

# State of North Carolina

**ROY COOPER**  
GOVERNOR

October 3, 2018

EXECUTIVE ORDER NO. 67

## SUSPENDING COLLECTION OF CERTAIN FEES FOR NORTH CAROLINA VITAL RECORDS

**WHEREAS**, Hurricane Florence (“Hurricane”) made landfall off the coast of North Carolina on or about 14 September 2018; and

**WHEREAS**, the Hurricane has placed North Carolina residents and visitors at substantial risk of death or injury; and

**WHEREAS**, the Hurricane has inflicted significant damage on public and private property; and

**WHEREAS**, impacts from the Hurricane constitute a State of Emergency, as defined in N.C. Gen. Stat. § 166A-19.3(19); and

**WHEREAS**, N.C. Const. art. III § 5(4) vests the Governor with the duty to take care that the laws be faithfully executed; and

**WHEREAS**, the undersigned issued Executive Order No. 51 on 7 September 2018, which declares a State of Emergency to provide for the health, safety, and welfare of residents and visitors located in North Carolina (“Declaration of a State of Emergency”); and

**WHEREAS**, Executive Order No. 51 invokes the Emergency Management Act, and authorizes the Governor to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, the President of the United States issued an emergency declaration, FEMA-3401-EM, for the State of North Carolina on 10 September 2018, providing, in part, for Public Assistance-Category B, including direct federal assistance to the State; and

**WHEREAS**, the President of the United States approved an Expedited Major Disaster Declaration, FEMA-4393-DR, for the State of North Carolina on 14 September 2018; and

**WHEREAS**, the weather events associated with the Hurricane have resulted in the destruction and/or loss of vital records as defined by N.C. Gen. Stat. § 130A-2(10); and

**WHEREAS**, N.C. Gen. Stat. § 130A-93.1(a)(1)-(2) provides that the State Registrar of N.C. Vital Records within the North Carolina Department of Health and Human Services (“State Registrar”) shall collect and process fees when issuing replacement vital records; and

**WHEREAS**, 10A N.C. Admin. Code 41H.0701 establishes fees the State Registrar must collect when issuing replacement vital records; and

**WHEREAS**, N.C. Gen. Stat. § 161-10(a)(8), (9) establishes fees local registers of deeds must collect when issuing replacement vital records; and

**WHEREAS**, further action is necessary to facilitate the expeditious issuance of replacement vital records, which would help support long term disaster recovery efforts; and



**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b) authorizes and empowers the undersigned to make and amend orders, rules, and regulations within the limits of the authority conferred upon him in the North Carolina Emergency Management Act; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.30(b)(4) authorizes the undersigned, with the concurrence of the Council of State, to waive a provision of any regulation or ordinance of a State agency or a political subdivision which restricts the immediate relief of human suffering; and

**WHEREAS**, the execution of the undersigned's emergency powers under N.C. Gen Stat. § 166A-19.30 is appropriate to ensure the public safety of residents and visitors located in North Carolina during the State of Emergency; and

**WHEREAS**, in order to provide for the rapid and orderly rehabilitation of persons and restoration of property, the undersigned, with the concurrence of the Council of State, has made the determination that it is in the State's interest to suspend the collection of certain replacement vital records fees.

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1.**

I hereby order the State Registrar to suspend enforcement of the collection of fees set forth in N.C. Gen. Stat. § 130A-93.1(a)(1)-(2) and 10A N.C. Admin. Code 41H.0701 that are associated with processing and issuing replacement vital records maintained pursuant to Article 4 of Chapter 130A of the North Carolina General Statutes.

**Section 2.**

N.C. Gen. Stat. §§ 130A-93.1(a)(1)-(2), 161-10(a)(8), (9), 10A N.C. Admin. Code 41H.0701, and any other related State or political subdivision regulation or ordinance are waived to the limited extent necessary to permit local registers of deeds, in their discretion, to suspend the collection of fees associated with processing and issuing replacement vital records maintained pursuant to Article 4 of Chapter 130A of the North Carolina General Statutes and Article 2 of Chapter 161 of the North Carolina General Statutes.

**Section 3.**

Sections 1 through 2 of this Executive Order apply solely to fees for replacement vital records maintained pursuant to Article 4 of Chapter 130A of the North Carolina General Statutes and Article 2 of Chapter 161 of the North Carolina General Statutes.

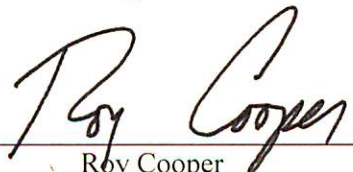
**Section 4.**

This Executive Order shall be (a) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) promptly filed with N.C. Vital Records within the North Carolina Department of Health and Human Services' Division of Public Health, and published on N.C. Vital Records' website and at the N.C. Vital Records' office; and (c) distributed to others as necessary to ensure proper implementation of this Executive Order.

**Section 5.**

This Executive Order is effective immediately and shall remain in effect until rescinded or superseded by another applicable Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 3<sup>rd</sup> day of October in the year of our Lord two thousand and eighteen.

  
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Roy Cooper  
Governor

**ATTEST:**  
  
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Elaine F. Marshall  
Secretary of State

