

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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BILL DRAFT 2019-STfzp-47A [v.3]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
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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. Service may also be made on the
29 attorney by electronic mail (email) to an email address of record with
30 the court in the case. The email shall be sent by 5:00 P.M. Eastern
31 Time on a regular business day. If the email is sent after 5:00 P.M., it
32 will be deemed to have been sent on the next business day.

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

34 (2) Upon a party:



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- 1 a. By delivering a copy to the party. Delivery of a copy within this
2 sub-subdivision means handing it to the party.
- 3 b. By mailing a copy to the party at the party's last known address or, if
4 no address is known, by filing it with the clerk of court.
- 5 **c. Service may also be made on the party by electronic mail (email) if the**
6 **party has consented to receive email service in the case at a particular**
7 **email address, and a copy of the consent is filed with the court by any**
8 **party. The email shall be sent by 5:00 P.M. Eastern Time on a regular**
9 **business day. If the email is sent after 5:00 P.M., it will be deemed to**
10 **have been sent on the next business day.**

11 Service by mail shall be complete upon deposit of the pleading or paper enclosed in a post-paid,
12 properly addressed wrapper in a post office or official depository under the exclusive care and
13 custody of the United States Postal Service.

14 (b1) Service – Certificate of Service. – A certificate of service shall accompany every
15 pleading and every paper required to be served on any party or nonparty to the litigation, except
16 with respect to pleadings and papers whose service is governed by Rule 4. The certificate shall
17 show the date and method of service or the date of acceptance of service and shall show the name
18 and service address of each person upon whom the paper has been served. If one or more persons
19 are served by facsimile ~~transmission,~~ transmission or electronic mail (email), the certificate shall
20 also show the telefacsimile number or email address of each person so served. Each certificate
21 of service shall be signed in accordance with and subject to Rule 11 of these rules.

22"

23 **SECTION 1.(b)** This section becomes effective when it becomes law and expires
24 **August 1, 2020.**

25
26 The General Assembly of North Carolina enacts:

27 **EMERGENCY VIDEO NOTARIZATION**

28 **SECTION 2.(a).** G.S. 10B-3 is amended by adding a new subsection to read:

29 "(7a) Emergency video notarization. – An acknowledgement, affirmation, or oath
30 notarization completed by a notary in compliance with the requirements of G.S. 10B-25.
31 Emergency video notarization shall not include a verification or proof."

32 **SECTION 2.(b).** G.S. 10B-10 reads are rewritten:

33 **"§ 10B-10. Commission; oath of ~~office.~~ office; emergency extension.**

34 ...

35 (b) ~~The~~ Except as provided in subsection (b1) of this section, the appointee shall appear
36 before the register of deeds no later than 45 days after commissioning and shall be duly qualified
37 by taking the general oath of office prescribed in G.S. 11-11 and the oath prescribed for officers
38 in G.S. 11-7.

39 (b1) Notwithstanding subsection (b) of this section, if the Secretary grants a commission
40 after March 9, 2020, and before August 1, 2020, the appointee shall have 90 days to appear before
41 the register of deeds to take the general oath of office. A register of deeds may administer the
42 required oath to such appointee using video conference technology provided the appointee is
43 personally known to the register of deeds or the appointee provides satisfactory evidence of the
44 appointee's identity to the register of deeds. As used in this subsection, video conference
45 technology and satisfactory evidence are as defined in G.S. 10B-25.

46 ...

47 (e) If the appointee does not appear before the register of deeds within ~~45 days of~~
48 ~~commissioning,~~ the time prescribed in this section, the register of deeds must return the
49 commission to the Secretary, and the appointee must reapply for commissioning. If the appointee
50 reapplies within one year of the granting of the commission, the Secretary may waive the
51 educational requirements of this Chapter."

1 SECTION 2.(c). Part 3 of Article 1 of Chapter 10B is amended by adding a new
2 section to read:

3 **"§ 10B-25. Emergency video notarization.**

4 (a) Notwithstanding any other provision of law, a notary may perform an emergency
5 video notarization using video conference technology provided all of the requirements of this
6 section are satisfied. A notary who is not satisfied that the principal's identity has been proven by
7 satisfactory evidence shall not be required to complete an emergency video notarization. An
8 emergency video notarization shall not change any originality verification requirements for
9 recording with a Register of Deeds, Clerk of Superior Court, or other government or private
10 office in this State. Nothing in this section shall apply to any notarization under Article 20 of
11 Chapter 163 of the General Statutes.

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

14 (1) Occurs in real time.

15 (1a) Allows direct interaction between the principal seeking the notary's services
16 and the notary so that each can communicate simultaneously by sight and
17 sound through an electronic device or process.

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

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

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

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

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

27 b. An independent video recording device.

28 c. Electronically-saved screen shots clearly showing each participant's
29 face, identification presented by the principal, and the notarized
30 document.

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

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

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

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

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

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

50 (e) The notary shall use video conference technology to observe each principal sign each
51 document that is to be notarized. The principal shall verbally state what documents are being

1 signed for the notarial record. After the document is signed by the principal, the principal or the
2 principal's designee shall do the following:

3 (1) If an original wet-signed notarization on an original wet-signed document is
4 not required, transmit a legible copy of the signed document to the notary by
5 fax or other electronic means on the same day it was signed. The notary shall
6 notarize the document on the same day the notary receives the document and
7 the notary shall transmit the notarized document back to the principal or the
8 principal's designee by physical delivery, fax, or other electronic means on the
9 same day the notary signed the document.

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

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

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

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

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

30 (3) The following statement:

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

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

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

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

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

49 (2) The date of the completion of the emergency video notarization notarial
50 certificate.

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

- 1 (4) The type of notarial act performed.
2 (5) The type of document notarized or proceeding performed.
3 (6) The type of acceptable form of identification presented including, if
4 applicable, the issuing agency and identification number on the identification
5 presented.
6 (7) The type of video conference technology used during the emergency video
7 notarization
8 (8) A statement that the notary and each principal could see and hear each other.
9 (9) Whether any other person was present with the principal at the time of
10 signature and if so, the name of that person.

11 (k) A third party involved in a transaction that utilizes an emergency video notarization
12 may require additional information to be included in the journal kept by the notary under
13 subsection (j) of this section such as inclusion of a recording in the notary's journal or the method
14 used by the notary to determine that a wet-signed original document is the same as the faxed or
15 electronically submitted document.

16 (l) As a public official, a notary shall maintain the confidentiality of a principal's
17 documents at all times.

18 (m) The Secretary may issue interpretive guidance or issue emergency or temporary rules
19 as necessary to assure the integrity of the emergency video notarization measures provided for
20 in this section.

21 (n) This section shall expire at 12:01 A.M. on August 1, 2020; provided however, all
22 notarial acts made in accordance with this section and while this section is in effect shall remain
23 effective and shall not need to be reaffirmed."

24 **SECTION 2.(d).** This section is effective when it becomes law.

25 26 **EMERGENCY VIDEO WITNESSING**

27 **SECTION 3.(a)** Chapter 10B of the General Statutes is amended by adding a new
28 Article to read:

29 "Article 3.

30 "Video Witnessing During State of Emergency

31 **"§ 10B-200. Applicability.**

32 (a) This Article applies to the witnessing and signature of all records, as defined in
33 G.S. 10B-3(19), signed on or after the effective date of this act.

34 (b) This Article expires August 1, 2020.

35 (c) No action described in this Article constitutes a notarial act, as defined in
36 G.S. 10B-3(11), and no action described in this Article is governed by Articles 1 or 2 of this
37 Chapter.

38 **"§ 10B-201. Emergency video witnessing.**

39 (a) Notwithstanding any general or special law to the contrary, any person who witnesses
40 the signature of a record through videoconference technology shall be considered an "in person"
41 witness and the record shall be considered to have been signed by the principal signer "in the
42 presence of" such witness, if the video conference technology allows for direct, real-time audio
43 and video interaction between each principal signer and the witness.

44 (b) Notwithstanding any general or special law to the contrary, an attesting witness to a
45 record shall be considered to have signed such record in the presence of the principal signer, if
46 all of the following are satisfied:

47 (1) The signature of the principal signer is witnessed by the attesting witness in
48 accordance with the requirements of subsection (a) of this section.

49 (2) The attesting witness immediately thereafter signs such record while the video
50 conference technology still allows for direct, real-time audio and video
51 interaction between the principal signer and the attesting witness.

1 (c) Any record witnessed pursuant to this section shall contain all of the following:

2 (1) A conspicuous statement indicating that the record was witnessed by one or
3 more witnesses physically located in the State of North Carolina pursuant to
4 this Article.

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

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

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

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

14 MASKS AND HOODS FOR THE PROTECTION OF HEALTH

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

16 "§ 14-12.11. Exemptions from provisions of Article.

17 (a) ~~The~~ Any of the following are exempted from the provisions of G.S. 14-12.7, 14-12.8,
18 14-12.9, 14-12.10 and 14-12.14:

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

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

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

25 (4) Persons wearing gas masks prescribed in civil defense drills and exercises or
26 ~~emergencies;~~andemergencies.

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

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

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

46 (b) Notwithstanding G.S. 14-12.7 and G.S. 14-12.8, a person may wear a mask for the
47 purpose of protecting the person's head, face, or head and face, when operating a motorcycle, as
48 defined in G.S. 20-4.01. A person wearing a mask when operating a motorcycle shall remove the
49 mask during a traffic stop, including at a checkpoint or roadblock under G.S. 20-16.3A, or when
50 approached by a law enforcement officer.
51

1 (c) A person wearing a mask for the purpose of ensuring the physical health or safety of
2 the wearer or others shall remove the mask during a traffic stop, including at a checkpoint or
3 roadblock under G.S. 20 16.3A, or when approached by a law enforcement officer."

4 SECTION 4.(b) This section is effective when it becomes law.
5

6 EXTEND VALIDITY OF CREDENTIALS ISSUED BY THE DIVISION OF MOTOR 7 VEHICLES

8 SECTION 5.(a) Definition. – For purposes of this section, "Coronavirus emergency"
9 means the period from March 10, 2020, through August 1, 2020.

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

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

21 SECTION 5.(d) Motor vehicle taxes. – Notwithstanding any provision of law to the
22 contrary, due dates for motor vehicle taxes that are tied to registration expiration under Article
23 22A of Chapter 105 of the General Statutes shall be extended to correspond with extended
24 expiration dates designated by the Division of Motor Vehicles under subsection (b) of this
25 section.

26 SECTION 5.(e) Financial responsibility. – Nothing in this section waives a vehicle
27 owner's duty to maintain continuous financial responsibility as required by Article 9A and Article
28 13 of Chapter 20 of the General Statutes.

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

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

38 SECTION 5.(h) Effective date. – This section is effective retroactively to March 10,
39 2020, and applies to expirations occurring on or after that date.
40

41 REMOTE RENEWAL OF SPECIAL IDENTIFICATION CARDS

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

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

- 47 a. Requirements. – To be eligible for remote renewal or conversion under
48 this subdivision, a person must meet all of the following requirements:
49 1. The license holder possesses either (i) a valid Class C drivers
50 license or (ii) a valid full provisional license and is at least 18
51 years old at the time of the remote conversion.

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2. The license holder's current license includes no restrictions other than a restriction for corrective lenses.
3. The license or identification card holder attests, in a manner designated by the Division, that (i) the license or identification card holder is a resident of the State and currently resides at the address on the license or identification card to be renewed or converted, (ii) the license or identification card holder's name as it appears on the license or identification card to be renewed or converted has not changed, and (iii) all other information required by the Division for an in-person renewal under this Article has been provided completely and truthfully. If the license or identification card holder does not currently reside at the address on the license or identification card to be renewed or converted, the license or identification card holder may comply with the address requirement of this sub-sub-subdivision by providing the address at which the license or identification card holder resides at the time of the remote renewal or conversion request.
4. For a remote renewal, the most recent renewal was an in-person renewal and not a remote renewal under this subdivision.
5. The license or identification card holder is otherwise eligible for renewal or conversion under this subsection.
- b. Waiver of requirements. – When renewing a drivers license or identification card or converting a drivers license pursuant to this subdivision, the Division may waive ~~the~~ any examination and photograph that would otherwise be required for the renewal or conversion.
- c. Duration of remote renewal or conversion. – A drivers license or identification card issued to a person by remote renewal or conversion under this subdivision expires according to the following schedule:
1. For a person at least 18 years old but less than 66 years old, on the birthday of the licensee or identification card holder in the eighth year after issuance.
 2. For a person at least 66 years old, on the birthday of the licensee or identification card holder in the fifth year after issuance.
- d. Rules. – The Division shall adopt rules to implement this subdivision.
- e. Federal law. – Nothing in this subdivision shall be construed to supersede any more restrictive provisions for renewal or conversion of drivers licenses prescribed by federal law or regulation.
- f. Definition. – For purposes of this subdivision, "remote renewal or conversion" means renewal of a drivers license or identification card or conversion of a full provisional license by mail, telephone, electronic device, or other secure means approved by the Commissioner."

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

DELAY DMV HEADQUARTERS MOVE

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

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

4 SECTION 7.(b) This section is effective when it becomes law.

5
 6 **WITNESS REQUIREMENT DURING STATE OF EMERGENCY/HEALTH CARE**
 7 **POWER OF ATTORNEY AND ADVANCED DIRECTIVE FOR NATURAL DEATH**

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

9 "**§ 32A-16. Definitions.**

10 The following definitions apply in this Article:

11 ...

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

22 ...

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

38"

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

41 "**§ 32A-16A. Health care powers of attorney executed during State of Emergency.**

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

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

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

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

8 **"§ 90-321. Right to a natural death.**

9 (a) The following definitions apply in this Article:

10 (1a) Declaration. —~~Any~~ Except as provided in G.S. 90-321A, any signed,
11 witnessed, dated, and proved document meeting the requirements of
12 subsection (c) of this section.

13 ...

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

16 ...

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

30 "

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

33 **"§ 90-321A. Advanced directive for a natural death executed during a State of Emergency.**

34 (a) The requirement of G.S. 90-321 that an advanced directive for a natural death
35 declaration be executed in the presence of two qualified witnesses shall be waived for all
36 instruments executed on or after the effective date of this section and prior to termination of the
37 State of Emergency declared by Governor Roy Cooper in Executive Order No. 116, on March
38 10, 2020, as the same may be extended by any subsequent Executive Order, such that an
39 instrument that is signed by the declarant, properly acknowledged before a notary public, and
40 otherwise executed in compliance with the provisions of this Article shall not be invalidated by
41 the declarant's failure to execute the advanced directive for a natural death declaration in the
42 presence of two qualified witnesses.

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

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

50 **SECTION 8.(e).** This **section** 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 or cause to be mailed, by first-class mail, copies of the notice and petition to the respondent's next of kin alleged in the petition and any other persons the clerk may designate, unless such person has accepted notice. Proof of such mailing or acceptance shall be by affidavit or certificate of acceptance of notice filed with the clerk. The clerk shall mail, by first-class mail, copies of subsequent notices to the next of kin alleged in the petition and to such other persons as the clerk deems appropriate.

(b) In the event that personal service is not possible because the respondent resides in a facility that restricts visitors due to a public health emergency, the respondent may be served by the sheriff leaving copies of the petition and initial notice of hearing at the facility with a person employed by the facility who is apparently in charge of the office or who has apparent authority to receive documents intended for residents. The facility employee shall, as soon as practicable, present the copies to the respondent. Proof of service on the respondent shall be by return of service filed with the clerk showing the respondent was personally served or copies were left with the facility as described in this subsection."

SECTION 9.(b) This section is effective when it becomes law and expires August 1, 2020.

DISBURSEMENT OF FUNDS PRIOR TO RECORDATION OF DEED IN CERTAIN CIRCUMSTANCES

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

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

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

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

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

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

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

c. Is unable to accept documents for recording by any method, including in-person or electronic recording.

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

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

a. To waive the requirement of G.S. 45A-4 that the settlement agent shall not disburse closing funds until the deeds, deeds of trust, and any other required loan documents are recorded in the office of the register of deeds and the requirement of that section that closing funds be

1 disbursed only upon collected funds except as provided in
2 G.S. 45A-4(1)-(7).

3 b. That they acknowledge that the recordation date may not be known on
4 the date of closing and the date of recordation by the settlement agent
5 is governed by subsection (d) of this section.

6 c. That they are aware of the risks and implications of proceeding with
7 disbursement of closing funds and, if applicable, transfer of possession
8 of property prior to recordation.

9 d. That after disbursement of closing funds and prior to recordation no
10 party to the transaction will take any action to impair the quality of the
11 title in law or equity.

12 e. Any other terms the parties or the closing instructions require as a
13 condition of disbursement of closing funds prior to recording.

14 (4) The settlement agent does all the following:

15 a. Complies with all conditions of the closing instructions.

16 b. Procures a commitment of title insurance providing for title insurance
17 that includes indemnity coverage for the gap period between the date
18 of disbursement of closing funds and the date of recordation of the
19 necessary documents.

20 c. Updates the applicable title from the date of the preliminary title
21 opinion to the time of disbursement using those public records
22 reasonably available to the settlement agent on the date of
23 disbursement.

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

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

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

37 MARRIAGE LICENSES

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

39 **"§ 51-8. License issued by register of deeds.**

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

1 before an officer authorized to administer oaths. Upon presentation of a sworn or affirmed
2 statement, the register of deeds shall issue the license, provided all other requirements are met,
3 and retain the statement with the register's copy of the license. The register of deeds shall not
4 issue a marriage license unless all of the requirements of this section have been met.

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

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

10 **"§ 51-16. Form of license.**

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

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

29 Issued this ____ day of _____, ____
30 _____ L.M.

31 Register of Deeds of ____ County

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

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

45 _____ N.O.

46 Witness present at the marriage:

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

48 "

49 **SECTION 11.(c)** This section becomes effective when it becomes law, applies to
50 any marriage license issued on or after February 1, 2020, and expires August 1, 2020, and any
51 marriage license issued on 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 August 1, 2020.

29
30 **NEW ATTORNEYS' OATH**

31 **SECTION 12.5.(a)** Notwithstanding G.S. 84-1, in response to the coronavirus
32 emergency, a justice or judge of the General Court of Justice may administer the required oath
33 prescribed for attorneys by G.S. 11-11 to an attorney remotely using a form of live video
34 conferencing technology, provided the individual taking the oath is personally known to the
35 justice or judge or provides satisfactory evidence of identity to the justice or judge.

36 **SECTION 12.5.(b)** This section is effective when it becomes law and August 1,
37 2020.

38
39 **DELAY SCHOOL CAPITAL OUTLAY REPORT DUE TO THE LOCAL**
40 **GOVERNMENT COMMISSION**

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

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

48
49 **INVOLUNTARY COMMITMENT, TRANSPORTATION**

50 **SECTION 14.(a)** Notwithstanding the requirements of G.S. 122C-251(g),
51 122C-261(b) and (d)(4), and 122C-202.2(a), the governing body of a city or county is authorized

1 to establish an expedited process for designating and training personnel, other than law
2 enforcement officers, for custody and transportation of persons as required by involuntary
3 commitment proceedings.

4 **SECTION 14.(b)** This section becomes effective when it becomes law and expires
5 **August 1, 2020.**

7 **INVOLUNTARY COMMITMENT, TELEMEDICINE**

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

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

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

27 **"§ 122C-266. Inpatient commitment; second examination and treatment pending hearing.**

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

40 (1) If the physician finds that the respondent is mentally ill and is dangerous to
41 self, as defined by G.S. 122C-3(11)a., or others, as defined by
42 G.S. 122C-3(11)b., the physician shall hold the respondent at the facility
43 pending the district court hearing.

44 (2) If the physician finds that the respondent meets the criteria for outpatient
45 commitment under G.S. 122C-263(d)(1), the physician shall show these
46 findings on the physician's examination report, release the respondent pending
47 the district court hearing, and notify the clerk of superior court of the county
48 where the petition was initiated of these findings. In addition, the examining
49 physician shall show on the examination report the name, address, and
50 telephone number of the proposed outpatient treatment physician or center.
51 The physician shall give the respondent a written notice listing the name,

1 address, and telephone number of the proposed outpatient treatment physician
2 or center and directing the respondent to appear at that address at a specified
3 date and time. The examining physician before the appointment shall notify
4 by telephone and shall send a copy of the notice and the examination report to
5 the proposed outpatient treatment physician or center.

6 (3) If the physician finds that the respondent does not meet the criteria for
7 commitment under either G.S. 122C-263(d)(1) or G.S. 122C-263(d)(2), the
8 physician shall release the respondent and the proceedings shall be terminated.

9 (4) If the respondent is released under subdivisions (2) or (3) of this subsection,
10 the law enforcement officer or other person designated to provide
11 transportation shall return the respondent to the respondent's residence in the
12 originating county or, if requested by the respondent, to another location in
13 the originating county.

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

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

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

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

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

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

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

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

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

6 **"§ 122C-285. Commitment; second examination and treatment pending hearing.**

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

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

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

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

38 **SECTION 15.(e)** This section is effective when it becomes law and expires August
39 1, 2020.

40
41 **COMMUNICABLE DISEASE INFORMATION TO LAW ENFORCEMENT**

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

43 **"§ 130A-143. Confidentiality of records.**

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

- 48 (1) Release is made of specific medical or epidemiological information for
49 statistical purposes in a way that no person can be ~~identified~~; identified.

- 1 (2) Release is made of all or part of the medical record with the written consent
2 of the person or persons identified or ~~their guardian;~~the person's personal
3 representative, as defined in 45 Code of Federal Regulations §§ 164.502.
4 (3) Release is made for purposes of treatment, payment, research, or health care
5 operations to the extent that disclosure is permitted under 45 Code of Federal
6 Regulations §§ 164.506 and 164.512(i). For purposes of this section, the terms
7 "treatment," "payment," "research," and "health care operations" have the
8 meaning given those terms in 45 Code of Federal ~~Regulations § 164.501;~~
9 Regulations § 164.501.
10 (4) Release is necessary to protect the public health and is made as provided by
11 the Commission in its rules regarding control measures for communicable
12 diseases and ~~conditions;~~conditions.
13 (5) Release is made pursuant to other provisions of this ~~Article;~~Article.
14 (6) Release is made pursuant to ~~subpoena or court order.~~order or a subpoena
15 issued by a judicial official. Upon request of the person identified in the
16 record, the record shall be reviewed in camera. In the trial, the trial judge may,
17 during the taking of testimony concerning such information, exclude from the
18 courtroom all persons except the officers of the court, the parties and those
19 engaged in the trial of the ~~ease;~~case.
20 (7) Release is made by the Department or a local health department to a court or
21 a ~~law enforcement~~judicial official for the purpose of enforcing this Article or
22 Article 22 of this ~~Chapter;~~Chapter.
23 (7a) Release is made by the Department or a local health department to a law
24 enforcement official for any of the following purposes: (i) to prevent or lessen
25 a serious or imminent threat to the health or safety of a person or the public,
26 to the extent that disclosure is permitted under 45 Code of Federal Regulations
27 § 164.512(j) and not otherwise permitted by subdivision (4) of this section; or
28 (ii) to enforce this Article or Article 22 of this Chapter, or (iii) investigating
29 to investigate a terrorist incident using nuclear, biological, or chemical agents.
30 A law enforcement official who receives the information shall not disclose it
31 further, except (i) when necessary to enforce this Article or Article 22 of this
32 ~~Chapter;~~Chapter; or when necessary to conduct an investigation of a terrorist
33 incident using nuclear, biological, or chemical ~~agents;~~agents; or (ii) when the
34 Department or a local health department seeks the assistance of the law
35 enforcement official in preventing or controlling the spread of the disease or
36 condition and expressly authorizes the disclosure as necessary for that
37 ~~purpose;~~purpose.
38 (8) Release is made by the Department or a local health department to another
39 federal, ~~state-state, tribal,~~ or local public health agency for the purpose of
40 preventing or controlling the spread of a communicable disease or
41 communicable ~~condition;~~condition.
42 (9) Release is made by the Department for bona fide research purposes. The
43 Commission shall adopt rules providing for the use of the information for
44 research ~~purposes;~~purpose.
45 (10) Release is made pursuant to ~~G.S. 130A-144(b); or~~ G.S. 130A-144(b).
46 (11) Release is made pursuant to any other provisions of law that specifically
47 authorize or require the release of information or records related to AIDS."

48 **SECTION 16.(b)** This section is effective when it becomes law.
49

1 **ALLOW LICENSED SOIL SCIENTISTS TO EVALUATE, INSPECT, AND APPROVE**
2 **ON-SITE WASTEWATER SYSTEM PROJECTS DURING THE CORONAVIRUS**
3 **EMERGENCY**

4 **SECTION 16.2.(a)** Notwithstanding G.S. 130A-336.2(a), an individual licensed as
5 a soil scientist pursuant to Chapter 89F of the General Statutes may, at the direction of the owner
6 of a proposed on-site wastewater system, prepare signed and sealed soil and site evaluations,
7 specifications, plans, and reports for the site layout, construction, operation, and maintenance of
8 a wastewater system without also obtaining further certification from the North Carolina On-Site
9 Wastewater Contractors and Inspectors Board.

10 **SECTION 16.2.(b)** In addition to the authority granted pursuant to subsection (a) of
11 this Section, an individual licensed as a soil scientist pursuant to Chapter 89F of the General
12 Statutes and engaged by the owner of a proposed on-site wastewater system may conduct all
13 necessary inspections, certifications, and approvals, including the issuance of the final inspection
14 and report certifying that the system has been installed according to the approved plans and
15 specifications for the construction, installation, and operation of a proposed wastewater system.

16 **SECTION 16.2.(c)** Wastewater systems constructed, installed, and operated under
17 authority of this section shall otherwise comply with the requirements of G.S. 130A-336.2 and
18 rules adopted thereunder. The owner of a proposed wastewater system shall notify the local
19 health department that the owner is engaging a licensed soil scientist pursuant to the authority
20 granted in this section.

21 **SECTION 16.2.(d)** The Department of Health and Human Services, the
22 Department's authorized agents, and local health departments shall have no liability for
23 wastewater systems developed, constructed, installed, or approved by a licensed soil scientist
24 acting pursuant to the authority granted in this section; however, nothing in this section shall
25 relieve the Department, the Department's authorized agents, and local health departments from
26 any of their other obligations under State law or administrative rule. The licensed soil scientist
27 conducting the evaluation, installation, and construction of a proposed wastewater system
28 pursuant to this section shall maintain an errors and omissions liability insurance policy issued
29 by an insurer licensed under Chapter 58 of the General Statutes in an amount commensurate with
30 the risk.

31 **SECTION 16.2.(e)** This section is effective when it becomes law and expires August
32 1, 2020. However, the expiration of this section shall not prevent a licensed soil scientist acting
33 under this section's authority from completing a proposed wastewater system begun before the
34 section expires.

35
36 **TO EXPAND LOCAL GOVERNMENT AUTHORITY TO REQUEST WAIVERS FROM**
37 **THE DEPARTMENT OF ENVIRONMENTAL QUALITY WITH RESPECT TO**
38 **CERTAIN ITEMS BANNED FROM LANDFILLS, TO INCLUDE YARD WASTE, AND**
39 **CONSIDERATION OF RISKS TO PUBLIC HEALTH**

40 **SECTION 16.3.(a)** Notwithstanding G.S. 130A-309.10(f)(3) and
41 G.S. 130A-309.10(k), a county or city may petition the Department of Environmental Quality
42 for a waiver from the prohibition on disposal of yard trash in a landfill based on a showing that
43 prohibiting the disposal of the material would constitute an economic hardship or a real or
44 potential public health risk.

45 **SECTION 16.3.(b)** This section is effective when it becomes law and expires August
46 1, 2020.

47
48 **EXPAND WHO MAY BE APPOINTED MEDICAL EXAMINER**

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

50 "(a) The Chief Medical Examiner shall appoint two or more county medical examiners for
51 each county for a three-year term. In appointing medical examiners for each county, the Chief

1 Medical Examiner shall give preference to physicians licensed to practice medicine in this State
2 but may also appoint ~~licensed-retired physicians previously licensed to practice in this State;~~
3 ~~physician assistants, nurse practitioners, nurses, or nurses licensed to practice in this State;~~
4 ~~emergency medical technician paramedics.~~ paramedics credentialed under G.S. 131E-159;
5 medicolegal death investigators certified by the American Board of Medicolegal Death
6 Investigators; and pathologists' assistants. A medical examiner may serve more than one county.
7 The Chief Medical Examiner may take jurisdiction in any case or appoint another medical
8 examiner to do so."

9 **SECTION 17.(b)** G.S. 130A-383(c) reads as rewritten:

10 "(c) Upon completion of the investigation collection of investigative information
11 necessary as determined by the medical examiner and in accordance with the rules of the
12 Commission, the medical examiner shall release the body to the next of kin or other interested
13 person who will assume responsibility for final disposition. If the body is unclaimed, the Chief
14 Medical Examiner shall dispose of the body by cremation. For the purpose of this subsection, a
15 body is deemed unclaimed if either of the following conditions apply:

16 (1) Within 10 days after the date of death, no individual has notified the person in
17 possession of the dead body of the desire to dispose of the dead body.

18 (2) All individuals who have expressed interest in arranging for disposition of the
19 dead body have (i) ceased communicating with the person in possession of the
20 dead body for at least five consecutive days, (ii) at least 10 days have passed
21 since the date of death, and (iii) the person in possession of the body has used
22 reasonable efforts to contact all individuals who have expressed interest in
23 arranging for final disposition."

24 **SECTION 17.(c)** This section is effective when it becomes law.

25 **CHARITABLE SOLICITATIONS APPLICATION REVIEW**

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

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

43 **SECTION 18.(b)** This section is effective when it becomes law and expires **August**
44 **1, 2020.**

45 **STATE HEALTH PLAN PREMIUM AND DEBT PAYMENT DEFERRAL OPTION**

46 **DURING DECLARATION OF EMERGENCY**

47 **SECTION 19.(a)** G.S. 135-48.30(a) is amended by adding a new subdivision to read:
48
49

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

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

6 "**§ 135-48.39. Operations during state of disaster or emergency.**

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

9 (1) The Governor or legislature has declared a state of emergency under
10 G.S. 166A-19.20.

11 (2) The Governor has issued a disaster declaration under G.S. 116A-19.21.

12 (3) The President of the United States has issued a major disaster declaration
13 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act,
14 42 U.S.C. § 5121. et seq., as amended, for this State, for an area within this
15 State, or for an area in which a member or an employing unit is located.

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

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

25 (c) Any option to defer premium or debt payments offered under this section shall be
26 made for a period 30 days from the last day the premium or debt payment may have been made
27 under the terms of the Plan, policy, contract, or agreement. This 30-day deferral period may also
28 be applied to any statute, rule, or other policy or contract provision that imposes a time limit on
29 the Plan or a member to perform any act related to the Plan during the time period in which there
30 is a state of disaster. This 30-day deferral period may be extended by the State Treasurer in 30-day
31 increments, subject to approval by the Board of Trustees. A deferral period shall not last beyond
32 90 days from the last day of the time period in which there is a state of disaster.

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

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

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

42
43 **INTERIM DETERMINATIONS AND INTERIM CERTIFICATIONS FOR CERTAIN**
44 **DISABILITY BENEFITS**

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

46 (1) Article 1A of Chapter 120.

47 (2) Article 3 of Chapter 128.

48 (3) Article 1 of Chapter 135.

49 (4) Article 4 of Chapter 135.

50 (5) Article 6 of Chapter 135.

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

8 **SECTION 20.(c)** The medical board shall review any interim determinations or
9 interim certifications made in accordance with this section as soon as practicable and shall then
10 make a final determination or final certification for disability benefits. If, subsequent to an interim
11 determination or interim certification, the medical board makes a final determination that a
12 member or beneficiary is not eligible for disability benefits, then any payment to that member or
13 beneficiary shall cease and the determination shall be applied prospectively only so that the final
14 determination will not require any refund by the member or beneficiary to the applicable
15 retirement system or benefit plan for payments or benefits received during the interim period
16 before the final determination is made.

17 **SECTION 20.(d)** This section becomes effective when it becomes law. Subsection
18 (b) of this section expires **August 1, 2020**. Any interim determinations or interim certifications
19 made, as allowed under subsection (b) of this section, will remain valid until a final determination
20 is made, in accordance with subsection (c) of this section.

21
22 **TEMPORARILY REMOVE BARRIERS TO ALLOW RETIREES **OF** THE TEACHERS'
23 AND STATE EMPLOYEES' RETIREMENT SYSTEM FOR RETIREES AND THE
24 LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO
25 WORK ON A PART-TIME, TEMPORARY, OR INTERIM BASIS DURING STATE OF
26 EMERGENCY RELATED TO COVID-19**

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

- 32 (1) The six months separation from an employer required under G.S. 135-1(20)
33 shall again be applicable to individuals who retired under TSERS on or after
34 October 1, 2019, but before April 1, 2020.
- 35 (2) In order for a member's retirement under TSERS on or after October 1, but
36 before April 1, 2020 to become effective in any month, the member must
37 perform no work for an employer, including part-time, temporary, substitute,
38 or contractor work, at any time between the expiration of this section and the
39 end of the six months immediately following the effective date of retirement,
40 provided the expiration of the six month period of separation did not occur
41 while this section was in effect.
- 42 (3) For individuals who retired under TSERS on or after October 1, 2019, but
43 before April 1, 2020, any time worked between March 10, 2020, and the time
44 this section expires shall not be considered work for the purposes of the six
45 month separation required under G.S. 135-1(20).

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

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

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

5 **SECTION 21.(e)** This section becomes effective when it becomes law and expires
6 August 1, 2020.

7
8 **EXTEND VALIDITY OF PROBATIONARY CERTIFICATES ISSUED BY THE**
9 **NORTH CAROLINA CODE OFFICIALS QUALIFICATION BOARD**

10 **SECTION 21.2.(a)** Extend validity of probationary certificates. – Notwithstanding
11 any provision of law to the contrary, any probationary certificates issued to Code-enforcement
12 officials by the North Carolina Code Officials Qualification Board under G.S. 143-151.13 that
13 are set to expire between March 10, 2020, and July 31, 2020, shall be deemed valid and unexpired
14 until August 1, 2020.

15 **SECTION 21.2.(b)** This section is effective when it becomes law.

16
17 **PROVIDE FOR THE RESCHEDULING OF PUBLIC HEARINGS DURING**
18 **TEMPORARY RULE MAKING**

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

20 **"§ 150B-21.1. Procedure for adopting a temporary rule.**

21 ...

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

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

38"

39 **SECTION 22.(b)** This section becomes effective retroactively to March 10, 2020.

40
41 **AUTHORIZE THE CHIEF ADMINISTRATIVE LAW JUDGE TO EXTEND THE TIME**
42 **PERIOD FOR THE FILING OF CONTESTED CASES DURING CATASTROPHIC**
43 **CONDITIONS**

44 **SECTION 23.(a)** G.S. 150B-23 reads as rewritten:

45 **"§ 150B-23. Commencement; assignment of administrative law judge; hearing required;**
46 **notice; intervention.**

47 ...

48 (f) Unless another statute or a federal statute or regulation sets a time limitation for the
49 filing of a petition in contested cases against a specified agency, the general limitation for the
50 filing of a petition in a contested case is 60 days. The time limitation, whether established by
51 another statute, federal statute, or federal regulation, or this section, shall commence when notice

1 is given of the agency decision to all persons aggrieved who are known to the agency by personal
2 delivery, electronic delivery, or by the placing of the notice in an official depository of the United
3 States Postal Service wrapped in a wrapper addressed to the person at the latest address given by
4 the person to the agency. The notice shall be in writing, and shall set forth the agency action, and
5 shall inform the persons of the right, the procedure, and the time limit to file a contested case
6 petition. When no informal settlement request has been received by the agency prior to issuance
7 of the notice, any subsequent informal settlement request shall not suspend the time limitation
8 for the filing of a petition for a contested case hearing. When the Chief Justice of the North
9 Carolina Supreme Court determines and declares that catastrophic conditions exist or have
10 existed in one or more counties of the State and issues an order pursuant to G.S. 7A-39(b), the
11 Chief Administrative Law Judge may by order entered pursuant to this subsection extend, to a
12 date certain no fewer than 10 days after the effective date of the order, the time or period of
13 limitation, whether established by another statute or this section, for the filing of a petition for a
14 contested case. The order shall be in writing and shall become effective for each affected county
15 upon the date set forth in the order, and if no date is set forth in the order, then upon the date the
16 order is signed by the Chief Administrative Law Judge. The order shall provide that it shall expire
17 upon the expiration of the Chief Justice's order.

18"

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

20 **DAILY DEPOSIT REQUIREMENT UNDER THE LOCAL GOVERNMENT BUDGET** 21 **AND FISCAL CONTROL ACT**

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

23 **"§ 159-32. Daily deposits.**

24 **(a)** Except as otherwise provided by law, all taxes and other moneys collected or received
25 by an officer or employee of a local government or public authority shall be deposited in
26 accordance with this section. Each officer and employee of a local government or public authority
27 whose duty it is to collect or receive any taxes or other moneys shall, on a daily basis, deposit or
28 submit to a properly licensed and recognized cash collection service all collections and receipts.
29 However, if the governing board gives its approval, deposits or submissions to a properly licensed
30 and recognized cash collection service shall be required only when the moneys on hand amount
31 to five hundred dollars (\$500.00) or greater. Until deposited or officially submitted to a properly
32 licensed and recognized cash collection service, all moneys must be maintained in a secure
33 location. All deposits shall be made with the finance officer or in an official depository. Deposits
34 in an official depository shall be immediately reported to the finance officer by means of a
35 duplicate deposit ticket. The finance officer may at any time audit the accounts of any officer or
36 employee collecting or receiving taxes or other moneys, and may prescribe the form and detail
37 of these accounts. The accounts of such an officer or employee shall be audited at least annually.

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

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

43 **REINSTATE SPECIAL OBLIGATION BONDS**

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

46 "Article 7A.

47 "Special Obligation Bonds and Notes.

48 **"§ 159-146. Additional powers of units of local government; issuance of special obligation**
49 **bonds and notes.**

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

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

7 (1) Bonds. – The revenue bonds authorized to be issued by a unit of local
8 government under this Article.

9 (2) Costs. – The capital cost of acquiring or constructing any project, including,
10 without limitation, all of the following:

11 a. The costs of doing one or more of the following deemed necessary or
12 convenient by a unit of local government:

13 1. Acquiring, constructing, erecting, providing, developing,
14 installing, furnishing, and equipping.

15 2. Reconstructing, remodeling, altering, renovating, replacing,
16 refurbishing, and re-equipping.

17 3. Enlarging, expanding, and extending.

18 4. Demolishing, relocating, improving, grading, draining,
19 landscaping, paving, widening, and resurfacing.

20 b. The costs of all property, both real and personal and both improved
21 and unimproved, and of plants, works, appurtenances, structures,
22 facilities, furnishings, machinery, equipment, vehicles, easements,
23 water rights, air rights, franchises, and licenses used or useful in
24 connection with the purpose authorized.

25 c. The costs of demolishing or moving structures from land acquired and
26 acquiring any lands to which such structures thereafter are to be
27 moved.

28 d. Financing charges, including estimated interest during the acquisition
29 or construction of such project and for six months thereafter.

30 e. The costs of services to provide and the cost of plans, specifications,
31 studies and reports, surveys, and estimates of costs and revenues.

32 f. The costs of paying any interim financing, including principal,
33 interest, and premium, related to the acquisition or construction of a
34 project.

35 g. Administrative and legal expenses and administrative charges.

36 h. The costs of obtaining bond and reserve fund insurance and investment
37 contracts, of credit-enhancement facilities, liquidity facilities and
38 interest-rate agreements, and of establishing and maintaining debt
39 service and other reserves.

40 i. Any other services, costs, and expenses necessary or incidental to the
41 purpose authorized.

42 (3) Credit facility. – An agreement entered into by the unit with a bank, a savings
43 and loan association, or another banking institution; an insurance company, a
44 reinsurance company, a surety company, or another insurance institution; a
45 corporation, an investment banking firm, or another investment institution; or
46 any financial institution, providing for prompt payment of all or any part of
47 the principal, or purchase price (whether at maturity, presentment, or tender
48 for purchase, redemption, or acceleration), redemption premium, if any, and
49 interest on any bonds or notes payable on demand or tender by the owner, in
50 consideration of the unit agreeing to repay the provider of the credit facility in
51 accordance with the terms and provisions of the agreement; the provider of

- 1 any credit facility may be located either within or without the United States of
2 America.
- 3 (4) Local Government Commission. – The Local Government Commission of the
4 Department of the State Treasurer, established by Article 2 of this Chapter and
5 any successor of said Commission.
- 6 (5) Notes. – The revenue notes or revenue bond anticipation notes authorized to
7 be issued by a unit of local government under this Article.
- 8 (6) Par formula. – Any provision or formula adopted by the unit to provide for the
9 adjustment, from time to time of the interest rate or rates borne by any bonds
10 or notes including any of the following:
- 11 a. A provision providing for such adjustment so that the purchase price
12 of such bonds or notes in the open market would be as close to par as
13 possible.
- 14 b. A provision providing for such adjustment based upon a percentage or
15 percentages of a prime rate or base rate, which percentage or
16 percentages may vary or be applied for different periods of time.
- 17 c. Any other provision as the unit may determine to be consistent with
18 this section and does not materially and adversely affect the financial
19 position of the unit and the marketing of the bonds or notes at a
20 reasonable interest cost to the unit.
- 21 (7) Project. – Any of the following:
- 22 a. Solid waste management projects and capital expenditures to
23 implement such projects, including, without limitation, the purchase
24 of equipment or facilities, construction costs of an incinerator; land to
25 be used for recycling facilities or landfills; leachate collection and
26 treatment systems; liners for landfills; monitoring wells; recycling
27 equipment and facilities; volume reduction equipment; and financing
28 charges. This sub-subdivision does not include (i) the operational and
29 maintenance costs of solid waste management facilities or programs;
30 (ii) general planning or feasibility studies; or (iii) the purchase of land,
31 unless the land is to be used for a recycling facility or a landfill.
- 32 b. Any of the following as defined in S.L. 1998-132: water supply
33 systems, water conservation projects, water reuse projects, wastewater
34 collection systems, and wastewater treatment works.
- 35 c. With respect to a city, any service or facility authorized by
36 G.S. 160A-536 and provided in a municipal service district.
- 37 (8) Unit of local government or unit. – Any of the following:
- 38 a. A unit of local government as defined in G.S. 159-44(4).
- 39 b. Any combination of units, as defined in G.S. 160A-460(2), entering
40 into a contract or agreement with each other under G.S. 160A-461.
- 41 c. Any joint agency established under G.S. 160A-462; as any such
42 section may be amended from time to time.
- 43 d. Any regional solid waste management authority created pursuant to
44 G.S. 153A-421.
- 45 e. A consolidated city-county as defined by G.S. 160B-2(1), including
46 such a consolidated city-county acting with respect to an urban service
47 district defined by a consolidated city-county.
- 48 (b) Pledge. – Each unit of local government may pledge for the payment of a special
49 obligation bond or note any available source or sources of revenues of the unit and, to the extent
50 the generation of the revenues is within the power of the unit, may enter into covenants to take

1 action in order to generate the revenues, as long as the pledge of these sources for payments or
2 the covenant to generate revenues does not constitute a pledge of the unit's taxing power.

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

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

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

17 The sources of payment so pledged and then held or thereafter received by a unit or any
18 fiduciary thereof shall immediately be subject to the lien of the pledge without any physical
19 delivery of the sources or further act. The lien shall be valid and binding as against all parties
20 having claims of any kind in tort, contract, or otherwise against a unit without regard to whether
21 the parties have notice thereof. The proceedings or any other document or action by which the
22 lien on a source of payment is created need not be filed or recorded in any manner other than as
23 provided in this section.

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

- 29 (1) No bond order may contain a nonsubstitution clause that restricts the right of
30 a unit of local government to do any of the following:
31 a. Continue to provide a service or activity.
32 b. Replace or provide a substitute for any municipal purpose financed
33 pursuant to the bond order.
- 34 (2) A bond order is subject to approval by the Commission under Article 8 of this
35 Chapter if both of the following apply:
36 a. The order meets the standards set out in G.S. 159-148(a)(1),
37 159-148(a)(2), and 159-148(a)(3), or involves the construction or
38 repair of fixtures or improvements on real property.
39 b. The order is not exempted from the provisions of that Article by one
40 of the exemptions contained in G.S. 159-148(b)(1) and (2).

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

- 43 (3) No deficiency judgment may be rendered against any unit of local government
44 in any action for breach of a bond order authorized by this section, and the
45 taxing power of a unit of local government is not and may not be pledged
46 directly or indirectly to secure any moneys due under a bond order authorized
47 by this section. This prohibition does not impair the right of the holder of a
48 bond or note to exercise a remedy with respect to the revenues pledged to
49 secure the bond or note, as provided in the bond order, resolution, or trust
50 agreement under which the bond or note is authorized and secured. A unit of
51 local government may, in its sole discretion, use tax proceeds to pay the

- 1 principal of or interest or premium on bonds or notes, but shall not pledge or
2 agree to do so.
- 3 (4) Before granting a security interest under this subsection, a unit of local
4 government shall hold a public hearing on the proposed security interest. A
5 notice of the public hearing shall be published once at least 10 days before the
6 date fixed for the hearing.
- 7 (c) Payment; Call. – Any bond anticipation notes may be made payable from the proceeds
8 of bonds or renewal notes or, in the event bond or renewal note proceeds are not available, the
9 notes may be paid from any sources available under subsection (b) of this section. Bonds or notes
10 may also be paid from the proceeds of any credit facility. The bonds and notes of each issue shall
11 be dated and may be made redeemable prior to maturity at the option of the unit of local
12 government or otherwise, at such price or prices, on such date or dates, and upon such terms and
13 conditions as may be determined by the unit. The bonds or notes may also be made payable from
14 time to time on demand or tender for purchase by the owner, upon terms and conditions
15 determined by the unit.
- 16 (d) Interest. – The interest payable by a unit on any special obligation bonds or notes may
17 be at such rate or rates, including variable rates as authorized in this section, as may be determined
18 by the Local Government Commission with the approval of the governing body of the unit. This
19 approval may be given as the governing body of the unit may direct, including, without limitation,
20 a certificate signed by a representative of the unit designated by the governing body of the unit.
- 21 (e) Nature of Obligation. – Special obligation bonds and notes shall be special obligations
22 of the unit of local government issuing them. The principal of, and interest and any premium on,
23 special obligation bonds and notes shall be secured solely by any one or more of the sources of
24 payment authorized by this section as may be pledged in the proceedings, resolution, or trust
25 agreement under which they are authorized or secured. Neither the faith and credit nor the taxing
26 power of the unit of local government are pledged for the payment of the principal of, or interest
27 or any premium on, any special obligation bonds or notes, and no owner of special obligation
28 bonds or notes has the right to compel the exercise of the taxing power by the unit in connection
29 with any default thereon. Every special obligation bond and note shall recite in substance that the
30 principal and interest and any premium on the bond or note are secured solely by the sources of
31 payment pledged in the bond order, resolution, or trust agreement under which it is authorized or
32 secured. The following limitations apply to payment from the specified sources:
- 33 (1) Any such use of these sources will not constitute a pledge of the unit's taxing
34 power.
- 35 (2) The unit is not obligated to pay the principal or interest or premium except
36 from these sources.
- 37 (f) Details. – In fixing the details of bonds or notes, the unit of local government may
38 provide that any of the bonds or notes may do any of the following:
- 39 (1) Be made payable from time to time on demand or tender for purchase by the
40 owner thereof as long as a credit facility supports the bonds or notes, unless
41 the Local Government Commission specifically determines that a credit
42 facility is not required upon a finding and determination by the Local
43 Government Commission that the absence of a credit facility will not
44 materially and adversely affect the financial position of the unit and the
45 marketing of the bonds or notes at a reasonable interest cost to the unit.
- 46 (2) Be additionally supported by a credit facility.
- 47 (3) Be made subject to redemption or a mandatory tender for purchase prior to
48 maturity.
- 49 (4) Bear interest at a rate or rates that may vary for such period or periods of time,
50 all as may be provided in the proceedings providing for the issuance of the

1 bonds or notes including, without limitation, such variations as may be
2 permitted pursuant to a par formula.

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

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

9 (h) Term; Form. – Notes shall mature at such time or times and bonds shall mature, not
10 exceeding 40 years from their date or dates, as may be determined by the unit of local
11 government, except that no such maturity dates may exceed the maximum maturity periods
12 prescribed by the Local Government Commission pursuant to G.S. 159-122, as it may be
13 amended from time to time. The unit shall determine the form and manner of execution of the
14 bonds or notes, including any interest coupons to be attached thereto, and shall fix the
15 denomination or denominations and the place or places of payment of principal and interest,
16 which may be any bank or trust company within or without the United States. In case any officer
17 of the unit whose signature, or a facsimile of whose signature, appears on any bonds or notes or
18 coupons, if any, ceases to be the officer before delivery thereof, the signature or facsimile shall
19 nevertheless be valid and sufficient for all purposes the same as if the officer had remained in
20 office until the delivery. Any bond or note or coupon may bear the facsimile signatures of such
21 persons who at the actual time or the execution thereof were the proper officers to sign although
22 at the date of the bond or note or coupon these persons may not have been the proper officers.
23 The unit may also provide for the authentication of the bonds or notes by a trustee or other
24 authenticating agent. The bonds or notes may be issued as certificated or uncertificated
25 obligations or both, and in coupon or in registered form, or both, as the unit may determine, and
26 provision may be made for the registration of any coupon bonds or notes as to principal alone
27 and also as to both principal and interest, and for the reconversion into coupon bonds or notes of
28 any bonds or notes registered as to both principal and interest, and for the interchange of
29 registered and coupon bonds or notes. Any system for registration may be established as the unit
30 may determine.

31 (i) Local Government Commission Approval. – No bonds or notes may be issued by a
32 unit of local government under this section unless the issuance is approved and the bonds or notes
33 are sold by the Local Government Commission as provided in this section. The unit shall file
34 with the Secretary of the Local Government Commission an application requesting approval of
35 the issuance of the bonds or notes, which application shall contain such information and shall
36 have attached to it such documents concerning the proposed financing as the Secretary of the
37 Local Government Commission may require. The Commission may prescribe the form of the
38 application. Before the Secretary accepts the application, the Secretary may require the governing
39 body of the unit or its representatives to attend a preliminary conference, at which time the
40 Secretary or the deputies of the Secretary may informally discuss the proposed issue and the
41 timing of the steps taken in issuing the special obligation bonds or notes.

42 In determining whether a proposed bond or note issue should be approved, the Local
43 Government Commission may consider, to the extent applicable as shall be determined by the
44 Local Government Commission, the criteria set forth in G.S. 159-52 and G.S. 159-86, as either
45 may be amended from time to time, as well as the effect of the proposed financing upon any
46 scheduled or proposed sale of obligations by the State or by any of its agencies or departments
47 or by any unit of local government in the State. The Local Government Commission shall
48 approve the issuance of the bonds or notes if, upon the information and evidence it receives, it
49 finds and determines that the proposed financing will satisfy such criteria and will effect the
50 purposes of this section. An approval of an issue shall not be regarded as an approval of the

1 legality of the issue in any respect. A decision by the Local Government Commission denying
2 an application is final.

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

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

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

17 (l) No Other Conditions. – Bonds or notes may be issued under the provisions of this
18 section without obtaining, except as otherwise expressly provided in this section, the consent of
19 any department, division, commission, board, body, bureau, or agency of the State and without
20 any other proceedings or the happening of any conditions or things other than those proceedings,
21 conditions, or things that are specifically required by this section, and the provisions of the
22 resolution authorizing the issuance of, or any trust agreement securing, the bonds or notes.

23 (m) Trust. – In the discretion of the unit of local government, any bonds and notes issued
24 under the provisions of this section may be secured by a trust agreement by and between the unit
25 and a corporate trustee or by a resolution providing for the appointment of a corporate trustee.
26 Bonds and notes may also be issued under an order or resolution without a corporate trustee. The
27 corporate trustee may be, in either case any trust company or bank having the powers of a trust
28 company within or without the State. The trust agreement or resolution may pledge or assign
29 such sources of revenue as may be permitted under this section. The trust agreement or resolution
30 may contain such provisions for protecting and enforcing the rights and remedies of the owners
31 of any bonds or notes issued thereunder as may be reasonable and proper and not in violation of
32 law, including covenants setting forth the duties of the unit in respect of the purposes to which
33 bond or note proceeds may be applied, the disposition and application of the revenues of the unit,
34 the duties of the unit with respect to the project, the disposition of any charges and collection of
35 any revenues and administrative charges, the terms and conditions of the issuance of additional
36 bonds and notes, and the custody, safeguarding, investment, and application of all moneys. All
37 bonds and notes issued under this section shall be equally and ratably secured by a lien upon the
38 revenues pledged in the trust agreement or resolution, without priority by reasons of number, or
39 dates of bonds or notes, execution, or delivery, in accordance with the provision of this section
40 and of the trust agreement or resolution, except that the unit may provide in the trust agreement
41 or resolution that bonds or notes issued pursuant thereto shall, to the extent and in the manner
42 prescribed in the trust agreement or resolution, be subordinated and junior in standing, with
43 respect to the payment of principal and interest and to the security thereof, to any other bonds or
44 notes. It shall be lawful for any bank or trust company that may act as depository of the proceeds
45 of bonds or notes, revenues, or any other money hereunder to furnish such indemnifying bonds
46 or to pledge such securities as may be required by the unit. Any trust agreement or resolution
47 may set out the rights and remedies of the owners of any bonds or notes and of any trustee, and
48 may restrict the individual rights of action by the owners. In addition to the foregoing, any trust
49 agreement or resolution may contain such other provisions as the unit may deem reasonable and
50 proper for the security of the owners of any bonds or notes. Expenses incurred in carrying out
51 the provisions of any trust agreement or resolution may be treated as a part of the cost of any

1 project or as an administrative charge and may be paid from the revenues or from any other funds
2 available.

3 The State does pledge to, and agree with, the holders of any bonds or notes issued by any unit
4 that so long as any of the bonds or notes are outstanding and unpaid the State will not limit or
5 alter the rights vested in the unit at the time of issuance of the bonds or notes to set the terms and
6 conditions of the bonds or notes and to fulfill the terms of any agreements made with the
7 bondholders or noteholders. The State shall in no way impair the rights and remedies of the
8 bondholders or noteholders until the bonds or notes and all costs and expenses in connection with
9 any action or proceedings by or on behalf of the bondholders or noteholders, are fully paid, met,
10 and discharged.

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

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

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

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

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

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

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

43"

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

45 "(13) To issue revenue bonds of the authority and enter into other financial
46 arrangements including those permitted by this Chapter and Chapters ~~159,~~
47 ~~159~~, 159 and 160A of the General Statutes to finance solid waste management
48 activities, including but not limited to systems and facilities for waste
49 reduction, materials recovery, recycling, resource recovery, landfilling, ash
50 management, and disposal and for related support facilities, to refund any
51 revenue bonds or notes issued by the authority, whether or not in advance of

1 their maturity or earliest redemption date, or to provide funds for other
2 corporate purposes of the authority;"

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

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

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

11 "(c) The secretary shall mail to each unit of local government not later than 30 days prior
12 to the due date of each payment due to the State under debt instruments issued pursuant to Article
13 7A of this Chapter or Chapter 159G of the General Statutes ~~or Chapter 159I of the General~~
14 ~~Statutes~~ a statement of the amount so payable, the due date, the amount of any moneys due to the
15 unit of local government that will be withheld by the State and applied to the payment, the amount
16 due to be paid by the unit of local government from local sources, the place to which payment
17 should be sent, and a summary of the legal penalties for failing to honor the debt instrument
18 according to its terms. Failure of the secretary timely to mail such statement or otherwise comply
19 with the provisions of this subsection (c) shall not affect in any manner the obligation of a unit
20 of local government to make payments to the State in accordance with any such debt instrument."

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

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

23 ...

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

27"

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

29 **"§ 159-148. Contracts subject to Article; exceptions.**

30 (a) Except as provided in subsection (b) of this section, this Article applies to any
31 contract, agreement, memorandum of understanding, and any other transaction having the force
32 and effect of a contract (other than agreements made in connection with the issuance of revenue
33 bonds, special obligation bonds issued pursuant to ~~Chapter 159I of the General Statutes,~~ Article
34 7A of this Chapter, or of general obligation bonds additionally secured by a pledge of revenues)
35 made or entered into by a unit of local government (as defined by G.S. 159-7(b) or, in the case
36 of a special obligation bond, as ~~defined in Chapter 159I of the General Statutes,~~ authorized in
37 G.S. 159-146), relating to the lease, acquisition, or construction of capital assets, which contract
38 does all of the following:

39 ...

40 (b) This Article shall not apply to:

41 ...

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

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

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

1 SECTION25 .(i) This section is effective retroactively to July 1, 2019.

2
3 **EXTEND EFFECTIVE DATE OF CHAPTER 160D**

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

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

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

10
11 **REMOTE PARTICIPATION IN OPEN MEETINGS**

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

14 "§ 166A-19.24. Remote meetings during certain declarations of emergency.

15 (a) Remote Meetings. – Notwithstanding any other provision of law, upon issuance of a
16 declaration of emergency under G.S. 166A-19.20 that restricts the number of individuals that
17 may gather in one place in order to protect the public and the public health, any public body
18 within the emergency area may conduct remote meetings in accordance with this section and
19 Article 33C of Chapter 143 of the General Statutes throughout the duration of that declaration of
20 emergency.

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

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

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

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

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

33 c. Prior to voting.

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

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

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

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

40 c. To be heard by the other members of the public body when speaking
41 to the public body.

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

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

46 (7) The minutes of the remote meeting shall reflect that the meeting was
47 conducted by use of simultaneous communication, which members were
48 participating by simultaneous communication, and when such members
49 joined or left the remote meeting.

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

4 (9) The remote meeting shall be simultaneously streamed live online so that
5 simultaneous live audio, and video if any, of such meeting is available to the
6 public. If the public body conducting the remote meeting maintains its own
7 website, that live stream shall be available on the website of the public body,
8 accessible in a conspicuous location on such website. If the remote meeting is
9 conducted by conference call, the public body may comply with this
10 subdivision by providing the public with an opportunity to dial-in or stream
11 the audio live and listen to the remote meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 "**§ 153A-43. Quorum.**

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

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

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

18 "**§ 160A-74. Quorum.**

19 (a) A majority of the actual membership of the council plus the mayor, excluding vacant
20 seats, shall constitute a quorum. A member who has withdrawn from a meeting without being
21 excused by majority vote of the remaining members present shall be counted as present for
22 purposes of determining whether or not a quorum is present.

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

26 **SECTION 27.(g)** G.S. 160A-75, effective until January 1, 2021, reads as rewritten:

27 "**§ 160A-75. (Effective until January 1, 2021) Voting.**

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

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

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

50 **SECTION 27.(h)** G.S. 160A-75, effective January 1, 2021, reads as rewritten:

51 "**§ 160A-75. (Effective January 1, 2021) Voting.**

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

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

13 (c) An affirmative vote equal to a majority of all the members of the council not excused
14 from voting on the question in issue, including the mayor's vote in case of an equal division, shall
15 be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or
16 commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of
17 the city. In addition, no ordinance nor any action having the effect of any ordinance, except an
18 ordinance on which a public hearing must be held pursuant to G.S. 160D-601 before the
19 ordinance may be adopted, may be finally adopted on the date on which it is introduced except
20 by an affirmative vote equal to or greater than two thirds of all the actual membership of the
21 council, excluding vacant seats and not including the mayor unless the mayor has the right to
22 vote on all questions before the council. For purposes of this section, an ordinance shall be
23 deemed to have been introduced on the date the subject matter is first voted on by the council."

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

25 **SECTION 27.(j)** This section is effective when it becomes law and applies
26 throughout the duration of any declaration of emergency issued under G.S. 166A-19.20 in effect
27 on or after that date. The actions of any public body in an open meeting conducted via
28 simultaneous communication between March 10, 2020, and the effective date of this section are
29 not deemed invalid due to the use of simultaneous communication to conduct that open meeting.
30

31 **EXTEND ORDINANCE/RULE REPORTING**

32 **SECTION 28.(a)** Section 1 of S.L. 2018-69, as amended by Section 3 of S.L.
33 2019-198 reads as rewritten:

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

39 **SECTION 28.(b)** Section 3 of S.L. 2018-69, as amended by Section 4 of S.L.
40 2019-198 reads as rewritten:

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

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

49 "SECTION 5. No ordinance adopted on or after ~~January 1, 2020,~~ May 1, 2021, and
50 before ~~January 1, 2022,~~ May 1, 2023, by a county, city, or town that was required to report
51 pursuant to Section 3 of S.L. 2018-69, as amended by Section 4 of ~~this act,~~ of S.L. 2019-198 and

1 Section 2 of this act, shall be subject to the criminal penalty provided by G.S. 14-4 unless that
2 county, city, or town submitted the required report on or before ~~November 1, 2019~~March 1,
3 2021. Ordinances regulated by this section may still be subject to civil penalties as authorized by
4 G.S. 153A-123 or G.S. 160A-175."

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

6
7 **AUTHORIZE MODIFICATION OF CRIMINAL JUDGEMENTS REQUIRING**
8 **INTERMITTENT ACTIVE TIME**

9 **SECTION 30.5.(a)** Any criminal judgment requiring a defendant to serve periods of
10 confinement or imprisonment in a local confinement facility may be modified by the chief district
11 court judge of the judicial district in which the order was issued if the chief district court judge
12 finds that all of the following requirements are met:

13 (1) The defendant is unable to serve one or more ordered periods of confinement
14 or imprisonment due to the local confinement facility's restrictions on inmates
15 during the COVID-19 State of Emergency.

16 (2) Without modification, the defendant will be in violation of the criminal
17 judgment.

18 (3) The District Attorney consents to modification of the criminal judgment.

19 Any modification made pursuant to this authorization shall be as minimal as possible to allow
20 the defendant to comply with the requirements of the criminal judgment.

21 **SECTION 30.5.(b)** This section is effective when it becomes law and expires
22 August 1, 2020.

23
24
25 **SEVERABILITY**

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

29
30 **EFFECTIVE DATE**

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