

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

**SESSION LAW 2021-189  
HOUSE BILL 334**

AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO  
THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2021 AND OTHER  
LEGISLATION AFFECTING THE STATE BUDGET.

The General Assembly of North Carolina enacts:

**PART I. GENERAL PROVISIONS**

**CORRECT AND UPDATE APPROPRIATION FIGURES**

**SECTION 1.1.** Section 2.1(a) of S.L. 2021-180 reads as rewritten:

"**SECTION 2.1.(a)** Appropriations from the General Fund for the budgets of the State departments, institutions, and agencies, and for other purposes as enumerated, are made for each year of the 2021-2023 fiscal biennium, according to the following schedule:

<b>Current Operations – General Fund</b>	<b>FY 2021-2022</b>	<b>FY 2022-2023</b>
<b>EDUCATION</b>		
...		
UNC BOG – Aid to Private Institutions		
Requirements	295,621,921	244,621,921
Less: Receipts	64,000,000	13,000,000
<b>Net Appropriation</b>	<b>231,621,921</b>	<b>263,221,921</b>
...		
<b>HEALTH AND HUMAN SERVICES</b>		
...		
Child Development and Early Education		
Requirements	1,345,027,024	1,345,022,024
819,437,662	819,432,662	
Less: Receipts	1,102,361,197	1,102,356,197
576,599,001	576,594,001	
<b>Net Appropriation</b>	<b>242,665,827</b>	<b>242,838,661</b>
...		
Social Services		
Requirements	2,161,485,879	2,162,732,609
1,998,527,999	1,998,532,999	
Less: Receipts	1,941,828,091	1,943,074,821
1,781,852,590	1,781,857,590	



<b>Net Appropriation</b>	<b>219,657,788</b>	<b>216,675,409</b>
...		
<b>AGRICULTURE, NATURAL, AND ECONOMIC RESOURCES</b>		
...		
Commerce		
Requirements	<u>599,260,602</u> <del>706,010,602</del>	252,886,311
Less: Receipts	382,599,635	57,089,545
<b>Net Appropriation</b>	<b><u>216,660,967</u></b> <del>323,410,967</del>	<b>195,796,766</b>
...		
<b>GENERAL GOVERNMENT</b>		
...		
Budget and Management		
Requirements	<u>239,898,420</u> <del>290,898,420</del>	10,939,568
Less: Receipts	<u>225,092,508</u> <del>276,092,508</del>	557,408
<b>Net Appropriation</b>	<b>14,805,912</b>	<b>10,382,160</b>
...		
<b>Total Requirements</b>	<b><u>59,834,157,715</u></b> <del>59,942,149,445</del>	<b>51,980,785,489</b>
<b>Less: Total Receipts</b>	<b><u>33,912,731,433</u></b> <del>33,913,973,163</del>	<b>25,000,110,879</b>
<b>Total Net Appropriation</b>	<b><u>25,921,426,282</u></b> <del>26,028,176,282</del>	<b>26,980,674,610"</b>

**UPDATE AVAILABILITY STATEMENT**

**SECTION 1.2.** Section 2.2(a) of S.L. 2021-180 is rewritten to read:

"**SECTION 2.2.(a)** The General Fund availability derived from State tax revenue, nontax revenue, and other adjustments used in developing the budget for each year of the 2021-2023 fiscal biennium is as follows:

	<b>FY 2021-2022</b>	<b>FY 2022-2023</b>
<b>Unappropriated Balance Remaining FY 2020-21</b>	<b>457,272,694</b>	<b>2,380,495,252</b>
Actual/Anticipated Reversions	523,224,136	200,000,000
Actual Over Collections	6,230,486,722	-
S.L. 2021-19: UNC Building Reserves/Certain Projects	(2,359,159)	-
Actual Transfer to Savings Reserve	(877,717,564)	-
<b>Total, Prior Year-End Fund Balance</b>	<b>6,330,906,829</b>	<b>2,580,495,252</b>
<b>Tax Revenue</b>		
Personal Income	15,388,100,000	15,998,900,000
Sales and Use	9,681,100,000	9,830,000,000
Corporate Income	1,300,500,000	1,343,600,000
Franchise	840,000,000	861,300,000
Insurance	808,900,000	961,800,000
Alcoholic Beverages	453,300,000	461,700,000
Tobacco Products	258,300,000	256,900,000
Other Tax Revenues	155,800,000	152,700,000

<b>Subtotal, Tax Revenue</b>	<b>28,886,000,000</b>	<b>29,866,900,000</b>
<b>Non-Tax Revenue</b>		
Judicial Fees	216,600,000	224,200,000
Investment Income	29,600,000	36,100,000
Disproportionate Share	115,400,000	122,500,000
Master Settlement Agreement	139,400,000	134,100,000
Insurance	100,500,000	103,400,000
Other Non-Tax Revenues	217,900,000	220,000,000
<b>Subtotal, Non-Tax Revenue</b>	<b>819,400,000</b>	<b>840,300,000</b>
<b>Total, Net Revenue</b>	<b>29,705,400,000</b>	<b>30,707,200,000</b>
<b>Adjustments to Tax Revenue</b>		
<b>Personal Income Tax Changes</b>		
Deduction for PPP Loans, EIDL, & similar programs	(427,000,000)	(35,000,000)
Changes to Mill Rehabilitation Tax Credits	1,400,000	(3,700,000)
Changes to Historic Rehabilitation Tax Credits	(200,000)	(200,000)
Reduce Rate, Change Certain Deductions	(650,000,000)	(1,700,600,000)
<b>Sales and Use Tax Changes</b>		
Credit Short-term Car Rental Proceeds to Highway Fund	(69,800,000)	(74,600,000)
<b>Corporate Income Tax Changes</b>		
Deduction for PPP Loans, EIDL, & similar programs	(183,000,000)	(15,000,000)
Changes to Mill Rehabilitation Tax Credits	2,900,000	(7,500,000)
Changes to Historic Rehabilitation Tax Credits	(500,000)	(500,000)
<b>Franchise Tax Changes</b>		
Eliminate Alternate Property Bases	-	(173,300,000)
<b>Insurance Tax Changes</b>		
Changes to Mill Rehabilitation Tax Credits	1,500,000	(3,800,000)
Changes to Historic Rehabilitation Tax Credits	(300,000)	(300,000)
Limit Gross Premiums Tax on Surety Bonds	(700,000)	(1,000,000)
<b>Tobacco Products Tax Changes</b>		
Expand Cigar Excise Tax	-	25,200,000
<b>Subtotal, Adjustments to Tax Revenue</b>	<b>(1,325,700,000)</b>	<b>(1,990,300,000)</b>
<b>Statutorily Required Reservations of Revenue</b>		
NC GREAT Program (S.L. 2019-230)	(15,000,000)	(15,000,000)
State Capital and Infrastructure Fund (SCIF)	(1,300,000,000)	(1,345,500,000)
<b>Subtotal, Statutorily Required Reservations of Revenue</b>	<b>(1,315,000,000)</b>	<b>(1,360,500,000)</b>
<b>Reserves</b>		
Medicaid Contingency Reserve	(125,000,000)	-
Medicaid Transformation Reserve	(215,820,000)	(246,000,000)
Information Technology Reserve	(109,661,155)	(165,000,000)
Transfer to Savings Reserve	(1,134,006,723)	(1,134,006,722)
Additional Transfer to SCIF	(2,349,334,999)	(1,039,500,000)
State Emergency and Disaster Response Reserve	(425,000,000)	(375,000,000)
Economic Development Project Reserve	(338,000,000)	-
Unfunded Liability Solvency Reserve	(40,000,000)	(10,000,000)
Wilmington Harbor Enhancements Reserve	(283,800,000)	-

<b>Subtotal, Reserves</b>	<b>(5,020,622,877)</b>	<b>(2,969,506,722)</b>
<b>Other Adjustments to Availability</b>		
Adjustment to Transfer from State Treasurer	2,320,420	3,337,657
Adjustment from Insurance Reg. Fund	61,578	101,285
UNC/Medicaid Receiveables Transfer	31,305,584	31,305,584
<b>Subtotal, Other Adjustments</b>	<b>33,687,582</b>	<b>34,744,526</b>
<b>Revised Total General Fund Availability</b>	<b>28,408,671,534</b>	<b>27,002,133,056</b>
Less General Fund Net Appropriations	26,028,176,282	26,980,674,610
<b>Unappropriated Balance Remaining</b>	<b>2,380,495,252</b>	<b>21,458,446"</b>

**UPDATE HIGHWAY TRUST FUND AVAILABILITY CATEGORY DESCRIPTION**

**SECTION 1.3.** Section 3.4 of S.L. 2021-180 reads as rewritten:

"**SECTION 3.4.** The Highway Trust Fund availability used in developing the 2021-2023 fiscal biennial budget is shown below:

<b>Highway Trust Fund Availability</b>	<b>FY 2021-2022</b>	<b>FY 2022-2023</b>
<del>Projected</del> <u>Actual</u> Over Collections	326,587,369	
Partial Accounting of Cash Advance Repayments	176,577,495	
STI Projects	(503,164,864)	
Beginning Balance	0	
Highway Use Tax	958,300,000	997,900,000
Motor Fuels Tax	418,000,000	546,300,000
Fees	173,700,000	182,100,000
Investment Income	2,000,000	2,000,000
<b>Total Highway Trust Fund Availability</b>	<b>\$1,552,000,000</b>	<b>\$1,728,300,000"</b>

**STATE MATCH FUND CLARIFICATION**

**SECTION 1.4.** Section 5.9 of S.L. 2021-180 reads as rewritten:

"**SECTION 5.9.(a)** Allocations. – The funds appropriated in Section 2.2(j) of this act for disaster relief, recovery, mitigation, and resiliency shall be allocated as follows:

- ...
- (2) \$10,000,000 to the State Match Fund, as created in subsection (d) of this section, administered by the Department of Public Safety, Division of Emergency Management, to be used for (i) State match requirements for disaster declarations by the President of the United States under the Stafford Act, P.L. 93-288, in this State that may arise from disaster declarations after July 1, 2021, ~~July 1, 2021~~, and (ii) State match requirements for FEMA disaster preparedness programs. These funds shall not apply to disaster declarations occasioned by the COVID-19 pandemic.
- ...

"**SECTION 5.9.(d)** Establishment of the State Match Fund. – There is established the State Match Fund (Fund) in the Department of Public Safety, Division of Emergency Management (Division). Any funds appropriated to the Fund shall remain available for expenditure as provided in this section unless directed otherwise by the General Assembly. The Division shall use the funds in the Fund for the State's share of costs associated with FEMA disaster ~~response~~ response, preparedness, and recovery programs.

...."

## AGRICULTURAL CROP LOSS PROGRAM CLARIFICATIONS

**SECTION 1.5.** Section 5.9B of S.L. 2021-180 reads as rewritten:

**"SECTION 5.9B.(a)** Agricultural Crop Loss Program. – The Agricultural Crop Loss Program (Program) is established within the Department of Agriculture and Consumer Services (Department). The Program shall be used to provide financial assistance to farmers affected by Tropical Storm Fred. The Department ~~shall not~~ may use up to three percent (3%) of funds allocated for the Program for administrative purposes. The Program shall expire on November 1, 2026. To be eligible for financial assistance for losses of agricultural commodities, a person must satisfy all of the following criteria:

- (1) The person experienced a verifiable loss of agricultural commodities or damages to farm infrastructure as a result of Tropical Storm Fred, and the person's farm is located in a North Carolina county listed in subsection (b) of Section 5.9A of this act.
- (2) The agricultural commodity was planted but not harvested on or before August 17, 2021, or, for aquaculture commodities, the commodities were being raised on or before August 17, 2021.

**"SECTION 5.9B.(b)** Verification of Loss. – A person seeking financial assistance for losses of agricultural commodities under the Program shall submit to the Department a Form 578 on file with the USDA Farm Service Agency or a form provided by the Department for reporting acreage or plantings of crops or reporting infrastructure damage or loss that is not typically reported on Form 578, along with any other documentation deemed appropriate by the Department, on or before ~~December 10, 2021~~, May 1, 2022. For nursery crops, fruit-bearing trees and bushes, and specialty crops where the survival level is not immediately known, the Department may extend this deadline to ~~May 1, 2022~~, October 1, 2022, upon written request by the person received on or before ~~December 10, 2021~~, May 1, 2022, and upon approval by the Department. A person receiving assistance under this Program must provide a signed affidavit, under penalty of perjury, certifying that each fact of the loss presented by the person is accurate.

...

**"SECTION 5.9B.(d)** Documentation. – A person seeking financial assistance for losses of livestock or poultry shall submit documentation of loss and indemnity received from the USDA Livestock Indemnity Program, along with any other documentation deemed appropriate by the Department, to the Department on or before ~~December 10, 2021~~, May 1, 2022. The Department may extend this deadline to ~~March 1, 2022~~, October 1, 2022, upon written request by the person received on or before ~~December 10, 2021~~, May 1, 2022, and upon approval by the Department. A person receiving assistance under this Program must provide a signed affidavit, under penalty of perjury, certifying that each fact of the loss presented by the person is accurate.

**"SECTION 5.9B.(e)** Criteria. – The Department shall administer the financial assistance program authorized by this section in accordance with the following criteria:

...

- (3) The Department shall gather all claim information, except from those applicants granted a deadline extension, no later than ~~December 10, 2021~~, May 1, 2022. The Department shall, as closely as possible, estimate the amount of the funds needed to be held in reserve for payments related to losses of livestock, poultry, nursery, bush, tree, and specialty crops for which losses will not be fully known or calculated. The Department shall set aside funds as it deems appropriate based on the estimated percentage of these losses.

...

- (5) The Department shall develop a formula to determine the payment calculation for farm infrastructure damage or loss using measures the Department deems

appropriate. The Department shall consider any other available insurance claims that may be available to the applicant when developing the formula under this subdivision.

...  
"SECTION 5.9B.(i) Definitions. – For purposes of this section, the following definitions apply:

...  
(1a) Farm infrastructure. – Fencing, greenhouses, barns, equipment, and farm roads or other structures or site improvements used for farming purposes.

...."

SECTION 1.6. Part V of S.L. 2021-180 is amended by adding a new section to read as follows:

**"DESIGN-BUILD CONTRACTS USING CERTAIN FEDERAL FUNDS**

"SECTION 5.17.(a) Notwithstanding any other provision of law, any unit of local government (unit) that contracts for design-build services using federal funds subject to the procurement standards set forth in 2 CFR Part 200 (Uniform Guidance), in whole or in part, shall comply with either:

- (1) G.S. 143-128.1A in its entirety and all applicable federal requirements related to the use of the federal funds.
- (2) All of the following:
  - a. G.S. 143-128.1A(a), (b), (c), and (f). In satisfying the requirements of G.S. 143-128.1A(c)(5), the public notice of the request for qualifications shall be issued at least 7 days before the date of the opening of proposals. The public notice shall identify all selection criteria, including price, and the relative weight of the selection criteria.
  - b. If after the solicitation for design-builders not as many as three responses have been received from qualified design-builders, the unit shall again solicit for design-builders. If as a result of the second solicitation not as many as three responses are received, the unit may make a selection as provided in sub-subdivision c. of this subdivision even though fewer than three responses were received.
  - c. The unit shall select and commence contract negotiations with the design-builder whose response is ranked most advantageous to the unit based on the selection factors identified as provided in sub-subdivision a. of this subdivision. If a contract cannot be negotiated with the highest ranked design-builder, negotiations with that design-builder shall be terminated and negotiations shall be initiated with the next-highest ranked design-builder.
  - d. All applicable federal requirements related to the use of the federal funds.

"SECTION 5.17.(b) This section expires on December 31, 2025; provided, however, any design-build contract executed pursuant to this section prior to December 31, 2025, shall be valid and the unit may continue to make payments under the contract entered into prior to December 31, 2025, so long as the contract was executed as provided in subsection (a) of this section."

**FLEXIBILITY IN ELIMINATING VACANT POSITIONS**

SECTION 1.7. Part V of S.L. 2021-180 is amended by adding a new section to read:

**"FLEXIBILITY IN ELIMINATING VACANT POSITIONS**

"SECTION 5.18. Notwithstanding any provision of this act, or a provision of the Committee Report described in Section 43.2 of this act to the contrary, if positions identified for elimination

in this act or in the Committee Report were filled as of November 18, 2021, State Agencies may substitute other vacant positions. In substituting positions, State Agencies shall meet the total dollar amount of the position reductions and at least the total number of positions eliminated."

## **PART II. EDUCATION**

### **CORRECT FUND CODE REFERENCE FOR CAPITAL AND INFRASTRUCTURE STAFF AT COMMUNITY COLLEGES SYSTEM OFFICE**

**SECTION 2.1.** Part VI of S.L. 2021-180 is amended by adding a new section to read:

**"CORRECT FUND CODE REFERENCE FOR CAPITAL AND INFRASTRUCTURE STAFF AT COMMUNITY COLLEGES SYSTEM OFFICE**

**"SECTION 6.16.** Notwithstanding any other provision of law or a provision of the Committee Report described in Section 43.2 of this act to the contrary, the two hundred twelve thousand three hundred eighteen dollars (\$212,318) in recurring funds appropriated in this act for each year of the 2021-2023 fiscal biennium from the State Capital and Infrastructure Fund to the Community Colleges System Office for two positions to assist in the management of capital projects shall be provided to Fund Code 1300, Finance Division Fund, instead of Fund Code 1100, Executive Division."

### **REVISE TIME FRAME FOR AUDIT OF ATTENDANCE AND TRUANCY IN SCHOOLS**

**SECTION 2.2.** Section 3.5(a)(14) of S.L. 2021-25, as enacted by Section 7.27(a) of S.L. 2021-180, reads as rewritten:

"(14) \$350,000 to contract with the State Auditor, in response to the COVID-19 pandemic, to perform detailed analyses of the attendance and truancy policies and procedures ~~for~~ from the ~~2021-2022-2020-2021~~ school year of at least two small, two medium-sized, and two large local school administrative units, selected randomly by the State Auditor. The State Auditor may contract with third-party entities, as needed, for services related to the analyses. No later than June 30, 2022, the State Auditor shall report to the Joint Legislative Education Oversight Committee, the Senate Appropriations Committee on Education/Higher Education, the House Appropriations Committee on Education, and the Fiscal Research Division on the results of the analyses and any recommendations to remediate student absenteeism."

### **ADJUST WATER SAFETY ACT FUNDS FOR COLLABORATORY**

**SECTION 2.3.** Section 8.10(c) of S.L. 2021-180 reads as rewritten:

**"SECTION 8.10.(c)** Of the funds appropriated by this act to the Board of Governors of The University of North Carolina to be allocated to the University of North Carolina at Chapel Hill for the Collaboratory, the sum of ~~twelve million seven hundred fifty thousand dollars (\$12,750,000)~~ fourteen million one hundred fifty thousand dollars (\$14,150,000) in nonrecurring funds for the 2021-2022 fiscal year shall be used by the Collaboratory to manage and implement the requirements of subsections (a) through (e) of this section, which shall include distribution to the Collaboratory (i) to cover costs incurred as a result of these activities, (ii) for acquisition or modification of essential scientific instrumentation and maintenance, and (iii) for payments of costs for sample collection and analysis, training or hiring of research staff and other personnel, method development activities, and data management, including dissemination of relevant data to stakeholders. Participating institutions receiving any funds under this subsection may not use any of the funds for overhead or other indirect costs. Funds allocated under this subsection shall not revert but shall remain available for nonrecurring expenditures. The provisions of Article 3

of Chapter 143 of the General Statutes, G.S. 116-31.10, G.S. 143-129, and other relevant policies and guidelines related to those provisions shall not apply to the purchase of apparatus, supplies, material, personnel, contract, or equipment with any of the funds allocated under this section."

## **REVISE DEFINITION OF BUSINESS ENTITIES ELIGIBLE FOR COVID-19 RESEARCH GRANTS**

**SECTION 2.4.** Section 8.12(b) of S.L. 2021-180 reads as rewritten:

"**SECTION 8.12.(b)** Of the funds identified in subsection (a) of this section, fifteen million dollars (\$15,000,000) shall be used for a comprehensive convergent science grant program administered by the Collaboratory. Convergent science grants awarded pursuant to the program shall meet at least the following requirements:

- (1) Grants shall be awarded to the following entities:
  - a. Business entities that meet all of the following requirements:
    1. Are organized pursuant to the laws of this State as for-profit or nonprofit ~~organizations~~organizations or have their principal office in this State.
    - ~~2. Have their principal office in this State.~~
    3. Would benefit from academic research partnerships.
    4. Identify in their grant applications one or more academic research partners that are (i) affiliated with institutions of higher education located in this State and (ii) connected to the applied research and development activities the business entities describe in their grant applications.
  - b. Academic research partners identified pursuant to sub-sub-subdivision 4. of sub-subdivision a. of this subdivision.
- (2) Grant funds shall support applied research regarding the development of technology that meets the purposes of this section.
- (3) No single business entity shall receive grant funds in excess of two million five hundred thousand dollars (\$2,500,000).
- (4) The Collaboratory shall provide smaller grants to business entities, as needed, in amounts per business entity ranging from two hundred fifty thousand dollars (\$250,000) to one million dollars (\$1,000,000).
- (5) No single academic research partner, including an academic research partner with a multi-campus team, shall receive a grant in excess of twenty percent (20%) of the total grant funds awarded to its partner business entity pursuant to this section. An academic research partner that is affiliated with multiple business entities may receive multiple grants."

## **CORRECT STATUTORY REFERENCE FOR PERSONAL EDUCATION STUDENT ACCOUNTS**

**SECTION 2.5.** Section 8A.3(u) of S.L. 2021-180 reads as rewritten:

"**SECTION 8A.3.(u)** Notwithstanding ~~G.S. 115C-592(e)~~, G.S. 115C-592(a), as amended by this section, and the repeal of Part 1H of Article 9 of Chapter 115C of the General Statutes, effective July 1, 2022, as provided by this section, for the 2022-2023 school year only, the State Education Assistance Authority shall have flexibility in implementing application requirements for the Personal Education Student Accounts for Children with Disabilities Program to award scholarship funds under that program for the 2022-2023 school year."

## **REPEAL PRIVATE COLLEGES AND UNIVERSITIES COVID-19 SUPPORT PROGRAM AS ADMINISTERED BY THE STATE EDUCATION ASSISTANCE AUTHORITY**



**SECTION 2.6.** Section 8A.9 of S.L. 2021-180 is repealed.

**BOARD OF GOVERNORS AND PRESIDENT OF UNIVERSITY OF NORTH CAROLINA STUDY ESTABLISHING NEW HEALTH SCIENCES PROGRAMS AT UNC PEMBROKE**

**SECTION 2.7.** No later than the date the new health sciences building at the University of North Carolina at Pembroke (UNC Pembroke) opens for classes, the Board of Governors of The University of North Carolina and the President of The University of North Carolina shall complete a study of the feasibility and advisability of establishing new academic programs and schools in the area of health sciences at UNC Pembroke, including a school of optometry. As part of their study, the Board of Governors and the President shall consider the costs and financial benefits of establishing these programs and may consider the findings and recommendations submitted by the Board of Governors to the General Assembly by March 1, 2018, pursuant to subsection (a) of Section 10.14 of S.L. 2017-57. In addition, the Board of Governors and the President may consult with the Board of Trustees of the University of North Carolina at Pembroke.

**PART III. HEALTH AND HUMAN SERVICES**

**ADULT CARE HOME ACCREDITATION PILOT PROGRAM CHANGES**

**SECTION 3.1.** Section 9E.6 of S.L. 2021-180 reads as rewritten:

"...

**"SECTION 9E.6.(b)** Pilot Program. – The Sheps Center shall oversee the administration of a two-year pilot program to be conducted by the Pilot Program Accrediting Body and the Sheps Center to evaluate the effectiveness of an accreditation process for adult care homes that would deem adult care homes eligible for ongoing licensure and exempt accredited adult care homes from routine inspections if they meet required standards and requirements. The goal of the pilot program is to study the effectiveness of accreditation through an evaluation of quality outcome measures to be developed by the Sheps Center for the purpose of determining whether accreditation achieves compliance with licensure requirements and improves or maintains quality of care compared with a control group. In conducting the pilot program, the Sheps Center shall collaborate with the Pilot Program Accrediting Body, the Department, the NCSLA, the NCALA, the Stakeholder Advisory Group appointed under subsection (c) of this section, and any other qualified entity or State agency that may be of assistance in accomplishing the objectives of the pilot program. The Department shall have access to all of the following upon request:

- (1) Unredacted records maintained by the Pilot Program Accrediting Body related to surveys conducted by the Pilot Program Accrediting Body.
- (2) Deidentified data related to quality outcome measures collected or generated by the Sheps Center.

**"SECTION 9E.6.(c)** Stakeholder Advisory Group. – The Department shall appoint a Stakeholder Advisory Group representing other interested parties not already involved in the pilot program authorized by subsection (b) of this section, which shall be composed of, at minimum, at least one member representing Friends of Residents in Long Term Care, the North Carolina Ombudsman Association, AARP North Carolina, Disability Rights North Carolina, directors of county departments of social services, and the Department. The Sheps Center shall keep the Stakeholder Advisory Group informed of the progress of study design and operation of the pilot program and shall offer the Stakeholder Advisory Group an opportunity to periodically offer recommendations on study design, pilot program operation, and ultimate implementation of the accreditation process for program participants.

**"SECTION 9E.6.(d) Pilot Accrediting Body Reporting.** – As a condition of participating in the pilot program authorized by this section, the Pilot Program Accrediting Body must agree to submit the following reports to the Sheps Center: ~~reports:~~

- (1) ~~Monthly~~ The Pilot Program Accrediting Body shall provide to the Department and to the Sheps Center monthly survey schedules which document the surveys that were completed for the previous month and those scheduled for the current month and the following month.
- (2) The Pilot Program Accrediting Body shall provide to the Sheps Center:
  - a. Documentation of surveys for the preceding month, including documentation of investigations, noncompliance, correction of noncompliance, and survey outcomes.
  - ~~(3)~~b. Facility notification letters for all accreditation program actions and any follow-up communication associated with those facility notification letters.

...

**"SECTION 9E.6.(g) Pilot ACH Reports.** – No later than 150 days after the effective date of this section, the Sheps Center, NCSLA, and NCALA shall develop a standardized methodology for the collection of information from the program participants and control group members of the pilot program for the purpose of comparing and contrasting the quality of care and the outcomes in accredited and nonaccredited facilities. As a condition of participating in the pilot program authorized by this section, the pilot ACHs must agree to follow this standardized methodology for (i) collecting information about the residents and the facility and (ii) quarterly reporting that information to the Sheps Center. The Sheps Center shall maintain the original data provided by facilities for data verification purposes. The quarterly reports shall include, but not be limited to, the following categories and types of information in the format prescribed by the Sheps Center:

- ~~(1) Function, specifically falls with injury.~~
- ~~(2) Health, specifically emergency department visits, hospitalization, and flu immunization.~~
- ~~(3) Cognition, specifically discharge due to behaviors.~~
- ~~(4) Quality of dying, specifically hospice use.~~
- ~~(5) Quality of life, specifically resident satisfaction and family satisfaction reported annually.~~
- ~~(6) Staffing, specifically turnover and satisfaction (satisfaction reported annually).~~
- (1) Workforce, including staffing levels and staff turnover rates; consistent assignment; quality of life (stress/burnout); and satisfaction.
- (2) Resident outcomes, including physical function (falls with injury) and psychosocial well-being and satisfaction.
- (3) Care coordination and transitions, including resident/family preferences and resident/family understanding, advance directives, discharge due to behaviors, emergency department visits, and hospitalization.
- (4) Medication management, including performing medication reviews and reducing medication errors.
- (5) Person-centered care, including well-being and belonging, individualized care and services, social connectedness, and home-like atmosphere.

...

**"SECTION 9E.6.(k)** Of the funds appropriated in this act to the Department of Health and Human Services, one million five hundred thousand dollars (\$1,500,000) in nonrecurring funds for the 2021-2022 fiscal year shall be transferred to the Board of Governors of The University of North Carolina System to be allocated to the University of North Carolina at Chapel Hill for the

Program on Aging, Disability, and Long-Term Care within the Cecil G. Sheps Center for Health Services Research to cover the cost of participation in the pilot program authorized by subsection (b) of this section. These funds shall be expended over the period beginning with the effective date of the pilot program and ending with the submission to the Joint Legislative Oversight Committee on Health and Human Services and the Department of an evaluation of the effectiveness of this pilot program for a licensure accreditation process for adult care homes that could inform future changes to the licensure process and requirements. The Sheps Center shall use these funds to do the following:

- (1) To develop a recommended list of criteria, data collection, and methodology necessary for measuring care and resident outcomes in adult care homes. These criteria shall relate to, at a minimum, the following:
  - ~~a. Function, specifically falls with injury.~~
  - ~~b. Health, specifically emergency department visits, hospitalization, and flu immunization.~~
  - ~~c. Cognition, specifically discharge due to behaviors.~~
  - ~~d. Quality of dying, specifically hospice use.~~
  - ~~e. Quality of life, specifically resident satisfaction and family satisfaction reported annually.~~
  - ~~f. Staffing, specifically turnover and satisfaction (satisfaction reported annually).~~
    - a. Workforce, including staffing levels and staff turnover rates; consistent assignment; quality of life (stress/burnout); and satisfaction.
    - b. Resident outcomes, including physical function (falls with injury) and psychosocial well-being and satisfaction.
    - c. Care coordination and transitions, including resident/family preferences and resident/family understanding, advance directives, discharge due to behaviors, emergency department visits, and hospitalization.
    - d. Medication management, including performing medication reviews and reducing medication errors.
    - e. Person-centered care, including well-being and belonging, individualized care and services, social connectedness, and home-like atmosphere.
- (2) To solicit the program participants, obtain the relevant data, validate select data, enter and clean the data, and generate reports.
- (3) To ensure pilot ACHs compile the information related to quality outcome measures in a standardized manner, obtain that information, and compare the quality outcome measures prescribed by the Sheps Center in program participants and control group members. The methodology used in comparison of quality outcome measures shall be substantially similar to the methodology used in the Centers for Medicare and Medicaid Services' Nursing Home Compare Quality Measures Technical Specifications, specifically utilizing comparisons based upon per 1,000 resident days.
- (4) To prepare the reports required by subsections (h) and (i) of this section."

## **MODIFIED ADULT CARE HOME INFECTION PREVENTION REQUIREMENTS**

**SECTION 3.2.(a)** G.S. 131D-4.4A, as amended by Section 9E.7 of S.L. 2021-180, reads as rewritten:

**"§ 131D-4.4A. Adult care home infection prevention requirements.**

(a) As used in this section, "adult care home staff" means any employee of an adult care home involved in direct resident care.~~home.~~

(b) In order to prevent transmission of infectious diseases, each adult care home shall do all of the following:

- (1) ~~Implement a written infection prevention and control policy consistent with policies and procedures that are based on~~ accepted national standards consistent with the federal Centers for Disease Control and Prevention guidelines on infection control, which shall be maintained in the facility and accessible to adult care home staff working at the facility. ~~The policy-policies and procedures shall address at least all of the following:~~
  - a. Proper disposal of single-use equipment used to puncture skin, mucous membranes, and other tissues, and proper disinfection of reusable resident care items that are used for multiple residents.
  - b. Sanitation of rooms and equipment, including cleaning procedures, agents, and schedules.
  - c. Accessibility of infection control devices and supplies.
  - d. Blood and bodily fluid precautions.
  - e. Procedures to be followed when adult care home staff is exposed to blood or other body fluids of another person in a manner that poses a significant risk of transmission of HIV, hepatitis B, hepatitis C, or other bloodborne pathogens.
  - f. Procedures to prohibit adult care home staff with exudative lesions or weeping dermatitis from engaging in direct resident care that involves the potential for contact between the resident, equipment, or devices and the lesion or dermatitis until the condition resolves.
  - g. Standard and transmission-based precautions, including the following:
    1. Respiratory hygiene and cough etiquette.
    2. Environmental cleaning and disinfection.
    3. Reprocessing and disinfection of reusable resident devices.
    4. Hand hygiene.
    5. Accessibility and proper use of personal protective equipment.
    6. Types of transmission-based precautions and when each type is indicated, including contact precautions, droplet precautions, and airborne precautions.
  - h. ~~When~~ In accordance with the public health laws of North Carolina, when and how to report to the local health department a suspected or confirmed, reportable communicable disease case or condition, or a communicable disease outbreak.
  - i. Procedures for ensuring that residents, representatives of residents, and adult care home staff are informed of the following without disclosing any personally identifiable information of the facility's residents or staff:
    1. The existence of a communicable disease outbreak within 24 hours following confirmation of the outbreak by the local health department.
    2. When the communicable disease outbreak has resolved.
    3. Any changes to facility operations during the communicable disease outbreak, such as visitation policy changes.
  - j. Measures the facility should consider for specific types of communicable disease outbreaks in order to prevent the spread of illness, such as:
    1. Isolating infected residents.
    2. Limiting or stopping group activities and communal dining.

3. Limiting or restricting outside visitation to the facility.
  4. Screening staff, residents, and visitors for signs of illness.
  5. Using source control as tolerated by the residents.
- j.k. Strategies for addressing potential staffing issues and ensuring adequate staffing is available to meet the needs of the residents during a communicable disease outbreak.
- (2) Require and monitor compliance with the facility's infection prevention and control ~~policy-policies and procedures.~~
  - (3) Update the infection prevention and control ~~policy-policies and procedures~~ as necessary to maintain consistency with ~~the guidelines included in the course developed by the Department pursuant to G.S. 131D-4.5C.~~accepted national standards in infection prevention and control.
  - (4) Designate one on-site staff member for each noncontiguous facility who is knowledgeable about the federal Centers for Disease Control and Prevention guidelines on infection control to direct the facility's infection control activities and ensure that all adult care home staff is trained in the facility's written infection prevention and control ~~policy-policies and procedures~~ developed pursuant to subdivision (b)(1) of this section within 30 days after hire and annually thereafter. Any nonsupervisory staff member designated to direct the facility's infection control activities shall complete the infection control course developed by the Department pursuant to G.S. 131D-4.5C.
  - (5) When a communicable disease outbreak has been identified at a facility or there is an emerging infectious disease threat, the facility shall ensure implementation of the facility's infection control and prevention ~~policy-policies and procedures~~ developed pursuant to subdivision (b)(1) of this section and related policies and procedures; ~~section;~~ provided, however, that if guidance or directives specific to a communicable disease outbreak or emerging infectious disease threat have been issued in writing by the Department or local health department, the Department's or local health department's specific guidance or directives shall be implemented by the facility."

**SECTION 3.2.(b)** G.S. 131D-4.5C reads as rewritten:

**"§ 131D-4.5C. Adult care home supervisors; infection control training requirements.**

(a) The Department shall develop, in consultation with associations representing adult care home providers, model infection prevention and control policies and procedures that are consistent with accepted national standards and address the factors identified in G.S. 131D-4.4A(b)(1). The Department shall make these model infection prevention and control policies and procedures available to adult care homes on the Department's internet website.

(b) ~~By December 1, 2011, the~~The Department shall develop a mandatory, annual course for adult care home supervisors on federal Centers for Disease Control and Prevention guidelines on infection control. implementation of the model infection prevention and control policies and procedures developed by the Department in accordance with subsection (a) of this section. Each supervisor that successfully completes the mandatory infection control course shall receive credit, in an amount determined by the Department, toward the continuing education requirements for adult care home supervisors established by the Commission pursuant to G.S. 131D-4.5."

**SECTION 3.2.(c)** By January 1, 2022, the Department of Health and Human Services shall do the following:

- (1) Develop and post to its internet website the model infection prevention and control policies and procedures required by G.S. 131D-4.5C(a), as enacted by subsection (b) of this section.

- (2) Develop the mandatory, annual course for adult care home supervisors required by G.S. 131D-4.5C(b), as enacted by subsection (b) of this section.

**SECTION 3.2.(d)** Subsection (c) of this section is effective when it becomes law. The remainder of this section becomes effective January 1, 2022.

**CAROLINA PREGNANCY CARE FELLOWSHIP GRANTS CORRECTIONS**

**SECTION 3.3.(a)** Section 9G.4(b) of S.L. 2021-180 reads as rewritten:

"**SECTION 9G.4.(b)** At least once during the 2021-2023 fiscal biennium, the CPCF shall contact every pregnancy center located in this State that is (i) part of the CPCF network or (ii) an affiliate of ~~CareNet, Inc., Care Net, a nonprofit corporation, national network of independent pregnancy centers,~~ to provide information about the availability of these grant funds and the grant application process."

**SECTION 3.3.(b)** Section 9G.4A(b) of S.L. 2021-180 reads as rewritten:

"**SECTION 9G.4A.(b)** At least once during the 2021-2023 fiscal biennium, the CPCF shall contact every pregnancy center located in this State that is (i) part of the CPCF network or (ii) an affiliate of ~~CareNet, Inc., Care Net, a nonprofit corporation, national network of independent pregnancy centers,~~ to provide information about the availability of these grant funds and the grant application process."

**CERTAIN DHHS FEDERAL BLOCK GRANT TECHNICAL CORRECTIONS**

**SECTION 3.4.(a)** Section 9L.1(a) of S.L. 2021-180 reads as rewritten:

"**SECTION 9L.1.(a)** Except as otherwise provided, appropriations from federal Block Grant funds are made for each year of the fiscal biennium ending June 30, 2023, according to the following schedule:

...

**CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT**

...

**DHHS Administration**

**Division of Child Development and Early Education**

05. DCDEE Administrative Expenses	9,710,886	9,710,886
<del>06. Direct Deposit for Child Care Payments</del>	<del>5,000</del>	<del>5,000</del>

**Division of Social Services**

<u>06. Direct Deposit for Child Care Payments</u>	<u>5,000</u>	<u>5,000</u>
07. Local Subsidized Child Care Services Support	18,780,355	18,780,355

...

**COMMUNITY SERVICES BLOCK GRANT**

01. Community Action Agencies	\$20,916,673	<u>\$22,158,403</u>
\$20,916,673		

...

**TOTAL COMMUNITY SERVICES**

**BLOCK GRANT**

**\$22,925,759**

~~\$22,925,759~~ **\$24,167,489**

...."

**SECTION 3.4.(b)** Section 9L.1(w) of S.L. 2021-180 reads as rewritten:

"**SECTION 9L.1.(w)** The Department of Health and Human Services shall develop and implement a centralized system to collect, track, analyze, monitor, and disseminate performance, outputs, and outcome data for the Community Services Block Grant Program and the Department of Environmental Quality (DEQ) Weatherization Assistance Program to replace the current software solution, Accountable Results for Community Action (AR4CA). The project shall not proceed until the business case has been approved by the Office of State Budget and Management and the State Chief Information Officer in the Enterprise Project Management Office's Touchdown System. Upon approval, ~~amounts an amount~~ not to exceed fifty thousand dollars (\$50,000) in Low Income Energy Assistance funds may be budgeted for transfer to Budget Code 24410 for information technology projects for the 2021-2022 fiscal ~~year-year~~ and an amount not to exceed one hundred sixty-six thousand seven hundred fifty dollars (\$166,750) for those projects for the 2022-2023 fiscal year."

**PART IV. AGRICULTURE AND NATURAL AND ECONOMIC RESOURCES**

**EDPNC MARKETING CLARIFICATION**

**SECTION 4.1.** Section 11.11 of S.L. 2021-180 reads as rewritten:

"**SECTION 11.11.** Of the funds appropriated in this act to the Department of Commerce for the nonprofit corporation with which the Department contracts pursuant to G.S. 143B-431.01(b), the sum of sixty million dollars (\$60,000,000) shall be used for the following purposes in the following amounts:

- (1) Thirty million dollars (\$30,000,000) for travel and tourism marketing ~~in~~of the State.
- (2) Thirty million dollars (\$30,000,000) for business marketing ~~in~~of the State.

Of the funds allocated in subdivisions (1) and (2) of this section, the nonprofit corporation shall use no more than ten million dollars (\$10,000,000) for each purpose in each of the next three fiscal years. The nonprofit corporation may use up to three percent (3%) of the total funds allocated in this section for administrative costs."

**RURAL TOURISM PILOT PROGRAM DATE CHANGES**

**SECTION 4.2.** Section 11.11A of S.L. 2021-180 reads as rewritten:

"...

"**SECTION 11.11A.(b)** Program. – The North Carolina Rural Tourism Recovery Pilot Program (Program) is established. The Program shall initially be conducted and administered in the following counties: Chowan, Edgecombe, Gates, Graham, Halifax, Haywood, Hertford, Madison, Martin, Mitchell, Perquimans, Tyrrell, Vance, Warren, Washington, and Yancey. The Program shall begin in those counties on ~~January 15, 2022,~~ March 1, 2022, and terminate on December 30, 2023.

...

"**SECTION 11.11A.(d)** Reports. – The Department, in coordination with the nonprofit corporation and Visit NC, shall provide a report no later than ~~March 1, 2022,~~ April 1, 2022, to the chairs of the Joint Legislative Economic Development and Global Engagement Oversight Committee and the Fiscal Research Division on the implementation of the Program and information reported by participating counties, Tourism Development Authorities, destination

marketing organizations, and local businesses. The report shall include, at a minimum, all of the following:

- (1) Recommendations on expansion of the Program to other counties in the State.
- (2) Recommendations regarding legislative proposals or additional funding needed to execute or expand the Program and whether the Program should be expanded.

The Department, in coordination with the nonprofit corporation and Visit NC, shall submit a report no later than May 1, 2023, to the chairs of the House Appropriations Committee, the chairs of the Senate Appropriations/Base Budget Committee, and the Fiscal Research Division containing, at a minimum, all of the following:

- (1) Data on outcomes related to the implementation of the Program.
- (2) The expenditure of funds provided for in this section.
- (3) Recommendations on modification or expansion of the Program, including the need for continued support with State funds."

## **ESPORTS PROGRAM MODIFICATIONS**

**SECTION 4.3.** G.S. 143B-437.02B, as enacted by Section 11.13(a) of S.L. 2021-180, reads as rewritten:

**"§ 143B-437.02B. The Esports Industry Grant Fund.**

(a) **Creation and Purpose of Fund.** – There is created in the Department of Commerce a special, nonreverting account to be known as the Esports Industry Grant Fund to provide funds to encourage esports events to be held within the State. The Department of Commerce shall adopt guidelines providing for the administration of the program. The guidelines may provide for the Secretary to award the grant proceeds over a period of time, not to exceed three years. The guidelines shall include the following provisions, which shall apply to each grant from the account:

- (1) The funds are reserved for a production for which a production company has qualifying expenses of at least ~~two~~one hundred fifty thousand dollars ~~(\$250,000)~~(\$150,000) with respect to a single production.

...

(h) Administrative Expenses. – The Department may use three percent (3%) of the funds appropriated to the Grant Fund each fiscal year for administrative costs associated with administration of the Fund. These funds may be used for up to two full-time equivalent positions or to contract with a third party to administer the program."

## **CLARIFY MOTORSPORTS ELIGIBILITY AND ALIGN FUNDING WITH ADMINISTERING AGENCY**

**SECTION 4.4.** Section 11.14 of S.L. 2021-180 reads as rewritten:

**"SECTION 11.14.(a)** Of the funds appropriated in this act from the State Fiscal Recovery Fund to the ~~Office of State Budget and Management, Department of Commerce,~~ the sum of forty million dollars (\$40,000,000) in nonrecurring funds for the 2021-2022 fiscal year shall be allocated as follows:

...

**"SECTION 11.14.(b)** Of the funds appropriated in this act from the State Fiscal Recovery Fund to the ~~Office of State Budget and Management, Department of Commerce,~~ the sum of five million dollars (\$5,000,000) shall be ~~allocated to the Department of Commerce to be provided,~~ used to provide, in collaboration with the North Carolina Motorsports Association, a nonprofit organization, in the form of grants to local governments to enhance amenities and increase opportunities for events at motorsport venues in recognition of the impact those events have on local tourism, travel, and hospitality industries. To be eligible for a grant under this subsection, a motorsport venue must be located in this State and must be either (i) ~~presently have been~~



sanctioned at any time on or after January 1, 2010, by the National Association for Stock Car Auto Racing, LLC (NASCAR), the National Hot Rod Association, or the International Hot Rod Association or (ii) have hosted a NASCAR Cup Series race on or after September 29, 1996. An eligible sanctioned motorsport venue must apply to the Department of Commerce for grant funds under this subsection before January 31, 2022, to be eligible. Funds received pursuant to this subsection shall be used to offset negative economic impacts of the COVID-19 pandemic, support safe reopening, and aid planned expansions or upgrades delayed due to the COVID-19 pandemic. The local government unit shall select a qualifying use approved by the motorsport venue. Local governments receiving funds under this subsection shall ensure that uses for the funds comporting with this subsection are expeditiously undertaken. The Department of Commerce shall disburse funds in equal amounts among the eligible applicants. The Department of Commerce may use up to three percent (3%) of funds allocated in this subsection for administration of the motorsports grant program described in this subsection.

**"SECTION 11.14.(c) Small Venue Support.** – Of the funds appropriated in this act from the State Fiscal Recovery Fund to the ~~Office of State Budget and Management, Department of Commerce,~~ the sum of one million dollars (\$1,000,000) shall be ~~allocated to the Department of Commerce to be provided,~~ used to provide, in collaboration with applicant small motorsports venues, in the form of grants to local governments for such venues. The following shall apply to grants awarded under this subsection:

...."

## **ECONOMIC DEVELOPMENT PROJECT APPROPRIATION**

**SECTION 4.4A.** S.L. 2021-180 is amended by inserting the following new section to read:

### **"ADDITIONAL ECONOMIC DEVELOPMENT PROJECT APPROPRIATION**

**"SECTION 11.20.** Provided the Economic Investment Committee awards a Job Development Investment Grant (JDIG) for a high-yield project for an airplane manufacturer in Guilford County and for which the average annual wage is at least sixty thousand dollars (\$60,000), of the funds appropriated to the Department of Commerce (Department) for the 2021-2022 fiscal year the sum of one hundred six million seven hundred fifty thousand dollars (\$106,750,000) shall be used for improvements at the Piedmont Triad International Airport (Airport) as follows:

- (1) Fifteen million dollars (\$15,000,000) to the Airport for site work needed at the Airport for the project. The Department may allocate amounts not needed to complete the site work authorized by this subdivision for work authorized by subdivision (2) of this section if the cost of that work exceeds the amount allocated in that subdivision.
- (2) Thirty-five million dollars (\$35,000,000) for roadwork needed at the airport for the project. Amounts for roadwork improvements shall be transferred to the Department of Transportation. The Department may allocate amounts not needed by the Department of Transportation to complete the roadwork authorized by this subdivision for work authorized by subdivision (1) of this section if the cost of that work exceeds the amount allocated in that subdivision.
- (3) Fifty-six million seven hundred fifty thousand dollars (\$56,750,000) to be allocated to the Airport for the construction of one or more new hangars at the Airport for the project."

## **STORMWATER INFRASTRUCTURE CLARIFICATIONS**

**SECTION 4.5.** Section 12.14(b) of S.L. 2021-180 reads as rewritten:

"SECTION 12.14.(b) Directed Projects. – Of the funds allocated by this section, the following sums shall be granted to the indicated local governments and public entities for stormwater projects:

- ...
- (5) ~~Nine million eight hundred~~ Ten million five hundred fifty thousand dollars ~~(\$9,800,000) — (\$10,550,000)~~ to the ~~Fayetteville Public Works Commission.~~ City of Fayetteville.
  - (6) One million five hundred thousand dollars (\$1,500,000) to the Town of Four Oaks.
  - (7) ~~One million three~~ Six hundred fifty thousand dollars ~~(\$1,350,000) — (\$600,000)~~ to the City of Hope Mills.
- ...."

#### **DARE COUNTY DREDGING FUNDS FLEXIBILITY**

**SECTION 4.6.** Unexpended and unencumbered funds allocated from the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund to Dare County by Section 13.7 of S.L. 2018-5 may, notwithstanding any provision of that section to the contrary, be used by the County for purchase of a survey vessel. The County shall include in the reports required by subsection 13.7(h) of S.L. 2018-5 detailed information about the expenditure of funds authorized by this section.

#### **CITATION CORRECTION**

**SECTION 4.7.** G.S. 143-214.7(b3), as amended by Section 1 of S.L. 2021-164, reads as rewritten:

"(b3) Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment. Provided, however, a property owner may voluntarily elect to treat all stormwater from preexisting development or redevelopment activities described herein for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in ~~G.S. 214.5(d3).~~ G.S. 143-214.5(d3). This subsection applies to all local governments regardless of the source of their regulatory authority. Local governments shall include the requirements of this subsection in their stormwater ordinances."

#### **PART V. JUSTICE AND PUBLIC SAFETY**

#### **MULTIPLE TECHNICAL CORRECTIONS FOR PROVISIONS RELATED TO THE CREATION OF THE DEPARTMENT OF ADULT CORRECTION AND OTHER CONFORMING CHANGES**

**SECTION 5.1.(a)** G.S. 15A-1343(b), as amended by Section 19C.9(ww) of S.L. 2021-180, reads as rewritten:

"(b) Regular Conditions. – As regular conditions of probation, a defendant must:

...

In addition to these regular conditions of probation, a defendant required to serve an active term of imprisonment as a condition of special probation pursuant to G.S. 15A-1344(e) or G.S. 15A-1351(a) shall, as additional regular conditions of probation, obey the rules and regulations of the Division of Prisons of the Department of Adult Correction and, if applicable, the Division of Juvenile Justice of the Department of Public Safety, governing the conduct of

inmates while imprisoned and report to a probation officer in the State of North Carolina within 72 hours of his discharge from the active term of imprisonment."

**SECTION 5.1.(b)** G.S. 15A-1344(e), as amended by Section 19C.9(yy) of S.L. 2021-180, reads as rewritten:

"(e) Special Probation in Response to Violation. – When a defendant has violated a condition of probation, the court may modify the probation to place the defendant on special probation as provided in this subsection. In placing the defendant on special probation, the court may continue or modify the conditions of probation and in addition require that the defendant submit to a period or periods of imprisonment, either continuous or noncontinuous, at whatever time or intervals within the period of probation the court determines. In addition to any other conditions of probation which the court may impose, the court shall impose, when imposing a period or periods of imprisonment as a condition of special probation, the condition that the defendant obey the rules and regulations of the Division of Prisons of the Department of Adult Correction and, if applicable, the Division of Juvenile Justice of the Department of Public Safety, governing conduct of inmates, and this condition shall apply to the defendant whether or not the court imposes it as a part of the written order. If imprisonment is for continuous periods, the confinement may be in either the custody of the Division of Community Supervision and Reentry of the Department of Adult Correction or a local confinement facility. Noncontinuous periods of imprisonment under special probation may only be served in a designated local confinement or treatment facility. If the person being ordered to a period or periods of imprisonment, either continuous or noncontinuous, is under the age of 18, that person must be imprisoned in a detention facility approved by the Division of Juvenile Justice to provide secure confinement and care for juveniles or to a holdover facility as defined in G.S. 7B-1501(11). If the person being ordered to a period or periods of imprisonment reaches the age of 18 years while imprisoned, the person may be transported by personnel of the Division of Juvenile Justice, or personnel approved by the Division of Juvenile Justice, to the custody of the sheriff of the applicable local confinement facility."

**SECTION 5.1.(c)** G.S. 15A-1351(a), as amended by Section 19C.9(zz) of S.L. 2021-180, reads as rewritten:

"(a) The judge may sentence to special probation a defendant convicted of a criminal offense other than impaired driving under G.S. 20-138.1, if based on the defendant's prior record or conviction level as found pursuant to Article 81B of this Chapter, an intermediate punishment is authorized for the class of offense of which the defendant has been convicted. A defendant convicted of impaired driving under G.S. 20-138.1 may also be sentenced to special probation. Under a sentence of special probation, the court may suspend the term of imprisonment and place the defendant on probation as provided in Article 82, Probation, and in addition require that the defendant submit to a period or periods of imprisonment in the custody of the Division of Community Supervision and Reentry of the Department of Adult Correction or a designated local confinement or treatment facility at whatever time or intervals within the period of probation, consecutive or nonconsecutive, the court determines, as provided in this subsection. For probationary sentences for misdemeanors, including impaired driving under G.S. 20-138.1, all imprisonment under this subsection shall be in a designated local confinement or treatment facility. If the person being ordered to a period or periods of imprisonment is under the age of 18, that person must be imprisoned in a detention facility approved by the Division of Juvenile Justice to provide secure confinement and care for juveniles or to a holdover facility as defined in G.S. 7B-1501(11). If the person being ordered to a period or periods of imprisonment reaches the age of 18 years while imprisoned, the person may be transported by personnel of the Division of Juvenile Justice, or personnel approved by the Division of Juvenile Justice, to the custody of the sheriff of the applicable local confinement facility. In addition to any other conditions of probation which the court may impose, the court shall impose, when imposing a period or periods of imprisonment as a condition of special probation, the condition that the defendant obey the

Rules and Regulations of the Division of Prisons of the Department of Adult Correction and, if applicable, the Division of Juvenile Justice of the Department of Public Safety, governing conduct of inmates, and this condition shall apply to the defendant whether or not the court imposes it as a part of the written order. Except for probationary sentences for misdemeanors, including impaired driving under G.S. 20-138.1, if imprisonment is for continuous periods, the confinement may be in the custody of either the Division of Community Supervision and Reentry of the Department of Adult Correction or a local confinement facility. Noncontinuous periods of imprisonment under special probation may only be served in a designated local confinement or treatment facility. If the person being ordered continuous or noncontinuous periods of imprisonment is under the age of 18, that person must be imprisoned in a detention facility approved by the Division of Juvenile Justice to provide secure confinement and care for juveniles or to a holdover facility as defined in G.S. 7B-1501(11). If the person being ordered to a period or periods of imprisonment reaches the age of 18 years while imprisoned, the person may be transported by personnel of the Division of Juvenile Justice, or personnel approved by the Juvenile Justice Division, to the custody of the sheriff of the applicable local confinement facility. Except for probationary sentences of impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, may not exceed one-fourth the maximum sentence of imprisonment imposed for the offense, and no confinement other than an activated suspended sentence may be required beyond two years of conviction. For probationary sentences for impaired driving under G.S. 20-138.1, the total of all periods of confinement imposed as an incident of special probation, but not including an activated suspended sentence, shall not exceed one-fourth the maximum penalty allowed by law. In imposing a sentence of special probation, the judge may credit any time spent committed or confined, as a result of the charge, to either the suspended sentence or to the imprisonment required for special probation. The original period of probation, including the period of imprisonment required for special probation, shall be as specified in G.S. 15A-1343.2(d), but may not exceed a maximum of five years, except as provided by G.S. 15A-1342(a). The court may revoke, modify, or terminate special probation as otherwise provided for probationary sentences."

**SECTION 5.1.(d)** G.S. 143-166.1, as amended by Section 19C.9.(uuu) of S.L. 2021-180, reads as rewritten:

**"§ 143-166.1. Purpose.**

In consideration of hazardous public service rendered to the people of this State, there is hereby provided a system of benefits for dependents of ~~law enforcement officers, firefighters, rescue squad workers, and senior Civil Air Patrol members killed in the discharge of their official duties, and for dependents of noncustodial employees of the Department of Adult Correction killed by an individual or individuals in the custody of the Department of Adult Correction.~~ public safety employees who are covered persons."

**SECTION 5.1.(e)** G.S. 143-166.2(1)c., as amended by Section 19C.9.(vvv) of S.L. 2021-180, reads as rewritten:

"c. Noncustodial employees of the Department of Adult ~~Correction.~~ Correction or the Division of Juvenile Justice of the Department of Public Safety."

**SECTION 5.1.(f)** G.S. 143-166.2(2), as amended by 19C.9.(vvv) of S.L. 2021-180, reads as rewritten:

"(2) Custodial employee. – An employee of the Department of Adult Correction ~~and~~ or the Division of Juvenile Justice of the Department of Public Safety and who is a detention officer or a correctional officer or who otherwise has direct care and control over individuals in the custody of the Department of Adult Correction or the Division of Juvenile Justice of the Department of Public Safety."

**SECTION 5.1.(g)** G.S. 143-166.2(6)c., as amended by Section 19C.9(vvv) of S.L. 2021-180 reads as rewritten:

"c. The death of a noncustodial employee who, while performing his or her official duties, is killed in a manner reasonably determined by the Industrial Commission to be directly caused by an individual or individuals in the custody of the ~~Division of Prisons or the Division of Community Supervision and Reentry of the Department of Adult Correction, Correction~~ or the Division of Juvenile Justice of the Department of Public Safety."

**SECTION 5.1.(h)** Article 16 of Chapter 143B, as amended by Section 19C.9 of S.L. 2021-180, is amended by adding a new Part to read:

"Part 2A. General Provisions for Division of Health Services.

**"§ 143B-1465. Creation of Division of Health Services; powers.**

There is hereby created and established a division to be known as the Division of Health Services of the Department of Adult Correction. The Division shall have the powers and duties as are set forth in this Chapter and are prescribed by the Secretary of the Department of Adult Correction."

**SECTION 5.1.(i)** G.S. 143B-1472(c), as amended by Section 19C.9(m) in S.L. 2021-180, reads as rewritten:

"(c) The Department shall also establish disciplinary actions for staff who are found to be responsible for inmate medication losses during transfer. The Health Services ~~Section~~ Division shall be responsible for addressing disciplinary actions for Health Services prison staff who are found to be responsible for medications lost during inmate transfers and shall refer incidents involving custody staff to the appropriate unit for action."

**SECTION 5.1.(j)** Section 19C.9(aaaaa) of S.L. 2021-180 reads as rewritten:

**"SECTION 19C.9.(aaaaa)** This subsection and subsections ~~(vvvv), (wwww), (xxxx), (yyyy), and (zzzz)~~ of this section are effective when this act becomes law. The remainder of this section becomes effective January 1, 2023. On and after that date, any references or directives in this act to the Division of Adult Correction and Juvenile Justice, the Section of Adult Correction in the Division of Adult Correction and Juvenile Justice, the Section of Juvenile Justice of the Division of Adult Correction and Juvenile Justice, or the Section of Community Corrections of the Division of Adult Correction and Juvenile Justice shall be construed to apply to the appropriate division of either the Department of Public Safety or the Department of Adult Correction pursuant to the departmental changes enacted by this section."

**SECTION 5.1.(k)** This subsection and subsection (j) of this section are effective when this act becomes law. The remainder of this section becomes effective January 1, 2023.

## **MODIFY REPORTING DATE**

**SECTION 5.2.** Section 19A.4(c) of S.L. 2021-180 reads as rewritten:

**"SECTION 19A.4.(c)** The North Carolina Sheriffs' Association shall submit the following reports to the chairs of the Joint Legislative Oversight Committee on Justice and Public Safety, to the chairs of the House and Senate Appropriations Committees on Justice and Public Safety, and to the Fiscal Research Division:

(1) No later than ~~February~~ April 1, 2022, a report on the guidelines and procedures that will govern distribution and administration of grant funds distributed pursuant to this section.

...."

## **REMOVE "STATEWIDE" FROM PROVISION REGARDING DOMESTIC VIOLENCE VICTIM NOTIFICATION PROGRAM**

**SECTION 5.3.** Section 19A.7B of S.L. 2021-180 reads as rewritten:

**"REQUEST FOR PROPOSALS FOR STATEWIDE DOMESTIC VIOLENCE VICTIM NOTIFICATION PROGRAM**

...  
"SECTION 19A.7B.(b) Fund Creation. – There is established the Alternatives to Pre-trial Detention Fund within the Department of Public Safety as a special revenue fund to be used to create a statewide domestic violence notification system (Program) in accordance with the product and service requirements established in subsections (c) and (d) of Section 4.2C of Session Law 2020-80.

**CLARIFY REFERENCE TO DEPARTMENT OF PUBLIC SAFETY**

SECTION 5.4. Section 19C.12 of S.L. 2021-180 reads as rewritten:

"SECTION 19C.12.(a) It is the intent of the General Assembly for the State of North Carolina to convey to the Northampton County Board of Commissioners (Northampton County) for the consideration of one dollar (\$1.00) all of its right, title, and interest in the property used for the former Odom Correctional Institution which is currently allocated to the Department of Public Safety, Division of Adult Correction and Juvenile Justice (~~DPI~~)-(DPS). In order to accomplish this conveyance, ~~DPI~~-DPS and Northampton County shall mutually develop the boundaries of the property to be conveyed based upon the following directions and limitations:

...  
"SECTION 19C.12.(b) Upon completion of developing the boundaries described in subsection (a) of this section, ~~DPI~~-DPS and Northampton County shall submit a metes and bounds description of the property to be conveyed to the State Property Office. The State Property Office shall prepare a deed conveying all of the State's right, title, and interest in the described property to the Northampton County Board of Commissioners for the consideration of one dollar (\$1.00) and subject to the following limitations and instructions:

**MODIFY JUSTICE AND PUBLIC SAFETY BUDGET COMMITTEE REPORT**

SECTION 5.5. S.L. 2021-180 is amended by adding a new section to read:

**"STATE HIGHWAY PATROL EQUIPMENT**

"SECTION 19B.11. Notwithstanding any other provision of law or a provision of the Committee Report described in Section 43.2 of this act to the contrary, the sum of eighteen million dollars (\$18,000,000) in nonrecurring funds for fiscal year 2021-2022 appropriated to the Department of Public Safety to be used to provide funding to equip troopers to respond to excessive civil disturbances and related events may, among other listed uses in the Committee Report, be used to purchase automatic external defibrillators."

**MODIFY NUMBER OF SUPERIOR COURT JUDGES IN CERTAIN DISTRICTS**

SECTION 5.6.(a) G.S. 7A-41(a), as amended by Section 16.7A of S.L. 2021-180, reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
...			
Fourth	21A	(part of Forsyth,	42



General Statutes. The funds shall be ~~allocated based on the number of members enrolled in the tribes on July 1, 2021.~~ distributed as follows:

- (1) \$715,285 to each of the following seven tribes:
  - a. Coharie.
  - b. Haliwa-Saponi.
  - c. Lumbee.
  - d. Meherrin.
  - e. Occaneechi Band of the Saponi Nation.
  - f. Sappony.
  - g. Waccamaw-Siouan.
- (2) \$4,000,000 to the seven tribes listed in subdivision (1) of this section on a per capita basis.
- (3) \$250,000 to each of the following organizations:
  - a. Cumberland County Association for Indian People.
  - b. Guilford Native American Association.
  - c. Metrolina Native American Association.
  - d. Triangle Native American Society."

### **TRUCK DRIVER SHORTAGE**

**SECTION 6.3.** Section 24.1B(a) of S.L. 2021-180 reads as rewritten:

"**SECTION 24.1B.(a)** Of the funds appropriated in this act from the State Fiscal Recovery Fund to the Office of State Budget and Management, the sum of five million dollars (\$5,000,000) in nonrecurring funds for the 2021-2022 fiscal year shall be provided to the North Carolina Trucking Association Foundation (Foundation), a nonprofit corporation, to address the truck driver shortage in the State. In partnership with the CAGC Foundation, Inc., a nonprofit corporation, and the North Carolina Community College System, the Foundation shall use these funds as follows:

- ...
- (2a) To purchase a mobile learning vehicle.
- ...."

### **WORKFORCE HOUSING LOAN PROGRAM**

**SECTION 6.4.** Section 29.4(d) of S.L. 2021-180 reads as rewritten:

"**SECTION 29.4.(d)** Funds appropriated in this act from the State Fiscal Recovery Fund to the North Carolina Housing Finance Agency for the 2021-2022 fiscal year shall be used first to address funding gaps in previously awarded deals for eligible projects under G.S. 122A-5.15 resulting from the COVID-19 pandemic, including any cost increases, as determined by the Agency. Any funds remaining after the funding gaps have been addressed shall be used to make loans for new eligible projects under G.S. 122A-5.15. The cap on the amount of loans that may be made under G.S. 122A-5.15(c) shall not apply to funds used to address funding gaps in previously awarded deals for eligible projects."

### **BUSINESS RECOVERY GRANT PROGRAM TECHNICAL CORRECTIONS**

**SECTION 6.5.(a)** Section 34.3A(h) of S.L. 2021-280 reads as rewritten:

"**SECTION 34.3A.(h)** Definitions. – The following definitions apply in this section:

- ...
- (7) Gross receipts. – The sum of ~~(i)~~ the following:
    - a. The North Carolina gross receipts listed on line 1 of Form E-500, Sales and Use Tax Return, for sales occurring during a specified time period and ~~(ii) gross period. If a taxpayer did not list gross receipts on line 1 of Form E-500, it may substitute the sum of the receipts listed on lines~~



4-8 of Form E-500 in place of North Carolina gross receipts listed on line 1 of Form E-500.

- b. Gross receipts not listed on Form E-500 but reported on line 1a of Form 1065 for federal returns, if any, provided the gross receipts are for transactions ~~apportionable~~ apportioned to the State.
- (8) NAICS. – The North American Industry Classification System adopted by the United States Office of Management and Budget as of December 31, 2020."
- SECTION 6.5.(b)** This section is effective when it becomes law.

**ARPA FUNDS TO OSBM INSTEAD OF THE STATE EDUCATION ASSISTANCE AUTHORITY FOR PRIVATE COLLEGES AND UNIVERSITIES COVID-19 SUPPORT PROGRAM**

**SECTION 6.6.** S.L. 2021-180 is amended by adding a new section to read as follows:  
**"PRIVATE COLLEGES AND UNIVERSITIES/SUPPORT FOR RESPONSES TO THE COVID-19 PANDEMIC**

"SECTION 23.7.(a) Notwithstanding Section 8.9A of this act or any provision of the Committee Report described in Section 43.2 of this act to the contrary, the funds appropriated in this act from the State Fiscal Recovery Fund to the State Education Assistance Authority to provide funds to eligible private postsecondary institutions, as defined in G.S. 116-280(3), are instead appropriated to the Office of State Budget and Management (OSBM) to provide funds to those private postsecondary institutions as follows:

- (1) By distributing funds to each eligible private postsecondary institution on the basis of one thousand two hundred fifty dollars (\$1,250) per student who received a scholarship pursuant to Article 34 of Chapter 116 of the General Statutes in the 2019-2020 academic year, excluding the following:
- a. Institutions that had fewer than 10 students receive a scholarship pursuant to Article 34 of Chapter 116 of the General Statutes in the 2019-2020 academic year.
- b. Four-year institutions that had less than ten percent (10%) of the degree-seeking undergraduate student population receive a scholarship pursuant to Article 34 of Chapter 116 of the General Statutes in the 2019-2020 academic year.
- (2) After complying with the provisions of subdivision (1) of this subsection, by distributing any remaining funds to eligible private postsecondary institutions that qualified to receive federal funds pursuant to Section 314(a)(2) of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021, P.L. 116-260, under one of the following programs:
- a. Historically Black Colleges and Universities (HBCUs).
- b. Minority Serving Institutions (MSIs).
- c. Strengthening Institutions Program (SIPs).
- Funds under this subdivision shall be distributed to an eligible private postsecondary institution in an amount proportional to the amount of federal funds the institution qualified for under the programs listed in sub-subdivisions a. through c. of this subdivision relative to the total amount of federal funds from the programs listed in sub-subdivisions a. through c. of this subdivision that were allocated to all of the qualifying eligible private postsecondary institutions.

"SECTION 23.7.(b) In applying the allocation methods set forth in subsection (a) of this section, OSBM shall distribute a total amount of funds to eligible private postsecondary institutions based on the estimated schedule set forth in this subsection, provided funds may be subject to adjustment as OSBM deems necessary. OSBM may, in its discretion, consult with the

State Education Assistance Authority in applying the allocation methods set forth in subsection (a) of this section.

<u>Institution</u>	<u>Amount of Funds</u>
<u>Barton College</u>	<u>\$774,908</u>
<u>Belmont Abbey College</u>	<u>\$571,250</u>
<u>Bennett College</u>	<u>\$1,589,942</u>
<u>Brevard College</u>	<u>\$417,061</u>
<u>Cabarrus College of Health Sciences</u>	<u>\$248,750</u>
<u>Campbell University</u>	<u>\$1,788,750</u>
<u>Carolinas College of Health Sciences</u>	<u>\$53,750</u>
<u>Catawba College</u>	<u>\$762,500</u>
<u>Chowan University</u>	<u>\$1,128,408</u>
<u>Gardner-Webb University</u>	<u>\$1,269,331</u>
<u>Greensboro College</u>	<u>\$613,040</u>
<u>Guilford College</u>	<u>\$964,118</u>
<u>Johnson &amp; Wales University-Charlotte</u>	<u>\$572,500</u>
<u>Johnson C. Smith University</u>	<u>\$7,543,584</u>
<u>Lees-McRae College</u>	<u>\$628,102</u>
<u>Lenoir-Rhyne University</u>	<u>\$1,314,510</u>
<u>Livingstone College</u>	<u>\$6,634,494</u>
<u>Louisburg College</u>	<u>\$689,768</u>
<u>Mars Hill University</u>	<u>\$899,059</u>
<u>Meredith College</u>	<u>\$871,250</u>
<u>Methodist University</u>	<u>\$974,428</u>
<u>Mid-Atlantic Christian University</u>	<u>\$128,984</u>
<u>Montreat College</u>	<u>\$434,448</u>
<u>North Carolina Wesleyan College</u>	<u>\$1,745,398</u>
<u>Pfeiffer University</u>	<u>\$860,215</u>
<u>Queens University of Charlotte</u>	<u>\$590,000</u>
<u>Salem College</u>	<u>\$484,246</u>
<u>Shaw University</u>	<u>\$6,251,815</u>
<u>Southeastern Baptist Theological Seminary</u>	<u>\$165,000</u>
<u>St. Andrews University</u>	<u>\$251,250</u>
<u>St. Augustine's University</u>	<u>\$4,273,138</u>
<u>University of Mount Olive</u>	<u>\$1,699,352</u>
<u>Warren Wilson College</u>	<u>\$252,500</u>
<u>William Peace University</u>	<u>\$661,799</u>
<u>Wingate University</u>	<u>\$1,892,352</u>

"SECTION 23.7.(c) Funds distributed to eligible private postsecondary institutions as authorized under this section shall be used to mitigate losses in revenue and to respond to the negative impacts of the COVID-19 pandemic for any permissible uses allowed under federal law and guidance, including, but not limited to, financial assistance for students, COVID-19 testing, cleaning costs, personal protective equipment and any other necessary equipment, and ventilation improvements for congregate settings.

"SECTION 23.7.(d) Notwithstanding subsection (a) of this section, of the funds appropriated in this act from the State Fiscal Recovery Fund to OSBM, the sum of one million dollars (\$1,000,000) shall be provided by OSBM to High Point University to be used as provided in subsection (c) of this section."

## **FUNDS FOR HOMELESS SHELTER/FAYETTEVILLE HOUSE TRUST FUND**

**SECTION 6.7.** S.L. 2021-180 is amended by adding following new sections to read:

## **"FUNDING FOR HOMELESS SHELTERS**

**"SECTION 24.8.** Notwithstanding any other provision of law or a provision of the Committee Report described in Section 43.2 of this act to the contrary, the sum of two hundred fifty thousand dollars (\$250,000) in nonrecurring funds for the 2022-2023 fiscal year appropriated to the Office of State Budget and Management to be used to provide a directed grant to Tabernacle of Faith Outreach Center shall instead be used to provide a directed grant to the River City Community Development Corporation for the operation of a homeless shelter."

## **"FUNDING FOR FAYETTEVILLE'S HOUSING TRUST FUND**

**"SECTION 24.9.** Notwithstanding any other provision of law or a provision of the Committee Report described in Section 43.2 of this act to the contrary, the sum of one million dollars (\$1,000,000) in nonrecurring funds for the 2021-2022 fiscal year appropriated to the Office of State Budget and Management to be used to provide a directed grant to the Cumberland Community Foundation, Inc., for the Reduce Generational Poverty Fund shall instead be used to provide a directed grant to the City of Fayetteville to be used as seed money for the City's Housing Trust Fund."

## **FUNDING FOR MILITARY INTERPRETERS**

**SECTION 6.8.** S.L. 2021-180 is amended by adding a new section to read:

### **"FUNDING TO SUPPORT FORMER MILITARY INTERPRETERS AND THEIR FAMILIES**

**"SECTION 33.9.** Notwithstanding any other provision of law or a provision of the Committee Report described in Section 43.2 of this act to the contrary, the sum two hundred fifty thousand dollars (\$250,000) in nonrecurring funds for each fiscal year of the 2021-2023 fiscal biennium appropriated to the Department of Military and Veterans Affairs to be used to provide a directed grant to Interpreting Freedom Foundation, Inc., shall instead be used to provide a directed grant to Save Our Allies to support former military interpreters and their families."

## **TREASURER VACANT POSITIONS**

**SECTION 6.9.** S.L. 2021-180 is amended by adding a new section to read as follows:

### **"DEPARTMENT OF TREASURER/POSITION CHANGES**

**"SECTION 36.3.** Notwithstanding any provision of S.L. 2021-180 or the Committee Report described in Section 43.2 of S.L. 2021-180 to the contrary, the State Treasurer is authorized to establish new positions and eliminate vacant positions in the Office of the State Treasurer without regard to fund code during each fiscal year of the 2021-2023 biennium. Adjustments made pursuant to this section shall not increase total requirements and shall not increase total requirements not authorized for future fiscal years."

## **PART VII. TRANSPORTATION**

### **FACILITATE ISSUANCE OF 2021-2022 FISCAL YEAR BUILD NC BONDS**

**SECTION 7.1.** Section 41.3 of S.L. 2021-180 reads as rewritten:

**"SECTION 41.3.** Notwithstanding G.S. 142-97(2)a., for the 2021-2023 fiscal biennium, the Department of Transportation average month end cash balance for the first three months in the calendar year prior to the date of determination must be equal to or less ~~than two billion dollars (\$2,000,000,000)~~ than two billion dollars (\$2,000,000,000); provided, however, that for any issuance and sale of Build NC Bonds on or before June 30, 2022, the cash balance requirement under G.S. 142-97(2)a. shall not apply, and the consultation requirement under G.S. 142-97(2)c. shall be no later than two months prior to the expected issuance of the bonds."

### **REMOVE APPROPRIATION OF SERDRF FUNDS TO THE DEPARTMENT OF TRANSPORTATION IN COMMITTEE REPORT**

**SECTION 7.2.(a)** S.L. 2021-180 is amended by adding a new section to read:  
**"REMOVE APPROPRIATION OF SERDRF FUNDS TO THE DEPARTMENT OF TRANSPORTATION IN COMMITTEE REPORT**

**"SECTION 41.61.** Notwithstanding any provision of S.L. 2021-180 or the Committee Report described in Section 43.2 of that act to the contrary, the sum of twenty-seven thousand five hundred dollars (\$27,500) in nonrecurring funds for the 2021-2022 fiscal year shall not be appropriated from the State Emergency Response and Disaster Relief Fund (SERDRF) to the Department of Transportation for the Rattlesnake Branch project in Duplin County."

**SECTION 7.2.(b)** Section 2.2(j) of S.L. 2021-180 reads as rewritten:

**"SECTION 2.2.(j)** The State Controller shall transfer the sum of four hundred eleven million seven hundred ~~sixty nine~~ forty-two thousand ~~five hundred~~ dollars (~~\$411,769,500~~) (\$411,742,000) in nonrecurring funds for the 2021-2022 fiscal year from funds available in the State Emergency Response and Disaster Relief Reserve, to be used in accordance with Sections 5.9 and 5.9A of this act, and the funds transferred are appropriated for the fiscal year in which they are transferred."

**SECTION 7.2.(c)** Section 5.9(a)(29) of S.L. 2021-180 is repealed.

**DEFINITION OF SIGN NOT CONFORMING TO STATE STANDARDS**

**SECTION 7.3.** G.S. 136-128(5e), as enacted by Section 41.47 of S.L. 2021-180, reads as rewritten:

"(5e) "Sign not conforming to State standards" shall mean a sign which was legally erected but does not conform to the zoning, size, lighting, and spacing criteria established in ~~State law, or State~~ rules and regulations of the Department authorized by this Article and promulgated at a later date, or a sign which was legally erected but later fails to conform to the zoning, size, lighting, and spacing criteria established in ~~State law, or State~~ rules and regulations of the Department authorized by this Article."

**TABOR CITY PARTICIPATION IN RAILROAD REVITALIZATION PROGRAMS**

**SECTION 7.4.(a)** Tabor City is authorized to participate in State and federal railroad revitalization programs necessary to ensure continued or improved rail service to the city as are authorized in Article 2D of Chapter 136 of the General Statutes. Tabor City is authorized to enter into contracts with the North Carolina Department of Transportation to provide for the nonfederal matching funds for railroad revitalization programs. Such funds may be comprised of State funds distributed under the provisions of G.S. 136-44.38 and of city funds.

**SECTION 7.4.(b)** This section applies only to Tabor City.

**SECTION 7.4.(c)** This section is effective when it becomes law and expires December 31, 2026.

**PART VIII. SALARIES AND BENEFITS**

**ALIGN BONUS ELIGIBILITY PROVISIONS FOR STATE EMPLOYEES**

**SECTION 8.1.** Section 39.2(d) of S.L. 2021-180 reads as rewritten:

**"SECTION 39.2.(d)** By January 31, 2022, employers of State employees and local education employees shall provide an additional one-time, lump sum bonus of five hundred dollars (\$500.00) to all permanent full-time State employees and local education employees who are employed as of ~~January 1, 2022,~~ December 1, 2021, and who meet at least one of the following eligibility criteria for the additional bonus:

...."

**INCREASE FLEXIBILITY FOR SALARY ADJUSTMENTS TO EFFECTUATE LEGISLATED INCREASES**

**SECTION 8.2.** Section 39.16 of S.L. 2021-180 reads as rewritten:

"**SECTION 39.16.** Unless otherwise expressly provided by this Part, the annual salaries in effect for the following persons ~~on June 30, 2021, and June 30, 2022,~~ shall be legislatively increased as provided by Section 39.1 of this act:

- (1) Permanent, full-time State officials and persons whose salaries are set in accordance with the State Human Resources Act.
- (2) Permanent, full-time State officials and persons in positions exempt from the State Human Resources Act.
- (3) Permanent, part-time State employees.
- (4) Temporary and permanent hourly State employees."

**ALL STATE-SUPPORTED PERSONNEL/CLARIFICATION FOR FLEXIBLE ADMINISTRATION OF LEGISLATIVE SALARY INCREASES**

**SECTION 8.3.** Section 39.17(a)(1) of S.L. 2021-180 reads as rewritten:

"(1) For the 2021-2022 fiscal year, shall be paid effective on January 1, 2022, and do not apply to persons separated from service prior to December 31, 2021, due to resignation, dismissal, reduction in force, death, or retirement or whose last workday is prior to December 31, 2021. The amount of the legislative salary increases authorized for the period from July 1 to December 31, 2021, shall be paid in the form of a bonus equal to the authorized legislative salary increase for one-half of the fiscal year and ~~shall~~ may be applied to the employee's base annual rate of pay. An employee who was not employed continuously on a full-time basis since July 1 shall receive this bonus on a prorated and equitable basis."

**PART IX. CAPITAL**

**SCIF CHANGES**

**SECTION 9.1.(a)** Section 40.1(b) of S.L. 2021-180 reads as rewritten:

"**SECTION 40.1.(b)** This subsection authorizes the following capital projects and allocates funding in the 2021-2023 fiscal biennium based upon projected cash flow needs for the authorized projects. The authorizations provided in this subsection represent the maximum amount of funding from the State Capital and Infrastructure Fund that may be expended on each project. An additional action by the General Assembly is required to increase the maximum authorization for any of the projects listed.

There is allocated from the State Capital and Infrastructure Fund to the Office of State Budget and Management for the 2021-2023 fiscal biennium the following amounts for capital improvement project codes, as defined in subsection (a) of this section:

**Capital Improvements–**

<b>State Capital and Infrastructure Fund</b>	<b>Total Project Authorization</b>	<b>FY 2021-2022</b>	<b>FY 2022-2023</b>
AOC21-1	\$135,000	\$135,000	–
DACS21-1	1,632,000	1,632,000	–
DACS21-2	3,518,000	3,518,000	–
DACS21-3	4,000,000	4,000,000	–
DACS21-4	<del>4,000,000</del> 8,000,000	4,000,000	–
DACS21-5	1,500,000	1,500,000	–
DACS21-6	2,400,000	2,400,000	–
<del>DOL21-1</del>	5,000,000	5,000,000	–

DHHS21-1	1,600,000	1,600,000	–
DEQ21-1	55,000,000	5,500,000	13,750,000
DEQ-WRD21	N/A	44,469,664	35,231,560
DNCR21-1	1,000,000	1,000,000	–
DNCR21-2	4,000,000	4,000,000	–
DNCR21-3	2,500,000	2,500,000	–
DNCR21-4	<del>8,000,000</del> 10,000,000	<del>4,000,000</del> 5,000,000	5,000,000
DNCR21-5	10,000,000	5,000,000	5,000,000
DNCR21-6	75,000,000	41,233,563	33,766,437
DNCR21-7	5,000,000	5,000,000	–
DNCR21-8	4,000,000	4,000,000	–
DNCR21-9	800,000	800,000	–
DNCR21-10	4,200,000	4,200,000	–
DNCR21-12	12,200,000	9,000,000	3,200,000
DNCR21-13	60,000,000	8,000,000	15,000,000
DNCR21-14	6,000,000	6,000,000	–
DNCR21-15	6,500,000	6,500,000	–
DNCR21-16	5,000,000	5,000,000	–
DNCR21-17	3,000,000	3,000,000	–
DOA21-1	244,000,000	50,000,000	60,500,000
DOA21-2	13,700,000	13,700,000	–
DOA21-3	21,875,000	10,286,748	11,588,252
DOA21-4	5,000,000	5,000,000	–
DOI21-1	3,500,000	3,500,000	–
DPI21-1	23,416,952	19,482,815	3,934,137
DPS21-1	10,702,952	10,702,952	–
DPS21-2	1,831,000	1,831,000	–
DPS21-4	475,000	475,000	–
DPS21-5	4,170,000	4,170,000	–
DPS21-6	7,139,374	7,139,374	–
DPS21-7	17,845,933	8,922,967	8,922,967
DPS21-9	81,632,759	8,163,276	20,408,190
NG21-1	N/A	8,000,000	–
NG21-2	9,500,000	500,000	9,000,000
NG21-3	3,250,000	150,000	3,100,000
NG21-4	15,700,000	15,700,000	–
NCGA21-1	2,450,000	2,450,000	–
NCGA21-2	1,800,000	1,800,000	–
NCGA21-3	100,391,316	–	11,391,316
NCGA21-4	6,300,000	300,000	6,000,000
UNC/NCS21-1	4,000,000	4,000,000	–
UNC/NCS21-2	12,000,000	6,000,000	6,000,000
UNC/NCS21-3	4,000,000	4,000,000	–
UNC/NCS20-1	160,000,000	18,250,000	36,500,000
UNC/CH20-1	150,000,000	10,000,000	18,750,000
UNC/CH20-2	60,000,000	21,250,000	25,500,000
UNC/ECS21-1	40,000,000	10,000,000	30,000,000
UNC/ECS21-2	2,500,000	2,500,000	–
UNC/ECS21-3	7,500,000	7,500,000	–
UNC/ECS21-4	34,000,000	4,000,000	10,000,000
UNC/ASU21-1	25,000,000	12,500,000	12,500,000

UNC/ASU21-2	54,000,000	54,000,000	–
UNC/SSM21-1	12,000,000	12,000,000	–
UNC/NCC21-1	3,011,000	3,011,000	–
UNC/ECU21-1	215,000,000	21,500,000	53,750,000
UNC/PEM21-1	91,000,000	9,100,000	22,750,000
UNC/FSU21-1	40,000,000	4,000,000	10,000,000
UNC/FSU21-2	63,000,000	6,300,000	13,750,000
UNC/FSU21-3	10,000,000	10,000,000	–
UNC/WCU21-1	9,200,000	9,200,000	–
UNC/WSS21-1	57,000,000	5,700,000	14,250,000
UNC/BOG21-1	15,000,000	–	3,750,000
UNC/R&R21	N/A	250,000,000	250,000,000
R&R21	N/A	200,000,000	200,000,000
CC21	400,000,000	100,000,000	100,000,000
CNC21	258,000,000	<del>182,333,333</del> 200,000,000	
	<u>17,491,667</u> 58,000,000		
PERS21	N/A	2,000,000	2,000,000
FLEX21	100,000,000	–	25,000,000
UNC/ENG21	90,000,000	45,000,000	45,000,000"

**SECTION 9.1.(b)** Section 40.1(c1) of S.L. 2021-180 reads as rewritten:

"**SECTION 40.1.(c1)** Of the funds allocated for project code R&R21, the following sums shall be allocated for the following projects:

- ...
- (5) Two million dollars (\$2,000,000) for the 2021-2022 fiscal year to the Department of Public Instruction for repairs and renovations of the historic Superintendent's House located on the campus of North Carolina School for the Deaf to preserve and enhance the existing structure and site for the preservation and display of artifacts and exhibits related to the history of ~~Broughton Hospital~~the North Carolina School for the Deaf and other historic structures in the area, and for use as a multipurpose venue.
- ...."

**SECTION 9.1.(c)** Section 40.1(c2) of S.L. 2021-180 reads as rewritten:

"**SECTION 40.1.(c2)** Of the funds allocated for project code UNC/R&R21, the following sums shall be allocated for the following projects:

- (1) ~~Sixty-Three~~ Thirty million dollars (~~\$60,000,000~~)(\$30,000,000) for each fiscal year of the 2021-2023 fiscal biennium to North Carolina State University for repairs and renovations to Dabney Hall.
- (2) Ten million dollars (\$10,000,000) for the 2021-2022 fiscal year to North Carolina State University for repairs and renovations to Polk Hall."

**SECTION 9.1.(d)** Part XL of S.L. 2021-180 is amended by adding the following new sections to read:

**"SCIF GRANT CHANGES**

**"SECTION 40.17.(a)** Notwithstanding any provision of law or the Committee Report referenced in Section 43.2 of this act to the contrary, the following grants and funds allocated from the State Capital and Infrastructure Fund are amended as follows:

- (1) The grant to Carteret County in the sum of seven hundred eighty-three thousand three hundred thirty-three dollars (\$783,333) for the 2021-2022 fiscal year shall be provided to Carteret County instead of Cabarrus County.

- (2) The grant for the Graham County Courthouse in the sum of five million dollars (\$5,000,000) for the 2021-2022 fiscal year may be used by Graham County for construction of a new courthouse facility.
- (3) The grant for the Cleveland County Courthouse in the sum of fifty-nine million dollars (\$59,000,000) for the 2021-2022 fiscal year is reduced by two hundred fifty thousand dollars (\$250,000).
- (4) The grant for the Tri-County Airport in the sum of four hundred thousand dollars (\$400,000) for the 2021-2022 fiscal year shall be provided to the Tri-County Airport in Hertford County.
- (5) The grant for the Boiling Springs Dam in the sum of fourteen million dollars (\$14,000,000) for the 2021-2022 fiscal year shall be provided to the City of Boiling Spring Lakes for repairs to the Boiling Spring Lakes Dam.
- (6) The grant for the Rhodes Pond Dam in the sum of eight million eight hundred nineteen thousand three hundred fifty dollars (\$8,819,350) for the 2021-2022 fiscal year may also be used by the Wildlife Resources Commission to relocate the depot on the property.
- (7) The grant for Brandy Myers Memorial Park in the sum of one million dollars (\$1,000,000) for the 2021-2022 fiscal year shall be provided to the Town of Carolina Beach for cultivation of an all-inclusive playground to be named Brandy Myers Memorial Park.
- (8) The grant for Burke County Veterans Memorial in the sum of fifteen thousand dollars (\$15,000) shall instead be provided to the City of Morganton for the development of a trail near the Catawba River.
- (9) The grant to the Caldwell County Animal Shelter in the sum of five million dollars (\$5,000,000) for the 2021-2022 fiscal year is reduced by one million five hundred thousand dollars (\$1,500,000).
- (10) The grant to the Carolina Land and Lakes Warehouse in the sum of one million five hundred thousand dollars (\$1,500,000) for the 2021-2022 fiscal year shall be allocated to Carolina Land and Lakes Resource Conservation and Development for a new warehouse.
- (11) The grant to City of Winston-Salem Senior Services Building in the sum of five million dollars (\$5,000,000) for the 2021-2022 fiscal year shall instead be provided to Senior Services, Incorporated, for the construction of a new senior services building.
- (12) The grant to Cleveland County Student Center in the sum of eleven million dollars (\$11,000,000) for the 2021-2022 fiscal year shall instead be provided to Cleveland Community College for a new student center.
- (13) The grant to Town of Catawba Bridge Restoration in the sum of four hundred thousand dollars (\$400,000) for the 2021-2022 fiscal year shall instead be provided to the Catawba County Historical Association, Inc. for the Bunker Hill Bridge.
- (14) The grant to Town of Louisburg Civic Center Renovation in the sum of seven hundred fifty thousand dollars (\$750,000) for the 2021-2022 fiscal year is reduced by fifty thousand dollars (\$50,000).
- (15) The grant to Mable Smith Park in the sum of two million dollars (\$2,000,000) for the 2021-2022 fiscal year shall be provided to the City of Fayetteville to be used by Parks and Recreation to update the Mabel Smith Park, the Walker Spivey Park, and the Gilmore Therapeutic Center.
- (16) The grant to Pilot Mountain Bean Shoals Trail in the sum of four million dollars (\$4,000,000) shall instead be provided to Surry County for improvements to the Bean Shoals Trail.



- (17) The grant to Duplin County Veterans Museum Mural in the sum of twenty-five thousand dollars (\$25,000) shall instead be provided to the Town of Warsaw for a veterans mural.
- (17a) The grant for the Spring Lake Civic Center Renovation in the sum of two hundred fifty thousand dollars (\$250,000) for the 2021-2022 fiscal year shall be provided to the Sandhills Family Heritage Association.
- (18) The funds to the Department of Natural and Cultural Resources for Charlotte Hawkins Brown in the sum of one million dollars (\$1,000,000) for the 2021-2022 fiscal year shall be used for the purchase and development of approximately 100 acres adjacent to the Charlotte Hawkins Brown State Historic Site in Guilford County to be added to the Historic Site.
- (19) The funds to the Department of Natural and Cultural Resources for Chowan Farm Heritage in the sum of three hundred twenty thousand dollars (\$320,000) for the 2021-2022 fiscal year shall instead be provided as a grant to Heritage Association, a nonprofit corporation, for the purchase of 9 acres at the Chowan Farm Heritage.
- (20) The funds to the Department of Natural and Cultural Resources for Shallow Ford in the sum of one million eight hundred thousand dollars (\$1,800,000) for the 2021-2022 fiscal year shall be used for the purchase and development of approximately 245 acres at the Shallow Ford of the Yadkin in Forsyth County to be managed in conjunction with other nearby State Historic Sites.
- (21) The funds to the Department of Natural and Cultural Resources for Shallow Ford Parking Lot in the sum of four hundred twenty-five thousand dollars (\$425,000) for the 2021-2022 fiscal year may also be used for the construction of capital improvements at the Shallow Ford of the Yadkin in Forsyth County.

"SECTION 40.17.(b) Notwithstanding any provision of law or the Committee Report referenced in Section 43.2 of this act to the contrary, there is appropriated from the State Capital and Infrastructure Fund to the Office of State Budget and Management the following amounts for the following purposes:

- (1) The sum of two hundred fifty thousand dollars (\$250,000) in nonrecurring funds for the 2021-2022 fiscal year to be allocated in the form of a grant to the Lawndale Fire Department to be used for firefighting equipment and vehicles.
- (2) The sum of one million five hundred thousand dollars (\$1,500,000) in nonrecurring funds for the 2021-2022 fiscal year to be allocated in the form of a grant to the City of Lenoir to be used for water and sewer projects.
- (3) The sum of twenty-five thousand dollars (\$25,000) in nonrecurring funds for the 2021-2022 fiscal year to the Town of Bunn for capital improvements.
- (4) The sum of twenty-five thousand dollars (\$25,000) in nonrecurring funds for the 2021-2022 fiscal year to the Town of Franklinton for capital improvements.

"SECTION 40.17.(c) For the Randolph Heritage Conservancy—NC Textile Museum grant allocated in this Part, the Department of Natural and Cultural Resources shall work with Randolph Heritage Conservancy, Inc., to develop and implement a comprehensive plan for a textile museum and provide technical assistance with the expenditure of funds.

"SECTION 40.17.(d) Notwithstanding any provision of law or the Committee Report referenced in Section 43.2 of this act to the contrary, the grant from the State Capital and Infrastructure Fund for Stokes County Hospital Renovations in the sum of ten million dollars (\$10,000,000) for the 2021-2022 fiscal year shall be allocated to Stokes County for future grants exclusively for planning and related costs associated with the siting and construction of new medical facilities in Stokes County. Notwithstanding the State Medical Facilities Plan, Article 9

of Chapter 131E of the General Statutes, or any other provision of law to the contrary, the construction of any new medical facilities, including associated beds, utilizing the grant funds allocated pursuant to this section shall be exempt from certificate of need review, provided that the new medical facilities and any associated beds shall be subject to existing licensure laws and requirements."

## **RELOCATION OF UNIVERSITY OF NORTH CAROLINA SYSTEM OFFICE/PRIVATE LEASING OPTIONS**

**SECTION 9.2.** Section 40.1(i) of S.L. 2021-180 reads as rewritten:

**"SECTION 40.1.(i)** For project code NCGA21-3, and notwithstanding G.S. 143-135.26 or any other provision of law to the contrary, the Legislative Services Office shall utilize the funds appropriated for the 2022-2023 fiscal year to initiate advance planning, full planning, and design for the location of The University of North Carolina System Office in the downtown government complex, including any facility consolidation identified using the study conducted pursuant to subsection (g) of this section. The Legislative Services Office may also consider private leasing options within 1 mile of the State Capitol Building in accordance with the results of the study conducted pursuant to subsection (g) of this section."

## **PART X. INFORMATION TECHNOLOGY**

### **STOPGAP SOLUTIONS COUNTY CAP CHANGE**

**SECTION 10.1.** Section 38.5 of S.L. 2021-180 reads as rewritten:

**"SECTION 38.5.** The Department of Information Technology shall use the funds appropriated in this act from the State Fiscal Recovery Fund for Stopgap Solutions–Federal Broadband Funds to provide grants to internet service providers, local government entities, and nonprofits for the provision and installation of infrastructure, as that term is defined in G.S. 143B-1373(a), that will expand the provision of broadband service to unserved and underserved households in this State. The Department shall ensure that grant funds are awarded and utilized in compliance with applicable federal guidelines. No more than ~~ten~~five percent ~~(10%)~~(5%) of the funds described in this section may be granted for broadband projects located in any single county."

### **BROADBAND ACCELERATION/CORRECT CITATIONS**

**SECTION 10.2.(a)** Section 38.10(c) of S.L. 2021-180 reads as rewritten:

**"SECTION 38.10.(c)** The funds appropriated in this act for the Program shall be held by the Department in a special fund and shall not revert to the General Fund but shall remain available to reimburse communications service providers as authorized in this section until December 30, 2026, provided that reimbursements shall comply with applicable federal guidelines for the use of these recovery funds. ~~The Department may use up to one percent (1%) of the funds appropriated for the Program, not to exceed the total sum of one hundred thousand dollars (\$100,000) in each fiscal year, to administer the Program.~~ The Department shall issue guidelines for the implementation of the Program and shall take all actions necessary to obtain access to the Coronavirus Capital Projects Fund for such purpose, including applying for such funding to the United States Treasury and promulgating any additional program requirements required by the United States Treasury as a condition of obtaining access to such funding.Program."

**SECTION 10.2.(b)** Section 38.10(j) of S.L. 2021-180 reads as rewritten:

**"SECTION 38.10.(j)** The following definitions apply in this section:

...

- (8) Qualifying internet access service. – Fixed, terrestrial internet access service with such speeds and technical capabilities ~~required by the United States Treasury for projects under the Coronavirus Capital Projects Fund established~~

~~by section 9901 of the that meet or exceed the federal guidelines for use of American Rescue Plan Act and codified at section 604 of the Social Security Act, provided that if the United States Treasury does not establish such requirements, qualifying internet access shall mean service offered over a network that is capable of speeds of 100 megabits per second or faster in both the downstream and upstream directions.(P.L. 117-2) funds.~~

...."

**PART XI. EFFECTIVE DATE**

**SECTION 11.1.** Except as otherwise provided, this act is effective July 1, 2021.

In the General Assembly read three times and ratified this the 30<sup>th</sup> day of November, 2021.

s/ Phil Berger  
President Pro Tempore of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Roy Cooper  
Governor

Approved 10:08 a.m. this 6<sup>th</sup> day of December, 2021