

**GENERAL ASSEMBLY OF NORTH CAROLINA
THIRD EXTRA SESSION 2018**

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SENATE BILL 3

Short Title: Hurricane Florence Emergency Response Act. (Public)

Sponsors: Senators Britt, Meredith, Brown, B. Jackson, Rabon, Clark, D. Davis, Fitch, Lee, McInnis, Sanderson, Smith (Primary Sponsors); Alexander, Ballard, Barringer, Blue, J. Davis, Edwards, Gunn, Lowe, Newton, Tarte, Van Duyn, Waddell, and Wade.

Referred to: Appropriations/Base Budget

October 2, 2018

A BILL TO BE ENTITLED

AN ACT TO ENACT THE HURRICANE FLORENCE EMERGENCY RESPONSE ACT.

The General Assembly of North Carolina enacts:

PART I. TITLE OF ACT

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

PART II. LEGISLATIVE FINDINGS

DAMAGE CAUSED BY HURRICANE FLORENCE

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

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

- (1) Central and southeastern North Carolina suffered significant damage to public and private property.
- (2) Essential utility services and systems and other critical infrastructure have been seriously disrupted.
- (3) Over 880,000 people have lost power, thousands of people have been displaced from their homes, and 1,600 roads have been closed.
- (4) Riverine flooding began at the start of Hurricane Florence, and the effects continue to be felt across the State. Several large rivers reached and exceeded major flooding levels.
- (5) As of the date of this act, twenty-eight of the State's counties have been declared a major disaster by the President of the United States under the Stafford Act (P.L. 93-288), with others requested and pending approval.



- 1 (6) North Carolinians have lost their lives, their loved ones, their homes, their
2 communities, their schools and houses of worship, their life savings, their
3 businesses and places of employment, their possessions, their pets, and their
4 ways of life.
- 5 (7) Entire towns throughout eastern North Carolina were flooded to the rooftops
6 as the record storm surge combined with water levels of rivers and streams
7 crested at flood-stage heights far beyond those ever seen before in this State.
- 8 (8) Thirty-four states assisted North Carolina in addressing the devastation caused
9 by Hurricane Florence.
- 10 (9) Thousands of emergency responders, National Guard members, and other
11 volunteers worked to respond and assist disaster areas during and after the
12 time the storm made landfall.
- 13 (10) Swift action by the General Assembly is necessary to provide relief to and
14 facilitate recovery efforts for the citizens of North Carolina devastated from
15 the Hurricane.
- 16 (11) Assessments from the damages resulting from Hurricane Florence are
17 ongoing, and Public Assistance projects are in planning stages to repair
18 facilities and roads, remove debris, and otherwise effectuate cleanup and
19 repair.
- 20 (12) Further assistance by the General Assembly will be needed on behalf of the
21 people and local governments who have suffered damage to public buildings,
22 roads, wastewater treatment plants, and other critical infrastructure.
- 23

24 **PART III. CREATION OF HURRICANE FLORENCE DISASTER RECOVERY FUND**

25 **SECTION 3.1.(a)** The Hurricane Florence Disaster Recovery Fund is established.
26 The purpose of the Fund is to provide necessary and appropriate relief and assistance from the
27 effects of Hurricane Florence, consistent with the provisions of this act, subsequent legislation
28 addressing the effects of Hurricane Florence. The Fund shall be maintained as a special fund and
29 administered by the Office of State Budget and Management or by another State agency, as
30 determined by the Governor, to carry out the provisions of this and subsequent acts necessitated
31 as a result of Hurricane Florence. All State and federal funds appropriated for Hurricane Florence
32 relief and recovery efforts shall be budgeted and accounted for in the Fund established in this
33 section.

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

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

45

46 **PART IV. FUNDING OF DISASTER RELIEF**

47 **APPROPRIATIONS AND ALLOCATIONS OF FUNDS FOR DISASTER RELIEF**

48 **SECTION 4.1.** Notwithstanding G.S. 143C-4-2, the State Controller shall transfer
49 the sum of fifty-six million five hundred thousand dollars (\$56,500,000) for the 2018-2019 fiscal
50

1 year from the Savings Reserve in the General Fund to the Hurricane Florence Disaster Recovery
2 Fund and these funds are appropriated within the Fund and shall be allocated as follows:

- 3 (1) Six million five hundred thousand dollars (\$6,500,000) to the Department of
4 Public Instruction to supplement or replace lost compensation of school lunch
5 employees due to school closures resulting from Hurricane Florence.
- 6 (2) Fifty million dollars (\$50,000,000) for the following purposes related to
7 Hurricane Florence:
 - 8 a. To provide the State match for federal disaster assistance programs.
 - 9 b. To pay for the costs and the relief and assistance authorized by
10 G.S. 166A-19.42(b). This sub-subdivision applies to the North
11 Carolina counties that are or become designated under a major disaster
12 declaration by the President of the United States under the Stafford
13 Act (P.L. 93-288) as a result of Hurricane Florence.

14
15 **EACH APPROPRIATION AND ALLOCATION IS MAXIMUM AND CONDITIONAL**

16 **SECTION 4.2.** The appropriations and allocations made in this act are for maximum
17 amounts necessary to implement this act. Savings shall be effected where the total amounts
18 appropriated or allocated are not required to implement this act.
19

20 **APPROPRIATION OF FEDERAL FUNDS**

21 **SECTION 4.3.** Appropriation/Federal Funds. – Funds received on or after
22 September 13, 2018, under the federal Stafford Act (P.L. 93-288) and other federal disaster
23 assistance programs for State disasters as a result of Hurricane Florence are appropriated in the
24 amounts provided in the notifications of award from the federal government or any entity acting
25 on behalf of the federal government to administer federal disaster recovery funds. The Office of
26 State Budget and Management and affected State agencies shall report all notifications of award
27 to the Joint Legislative Commission on Governmental Operations and the Fiscal Research
28 Division of the General Assembly.
29

30 **PART V. IMPLEMENTATION OF ACT**

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32 **INVOLVEMENT OF HISTORICALLY UNDERUTILIZED BUSINESSES**

33 **SECTION 5.1.** It is the intent of the General Assembly that, during this time of
34 rebuilding and relief efforts, each State agency should strive to acquire goods and services from
35 historically underutilized business vendors, whether directly as principal contractors or indirectly
36 as subcontractors or otherwise.
37

38 **LEGISLATIVE REVIEW OF FEDERAL FUNDING AND REMAINING UNMET**
39 **NEEDS**

40 **SECTION 5.2.** It is the intent of the General Assembly to review in 2018 and 2019
41 the funds appropriated by Congress for disaster relief and to consider actions needed to address
42 any remaining unmet needs. It is also the intent of the General Assembly to review the adequacy
43 of the measures funded by Section 4.1 of this act at that time.
44

45 **ELECTIONS RELIEF**

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

- 48 (1) Notwithstanding G.S. 163A-865(d), 163A-883, and 163A-884, applications
49 for voter registration for the November 2018 election may be submitted until
50 5:00 P.M. on October 15, 2018. If the application for voter registration is
51 submitted by facsimile transmission or transmission of a scanned document,

1 a permanent copy of the completed, signed form shall be delivered to the
2 county board of elections no later than October 20, 2018.

3 (2) For any site that has previously been designated a one-stop site for absentee
4 ballots to be applied for and cast during the period required by
5 G.S. 163A-1300(b) for the November 2018 election under G.S. 163A-1303, a
6 county board of elections by unanimous vote may provide for a substitution
7 of the one-stop site, provided that the change is solely to substitute a one-stop
8 site that was damaged by Hurricane Florence.

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

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

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

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

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

- 41 (1) Include on its Web site information about:
- 42 a. Options to register to vote, including same day registration during the
43 early voting period, and how to determine residency for voting
44 purposes.
 - 45 b. Options to vote in the November 2018 election, including mail-in
46 absentee voting and early one-stop voting.
- 47 (2) Distribute information about the options to register to vote, including same
48 day registration during the early voting period, and options to vote in the
49 November 2018 election, including mail-in absentee voting and early one-stop
50 voting to State agencies, shelters, groups, and other organizations serving
51 persons impacted or displaced by Hurricane Florence.

- 1 (3) Coordinate with the State and federal agencies to identify and notify as many
2 persons as possible displaced by Hurricane Florence about the options to
3 register to vote, including same day registration during the early voting period
4 and options to vote in the November 2018 election, including mail-in absentee
5 voting and early one-stop voting. When practicable, the State Board shall
6 provide county specific information as to early one-stop voting locations and
7 times.
- 8 (4) Disseminate information about the options to register to vote, including same
9 day registration during the early voting period and options to vote in the
10 November 2018 election, including mail-in absentee voting and early one-stop
11 voting. Information may be distributed through public service
12 announcements, print, radio, television, online, and social media.
- 13 (5) Assist any county board of elections altering one-stop sites and voting places
14 for the November 2018 election under subsection (a) of this section in
15 educating the public on the changes.

16 **SECTION 5.3.(e)** Notwithstanding G.S. 163A-1535 and G.S. 163A-1520, there is
17 appropriated from the cash balance in Budget Code 68025 in the Bipartisan State Board of
18 Elections and Ethics Enforcement the sum of four hundred thousand dollars (\$400,000) for the
19 purpose of implementing this section.
20

21 **MOSQUITO VECTOR POPULATION CONTROL**

22 **SECTION 5.4.** It is the intent of the General Assembly to prevent large populations
23 of floodwater mosquitoes from emerging following Hurricane Florence, as this could adversely
24 impact the public health by hindering the State's response and recovery efforts and increasing the
25 number of vector-borne illnesses. To that end, the General Assembly encourages the Department
26 of Health and Human Services, Division of Public Health, to continue to work with local health
27 departments to expedite mosquito control efforts in counties that are or become part of a disaster
28 declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result
29 of Hurricane Florence. For purposes of this section, mosquito control efforts include mosquito
30 abatement activities, integrated mosquito management activities, education regarding mosquito
31 bite avoidance, and the purchase and distribution of materials for personal prevention measures.
32

33 **WAIVER OF CERTAIN DMV FEES**

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

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

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

49 **SECTION 5.5.(c)** This section is effective when it becomes law and applies to fees
50 assessed or collected on or after September 13, 2018. This section expires December 31, 2018.
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1 WAIVER OF HOMEOWNERS RECOVERY FEE

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

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

11 **SECTION 5.6.(c)** This section is effective when it becomes law and applies to
12 applications for issuance of a permit subject to the Homeowners Recovery Fund fee that were
13 received on or after September 13, 2018. This section expires December 31, 2018.
14

15 ADDITIONAL LIMITATIONS ON USE OF FUNDS

16 **SECTION 5.7.** The Governor shall ensure that funds appropriated in this act are
17 expended in a manner that does not adversely affect any person's or entity's eligibility for federal
18 funds that are made available, or that are anticipated to be made available, as a result of Hurricane
19 Florence. The Governor shall also, to the extent practicable, avoid using State funds to cover
20 costs that will be, or likely will be, covered by federal funds.
21

22 PART VI. EFFECTIVE DATE

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