

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 380*

Short Title: Strengthen Local Emergency Management. (Public)

Sponsors: Representatives Martin, Wainwright (Primary Sponsors); M. Alexander, Bryant, England, E. Floyd, Glazier, Harrison, Hughes, Insko, Lucas, McGee, Pierce, Rapp, Spear, Womble, and Wray.

Referred to: Local Government II, if favorable, Homeland Security, Military, and Veterans Affairs.

March 4, 2009

A BILL TO BE ENTITLED
AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS
RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY
PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 166A-5(3) reads as rewritten:

"(3) Functions of State Emergency Management. – The functions of the State emergency management program include:

- a. Coordination of the activities of all agencies for emergency management within the State, including planning, organizing, staffing, equipping, training, testing, and the activation of emergency management programs.
- b. Preparation and maintenance of State plans for man-made or natural disasters. The State plans or any parts thereof may be incorporated into department regulations and into executive orders of the Governor.
- b1. Coordination with the State Health Director to amend or revise the North Carolina Emergency Operations Plan regarding public health matters. At a minimum, the revisions to the Plan shall provide for the following:
 1. The epidemiologic investigation of a known or suspected threat caused by nuclear, biological, or chemical agents.
 2. The examination and testing of persons and animals that may have been exposed to a nuclear, biological, or chemical agent.
 3. The procurement and allocation of immunizing agents and prophylactic antibiotics.
 4. The allocation of the National Pharmaceutical Stockpile.
 5. The appropriate conditions for quarantine and isolation in order to prevent further transmission of disease.
 6. Immunization procedures.
 7. The issuance of guidelines for prophylaxis and treatment of exposed and affected persons.
- c. Promulgation of standards and requirements for local plans and ~~programs, programs~~ consistent with federal and State laws and



1 regulations, determination of eligibility for State financial assistance
 2 provided for in G.S. 166A-7 and provision of technical assistance to
 3 local governments. Standards and requirements for local plans and
 4 programs promulgated under this sub-subdivision shall be reviewed
 5 by the Division of Emergency Management at least biannually and
 6 updated as necessary.

- 7 d. Development and presentation of training programs and public
 8 information programs to insure the furnishing of adequately trained
 9 personnel and an informed public in time of need.
- 10 e. Making of such studies and surveys of the resources in this State as
 11 may be necessary to ascertain the capabilities of the State for
 12 emergency management, maintaining data on these resources, and
 13 planning for the most efficient use thereof.
- 14 f. Coordination of the use of any private facilities, services, and
 15 property.
- 16 g. Preparation for issuance by the Governor of executive orders,
 17 proclamations, and regulations as necessary or appropriate.
- 18 h. Cooperation and maintenance of liaison with the other states, federal
 19 government and any public or private agency or entity in achieving
 20 any purpose of this Article and in implementing programs for
 21 emergency, disaster or war prevention, preparation, response, and
 22 recovery.
- 23 i. Making recommendations, as appropriate, for zoning, building and
 24 other land-use controls, and safety measures for securing mobile
 25 homes or other nonpermanent or semipermanent works designed to
 26 protect against or mitigate the effects of a disaster.
- 27 j. Coordination of the use of existing means of communications and
 28 supplementing communications resources and integrating them into a
 29 comprehensive State or State-federal telecommunications or other
 30 communications system or network."

31 **SECTION 2.** G.S. 166A-7 reads as rewritten:

32 **"§ 166A-7. County and municipal emergency management.**

33 (a) The governing body of each county is responsible for emergency management, as
 34 defined in G.S. 166A-4, within the geographical limits of such county. All emergency
 35 management efforts within the county will be coordinated by the county, including activities of
 36 the municipalities within the county.

37 (1) The governing body of each county is hereby authorized to establish and
 38 maintain an emergency management agency for the purposes contained in
 39 G.S. 166A-2.

40 (2) The governing body of each county which establishes an emergency
 41 management agency pursuant to this authorization will appoint a coordinator
 42 who will have a direct responsibility for the organization, administration and
 43 operation of the county program and will be subject to the direction and
 44 guidance of such governing body.

45 (3) In the event any county fails to establish an emergency management agency,
 46 and the Governor, in his discretion, determines that a need exists for such an
 47 emergency management agency, then the Governor is hereby empowered to
 48 establish an emergency management agency within said county.

49 (b) All incorporated municipalities are authorized to establish and maintain emergency
 50 management agencies subject to coordination by the county. ~~Joint agencies composed of a~~
 51 ~~county and one or more municipalities within its borders may be formed.~~

1 **(b1)** Counties and incorporated municipalities are authorized to form joint emergency
2 management agencies composed of a county and one or more municipalities within the county's
3 borders, between two or more counties, or between two or more counties and one or more
4 municipalities within the borders of those counties.

5 **(c)** Each county and incorporated municipality in this State is authorized to make
6 appropriations for the purposes of this Article and to fund them by levy of property taxes
7 pursuant to G.S. 153A-149 and G.S. 160A-209 and by the allocation of other revenues, whose
8 use is not otherwise restricted by law.

9 **(d)** In carrying out the provisions of this Article each political subdivision is authorized:

10 **(1)** To appropriate and expend funds, make contracts, obtain and distribute
11 equipment, materials, and supplies for emergency management purposes and
12 to provide for the health and safety of persons and property, including
13 emergency assistance, consistent with this Article;

14 **(2)** To direct and coordinate the development of emergency management plans
15 and programs in accordance with the policies and standards set by the
16 ~~State;~~ Division of Emergency Management, consistent with federal and State
17 laws and regulations;

18 **(3)** To assign and make available all available resources for emergency
19 management purposes for service within or outside of the physical limits of
20 the subdivision; and

21 **(4)** To delegate powers in a local state of emergency under G.S. 166A-8 to an
22 appropriate official.

23 **(e)** Each county which establishes an emergency management agency pursuant to State
24 standards and which meets requirements for local plans and programs may be eligible to
25 receive ~~State and federal financial assistance; assistance, including State and federal funding~~
26 appropriated for emergency management planning and preparedness, and for the maintenance
27 and operation of a county emergency management program. Such financial assistance ~~for the~~
28 ~~maintenance and operation of a county emergency management program will not exceed one~~
29 ~~thousand dollars (\$1,000) for any fiscal year and is subject to an appropriation being made for~~
30 ~~this purpose. Eligibility of each county will be determined annually by the State. Where the~~
31 appropriation does not allocate appropriated funds between counties, the amount allocated to
32 each county shall be determined annually by the Division of Emergency Management. The size
33 of this allocation shall be based in part on the degree to which local plans and programs meet
34 State standards and requirements promulgated by the Division, including those relating to
35 professional competencies of local emergency management personnel. However, in making an
36 allocation determination, the Division shall, where appropriate, take into account the fact that a
37 particular county may lack sufficient resources to meet the standards and requirements
38 promulgated by the Division."

39 **SECTION 3.** This act becomes effective October 1, 2009.