, deeds of trust, and any other
48 required loan documents are recorded in the office of the register of
49 deeds and the requirement of that section that closing funds be
50 disbursed only upon collected funds except as provided in
51 G.S. 45A-4(1)-(7).

- 1 **b.** That they acknowledge that the recordation date may not be known on
2 the date of closing and the date of recordation by the settlement agent
3 is governed by subsection (d) of this section.
4 **c.** That they are aware of the risks and implications of proceeding with
5 disbursement of closing funds and, if applicable, transfer of possession
6 of property prior to recordation.
7 **d.** That after disbursement of closing funds and prior to recordation no
8 party to the transaction will take any action to impair the quality of the
9 title in law or equity.
10 **e.** Any other terms the parties or the closing instructions require as a
11 condition of disbursement of closing funds prior to recording.

12 **(4)** The settlement agent does all the following:

- 13 **a.** Complies with all conditions of the closing instructions.
14 **b.** Procures a commitment of title insurance providing for title insurance
15 that includes indemnity coverage for the gap period between the date
16 of disbursement of closing funds and the date of recordation of the
17 necessary documents.
18 **c.** Updates the applicable title from the date of the preliminary title
19 opinion to the time of disbursement using those public records
20 reasonably available to the settlement agent on the date of
21 disbursement.

22 **(c)** In all transactions under this section in which the settlement agent makes a
23 disbursement of closing funds prior to recordation, the settlement agent shall hold in a fiduciary
24 capacity until the time provided in subsection (d) of this section, all deeds, deeds of trust, and
25 any other required loan documents that are to be recorded.

26 **(d)** The authority under this section for the settlement agent to disburse closing proceeds
27 prior to recordation of the deeds, deeds of trust, and any other required loan documents shall
28 terminate on the earlier of the date the office of the register of deeds reopens for the transaction
29 of public business or begins to accept documents for electronic recording. Within three business
30 days of the time set forth in this subsection, the settlement agent shall record all deeds, deeds of
31 trust, and any other required loan documents being held under subsection (c) of this section and
32 shall immediately notify all parties that the documents have been recorded."

33 **SECTION 10.(b)** This section is effective when it becomes law.

34
35 **MARRIAGE LICENSES**

36 **SECTION 11.(a)** G.S. 51-8 reads as rewritten:

37 "**§ 51-8. License issued by register of deeds.**

38 **(a)** Every register of deeds shall, upon proper application, issue a license for the marriage
39 of any two persons who are able to answer the questions regarding age, marital status, and
40 intention to marry, and, based on the answers, the register of deeds determines the persons are
41 authorized to be married in accordance with the laws of this State. In making a determination as
42 to whether or not the parties are authorized to be married under the laws of this State, the register
43 of deeds may require the applicants for the license to marry to present certified copies of birth
44 certificates or such other evidence as the register of deeds deems necessary to the determination.
45 The register of deeds may administer an oath to any person presenting evidence relating to
46 whether or not parties applying for a marriage license are eligible to be married pursuant to the
47 laws of this State. Each applicant for a marriage license shall provide on the application the
48 applicant's social security number. If an applicant does not have a social security number and is
49 ineligible to obtain one, the applicant shall present a statement to that effect, sworn to or affirmed
50 before an officer authorized to administer oaths. Upon presentation of a sworn or affirmed
51 statement, the register of deeds shall issue the license, provided all other requirements are met,

1 and retain the statement with the register's copy of the license. The register of deeds shall not
2 issue a marriage license unless all of the requirements of this section have been met.

3 (b) Notwithstanding subsection (a) of this section, throughout the duration of any
4 declaration of emergency issued under G.S. 166A-19.20, any register of deeds may issue a
5 license for marriage via remote audio-video communication provided the register of deeds can
6 positively identify each applicant before the register of deeds."

7 **SECTION 11.(b)** G.S. 51-16 reads as rewritten:

8 "**§ 51-16. Form of license.**

9 License shall be in the following or some equivalent form:

10 To any ordained minister of any religious denomination, minister authorized by a church, any
11 magistrate, or any other person authorized to solemnize a marriage under the laws of this State:
12 A.B. having applied to me for a license for the marriage of C.D. (the name of the man to be
13 written in full) of (here state his residence), aged ____ years (race, as the case may be), the son
14 of (here state the father and mother, if known; state whether they are living or dead, and their
15 residence, if known; if any of these facts are not known, so state), and E.F. (write the name of
16 the woman in full) of (here state her residence), aged ____ years (race, as the case may be), the
17 daughter of (here state names and residences of the parents, if known, as is required above with
18 respect to the man). (If either of the parties is under 18 years of age, the license shall here contain
19 the following:) And the written consent of G.H., father (or mother, etc., as the case may be) to
20 the proposed marriage having been filed with me, and there being no legal impediment to such
21 marriage known to me, you are hereby authorized, at any time within ~~60~~120 days from the date
22 hereof, to celebrate the proposed marriage at any place within the State. You are required within
23 10 days after you shall have celebrated such marriage, to return this license to me at my office
24 with your signature subscribed to the certificate under this license, and with the blanks therein
25 filled according to the facts, under penalty of forfeiting two hundred dollars (\$200.00) to the use
26 of any person who shall sue for the same.

27 Issued this ____ day of ____, ____

28 _____ L.M.

29 Register of Deeds of ____ County

30 Every register of deeds shall, at the request of an applicant, designate in a marriage license
31 issued the race of the persons proposing to marry by inserting in the blank after the word "race"
32 the words "white," "black," "African-American," "American Indian," "Alaska Native," "Asian
33 Indian," "Chinese," "Filipino," "Japanese," "Korean," "Vietnamese," "Other Asian," "Native
34 Hawaiian," "Guamarian," "Chamorro," "Samoan," "Other Pacific Islander," "Mexican,"
35 "Mexican-American," "Chicano," "Puerto Rican," "Cuban," "Other Spanish/Hispanic/Latino," or
36 "other," as the case may be. The certificate shall be filled out and signed by the minister, officer,
37 or other authorized individual celebrating the marriage, and also be signed by two witnesses
38 present at the marriage, who shall add to their names their place of residence, as follows:

39 I, N.O., an ordained or authorized minister or other authorized individual of (here state to
40 what religious denomination, or magistrate, as the case may be), united in matrimony (here name
41 the parties), the parties licensed above, on the ____ day of _____, ____, at the house of P.R., in
42 (here name the town, if any, the township and county), according to law.

43 _____ N.O.

44 Witness present at the marriage:

45 S.T., of (here give residence).

46 "

47 **SECTION 11.(c)** This section becomes effective when it becomes law, applies to
48 any marriage license issued on or after March 10, 2020, and expires XX days after Executive
49 Order 116, a Declaration of a State of Emergency to Coordinate Response and Protective Actions
50 to Prevent the Spread of COVID 19, expires or is rescinded., and any marriage license issued on
51 or before that date shall be valid for 120 days.

1
2 **EXPAND THE DEFINITION OF SECURITY GUARD AND PATROL PROFESSION**
3 **TO INCLUDE SECURITY SERVICES PROVIDERS AT STATE PRISONS**

4 **SECTION 12.(a)** G.S. 74C-3(a) reads as rewritten:

5 "(a) As used in this Chapter, the term "private protective services profession" means and
6 includes the following:

7 ...

8 (6) Security guard and patrol profession. – Any person, firm, association, or
9 corporation that provides a security guard on a contractual basis for another
10 person, firm, association, or corporation for a fee or other valuable
11 consideration and performs one or more of the following functions:

12 ...

13 e. Security services related to entry and exit, direction and movement of
14 individuals at entry and exit, security working towers, and perimeter
15 security patrols at State prison facilities.

16"

17 **SECTION 12.(b)** Article 1 of Chapter 148 of the General Statutes is amended by
18 adding a new section to read:

19 **"§ 148-5.5. Training and authority of security guards.**

20 Any security guard and patrol professional that is licensed pursuant to Chapter 74C and is
21 employed to provide security services related to entry and exit, direction and movement of
22 individuals at entry and exit, security working towers, or perimeter security patrols at a State
23 prison facility, shall receive training on State prison policies, including policies on the use of
24 force, prior to providing any security services at a State prison. Security guard and patrol
25 professionals trained pursuant to this section shall have the authority to detain and use necessary
26 force pursuant to State prison policies to prevent contraband entry or inmate escape."

27 **SECTION 12.(c)** This section becomes effective when it becomes law and expires
28 XX days after Executive Order 116, a Declaration of a State of Emergency to Coordinate
29 Response and Protective Actions to Prevent the Spread of COVID 19, expires or is rescinded.

30
31 **DELAY SCHOOL CAPITAL OUTLAY REPORT DUE TO THE LOCAL**
32 **GOVERNMENT COMMISSION**

33 **SECTION 13.(a)** Notwithstanding G.S. 115C-440.1(b), the 2020 report by the Local
34 Government Commission to the General Assembly of the level of each county's appropriations
35 for public school capital outlay, including appropriations to the public school capital outlay fund,
36 funds expended by counties on behalf of and for the benefit of public schools for capital outlay,
37 monies reserved for future years' retirement of debt incurred or capital outlay, and any other
38 information the Local Government Commission considers relevant shall be due July 1, 2020.

39 **SECTION 13.(b)** This section is effective when it becomes law.

40
41 **INVOLUNTARY COMMITMENT, TRANSPORTATION**

42 **SECTION 14.(a)** Notwithstanding the requirements of G.S. 122C-251(g),
43 122C-261(b) and (d)(4), and 122C-202.2(a), the governing body of a city or county is authorized
44 to establish an expedited process for designating and training personnel, other than law
45 enforcement officers, for custody and transportation of persons as required by involuntary
46 commitment proceedings.

47 **SECTION 14.(b)** This section becomes effective when it becomes law and expires
48 XX days after Executive Order 116, a Declaration of a State of Emergency to Coordinate
49 Response and Protective Actions to Prevent the Spread of COVID 19, expires or is rescinded.

50
51 **INVOLUNTARY COMMITMENT, TELEMEDICINE**

1 **SECTION 15.(a)** G.S. 122C-263(c) reads as rewritten:

2 "(c) The commitment examiner described in subsection (a) of this section shall examine
3 the respondent as soon as possible, and in any event within 24 hours after the respondent is
4 presented for examination. When the examination set forth in subsection (a) of this section is
5 performed by a commitment examiner, the respondent may either be in the physical face-to-face
6 presence of the commitment examiner or may be examined utilizing telemedicine equipment and
7 procedures. A commitment examiner who examines a respondent by means of telemedicine must
8 be satisfied to a reasonable medical certainty that the determinations made in accordance with
9 subsection (d) of this section would not be different if the examination had been done in the
10 physical presence of the commitment examiner. A commitment examiner who is not so satisfied
11 must note that the examination was not satisfactorily accomplished, and the respondent must be
12 taken for a face-to-face examination in the physical presence of a person authorized to perform
13 examinations under this section. As used in this section, "telemedicine" is the use of two-way
14 real-time interactive audio and video ~~between places of lesser and greater medical capability or~~
15 ~~expertise to provide and support health care when distance separates participants who are in~~
16 ~~different geographical locations. A recipient is referred by one provider to receive the services~~
17 ~~of another provider via telemedicine, where the respondent and commitment examiner can hear~~
18 ~~and see each other."~~

19 **SECTION 15.(b)** G.S. 122C-266 reads as rewritten:

20 "**§ 122C-266. Inpatient commitment; second examination and treatment pending hearing.**

21 (a) Except as provided in subsections (b) and (e), within 24 hours of arrival at a 24-hour
22 facility described in G.S. 122C-252, the respondent shall be examined by a physician. This
23 physician shall not be the same physician who completed the certificate or examination under
24 the provisions of G.S. 122C-262 or G.S. 122C-263. The respondent may either be in the physical
25 face-to-face presence of the physician or may be examined by the physician utilizing
26 telemedicine equipment and procedures. A physician who examines a respondent by means of
27 telemedicine must be satisfied to a reasonable medical certainty that the findings made in
28 accordance with subdivisions (1) through (3) of this subsection would not be different if the
29 examination had been done in the physical presence of the physician. A physician who is not so
30 satisfied must note that the examination was not satisfactorily accomplished, and the respondent
31 must be taken for a face-to-face examination in the physical presence of a physician. The
32 examination shall include but is not limited to the assessment specified in G.S. 122C-263(c).

- 33 (1) If the physician finds that the respondent is mentally ill and is dangerous to
34 self, as defined by G.S. 122C-3(11)a., or others, as defined by
35 G.S. 122C-3(11)b., the physician shall hold the respondent at the facility
36 pending the district court hearing.
- 37 (2) If the physician finds that the respondent meets the criteria for outpatient
38 commitment under G.S. 122C-263(d)(1), the physician shall show these
39 findings on the physician's examination report, release the respondent pending
40 the district court hearing, and notify the clerk of superior court of the county
41 where the petition was initiated of these findings. In addition, the examining
42 physician shall show on the examination report the name, address, and
43 telephone number of the proposed outpatient treatment physician or center.
44 The physician shall give the respondent a written notice listing the name,
45 address, and telephone number of the proposed outpatient treatment physician
46 or center and directing the respondent to appear at that address at a specified
47 date and time. The examining physician before the appointment shall notify
48 by telephone and shall send a copy of the notice and the examination report to
49 the proposed outpatient treatment physician or center.

- 1 (3) If the physician finds that the respondent does not meet the criteria for
2 commitment under either G.S. 122C-263(d)(1) or G.S. 122C-263(d)(2), the
3 physician shall release the respondent and the proceedings shall be terminated.
4 (4) If the respondent is released under subdivisions (2) or (3) of this subsection,
5 the law enforcement officer or other person designated to provide
6 transportation shall return the respondent to the respondent's residence in the
7 originating county or, if requested by the respondent, to another location in
8 the originating county.

9 (b) If the custody order states that the respondent was charged with a violent crime,
10 including a crime involving assault with a deadly weapon, and that he was found incapable of
11 proceeding, the physician shall examine him as set forth in subsection (a) of this section.
12 However, the physician may not release him from the facility until ordered to do so following
13 the district court hearing.

14 (c) The findings of the physician and the facts on which they are based shall be in writing,
15 in all cases. A copy of the findings shall be sent to the clerk of superior court by reliable and
16 expeditious means.

17 (d) Pending the district court hearing, the physician attending the respondent may
18 administer to the respondent reasonable and appropriate medication and treatment that is
19 consistent with accepted medical standards. Except as provided in subsection (b) of this section,
20 if at any time pending the district court hearing, the attending physician determines that the
21 respondent no longer meets the criteria of either G.S. 122C-263(d)(1) or (d)(2), he shall release
22 the respondent and notify the clerk of court and the proceedings shall be terminated.

23 (e) If the 24-hour facility described in G.S. 122C-252 or G.S. 122C-262 is the facility in
24 which the first examination by a physician or eligible psychologist occurred and is the same
25 facility in which the respondent is held, the second examination shall occur not later than the
26 following regular working day.

27 (f) As used in this section, "telemedicine" is the use of two-way real-time interactive
28 audio and video transmission where the respondent and examining physician can hear and see
29 each other."

30 **SECTION 15.(c)** G.S. 122C-283(c) reads as rewritten:

31 "(c) The commitment examiner described in subsection (a) of this section shall examine
32 the respondent as soon as possible, and in any event within 24 hours, after the respondent is
33 presented for examination. When the examination set forth in subsection (a) of this section is
34 performed by a commitment examiner, the respondent may either be in the physical face-to-face
35 presence of the commitment examiner or may be examined utilizing telemedicine equipment and
36 procedures. A commitment examiner who examines a respondent by means of telemedicine must
37 be satisfied to a reasonable medical certainty that the determinations made in accordance with
38 subsection (d) of this section would not be different if the examination had been done in the
39 physical presence of the commitment examiner. A commitment examiner who is not so satisfied
40 must note that the examination was not satisfactorily accomplished, and the respondent must be
41 taken for a face-to-face examination in the physical presence of a person authorized to perform
42 examinations under this section. As used in this subsection, "telemedicine" is the use of two-way
43 real-time interactive audio and video where the respondent and commitment examiner can hear
44 and see each other. The examination shall include but is not limited to an assessment of all of the
45 following:

- 46 (1) The respondent's current and previous substance abuse including, if available,
47 previous treatment history.
48 (2) The respondent's dangerousness to self or others as defined in
49 G.S. 122C-3(11)."

50 **SECTION 15.(d)** G.S. 122C-285 reads as rewritten:

51 "**§ 122C-285. Commitment; second examination and treatment pending hearing.**

1 (a) Within 24 hours of arrival at a 24-hour facility described in G.S. 122C-252, the
2 respondent shall be examined by a qualified professional. This professional shall be a physician
3 if the initial commitment evaluation was conducted by a commitment examiner who is not a
4 physician. The examination shall include the assessment specified in G.S. 122C-283(c). The
5 respondent may either be in the physical face-to-face presence of the physician or may be
6 examined by the physician utilizing telemedicine equipment and procedures. A physician who
7 examines a respondent by means of telemedicine must be satisfied to a reasonable medical
8 certainty that the findings made in accordance with this subsection would not be different if the
9 examination had been done in the physical presence of the physician. A physician who is not so
10 satisfied must note that the examination was not satisfactorily accomplished, and the respondent
11 must be taken for a face-to-face examination in the physical presence of a qualified professional
12 provided that, if the initial commitment examination was performed by a qualified professional,
13 this professional shall be a physician. If the physician or qualified professional finds that the
14 respondent is a substance abuser and is dangerous to self or others, the physician or qualified
15 professional shall hold and treat the respondent at the facility or designate other treatment
16 pending the district court hearing. If the physician or qualified professional finds that the
17 respondent does not meet the criteria for commitment under G.S. 122C-283(d)(1), the physician
18 or qualified professional shall release the respondent and the proceeding shall be terminated. In
19 this case the reasons for the release shall be reported in writing to the clerk of superior court of
20 the county in which the custody order originated. If the respondent is released, the law
21 enforcement officer or other person designated or required under G.S. 122C-251(g) to provide
22 transportation shall return the respondent to the originating county.

23 (b) If the 24-hour facility described in G.S. 122C-252 is the facility in which the first
24 examination by a commitment examiner occurred and is the same facility in which the respondent
25 is held, the second examination must occur not later than the following regular working day.

26 (c) The findings of the physician or qualified professional along with a summary of the
27 facts on which they are based shall be made in writing in all cases. A copy of the written findings
28 shall be sent to the clerk of superior court by reliable and expeditious means.

29 (d) As used in this section, "telemedicine" is the use of two-way real-time interactive
30 audio and video transmission where the respondent and examining physician can hear and see
31 each other."

32 **SECTION 15.(e)** This section is effective when it becomes law.

33 **COMMUNICABLE DISEASE INFORMATION TO LAW ENFORCEMENT**

34 **SECTION 16.(a)** G.S. 130A-143 reads as rewritten:

35 **"§ 130A-143. Confidentiality of records.**

36 All information and records, whether publicly or privately maintained, that identify a person
37 ~~who has AIDS virus infection or~~ who has or may have a disease or condition required to be
38 reported pursuant to the provisions of this Article shall be strictly confidential. This information
39 shall not be released or made public except under the following circumstances:

- 40 (1) Release is made of specific medical or epidemiological information for
41 statistical purposes in a way that no person can be ~~identified;~~identified.
- 42 (2) Release is made of all or part of the medical record with the written consent
43 of the person or persons identified or ~~their guardian;~~the person's personal
44 representative, as defined in 45 Code of Federal Regulations §§ 164.502.
- 45 (3) Release is made for purposes of treatment, payment, research, or health care
46 operations to the extent that disclosure is permitted under 45 Code of Federal
47 Regulations §§ 164.506 and 164.512(i). For purposes of this section, the terms
48 "treatment," "payment," "research," and "health care operations" have the
49 meaning given those terms in 45 Code of Federal ~~Regulations § 164.501;~~
50 Regulations § 164.501.
- 51

- 1 (4) Release is necessary to protect the public health and is made as provided by
 2 the Commission in its rules regarding control measures for communicable
 3 diseases and ~~conditions;~~conditions.
 4 (5) Release is made pursuant to other provisions of this ~~Article;~~Article.
 5 (6) Release is made pursuant to ~~subpoena or court order.~~ order or a subpoena
 6 issued by a judicial official. Upon request of the person identified in the
 7 record, the record shall be reviewed in camera. In the trial, the trial judge may,
 8 during the taking of testimony concerning such information, exclude from the
 9 courtroom all persons except the officers of the court, the parties and those
 10 engaged in the trial of the ~~ease;~~case.
 11 (7) Release is made by the Department or a local health department to a court or
 12 a ~~law enforcement~~judicial official for the purpose of enforcing this Article or
 13 Article 22 of this ~~Chapter;~~Chapter.
 14 (7a) Release is made by the Department or a local health department to a law
 15 enforcement official for any of the following purposes: (i) to prevent or lessen
 16 a serious or imminent threat to the health or safety of a person or the public,
 17 to the extent that disclosure is permitted under 45 Code of Federal Regulations
 18 § 164.512(j) and not otherwise permitted by subdivision (4) of this section; or
 19 (ii) to enforce this Article or Article 22 of this Chapter, or (iii) investigating
 20 to investigate a terrorist incident using nuclear, biological, or chemical agents.
 21 A law enforcement official who receives the information shall not disclose it
 22 further, except (i) when necessary to enforce this Article or Article 22 of this
 23 ~~Chapter;~~Chapter; or when necessary to conduct an investigation of a terrorist
 24 incident using nuclear, biological, or chemical ~~agents;~~agents; or (ii) when the
 25 Department or a local health department seeks the assistance of the law
 26 enforcement official in preventing or controlling the spread of the disease or
 27 condition and expressly authorizes the disclosure as necessary for that
 28 ~~purpose;~~purpose.
 29 (8) Release is made by the Department or a local health department to another
 30 federal, ~~state~~-state, ~~tribal,~~ or local public health agency for the purpose of
 31 preventing or controlling the spread of a communicable disease or
 32 communicable-~~condition;~~condition.
 33 (9) Release is made by the Department for bona fide research purposes. The
 34 Commission shall adopt rules providing for the use of the information for
 35 research ~~purposes;~~purpose.
 36 (10) Release is made pursuant to ~~G.S. 130A-144(b); or~~ G.S. 130A-144(b).
 37 (11) Release is made pursuant to any other provisions of law that specifically
 38 authorize or require the release of information or records related to AIDS."

39 **SECTION 16.(b)** This section is effective when it becomes law.
 40

EXPAND WHO MAY BE APPOINTED MEDICAL EXAMINER

42 **SECTION 17.(a)** G.S. 130A-382 reads as rewritten:

43 "(a) The Chief Medical Examiner shall appoint two or more county medical examiners for
 44 each county for a three-year term. In appointing medical examiners for each county, the Chief
 45 Medical Examiner shall give preference to physicians licensed to practice medicine in this State
 46 but may also appoint ~~licensed-retired physicians previously licensed to practice in this State;~~
 47 physician assistants, nurse practitioners, nurses, or nurses licensed to practice in this State;
 48 emergency medical technician paramedics, paramedics credentialed under G.S. 131E-159;
 49 medicolegal death investigators certified by the American Board of Medicolegal Death
 50 Investigators; and pathologists' assistants. A medical examiner may serve more than one county.

1 The Chief Medical Examiner may take jurisdiction in any case or appoint another medical
2 examiner to do so.

3 (a1) During a state of emergency, as defined in G.S. 166A-19.3 and declared by the
4 Governor or General Assembly as provided in G.S. 166A-19.20 or a county or municipality as
5 provided in G.S. 166A-19.22, the Chief Medical Examiner is authorized to appoint temporary
6 county medical examiners to serve as county medical examiners for the duration of the declared
7 state of emergency. For purposes of this section, "temporary county medical examiner" means
8 an individual who has been determined by the Chief Medical Examiner to have the appropriate
9 training, education, and experience to serve as a county medical examiner during a declared state
10 of emergency.

11"

12 **SECTION 17.(b)** This section is effective when it becomes law.

13 **CHARITABLE SOLICITATIONS APPLICATION REVIEW**

14 **SECTION 18.(a)** G.S. 131F-5(b) reads as rewritten:

15 "(b) Departmental Review. – The Department shall examine each application filed by a
16 charitable organization or sponsor and shall determine whether the licensing requirements are
17 satisfied. If the Department determines that the requirements are not satisfied, the Department
18 shall notify the charitable organization or sponsor within ~~40~~20 days after its receipt of the
19 application. If the Department does not notify the charitable organization or sponsor within 10
20 days, the application is deemed to be approved and the license shall be granted. Within seven
21 days after receipt of a notification that the requirements are not satisfied, the charitable
22 organization or sponsor may file a petition for a contested case. The State has the burden of proof
23 in the contested case. The contested case hearing must be held within seven days after the petition
24 is filed. A final decision must be made within five days of the hearing. The contested case hearing
25 proceedings shall be conducted in accordance with Chapter 150B of the General Statutes except
26 that the time limits and provisions set forth in this section shall prevail to the extent of any
27 conflict. The applicant shall be permitted to continue to operate or continue operations pending
28 judicial review of the Department's denial of the application. The Department shall make rules
29 regarding the custody and control of any funds collected during the review period and disposal
30 of such funds in the event the denial of the application is affirmed on appeal."

31 **SECTION 18.(b)** This section is effective when it becomes law and expires XX days
32 after Executive Order 116, a Declaration of a State of Emergency to Coordinate Response and
33 Protective Actions to Prevent the Spread of COVID 19, is rescinded.

34 **STATE HEALTH PLAN PREMIUM AND DEBT PAYMENT DEFERRAL OPTION** 35 **DURING DECLARATION OF EMERGENCY**

36 **SECTION 19.(a)** G.S. 135-48.30(a) is amended by adding a new subdivision to read:

37 "(18) In accordance with G.S. 135-48.39 and subject to approval by the Board of
38 Trustees, issue an order declaring an option of deferring premium or debt
39 payments when there is a state of disaster or emergency."

40 **SECTION 19.(b)** Part 3 of Article 3B of Chapter 135 of the General Statutes is
41 amended by adding a new section to read:

42 **"§ 135-48.39. Operations during state of disaster or emergency.**

43 (a) For the purposes of this section, the term "state of disaster" shall mean that one of the
44 following has occurred:

- 45 (1) The Governor or legislature has declared a state of emergency under
46 G.S. 166A-19.20.
- 47 (2) The Governor has issued a disaster declaration under G.S. 116A-19.21.
- 48 (3) The President of the United States has issued a major disaster declaration
49 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act,
50
51

1 42 U.S.C. § 5121. et seq., as amended, for this State, for an area within this
2 State, or for an area in which a member or an employing unit is located.

3 (4) The Governor, legislature, or other governing body has declared a state of
4 emergency or disaster, or the equivalent, for an area in which a member or
5 employing unit is located.

6 (b) Subject to approval by the Board of Trustees, when there is a state of disaster the State
7 Treasurer may order that members, employing units, or both adversely affected by the state of
8 disaster shall have the option of deferring premium or debt payments that are due during the time
9 period in which there is a state of disaster. The State Treasurer may order the expiration of the
10 option to defer premium or debt payments prior to the end of the time period in which there is a
11 state of disaster but may not extend the option beyond that period.

12 (c) Any option to defer premium or debt payments offered under this section shall be
13 made for a period 30 days from the last day the premium or debt payment may have been made
14 under the terms of the Plan, policy, contract, or agreement. This 30-day deferral period may also
15 be applied to any statute, rule, or other policy or contract provision that imposes a time limit on
16 the Plan or a member to perform any act related to the Plan during the time period in which there
17 is a state of disaster. This 30-day deferral period may be extended by the State Treasurer in 30-day
18 increments, subject to approval by the Board of Trustees. A deferral period shall not last beyond
19 90 days from the last day of the time period in which there is a state of disaster.

20 (d) An option to defer premium or debt payments offered under this section may be
21 limited to a specific category of members or employing units, as the state of disaster necessitates
22 and as determined by the State Treasurer.

23 (e) Nothing in this section shall be construed as to authorize the non-payment of
24 premiums or debt. All premium payments in arrears shall be paid to the Plan. If premiums in
25 arrears are not paid, coverage shall lapse as of the last day of the month for which premiums were
26 paid in full. The member shall be responsible for all medical expenses incurred since the effective
27 date of the lapse in coverage."

28 **SECTION 19.(c)** This section is effective retroactively to January 1, 2020.

29 30 **INTERIM DETERMINATIONS AND INTERIM CERTIFICATIONS FOR CERTAIN** 31 **DISABILITY BENEFITS**

32 **SECTION 20.(a)** This section shall apply to the following General Statutes:

- 33 (1) Article 1A of Chapter 120.
- 34 (2) Article 3 of Chapter 128.
- 35 (3) Article 1 of Chapter 135.
- 36 (4) Article 4 of Chapter 135.
- 37 (5) Article 6 of Chapter 135.

38 **SECTION 20.(b)** Whenever the medical board, as established under G.S. 135-6(k),
39 G.S. 135-102(d), or G.S. 128-28(l) is required to make a determination or certification of
40 eligibility for disability benefits, the Director of the Retirement Systems Division of the
41 Department of State Treasurer, or the Director's designee, may make an interim determination or
42 an interim certification that a member or beneficiary is eligible for disability benefits. The
43 Director may not make a determination or certification that a member or beneficiary is not
44 eligible for disability benefits.

45 **SECTION 20.(c)** The medical board shall review any interim determinations or
46 interim certifications made in accordance with this section as soon as practicable and shall then
47 make a final determination or final certification for disability benefits. If, subsequent to an interim
48 determination or interim certification, the medical board makes a final determination that a
49 member or beneficiary is not eligible for disability benefits, then any payment to that member or
50 beneficiary shall cease and the determination shall be applied prospectively only so that the final
51 determination will not require any refund by the member or beneficiary to the applicable

1 retirement system or benefit plan for payments or benefits received during the interim period
2 before the final determination is made.

3 **SECTION 20.(d)** This section becomes effective when it becomes law. Subsection
4 (b) of this section expires XX days after Executive Order 116, a Declaration of a State of
5 Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID 19,
6 expires or is rescinded. Any interim determinations or interim certifications made, as allowed
7 under subsection (b) of this section, will remain valid until a final determination is made, in
8 accordance with subsection (c) of this section.

9
10 **TEMPORARILY REMOVE BARRIERS TO ALLOW RETIREES THE TEACHERS'S**
11 **AND STATE EMPLOYEES' RETIREMENT SYSTEM FOR RETIREES AND THE**
12 **LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO**
13 **WORK ON A PART-TIME, TEMPORARY, OR INTERIM BASIS DURING STATE OF**
14 **EMERGENCY RELATED TO COVID-19**

15 **SECTION 21.(a)** For individuals who retired under the Teachers' and State
16 Employees' Retirement System (TSERS) on or after October 1, 2019, but before April 1, 2020,
17 the six months separation from service from an employer that is required under G.S. 135-1(20)
18 in order for a retirement to become effective shall not apply and instead a one month separation
19 shall be required. Upon the expiration of this section, all of the following shall apply:

- 20 (1) The six months separation from an employer required under G.S. 135-1(20)
21 shall again be applicable to individuals who retired under TSERS on or after
22 October 1, 2019, but before April 1, 2020.
23 (2) In order for a member's retirement under TSERS on or after October 1, but
24 before April 1, 2020 to become effective in any month, the member must
25 perform no work for an employer, including part-time, temporary, substitute,
26 or contractor work, at any time between the expiration of this section and the
27 end of the six months immediately following the effective date of retirement,
28 provided the expiration of the six month period of separation did not occur
29 while this section was in effect.
30 (3) For individuals who retired under TSERS on or after October 1, 2019, but
31 before April 1, 2020, any time worked between March 10, 2020, and the time
32 this section expires shall not be considered work for the purposes of the six
33 month separation required under G.S. 135-1(20).

34 **SECTION 21.(b)** Any earnings received between March 10, 2020 and the time that
35 this section expires shall not be treated as earned by a TSERS beneficiary under the provisions
36 of G.S. 135-3(8)c.

37 **SECTION 21.(c)** Any earnings received between March 10, 2020 and the time that
38 this section expires shall not be treated as earned by a beneficiary of the Local Governmental
39 Employees Retirement System (LGERS) under the provisions of G.S. 128-24(5)c.

40 **SECTION 21.(d)** Any benefits received by or paid to a law enforcement officer or
41 retired law enforcement officer under Article 12D of Chapter 143 of the General Statutes shall
42 not be impacted by any work performed between March 10, 2020 and the time that this section
43 expires.

44 **SECTION 21.(e)** This section becomes effective when it becomes law and expires
45 XX days after Executive Order 116, a Declaration of a State of Emergency to Coordinate
46 Response and Protective Actions to Prevent the Spread of COVID 19, expires or is rescinded.

47
48
49 **PROVIDE FOR THE RESCHEDULING OF PUBLIC HEARINGS DURING**
50 **TEMPORARY RULE MAKING**

51 **SECTION 22.(a)** G.S. 150B-21.1 reads as rewritten:

"§ 150B-21.1. Procedure for adopting a temporary rule.

...

(a3) Unless otherwise provided by law, the agency shall:

- (1) At least 30 business days prior to adopting a temporary rule, submit the rule and a notice of public hearing to the Codifier of Rules, and the Codifier of Rules shall publish the proposed temporary rule and the notice of public hearing on the Internet to be posted within five business days.
- (2) At least 30 business days prior to adopting a temporary rule, notify persons on the mailing list maintained pursuant to G.S. 150B-21.2(d) and any other interested parties of its intent to adopt a temporary rule and of the public hearing.
- (3) Accept written comments on the proposed temporary rule for at least 15 business days prior to adoption of the temporary rule.
- (4) Hold at least one public hearing on the proposed temporary rule no less than five days after the rule and notice have been published. If notice of a public hearing has been published and that public hearing has been cancelled, the agency shall publish notice at least 5 days prior to the date of any rescheduled hearing.

...."

SECTION 22.(b) This section becomes effective retroactively to March 10, 2020.**AUTHORIZE THE CHIEF ADMINISTRATIVE LAW JUDGE TO EXTEND THE TIME PERIOD FOR THE FILING OF CONTESTED CASES DURING CATASTROPHIC CONDITIONS****SECTION 23.(a)** G.S. 150B-23 reads as rewritten:**"§ 150B-23. Commencement; assignment of administrative law judge; hearing required; notice; intervention.**

...

(f) Unless another statute or a federal statute or regulation sets a time limitation for the filing of a petition in contested cases against a specified agency, the general limitation for the filing of a petition in a contested case is 60 days. The time limitation, whether established by another statute, federal statute, or federal regulation, or this section, shall commence when notice is given of the agency decision to all persons aggrieved who are known to the agency by personal delivery, electronic delivery, or by the placing of the notice in an official depository of the United States Postal Service wrapped in a wrapper addressed to the person at the latest address given by the person to the agency. The notice shall be in writing, and shall set forth the agency action, and shall inform the persons of the right, the procedure, and the time limit to file a contested case petition. When no informal settlement request has been received by the agency prior to issuance of the notice, any subsequent informal settlement request shall not suspend the time limitation for the filing of a petition for a contested case hearing. 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 Chief Administrative Law Judge may by order entered pursuant to this subsection extend, 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 shall be in writing and shall 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 shall expire upon the expiration of the Chief Justice's order.

...."

SECTION 23.(b) This section becomes effective retroactively to March 10, 2020.

1
2 **DAILY DEPOSIT REQUIREMENT UNDER THE LOCAL GOVERNMENT BUDGET**
3 **AND FISCAL CONTROL ACT**

4 **SECTION 24.(a)** G.S. 159-32 reads as rewritten:

5 **"§ 159-32. Daily deposits.**

6 (a) Except as otherwise provided by law, all taxes and other moneys collected or received
7 by an officer or employee of a local government or public authority shall be deposited in
8 accordance with this section. Each officer and employee of a local government or public authority
9 whose duty it is to collect or receive any taxes or other moneys shall, on a daily basis, deposit or
10 submit to a properly licensed and recognized cash collection service all collections and receipts.
11 However, if the governing board gives its approval, deposits or submissions to a properly licensed
12 and recognized cash collection service shall be required only when the moneys on hand amount
13 to five hundred dollars (\$500.00) or greater. Until deposited or officially submitted to a properly
14 licensed and recognized cash collection service, all moneys must be maintained in a secure
15 location. All deposits shall be made with the finance officer or in an official depository. Deposits
16 in an official depository shall be immediately reported to the finance officer by means of a
17 duplicate deposit ticket. The finance officer may at any time audit the accounts of any officer or
18 employee collecting or receiving taxes or other moneys, and may prescribe the form and detail
19 of these accounts. The accounts of such an officer or employee shall be audited at least annually.

20 (b) The Secretary may, during an emergency declaration issued under G.S. 166A-19.20,
21 set the amount of moneys on hand requiring daily deposits and may require deposits on less than
22 a daily basis, provided the moneys are maintained in a secure location and deposited at least
23 weekly."

24 **SECTION 24.(b)** This section is effective when it becomes law.

25
26 **REINSTATE SPECIAL OBLIGATION BONDS**

27 **SECTION 25.(a)** G.S. 159I-30 is reenacted as it existed immediately before its
28 expiration, is recodified as G.S. 159-146, and is rewritten to read:

29 "Article 7A.

30 "Special Obligation Bonds and Notes.

31 **"§ 159-146. Additional powers of units of local government; issuance of special obligation**
32 **bonds and notes.**

33 (a) Authorization. – Any unit of local government may borrow money for the purpose of
34 financing or refinancing its cost of the acquisition or construction of a project and may issue
35 special obligation bonds and notes, including bond anticipation notes and renewal notes, pursuant
36 to the provisions of this section.

37 (a1) Definitions. – Unless a different meaning is required by the context, the definitions
38 set out in G.S. 130A-290 and the following definitions apply to this Article:

- 39 (1) Bonds. – The revenue bonds authorized to be issued by a unit of local
40 government under this Article.
- 41 (2) Costs. – The capital cost of acquiring or constructing any project, including,
42 without limitation, all of the following:
- 43 a. The costs of doing one or more of the following deemed necessary or
44 convenient by a unit of local government:
- 45 1. Acquiring, constructing, erecting, providing, developing,
46 installing, furnishing, and equipping.
 - 47 2. Reconstructing, remodeling, altering, renovating, replacing,
48 refurbishing, and re-equipping.
 - 49 3. Enlarging, expanding, and extending.
 - 50 4. Demolishing, relocating, improving, grading, draining,
51 landscaping, paving, widening, and resurfacing.

- 1 b. The costs of all property, both real and personal and both improved
2 and unimproved, and of plants, works, appurtenances, structures,
3 facilities, furnishings, machinery, equipment, vehicles, easements,
4 water rights, air rights, franchises, and licenses used or useful in
5 connection with the purpose authorized.
- 6 c. The costs of demolishing or moving structures from land acquired and
7 acquiring any lands to which such structures thereafter are to be
8 moved.
- 9 d. Financing charges, including estimated interest during the acquisition
10 or construction of such project and for six months thereafter.
- 11 e. The costs of services to provide and the cost of plans, specifications,
12 studies and reports, surveys, and estimates of costs and revenues.
- 13 f. The costs of paying any interim financing, including principal,
14 interest, and premium, related to the acquisition or construction of a
15 project.
- 16 g. Administrative and legal expenses and administrative charges.
- 17 h. The costs of obtaining bond and reserve fund insurance and investment
18 contracts, of credit-enhancement facilities, liquidity facilities and
19 interest-rate agreements, and of establishing and maintaining debt
20 service and other reserves.
- 21 i. Any other services, costs, and expenses necessary or incidental to the
22 purpose authorized.
- 23 (3) Credit facility. – An agreement entered into by the unit with a bank, a savings
24 and loan association, or another banking institution; an insurance company, a
25 reinsurance company, a surety company, or another insurance institution; a
26 corporation, an investment banking firm, or another investment institution; or
27 any financial institution, providing for prompt payment of all or any part of
28 the principal, or purchase price (whether at maturity, presentment, or tender
29 for purchase, redemption, or acceleration), redemption premium, if any, and
30 interest on any bonds or notes payable on demand or tender by the owner, in
31 consideration of the unit agreeing to repay the provider of the credit facility in
32 accordance with the terms and provisions of the agreement; the provider of
33 any credit facility may be located either within or without the United States of
34 America.
- 35 (4) Local Government Commission. – The Local Government Commission of the
36 Department of the State Treasurer, established by Article 2 of this Chapter and
37 any successor of said Commission.
- 38 (5) Notes. – The revenue notes or revenue bond anticipation notes authorized to
39 be issued by a unit of local government under this Article.
- 40 (6) Par formula. – Any provision or formula adopted by the unit to provide for the
41 adjustment, from time to time of the interest rate or rates borne by any bonds
42 or notes including any of the following:
- 43 a. A provision providing for such adjustment so that the purchase price
44 of such bonds or notes in the open market would be as close to par as
45 possible.
- 46 b. A provision providing for such adjustment based upon a percentage or
47 percentages of a prime rate or base rate, which percentage or
48 percentages may vary or be applied for different periods of time.
- 49 c. Any other provision as the unit may determine to be consistent with
50 this section and does not materially and adversely affect the financial

1 position of the unit and the marketing of the bonds or notes at a
2 reasonable interest cost to the unit.

3 (7) Project. – Any of the following:

- 4 a. Solid waste management projects and capital expenditures to
5 implement such projects, including, without limitation, the purchase
6 of equipment or facilities, construction costs of an incinerator; land to
7 be used for recycling facilities or landfills; leachate collection and
8 treatment systems; liners for landfills; monitoring wells; recycling
9 equipment and facilities; volume reduction equipment; and financing
10 charges. This sub-subdivision does not include (i) the operational and
11 maintenance costs of solid waste management facilities or programs;
12 (ii) general planning or feasibility studies; or (iii) the purchase of land,
13 unless the land is to be used for a recycling facility or a landfill.
- 14 b. Any of the following as defined in S.L. 1998-132: water supply
15 systems, water conservation projects, water reuse projects, wastewater
16 collection systems, and wastewater treatment works.
- 17 c. With respect to a city, any service or facility authorized by
18 G.S. 160A-536 and provided in a municipal service district.

19 (8) Unit of local government or unit. – Any of the following:

- 20 a. A unit of local government as defined in G.S. 159-44(4).
21 b. Any combination of units, as defined in G.S. 160A-460(2), entering
22 into a contract or agreement with each other under G.S. 160A-461.
23 c. Any joint agency established under G.S. 160A-462; as any such
24 section may be amended from time to time.
25 d. Any regional solid waste management authority created pursuant to
26 G.S. 153A-421.
27 e. A consolidated city-county as defined by G.S. 160B-2(1), including
28 such a consolidated city-county acting with respect to an urban service
29 district defined by a consolidated city-county.

30 (b) Pledge. – Each unit of local government may pledge for the payment of a special
31 obligation bond or note any available source or sources of revenues of the unit and, to the extent
32 the generation of the revenues is within the power of the unit, may enter into covenants to take
33 action in order to generate the revenues, as long as the pledge of these sources for payments or
34 the covenant to generate revenues does not constitute a pledge of the unit's taxing power.

35 No agreement or covenant shall contain a nonsubstitution clause which restricts the right of
36 a unit of local government to replace or provide a substitute for any project financed pursuant to
37 this section.

38 The sources of payment pledged by a unit of local government shall be specifically identified
39 in the proceedings of the governing body authorizing the unit to issue the special obligation bonds
40 or notes.

41 After the issuance of special obligation bonds or notes, the governing body of the issuing unit
42 may identify one or more additional sources of payment for the bonds or notes and pledge these
43 sources, as long as the pledge of the sources does not constitute a pledge of the taxing power of
44 the unit. Each source of additional payment pledged shall be specifically identified in the
45 proceedings of the governing body of the unit pledging the source. The governing body of the
46 unit may not pledge an additional source of revenue pursuant to this paragraph unless the pledge
47 is first approved by the Local Government Commission pursuant to the procedures provided in
48 subsection (i) of this section.

49 The sources of payment so pledged and then held or thereafter received by a unit or any
50 fiduciary thereof shall immediately be subject to the lien of the pledge without any physical
51 delivery of the sources or further act. The lien shall be valid and binding as against all parties

1 having claims of any kind in tort, contract, or otherwise against a unit without regard to whether
2 the parties have notice thereof. The proceedings or any other document or action by which the
3 lien on a source of payment is created need not be filed or recorded in any manner other than as
4 provided in this section.

5 (b1) Security Interest. – In connection with issuing its special obligation bonds or special
6 obligation bond anticipation notes under this Article, a unit of local government may grant a
7 security interest in the project financed, or in all or some portion of the property on which the
8 project is located, or in both. If a unit of local government determines to provide additional
9 security as authorized by this subsection, the following conditions apply:

10 (1) No bond order may contain a nonsubstitution clause that restricts the right of
11 a unit of local government to do any of the following:

12 a. Continue to provide a service or activity.

13 b. Replace or provide a substitute for any municipal purpose financed
14 pursuant to the bond order.

15 (2) A bond order is subject to approval by the Commission under Article 8 of this
16 Chapter if both of the following apply:

17 a. The order meets the standards set out in G.S. 159-148(a)(1),
18 159-148(a)(2), and 159-148(a)(3), or involves the construction or
19 repair of fixtures or improvements on real property.

20 b. The order is not exempted from the provisions of that Article by one
21 of the exemptions contained in G.S. 159-148(b)(1) and (2).

22 The Commission approval required by this subdivision is in addition to the
23 Commission approval required by subsection (i) of this section.

24 (3) No deficiency judgment may be rendered against any unit of local government
25 in any action for breach of a bond order authorized by this section, and the
26 taxing power of a unit of local government is not and may not be pledged
27 directly or indirectly to secure any moneys due under a bond order authorized
28 by this section. This prohibition does not impair the right of the holder of a
29 bond or note to exercise a remedy with respect to the revenues pledged to
30 secure the bond or note, as provided in the bond order, resolution, or trust
31 agreement under which the bond or note is authorized and secured. A unit of
32 local government may, in its sole discretion, use tax proceeds to pay the
33 principal of or interest or premium on bonds or notes, but shall not pledge or
34 agree to do so.

35 (4) Before granting a security interest under this subsection, a unit of local
36 government shall hold a public hearing on the proposed security interest. A
37 notice of the public hearing shall be published once at least 10 days before the
38 date fixed for the hearing.

39 (c) Payment; Call. – Any bond anticipation notes may be made payable from the proceeds
40 of bonds or renewal notes or, in the event bond or renewal note proceeds are not available, the
41 notes may be paid from any sources available under subsection (b) of this section. Bonds or notes
42 may also be paid from the proceeds of any credit facility. The bonds and notes of each issue shall
43 be dated and may be made redeemable prior to maturity at the option of the unit of local
44 government or otherwise, at such price or prices, on such date or dates, and upon such terms and
45 conditions as may be determined by the unit. The bonds or notes may also be made payable from
46 time to time on demand or tender for purchase by the owner, upon terms and conditions
47 determined by the unit.

48 (d) Interest. – The interest payable by a unit on any special obligation bonds or notes may
49 be at such rate or rates, including variable rates as authorized in this section, as may be determined
50 by the Local Government Commission with the approval of the governing body of the unit. This

1 approval may be given as the governing body of the unit may direct, including, without limitation,
2 a certificate signed by a representative of the unit designated by the governing body of the unit.

3 (e) Nature of Obligation. – Special obligation bonds and notes shall be special obligations
4 of the unit of local government issuing them. The principal of, and interest and any premium on,
5 special obligation bonds and notes shall be secured solely by any one or more of the sources of
6 payment authorized by this section as may be pledged in the proceedings, resolution, or trust
7 agreement under which they are authorized or secured. Neither the faith and credit nor the taxing
8 power of the unit of local government are pledged for the payment of the principal of, or interest
9 or any premium on, any special obligation bonds or notes, and no owner of special obligation
10 bonds or notes has the right to compel the exercise of the taxing power by the unit in connection
11 with any default thereon. Every special obligation bond and note shall recite in substance that the
12 principal and interest and any premium on the bond or note are secured solely by the sources of
13 payment pledged in the bond order, resolution, or trust agreement under which it is authorized or
14 secured. The following limitations apply to payment from the specified sources:

15 (1) Any such use of these sources will not constitute a pledge of the unit's taxing
16 power.

17 (2) The unit is not obligated to pay the principal or interest or premium except
18 from these sources.

19 (f) Details. – In fixing the details of bonds or notes, the unit of local government may
20 provide that any of the bonds or notes may do any of the following:

21 (1) Be made payable from time to time on demand or tender for purchase by the
22 owner thereof as long as a credit facility supports the bonds or notes, unless
23 the Local Government Commission specifically determines that a credit
24 facility is not required upon a finding and determination by the Local
25 Government Commission that the absence of a credit facility will not
26 materially and adversely affect the financial position of the unit and the
27 marketing of the bonds or notes at a reasonable interest cost to the unit.

28 (2) Be additionally supported by a credit facility.

29 (3) Be made subject to redemption or a mandatory tender for purchase prior to
30 maturity.

31 (4) Bear interest at a rate or rates that may vary for such period or periods of time,
32 all as may be provided in the proceedings providing for the issuance of the
33 bonds or notes including, without limitation, such variations as may be
34 permitted pursuant to a par formula.

35 (5) Be made the subject of a remarketing agreement whereby an attempt is made
36 to remarket the bonds or notes to new purchasers prior to their presentment
37 for payment to the provider of the credit facility or to the unit.

38 (g) Credit Facility. – The obligation of a unit of local government under a credit facility
39 to repay any drawing thereunder may be made payable and otherwise secured, to the extent
40 applicable, as provided in this section.

41 (h) Term; Form. – Notes shall mature at such time or times and bonds shall mature, not
42 exceeding 40 years from their date or dates, as may be determined by the unit of local
43 government, except that no such maturity dates may exceed the maximum maturity periods
44 prescribed by the Local Government Commission pursuant to G.S. 159-122, as it may be
45 amended from time to time. The unit shall determine the form and manner of execution of the
46 bonds or notes, including any interest coupons to be attached thereto, and shall fix the
47 denomination or denominations and the place or places of payment of principal and interest,
48 which may be any bank or trust company within or without the United States. In case any officer
49 of the unit whose signature, or a facsimile of whose signature, appears on any bonds or notes or
50 coupons, if any, ceases to be the officer before delivery thereof, the signature or facsimile shall
51 nevertheless be valid and sufficient for all purposes the same as if the officer had remained in

1 office until the delivery. Any bond or note or coupon may bear the facsimile signatures of such
2 persons who at the actual time or the execution thereof were the proper officers to sign although
3 at the date of the bond or note or coupon these persons may not have been the proper officers.
4 The unit may also provide for the authentication of the bonds or notes by a trustee or other
5 authenticating agent. The bonds or notes may be issued as certificated or uncertificated
6 obligations or both, and in coupon or in registered form, or both, as the unit may determine, and
7 provision may be made for the registration of any coupon bonds or notes as to principal alone
8 and also as to both principal and interest, and for the reconversion into coupon bonds or notes of
9 any bonds or notes registered as to both principal and interest, and for the interchange of
10 registered and coupon bonds or notes. Any system for registration may be established as the unit
11 may determine.

12 (i) Local Government Commission Approval. – No bonds or notes may be issued by a
13 unit of local government under this section unless the issuance is approved and the bonds or notes
14 are sold by the Local Government Commission as provided in this section. The unit shall file
15 with the Secretary of the Local Government Commission an application requesting approval of
16 the issuance of the bonds or notes, which application shall contain such information and shall
17 have attached to it such documents concerning the proposed financing as the Secretary of the
18 Local Government Commission may require. The Commission may prescribe the form of the
19 application. Before the Secretary accepts the application, the Secretary may require the governing
20 body of the unit or its representatives to attend a preliminary conference, at which time the
21 Secretary or the deputies of the Secretary may informally discuss the proposed issue and the
22 timing of the steps taken in issuing the special obligation bonds or notes.

23 In determining whether a proposed bond or note issue should be approved, the Local
24 Government Commission may consider, to the extent applicable as shall be determined by the
25 Local Government Commission, the criteria set forth in G.S. 159-52 and G.S. 159-86, as either
26 may be amended from time to time, as well as the effect of the proposed financing upon any
27 scheduled or proposed sale of obligations by the State or by any of its agencies or departments
28 or by any unit of local government in the State. The Local Government Commission shall
29 approve the issuance of the bonds or notes if, upon the information and evidence it receives, it
30 finds and determines that the proposed financing will satisfy such criteria and will effect the
31 purposes of this section. An approval of an issue shall not be regarded as an approval of the
32 legality of the issue in any respect. A decision by the Local Government Commission denying
33 an application is final.

34 Upon the filing with the Local Government Commission of a written request of the unit
35 requesting that its bonds or notes be sold, the bonds or notes may be sold by the Local
36 Government Commission in such manner, either at public or private sale, and for such price or
37 prices as the Local Government Commission shall determine to be in the best interests of the unit
38 and to effect the purposes of this section, if the sale is approved by the unit.

39 (j) Proceeds. – The proceeds of any bonds or notes shall be used solely for the purposes
40 for which the bonds or notes were issued and shall be disbursed in such manner and under such
41 restrictions, if any, as the unit may provide in the resolution authorizing the issuance of, or in any
42 trust agreement securing, the bonds or notes.

43 (k) Interim Documents; Replacement. – Prior to the preparation of definitive bonds, the
44 unit may issue interim receipts or temporary bonds, with or without coupons, exchangeable for
45 definitive bonds when definitive bonds have been executed and are available for delivery. The
46 unit may also provide for the replacement of any bonds or notes which shall become mutilated
47 or shall be destroyed or lost.

48 (l) No Other Conditions. – Bonds or notes may be issued under the provisions of this
49 section without obtaining, except as otherwise expressly provided in this section, the consent of
50 any department, division, commission, board, body, bureau, or agency of the State and without
51 any other proceedings or the happening of any conditions or things other than those proceedings,

1 conditions, or things that are specifically required by this section, and the provisions of the
2 resolution authorizing the issuance of, or any trust agreement securing, the bonds or notes.

3 (m) Trust. – In the discretion of the unit of local government, any bonds and notes issued
4 under the provisions of this section may be secured by a trust agreement by and between the unit
5 and a corporate trustee or by a resolution providing for the appointment of a corporate trustee.
6 Bonds and notes may also be issued under an order or resolution without a corporate trustee. The
7 corporate trustee may be, in either case any trust company or bank having the powers of a trust
8 company within or without the State. The trust agreement or resolution may pledge or assign
9 such sources of revenue as may be permitted under this section. The trust agreement or resolution
10 may contain such provisions for protecting and enforcing the rights and remedies of the owners
11 of any bonds or notes issued thereunder as may be reasonable and proper and not in violation of
12 law, including covenants setting forth the duties of the unit in respect of the purposes to which
13 bond or note proceeds may be applied, the disposition and application of the revenues of the unit,
14 the duties of the unit with respect to the project, the disposition of any charges and collection of
15 any revenues and administrative charges, the terms and conditions of the issuance of additional
16 bonds and notes, and the custody, safeguarding, investment, and application of all moneys. All
17 bonds and notes issued under this section shall be equally and ratably secured by a lien upon the
18 revenues pledged in the trust agreement or resolution, without priority by reasons of number, or
19 dates of bonds or notes, execution, or delivery, in accordance with the provision of this section
20 and of the trust agreement or resolution, except that the unit may provide in the trust agreement
21 or resolution that bonds or notes issued pursuant thereto shall, to the extent and in the manner
22 prescribed in the trust agreement or resolution, be subordinated and junior in standing, with
23 respect to the payment of principal and interest and to the security thereof, to any other bonds or
24 notes. It shall be lawful for any bank or trust company that may act as depository of the proceeds
25 of bonds or notes, revenues, or any other money hereunder to furnish such indemnifying bonds
26 or to pledge such securities as may be required by the unit. Any trust agreement or resolution
27 may set out the rights and remedies of the owners of any bonds or notes and of any trustee, and
28 may restrict the individual rights of action by the owners. In addition to the foregoing, any trust
29 agreement or resolution may contain such other provisions as the unit may deem reasonable and
30 proper for the security of the owners of any bonds or notes. Expenses incurred in carrying out
31 the provisions of any trust agreement or resolution may be treated as a part of the cost of any
32 project or as an administrative charge and may be paid from the revenues or from any other funds
33 available.

34 The State does pledge to, and agree with, the holders of any bonds or notes issued by any unit
35 that so long as any of the bonds or notes are outstanding and unpaid the State will not limit or
36 alter the rights vested in the unit at the time of issuance of the bonds or notes to set the terms and
37 conditions of the bonds or notes and to fulfill the terms of any agreements made with the
38 bondholders or noteholders. The State shall in no way impair the rights and remedies of the
39 bondholders or noteholders until the bonds or notes and all costs and expenses in connection with
40 any action or proceedings by or on behalf of the bondholders or noteholders, are fully paid, met,
41 and discharged.

42 (n) Remedies. – Any owner of bonds or notes issued under the provisions of this Article
43 or any coupons appertaining thereto, and the trustee under any trust agreement securing or
44 resolution authorizing the issuance of such bonds or notes, except to the extent the rights herein
45 given may be restricted by such trust agreement or resolution, may either at law or in equity, by
46 suit, action, mandamus, or other proceeding, protect and enforce any and all rights under the laws
47 of the State or granted hereunder or under such trust agreement or resolution, or under any other
48 contract executed by a unit of local government pursuant to this Article; and may enforce and
49 compel the performance of all duties required by this Article or by such trust agreement or
50 resolution by the unit of local government or by any officer thereof.

1 (o) UCC Status. – All bonds and notes and interest coupons, if any, issued under this
2 Article are hereby made investment securities within the meaning of and for all the purposes of
3 Article 8 of the Uniform Commercial Code, as enacted in Chapter 25 of the General Statutes.

4 (p) Investment Eligibility. – Bonds and notes issued under the provisions of this Article
5 are hereby made securities in which all public offices, agencies, and public bodies of the State
6 and its political subdivisions, all insurance companies, trust companies, investment companies,
7 banks, savings banks, building and loan associations, credit unions, pension or retirement funds,
8 other financial institutions engaged in business in the State, executors, administrators, trustees,
9 and other fiduciaries may properly and legally invest funds, including capital in their control or
10 belonging to them. Such bonds or notes are hereby made securities, which may properly and
11 legally be deposited with and received by any officer or agency of the State or political
12 subdivision of the State for any purpose for which the deposit of bonds, notes, or obligations of
13 the State or any political subdivision is now or may hereafter be authorized by law.

14 (q) Tax Exemption. – All of the bonds and notes authorized by this Article shall be
15 exempt from all State, county, and municipal taxation or assessment, direct or indirect, general
16 or special, whether imposed for the purpose of general revenue or otherwise, excluding income
17 taxes on the gain from the transfer of the bonds and notes, and franchise taxes. The interest on
18 the bonds and notes shall not be subject to taxation as income."

19 **SECTION 25.(b)** G.S. 113A-115.1(h) reads as rewritten:

20 "(h) A local government may not use funds generated from any of the following financing
21 mechanisms for any activity related to the terminal groin or its accompanying beach fill project:

22 (1) Special obligation bonds issued pursuant to ~~Chapter 159~~Article 7A of
23 Chapter 159 of the General Statutes.

24"

25 **SECTION 25.(c)** G.S. 153A-427(a)(13) reads as rewritten:

26 "(13) To issue revenue bonds of the authority and enter into other financial
27 arrangements including those permitted by this Chapter and Chapters ~~159,~~
28 ~~159~~,159 and 160A of the General Statutes to finance solid waste management
29 activities, including but not limited to systems and facilities for waste
30 reduction, materials recovery, recycling, resource recovery, landfilling, ash
31 management, and disposal and for related support facilities, to refund any
32 revenue bonds or notes issued by the authority, whether or not in advance of
33 their maturity or earliest redemption date, or to provide funds for other
34 corporate purposes of the authority;"

35 **SECTION 25.(d)** G.S. 159-7(4) reads as rewritten:

36 "(4) "Debt service" is the sum of money required to pay installments of principal
37 and interest on bonds, notes, and other evidences of debt accruing within a
38 fiscal year, to maintain sinking funds, and to pay installments on debt
39 instruments issued pursuant to Article 7A of this Chapter or Chapter 159G of
40 the General Statutes ~~or Chapter 159I of the General Statutes~~ accruing within
41 a fiscal year."

42 **SECTION 25.(e)** G.S. 159-35(c) reads as rewritten:

43 "(c) The secretary shall mail to each unit of local government not later than 30 days prior
44 to the due date of each payment due to the State under debt instruments issued pursuant to Article
45 7A of this Chapter or Chapter 159G of the General Statutes ~~or Chapter 159I of the General~~
46 ~~Statutes~~ a statement of the amount so payable, the due date, the amount of any moneys due to the
47 unit of local government that will be withheld by the State and applied to the payment, the amount
48 due to be paid by the unit of local government from local sources, the place to which payment
49 should be sent, and a summary of the legal penalties for failing to honor the debt instrument
50 according to its terms. Failure of the secretary timely to mail such statement or otherwise comply

1 with the provisions of this subsection (c) shall not affect in any manner the obligation of a unit
2 of local government to make payments to the State in accordance with any such debt instrument."

3 **SECTION 25.(f)** G.S. 159-123(b) reads as rewritten:

4 "(b) The following classes of bonds may be sold at private sale:

5 ...

6 (3) Revenue bonds, including any refunding bonds issued pursuant to
7 G.S. 159-84, and special obligation bonds issued pursuant to ~~Chapter 159I of~~
8 ~~the General Statutes.~~ Article 7A of this Chapter.

9"

10 **SECTION 25.(g)** G.S. 159-148 reads as rewritten:

11 "**§ 159-148. Contracts subject to Article; exceptions.**

12 (a) Except as provided in subsection (b) of this section, this Article applies to any
13 contract, agreement, memorandum of understanding, and any other transaction having the force
14 and effect of a contract (other than agreements made in connection with the issuance of revenue
15 bonds, special obligation bonds issued pursuant to ~~Chapter 159I of the General Statutes,~~ Article
16 7A of this Chapter, or of general obligation bonds additionally secured by a pledge of revenues)
17 made or entered into by a unit of local government (as defined by G.S. 159-7(b) or, in the case
18 of a special obligation bond, as ~~defined in Chapter 159I of the General Statutes,~~ authorized in
19 G.S. 159-146, relating to the lease, acquisition, or construction of capital assets, which contract
20 does all of the following:

21 ...

22 (b) This Article shall not apply to:

23 ...

24 (3) ~~Loan agreements entered into by a unit of local government pursuant to the~~
25 ~~North Carolina Solid Waste Management Loan Program, Chapter 159I of the~~
26 ~~General Statutes."~~

27 **SECTION 25.(h)** G.S. 159-165(a) reads as rewritten:

28 "(a) Bond anticipation notes of a municipality, including special obligation bond
29 anticipation notes issued pursuant to ~~Chapter 159I of the General Statutes,~~ Article 7A of this
30 Chapter, shall be sold by the Commission at public or private sale according to such procedures
31 as the Commission may prescribe. Bond anticipation notes of the State shall be sold by the State
32 Treasurer at public or private sale, upon such terms and conditions, and according to such
33 procedures as the State Treasurer may prescribe."

34 **SECTION 25 .(i)** This section is effective retroactively to July 1, 2019.

35 36 **EXTEND EFFECTIVE DATE OF CHAPTER 160D**

37 **SECTION 26.(a)** Section 3.2 of S.L. 2019-111 reads as rewritten:

38 "**SECTION 3.2.** Part II of this act becomes effective ~~January 1, 2021,~~ August 1, 2021,
39 and applies to local government development regulation decisions made on or after that date.
40 Part II of this act clarifies and restates the intent of existing law and applies to ordinances adopted
41 before, on, and after the effective date."

42 **SECTION 26.(b)** This section is effective when it becomes law.

43 44 **REMOTE PARTICIPATION IN OPEN MEETINGS**

45 **SECTION 27.(a)** Article 1A of Chapter 166A of the General Statutes is amended by
46 adding a new section to read:

47 "**§ 166A-19.24. Remote meetings during certain declarations of emergency.**

48 (a) Remote Meetings. – Notwithstanding any other provision of law, upon issuance of a
49 declaration of emergency under G.S. 166A-19.20 that restricts the number of individuals that
50 may gather in one place in order to protect the public and the public health, any public body
51 within the emergency area may conduct remote meetings in accordance with this section and

1 Article 33C of Chapter 143 of the General Statutes throughout the duration of that declaration of
2 emergency.

3 (b) Requirements. – The public body shall comply with all of the following with respect
4 to remote meetings conducted under this section:

5 (1) The public body shall give proper notice under G.S. 143-318.12 and under
6 any other requirement for notice applicable to the public body. The notice
7 shall also specify the means by which the public can access the remote
8 meeting as that remote meeting occurs.

9 (2) Any member of the public body participating by a method of simultaneous
10 communication in which that member cannot be physically seen by the public
11 body must identify himself or herself in each of the following situations:

12 a. When the roll is taken or the remote meeting is commenced.

13 b. Prior to participating in the deliberations, including making motions,
14 proposing amendments, and raising points of order.

15 c. Prior to voting.

16 (3) All documents to be considered during the remote meeting shall be provided
17 to each member of the public body.

18 (4) The method of simultaneous communication shall allow for any member of
19 the public body to do all of the following:

20 a. Hear what is said by the other members of the public body.

21 b. Hear what is said by any individual addressing the public body.

22 c. To be heard by the other members of the public body when speaking
23 to the public body.

24 (5) All votes shall be roll call; no vote by secret or written ballots, whether by
25 paper or electronic means or in accordance with G.S. 143-318.13(b), may be
26 taken during the remote meeting.

27 (6) The public body shall comply with G.S. 143-318.13(c).

28 (7) The minutes of the remote meeting shall reflect that the meeting was
29 conducted by use of simultaneous communication, which members were
30 participating by simultaneous communication, and when such members
31 joined or left the remote meeting.

32 (8) All chats, instant messages, texts, or other written communications between
33 members of the public body regarding the transaction of the public business
34 during the remote meeting are deemed a public record.

35 (9) The remote meeting shall be simultaneously streamed live online so that
36 simultaneous live audio, and video if any, of such meeting is available to the
37 public. If the public body conducting the remote meeting maintains its own
38 website, that live stream shall be available on the website of the public body,
39 accessible in a conspicuous location on such website. If the remote meeting is
40 conducted by conference call, the public body may comply with this
41 subdivision by providing the public with an opportunity to dial-in or stream
42 the audio live and listen to the remote meeting.

43 (c) Quorum. – A member of the public body participating by simultaneous
44 communication under this section shall be counted as present for quorum purposes only during
45 the period while simultaneous communication is maintained for that member. The provisions of
46 G.S. 160A-75 and G.S. 153A-44 shall apply to all votes of each member of a county or municipal
47 governing board taken during a remote meeting.

48 (d) Voting by Members of the Public Body. – Votes of each member of a public body
49 made during a remote meeting under this section shall be counted as if the member were
50 physically present only during the period while simultaneous communication is maintained for
51 that member.

1 (e) Public Hearings. – A public body may conduct any public hearing required or
2 authorized by law during a remote meeting, and take action thereon, provided the public body
3 allows for written comments on the subject of the public hearing to be submitted between
4 publication of any required notice and 24 hours after the public hearing.

5 (f) Quasi-Judicial Hearings. – A public body may conduct a quasi-judicial proceeding as
6 a remote meeting only when all of the following apply:

7 (1) The right of an individual to a hearing and decision occur during the
8 emergency.

9 (2) All persons subject to the quasi-judicial proceeding who have standing to
10 participate in the quasi-judicial hearing have been given notice of the
11 quasi-judicial hearing and consent to the remote meeting.

12 (3) All due process rights of the parties affected are protected.

13 (g) Not Exclusive. – This section applies only during emergency declarations and does
14 not supercede any authority for electronic meetings under Article 33C of the General Statutes.

15 (h) For purposes of this section, the following definitions apply:

16 (1) Official meeting. – As defined in G.S. 143-318.10(d).

17 (2) Public body. – As defined in G.S. 143-318.10(b) and (c).

18 (3) Remote meeting. – An official meeting, or any part thereof, with between one
19 and all of the members of the public body participating by simultaneous
20 communication.

21 (4) Simultaneous communication. – Any communication by conference
22 telephone, conference video, or other electronic means."

23 **SECTION 27.(b)** G.S. 143-318.10(a) reads as rewritten:

24 "(a) Except as provided in G.S. 143-318.11, 143-318.14A, and 143-318.18, each official
25 meeting of a public body shall be open to the public, and any person is entitled to attend such a
26 meeting. Remote meetings conducted in accordance with G.S. 166A-19.24 shall comply with
27 this subsection even if all members of the public body are participating remotely."

28 **SECTION 27.(c)** G.S. 143-318.13 is amended by adding a new subsection to read:

29 "(d) Except as provided in G.S. 166A-19.24(b)(6), this section shall not apply to remote
30 meetings conducted in accordance with that section even if all members of the public body are
31 participating remotely.

32 **SECTION 27.(d)** G.S. 143-318.14A(e) reads as rewritten:

33 "(e) The following sections shall apply to meetings of commissions, committees, and
34 standing subcommittees of the General Assembly: G.S. 166A-19.24, G.S. 143-318.10(e) and
35 G.S. 143-318.11, G.S. 143-318.13 and G.S. 143-318.14, G.S. 143-318.16 through
36 G.S. 143-318.17."

37 **SECTION 27.(e)** G.S. 153A-43 reads as rewritten:

38 "**§ 153A-43. Quorum.**

39 (a) A majority of the membership of the board of commissioners constitutes a quorum.
40 The number required for a quorum is not affected by vacancies. If a member has withdrawn from
41 a meeting without being excused by majority vote of the remaining members present, he shall be
42 counted as present for the purposes of determining whether a quorum is present. The board may
43 compel the attendance of an absent member by ordering the sheriff to take the member into
44 custody.

45 (b) Any member present by means of simultaneous communication in accordance with
46 G.S. 166A-19.24 shall be counted as present for the purposes of whether a quorum is present
47 only during the period while simultaneous communication is maintained for that member."

48 **SECTION 27.(f)** G.S. 160A-74 reads as rewritten:

49 "**§ 160A-74. Quorum.**

50 (a) A majority of the actual membership of the council plus the mayor, excluding vacant
51 seats, shall constitute a quorum. A member who has withdrawn from a meeting without being

1 excused by majority vote of the remaining members present shall be counted as present for
2 purposes of determining whether or not a quorum is present.

3 (b) Any member present by means of simultaneous communication in accordance with
4 G.S. 166A-19.24 shall be counted as present for the purposes of whether a quorum is present
5 only during the period while simultaneous communication is maintained for that member."

6 **SECTION 27(g).** G.S. 160A-75, effective until January 1, 2021, reads as rewritten:
7 **"§ 160A-75. (Effective until January 1, 2021) Voting.**

8 (a) No member shall be excused from voting except upon matters involving the
9 consideration of the member's own financial interest or official conduct or on matters on which
10 the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2). In
11 all other cases except votes taken under G.S. 160A-385, a failure to vote by a member who is
12 physically present in the council chamber, or who has withdrawn without being excused by a
13 majority vote of the remaining members present, shall be recorded as an affirmative vote. The
14 question of the compensation and allowances of members of the council is not a matter involving
15 a member's own financial interest or official conduct.

16 (b) Notwithstanding subsection (a) of this section, a vote or failure to vote by any member
17 present by means of simultaneous communication in accordance with G.S. 166A-19.24 shall be
18 treated as if the member were physically present only during the period while simultaneous
19 communication is maintained for that member.

20 (c) An affirmative vote equal to a majority of all the members of the council not excused
21 from voting on the question in issue, including the mayor's vote in case of an equal division, shall
22 be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or
23 commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of
24 the city. In addition, no ordinance nor any action having the effect of any ordinance may be
25 finally adopted on the date on which it is introduced except by an affirmative vote equal to or
26 greater than two thirds of all the actual membership of the council, excluding vacant seats and
27 not including the mayor unless the mayor has the right to vote on all questions before the council.
28 For purposes of this section, an ordinance shall be deemed to have been introduced on the date
29 the subject matter is first voted on by the council."

30 **SECTION 27.(h)** G.S. 160A-75, effective January 1, 2021, reads as rewritten:
31 **"§ 160A-75. (Effective January 1, 2021) Voting.**

32 (a) No member shall be excused from voting except upon matters involving the
33 consideration of the member's own financial interest or official conduct or on matters on which
34 the member is prohibited from voting under G.S. 14-234 or G.S. 160D-109. In all other cases
35 except votes taken under G.S. 160D-601, a failure to vote by a member who is physically present
36 in the council chamber, or who has withdrawn without being excused by a majority vote of the
37 remaining members present, shall be recorded as an affirmative vote. The question of the
38 compensation and allowances of members of the council is not a matter involving a member's
39 own financial interest or official conduct.

40 (b) Notwithstanding subsection (a) of this section, a vote or failure to vote by any member
41 present by means of simultaneous communication in accordance with G.S. 166A-19.24 shall be
42 treated as if the member were physically present only during the period while simultaneous
43 communication is maintained for that member.

44 (c) An affirmative vote equal to a majority of all the members of the council not excused
45 from voting on the question in issue, including the mayor's vote in case of an equal division, shall
46 be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or
47 commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of
48 the city. In addition, no ordinance nor any action having the effect of any ordinance, except an
49 ordinance on which a public hearing must be held pursuant to G.S. 160D-601 before the
50 ordinance may be adopted, may be finally adopted on the date on which it is introduced except
51 by an affirmative vote equal to or greater than two thirds of all the actual membership of the

1 council, excluding vacant seats and not including the mayor unless the mayor has the right to
2 vote on all questions before the council. For purposes of this section, an ordinance shall be
3 deemed to have been introduced on the date the subject matter is first voted on by the council."

4 **SECTION 27.(i)** This section does not affect the validity of S.L. 2008-111.

5 **SECTION 27.(j)** This section is effective when it becomes law and applies
6 throughout the duration of any declaration of emergency issued under G.S. 166A-19.20 in effect
7 on or after that date. The actions of any public body in an open meeting conducted via
8 simultaneous communication between March 10, 2020, and the effective date of this section are
9 not deemed invalid due to the use of simultaneous communication to conduct that open meeting.

10 **EXTEND ORDINANCE/RULE REPORTING**

11 **SECTION 28.(a)** Section 1 of S.L. 2018-69, as amended by Section 3 of S.L.
12 2019-198 reads as rewritten:

13 "SECTION 1. All State agencies, boards, and commissions that have the power to
14 define conduct as a crime in the North Carolina Administrative Code shall create a list of all
15 crimes defined by the agency, board, or commission that are in effect or pending implementation.
16 Each agency, board, or commission shall submit the list to the Joint Legislative Administrative
17 Procedure Oversight Committee no later than ~~November 1, 2019~~ March 1, 2021."

18 **SECTION 28.(b)** Section 3 of S.L. 2018-69, as amended by Section 4 of S.L.
19 2019-198 reads as rewritten:

20 "SECTION 3. Every county with a population of 20,000 or more according to the
21 last federal decennial census, city or town with a population of 1,000 or more according to the
22 last federal decennial census, or metropolitan sewerage district that has enacted an ordinance
23 punishable pursuant to G.S. 14-4(a) shall create a list of applicable ordinances with a description
24 of the conduct subject to criminal punishment in each ordinance. Each county, city, town, or
25 metropolitan sewerage district shall submit the list to the Joint Legislative Administrative
26 Procedure Oversight Committee no later than ~~November 1, 2019~~ March 1, 2021."

27 **SECTION 29.(c)** Section 5 of S.L. 2019-198 reads as rewritten:

28 "SECTION 5. No ordinance adopted on or after ~~January 1, 2020~~ May 1, 2021, and
29 before ~~January 1, 2022~~ May 1, 2023, by a county, city, or town that was required to report
30 pursuant to Section 3 of S.L. 2018-69, as amended by Section 4 of ~~this act~~, of S.L. 2019-198 and
31 Section 2 of this act, shall be subject to the criminal penalty provided by G.S. 14-4 unless that
32 county, city, or town submitted the required report on or before ~~November 1, 2019~~ March 1,
33 2021. Ordinances regulated by this section may still be subject to civil penalties as authorized by
34 G.S. 153A-123 or G.S. 160A-175."

35 **SECTION 29.(d)** This section is effective when it becomes law.

36 **REGULATORY FLEXIBILITY DURING THE CORONAVIRUS EMERGENCY**

37 **SECTION 30.(a)** For purposes of this section, the following definitions apply:

- 38 (1) "Coronavirus" has the same meaning as defined in section 506 of the
39 Coronavirus Preparedness and Response Supplemental Appropriations Act,
40 2020.
- 41 (2) "Coronavirus emergency" means the period from March 10, 2020, through the
42 date the Governor signs an Executive Order rescinding Executive Order 116,
43 a Declaration of a State of Emergency to Coordinate Response and Protective
44 Actions to Prevent the Spread of COVID-19.
- 45 (3) "State agency" means an agency or an officer in the executive branch of the
46 government of this State and includes the Council of State, the Governor's
47 Office, a board, a commission, a department, a division, a council, and any
48 other unit of government in the executive branch. "State agency" does not
49
50

1 include the North Carolina Department of Justice, the State Board of
2 Education, or the State Board of Elections.

3 **SECTION 30.(b)** Each State agency shall review its rules, policies, procedures,
4 enforcement actions, and any other type of agency requirement or action that affects the
5 economic well-being of the citizens and businesses of the State and determine if, due to the
6 impacts of the Coronavirus, a waiver, delay, or modification of the agency's requirements or
7 actions would be in the public interest, including the public health, safety, and welfare and the
8 economic well-being of the citizens and businesses of the State. If the State agency determines
9 that a waiver, delay, or modification of the agency's requirements or actions would be in the
10 public interest, the agency shall adopt emergency rules or take other necessary actions to
11 implement these waivers, delays, and modifications as expeditiously as possible.

12 **SECTION 30.(c)** Notwithstanding any other provision of State law, if a State agency
13 determines that, due to the impacts of the Coronavirus, it is in the public interest, including the
14 public health, safety, and welfare and the economic well-being of the citizens and businesses of
15 the State, the agency shall:

- 16 (1) Delay or modify the collection of any fees, fines, or late payments assessed
17 by the agency under its statutes, including the accrual of interest associated
18 with any fees, fines, or late payments.
- 19 (2) Delay the renewal dates of permits, licenses, and other similar certifications,
20 registrations, and authorizations issued by the agency pursuant to its statutes.
- 21 (3) Delay or modify any educational or examination requirements implemented
22 by the agency pursuant to its statutes.

23 **SECTION 30.(d)** A State agency may adopt emergency rules to implement this
24 section.

25 **SECTION 30.(e)** No later than October 1, 2020, each State agency shall report to
26 the Joint Legislative Administrative Procedure Oversight Committee, the Joint Legislative
27 Commission on Governmental Operations, and the Office of State Budget and Management on
28 its specific efforts to exercise regulatory flexibility under this section. If a State agency chooses
29 not to exercise regulatory flexibility under this section, the report shall include an explanation
30 from the agency as to how it determined that its exercise of regulatory flexibility was not in the
31 public interest, including the public health, safety, and welfare and the economic well-being of
32 the citizens and businesses of the State, during the Coronavirus emergency.

33 **SECTION 30.(f)** State agencies shall exercise the authority granted pursuant to this
34 section to the maximum extent practicable in order to protect the economic well-being of the
35 citizens and businesses of the State, while also continuing to protect public health, safety, and
36 welfare.

37 **SECTION 30.(g)** State agencies may adopt emergency rules for the implementation
38 of this section in accordance with G.S. 150B-21.1A. Notwithstanding G.S. 150B-21.1A(a), an
39 agency shall not commence the adoption of temporary rules pursuant to this section.
40 Notwithstanding G.S. 150B-21.1A(d)(4), an emergency rule adopted pursuant to this section
41 shall remain in effect during the pendency of the Coronavirus emergency, unless the State agency
42 specifies an earlier expiration date.

43 **SECTION 30.(h)** This section shall be construed liberally in order to allow State
44 agencies to protect the economic well-being of the citizens and businesses of the State during the
45 Coronavirus emergency.

46 **SECTION 30.(i)** This section is effective March 10, 2020, and expires on the earlier
47 of the date the Governor signs an Executive Order rescinding Executive Order 116, a Declaration
48 of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of
49 COVID-19 or September 1, 2020.

50
51 **SEVERABILITY**

1 **SECTION 31.** If any provision of this act is declared unconstitutional or invalid by
2 the courts, it does not affect the validity of this act as a whole or any part other than the part
3 declared to be unconstitutional or invalid.

4

5 **EFFECTIVE DATE**

6 **SECTION 32.** Except as otherwise provided, this act is effective when it becomes
7 law.