

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**HOUSE BILL 380*
Committee Substitute Favorable 3/18/09**

Short Title: Strengthen Local Emergency Management. (Public)

Sponsors:

Referred to:

March 4, 2009

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

5 The General Assembly of North Carolina enacts:

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

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

9 a. Coordination of the activities of all agencies for emergency
10 management within the State, including planning, organizing,
11 staffing, equipping, training, testing, and the activation of emergency
12 management programs.

13 b. Preparation and maintenance of State plans for man-made or natural
14 disasters. The State plans or any parts thereof may be incorporated
15 into department regulations and into executive orders of the
16 Governor.

17 b1. Coordination with the State Health Director to amend or revise the
18 North Carolina Emergency Operations Plan regarding public health
19 matters. At a minimum, the revisions to the Plan shall provide for the
20 following:

21 1. The epidemiologic investigation of a known or suspected
22 threat caused by nuclear, biological, or chemical agents.

23 2. The examination and testing of persons and animals that may
24 have been exposed to a nuclear, biological, or chemical agent.

25 3. The procurement and allocation of immunizing agents and
26 prophylactic antibiotics.

27 4. The allocation of the National Pharmaceutical Stockpile.

28 5. The appropriate conditions for quarantine and isolation in
29 order to prevent further transmission of disease.

30 6. Immunization procedures.

31 7. The issuance of guidelines for prophylaxis and treatment of
32 exposed and affected persons.

33 c. Promulgation of standards and requirements for local plans and
34 ~~programs, programs~~ consistent with federal and State laws and
35 regulations, determination of eligibility for State financial assistance
36 provided for in G.S. 166A-7 and provision of technical assistance to
37 local governments. Standards and requirements for local plans and



1 programs promulgated under this sub-subdivision shall be reviewed
2 by the Division of Emergency Management at least biannually and
3 updated as necessary.

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

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

29 **"§ 166A-7. County and municipal emergency management.**

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

- 34 (1) The governing body of each county is hereby authorized to establish and
35 maintain an emergency management agency for the purposes contained in
36 G.S. 166A-2.
- 37 (2) The governing body of each county which establishes an emergency
38 management agency pursuant to this authorization will appoint a coordinator
39 who will have a direct responsibility for the organization, administration and
40 operation of the county program and will be subject to the direction and
41 guidance of such governing body.
- 42 (3) In the event any county fails to establish an emergency management agency,
43 and the Governor, in his discretion, determines that a need exists for such an
44 emergency management agency, then the Governor is hereby empowered to
45 establish an emergency management agency within said county.

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

49 (b1) Counties and incorporated municipalities are authorized to form joint emergency
50 management agencies composed of a county and one or more municipalities within the county's

1 borders, between two or more counties, or between two or more counties and one or more
2 municipalities within the borders of those counties.

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

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

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

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

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

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

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

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