



Legislative Update

Week of April 27, 2020

Roy Cooper, Governor

Erik A. Hooks, Secretary

On April 28, 2020, the Legislative “Short” Session commenced. Although COVID-19 has interrupted our “normal” routines and changed the way we interact, it did not keep legislators from taking action on a pandemic package. Members and staff participated in committee meetings using Webex, House sessions were streamed on YouTube, and some members voted on the chamber floor by proxy for the first time in history.

Both the Senate and House of Representatives spent last week working on a COVID-19 pandemic package, which is comprised of two bills. On Saturday May 2nd both chambers unanimously voted to approve both pieces of legislation. House Bill 1043, *2020 COVID-19 Recovery Act*, outlines how more than \$1.5 billion in non-recurring state funds will be spent, while Senate Bill 704, *COVID-19 Recovery Act*, describes policy modifications. The bills were presented to the Governor for his signature, and he signed them into law this morning during a press briefing with House and Senate leadership. Detailed information on Department-related matters are provided below.

On a final note, for the next two weeks both chambers will be holding “skeleton” sessions, with anticipation of returning May 18th. No votes will occur between now and their mid-month return.

If you have any questions or comments, please contact Susanna Davis at 919-825-2717 or Susanna.Davis@ncdps.gov.

Highlights of the COVID-19 Pandemic Package

House Bill 1043

Emergency Management

- Directs OSBM to allocate \$50 million non-recurring for supplies and equipment for life safety, health, and sanitation and purchase of personal protective equipment (PPE). The Division of Emergency Management will receive 25% of the PPE for entities within DPS that are deemed essential.
- Allocates \$28,500,000 for CDBG from federal COVID-19 Recovery Legislation.
- Specifies that \$2,600,000 will be provided for Emergency Performance Management grants from federal COVID-19 Recovery Legislation.
- Requires a report on the use of federal funds due no later than 90 days from the day the grant period ends.

Adult Correction

- Directs OSBM to allocate \$70 million for continuity of State government operations for expenditures incurred between March 1, 2020 and December 30, 2020. Eligible expenditures may include, but are not limited to, covering overtime costs at mental health institutions, prisons, community corrections, juvenile facilities, veterans homes; covering costs of pay provided to employees of ACJJ at the Department of Public Safety in accordance with The Communicable Disease Emergency Policy established by the Office of State Human Resources; covering costs of in-home monitoring for all nonviolent juvenile offenders and nonviolent, elderly, health-comprised, and near release adult offenders; covering costs of personal protective equipment, COVID-19 testing, hygienic supplies for ACJJ; purchasing critical information technology equipment and software licenses; enhancing telepresence services in public safety facilities and the court system; and purchasing emergency sanitation and hygienic supplies.

Senate Bill 704

Department – Wide

- Charges the North Carolina Area Health Education Center to study the issues that impact health care delivery and the health care workforce during a pandemic. Study requires input from DPS.
- Temporarily allows retirees of the Teachers' and State Employee's Retirement System (TSERS) a one-month separation (instead of six months) and applies to individuals who retired after October 1, 2019, but before April 1, 2020, who return in a position needed due to COVID-19. This provision also temporarily lifts earnings caps for these retirees. (Expires August 1, 2020)
- Modifies the Emergency Management Act to specifically authorize official meetings of public bodies including closed sessions, public hearing, and quasi-judicial hearings to be conducted via remote, simultaneous communication during periods of declarations of emergency under G.S. 166A-19.20.

Adult Correction

- Enables security guards and patrol professionals licensed under Chapter 74C of the General Statutes to provide security services at a State prison facility. (Expires August 1, 2020)
- Requires security guards and patrol professionals licensed under Chapter 74C of the General Statutes to be trained in State prison policies. (Expires August 1, 2020)
- Permits trained security guards and patrol professionals licensed under Chapter 74C of the General Statutes to detain and use necessary force pursuant to contraband entry and inmate escape policies. (Expires August 1, 2020)

Emergency Management

- Directs Emergency Management to work in conjunction with the Division of Public Health, and the Division of Health Services Regulation to develop a plan for creating and maintaining a strategic state stockpile of personal protective equipment (PPE) and testing supplies. Additionally, outlines requirements of the plan and requires submission of the plan to the legislature by July 1, 2020.
- Requires Department of Health and Human Services and Emergency Management to prioritize North Carolina-based companies when creating mobile response units to address public health emergencies.
- Enables Emergency Management to utilize the North Carolina Regional Councils of Government to provide assistance with administering Federal Emergency Management Agency public assistance and individual assistance funds.

Law Enforcement

- Clarifies that although masks may be worn in certain public and private locations, to ensure physical health or safety, the mask must be removed upon request of a law enforcement officer during a traffic stop, or when the officer has reasonable suspicion, or probable cause while conducting a criminal investigation. (Expires August 1, 2020)
- Extends various DMV credential deadlines for five (5) months, if expiration would occur on or after March 1, 2020 and before August 1, 2020.
- Authorizes the Forensic Tests for Alcohol Branch of the Department of Health and Human Services (Branch) to delay, or modify any educational or examination requirements for recertification of law enforcement officers. For any certification issued prior to March 10, 2020, the Branch may extend that certification no later than December 31, 2020 if educational or examination requirements associated with renewal or recertification are delayed. (Effective retroactively to March 10, 2020 and expires January 1, 2021)

DPS Bills with Action this Week

(Note: Click on the bill title to view the most current version of the bill)

Division(s) Impacted	Sponsor(s)	Bill #	Short Title	Action
EM	P. Jones, White, Cunningham, and Dobson	H 1037	COVID-19 Health Care Working Group Policy Rec.	4/29/2020 House Re-ref Com On Rules, Calendar, and Operations of the House
EM/ACJJ	Lambeth, Carney, Dobson, and P. Jones	H 1038	Omnibus COVID-19 Response Funds	4/29/2020 House Re-ref Com On Rules, Calendar, and Operations of the House
Alarm Systems Licensing Board	Lewis	H 1041	Appointments Bill 2020	5/2/2020 Ch. SL 2020-2
Law Enforcement/HR	Howard, Jackson, Moore, and Carney	H 1042	Increase In-Service Death Benefit/LRS	4/29/2020 House Re-ref Com On Rules, Calendar, and Operations of the House
AC/Law Enforcement/HR/EM	Bell, Jackson, and Lewis	H 1043	2020 COVID-19 Recovery Act	Signed by Gov. 5/4/2020
HR	Fisher and Batch	H 1046	COVID-19 Paid Sick Leave	4/28/202 House Ref to the Com on Finance, if favorable, Commerce, if favorable, Health, if favorable, Rules, Calendar, and Operations of the House
NCNG	Cleveland, Bell, and Martin	H 1047	Educ. Changes for Military-Connected Students	4/29/2020 House Ref to the Com on Homeland Security, Military, and Veterans Affairs, if favorable, Rules, Calendar, and Operations of the House

NCNG	Horn and Lucas	H 1053	PED/Military Occupational Licensure	4/30/2020 House Ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House
HR/Law Enforcement/AC/EM	Jackson, Boles, Setzer and R. Smith	H 1057	WC/COVID-19 Front Line Coverage/Funds	5/2/2020 House Ref to the Com on Health, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House
ACJJ/EM	Brown, Harrington, B. Jackson, J. Alexander, T. Alexander, Ballard, Berger, Blue, Britt, Bryan, Burgin, Chaudhuri, Clark, Daniel, D. Davis, J. Davis, deViere, Edwards, Fitch, Ford, Foushee, Gallimore, Garrett, Gunn, Hise, Horner, Johnson, Krawiec, Lowe, Marcus, McInnis, Murdock, Newton, Perry, Peterson, Rabon, Robinson, Sanderson, Sawyer, Searcy, Smith, Steinburg, Tillman, Waddell, Wells, and Woodard	S 704	COVID-19 Recovery Act	Signed by Gov. 5/4/2020

NCNG	Brown	S 706	Educ. Changes for Military-Connected Students.	5/1/2020 Senate Ref To Com On Rules and Operations of the Senate
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