

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 734
SENATE BILL 864

AN ACT TO AMEND CHAPTER 166 OF THE GENERAL STATUTES RELATING TO
CIVIL PREPAREDNESS FOR NATURAL AND MAN- MADE DISASTERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 166-1.1 is hereby rewritten to read as follows:

"§ 166-1.1. **Purposes.** — The purposes of this Chapter are to:

- (1) Clarify the authority and responsibility of the Governor, State agencies and local governments in prevention of, preparation for, response to and recovery from natural or man-made disasters, riots, or hostile military or paramilitary action.
- (2) Reduce the vulnerability of people and property to damage, injury, and loss of life and property resulting from natural or man-made disasters.
- (3) Prepare for prompt and efficient rescue, care and treatment of persons threatened or affected by a disaster, and provide for the prompt and orderly rehabilitation of persons and the restoration of property.
- (4) Authorize and provide for cooperation and coordination of activities relating to disaster mitigation, preparedness, response and recovery among agencies and officials of this State.
- (5) Provide for cooperation and coordination of those same activities with similar agencies and officials of other states, with local and federal governments, with interstate organizations and with other private and quasi-official organizations.
- (6) Provide for a civil preparedness program embodying all aspects of predisaster planning, response to and recovery from natural or man-made disasters."

Sec. 2. Chapter 166 of the General Statutes is hereby amended by adding a new section, G.S. 166-1.2, to read as follows:

"§ 166-1.2. **Limitations.** — (1) No authority contained in this Chapter shall be used for any purpose other than the prevention or mitigation of an imminent or existing danger to the public health, safety, or welfare, or the impairment thereof.

(2) Nothing in this act shall be construed to interfere with dissemination of news or comment on public affairs; but any communications facility or organization, including but not limited to radio and television stations, wire 985 services, and newspapers, may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster."

Sec. 3. Chapter 166 of the General Statutes is hereby amended by adding a new section, G.S. 166-1.3, to read as follows:

"§ 166-1.3. **Nondiscrimination in civil preparedness.** — State and local governmental bodies and other organizations and personnel who carry out civil preparedness functions under the provisions of this Chapter are required to do so in an equitable and impartial manner. Such State and local governmental bodies, organizations and personnel shall not discriminate on the

grounds of race, color, religion, nationality, sex, age or economic status in the distribution of supplies, the processing of applications and other relief and assistance activities."

Sec. 4. G.S. 166-2(1) is hereby rewritten to read as follows:

"(1) Civil preparedness shall mean those plans, actions and procedures necessary to provide protection to the people against loss of life, injury, and loss or damage to property caused by natural phenomena or man-made causes such as war, insurrection, riot or accidents; and those measures necessary to mitigate the effects of the destructive forces of man and nature, to provide for response to disaster conditions and for the relief of suffering and hardship resulting from such conditions and to initiate rehabilitation of persons and restoration of essential services and acceptable standards of living."

Sec. 5. G.S. 166-2(2) is hereby rewritten to read as follows:

"(2) 'Civil Preparedness Agency' shall mean a State or local governmental agency charged with coordination of the following: civil preparedness planning, response to threatened or actual disaster conditions, and measures for rehabilitation of persons and restoration of services and property following a disaster."

Sec. 6. G.S. 166-2 is hereby amended by adding at the end thereof a new subparagraph (5) to read as follows:

"(5) 'Organization for Civil Preparedness' shall mean all individuals or groups of persons and materiel resources capable of being utilized in a disaster or imminent threat thereof, such utilization to be coordinated by a civil preparedness agency."

Sec. 7. G.S. 166-3 is hereby amended by adding the following to the end thereof:

"The Secretary of the Department of Military and Veterans Affairs shall be responsible to the Governor for carrying out the program for civil preparedness in this State. He shall coordinate the activities of all organizations for civil preparedness within the State, and shall maintain liaison with and cooperate with civil preparedness agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this Chapter as may be prescribed by the Governor."

Sec. 8. G.S. 166-4 is hereby deleted.

Sec. 9. G.S. 166-5(b)(1) is hereby rewritten as follows:

"(1) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this Chapter within the limits of the authority conferred upon him herein, with due consideration of the plans of the federal government. The Governor may issue executive orders pursuant to this subparagraph which shall be filed with the Secretary of State and available to the public generally at the office of the clerk of the superior court in the affected counties."

Sec. 10. G.S. 166-5(b) is further amended by adding three new provisions, (9), (10) and (11) to read as follows:

"(9) To take steps to assure that measures, including the installation of public utilities are taken when necessary to qualify for temporary housing assistance from the federal government when that assistance is required to protect the public health, welfare, and safety.

(10) To agree that the State will indemnify the federal government against any claim arising from debris removal when federal assistance is provided for that purpose.

(11) By and with the consent of the Council of State to allocate contingency and emergency funds, and such other funds when necessary as may be

reasonably available within the appropriations of the various departments, for disaster relief and assistance."

Sec. 11. Chapter 166 is hereby amended by adding a new section, G.S. 166-6.1, to read as follows:

"§ 166-6.1. Authority of Governor during a state of natural or accidental disaster. — The provisions of this section shall be operative only during the existence of a state of natural or accidental disaster (hereinafter referred to jointly as 'State of Disaster'). The existence of a state of duster may be proclaimed by the Governor or by joint resolution of the legislature, if the Governor in such proclamation or the legislature in such resolution finds that a disaster arising from either natural or accidental causes has actually occurred or is imminent within this State, and that such disaster calls for immediate action beyond the normal functioning of local or State governments. Any such state of disaster whether proclaimed by the Governor or by the legislature, shall terminate upon the proclamation of the termination thereof by the Governor, or the passage by the legislature of a joint resolution terminating such state of disaster During such period as the state of disaster exists or continues he Governor may assume any of the following additional disaster powers if the Council of State concurs in the Governor's assumption of the particular power or powers to be assumed:

- (1) To utilize all available State and local resources as reasonably necessary to cope with a disaster including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating disaster services.
- (2) To enforce all laws, rules, and regulations, relating to civil preparedness and to assume direct operational control over any or all civil preparedness activities within the State.
- (3) To sell, lend, lease, give, transfer, or deliver materials or perform services for civil preparedness purposes on such terms and conditions as may be prescribed for any existing law, and to account to the State Treasurer for any funds received for such property.
- (4) To direct and compel the evacuation of all or part of the population from any stricken or threatened area within the State if he deems this action necessary for the preservation of life or other disaster response mitigation, or recovery; and to prescribe routes, modes of transportation, and destination in connection with evacuation.
- (5) To control ingress and egress of a disaster area, the movement of persons within the area, and the occupancy of premises therein.
- (6) To take such action and give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Chapter and with the orders, rules and regulations made pursuant thereto, which officers and agencies shall comply with such direction.
- (7) To take action authorized under the provisions of this Chapter without regard to a particular order, rule, or regulation of a State agency if such action is necessary to protect the safety and welfare of the inhabitants of this State, and if strict compliance with such order, rule, or regulation would in any way prevent, hinder, or delay such action."

Sec. 12. G.S. 166-8 is hereby amended by adding a new subsection (c) at the end thereof to read as follows:

"(c) A local state of emergency may be declared by the governing body of any municipality or county upon the occurrence of or imminent threat of a natural disaster. Such a declaration shall activate the local ordinances authorized in G.S. 14-288.12 through G.S. 14-288.14 and any and all applicable local plans, mutual assistance compacts and agreements

and shall also authorize the furnishing of assistance thereunder. The timing, publication, amendment and rescision of local state of emergency declarations shall be in accordance with the local ordinance."

Sec. 13. G.S. 166-10 is hereby amended by adding a new subsection (d) at the end thereof to read as follows:

"(d) Either the state or a political subdivision in the state may accept grants from the federal government for use in recovery from disasters and for that purpose may, within the limits of any applicable Constitutional requirements, accept advances and loans from the federal government, including loans for public works and development facilities, for governmental operating expenses, and for individual and family grant programs."

Sec. 14. Wherever the term "civil defense" appears in Chapter 166 of the General Statutes the same shall be deleted and the term "civil preparedness" shall be inserted in lieu thereof.

Sec. 15. G.S. 20-125(b) is hereby amended by deleting the term "civil defense" in the third sentence of the sixth paragraph and inserting in lieu thereof the term "civil preparedness".

Sec. 16. Whenever the words "civil defense organization", "local organization for civil defense" or "local organization" when referring to the local civil defense organization, appear in the following sections of Chapter 166, the same shall be deleted and the words "civil preparedness agency" shall be inserted in lieu thereof: G.S. 166-8(a) lines 2-3, 5, 6, 8, 9, and 13; G.S. 166-9(a) lines 1-2; G.S. 166-9(b) line 1; G.S. 166-11 line 10; G.S. 166-12, lines 2-3 and 9.

Sec. 17. G.S. 153A-149(c)(9) is hereby amended by deleting the phrase "Civil Defense - To provide for civil defense programs" and inserting in lieu thereof "Civil Preparedness - To provide for civil preparedness programs".

Sec. 18. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1975.