

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 380\*  
Committee Substitute Favorable 3/18/09  
Senate State and Local Government Committee Substitute Adopted 6/10/09

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



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

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

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

31 **"§ 166A-7. County and municipal emergency management.**

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

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

48 (b) All incorporated municipalities are authorized to establish and maintain emergency  
49 management agencies subject to coordination by the county. ~~Joint agencies composed of a~~  
50 ~~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 among 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.