

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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HOUSE BILL 189

Short Title: Search & Rescue Name/Funds. (Public)

Sponsors: Representatives Davis, Hardister, Clampitt, and Grange (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations

February 27, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE NAME OF SEARCH AND RESCUE SERVICES AND TO
3 PROVIDE FUNDS FOR SEARCH AND RESCUE OPERATIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 6 of Chapter 166A of the General Statutes reads as rewritten:

6 "Article 6.

7 "~~Urban~~ State Search and Rescue.

8 "**§ 166A-65. Definitions.**

9 The following definitions apply in this Article:

- 10 (1) Contract response team. —~~An urban~~ A search and rescue team, specialty rescue
11 team, or incident support team.
- 12 (2) Incident support team. — A team of trained emergency response personnel,
13 organized to provide coordination between governmental agencies and
14 nongovernmental organizations as well as technical and logistical support to
15 ~~urban~~ search and rescue teams and specialty rescue teams.
- 16 (2a) Search and rescue team. — A specialized team or group of teams, organized with
17 capabilities equivalent to search and rescue teams established under the Federal
18 Emergency Management Agency in order to assist in the removal of trapped
19 victims during emergencies, including, but not limited to, collapsed structures,
20 trench excavations, elevated locations, and other technical rescue situations.
- 21 (3) Secretary. — The Secretary of the Department of Public Safety.
- 22 (4) Specialty rescue team. — A specialized response team, organized to provide
23 technical rescue assistance to first responders. The term includes, but is not
24 limited to, a canine search and rescue or disaster response team, a cave search
25 and rescue team, a collapse search and rescue team, a mine and tunnel search
26 and rescue team, and a swift water or flood search and rescue team. A specialty
27 rescue team shall be aligned with one or more of the search and rescue
28 categories within the Federal Emergency Management Agency's national
29 resource typing system.
- 30 (5) ~~Urban search and rescue team. — A specialized team or group of teams,~~
31 ~~organized with capabilities equivalent to urban search and rescue teams~~
32 ~~established under the Federal Emergency Management Agency in order to~~
33 ~~assist in the removal of trapped victims during emergencies, including, but not~~
34 ~~limited to, collapsed structures, trench excavations, elevated locations, and in~~
35 ~~other technical rescue situations.~~



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"§ 166A-66. Urban-State Search and Rescue Program.

(a) The Secretary shall adopt rules establishing a program for ~~urban~~-search and rescue that relies on contracts with contract response teams. The program shall be administered by the Division of Emergency Management. To the extent possible, the program shall be coordinated with other emergency planning activities of the State. The program shall include contract response teams located strategically across the State that are available to provide 24-hour dispatch from the Division of Emergency Management Operations Center. The rules for the program shall include:

- (1) Standards, including training, equipment, and personnel standards required to operate a contract response team.
- (2) Guidelines for the dispatch of a contract response team to ~~an urban~~-a search and rescue team or specialty rescue team mission.
- (3) Guidelines for the on-site operations of a contract response team.
- (4) Standards for administration of a contract response team, including procedures for reimbursement of response costs.
- (5) Refresher and specialist training for members of contract response teams.
- (6) Procedures for recovering the costs of ~~an urban~~-a search and rescue team or specialty rescue team mission.
- (7) Procedures for bidding and contracting for ~~urban~~-search and rescue team and specialty rescue team missions.
- (8) Criteria for evaluating bids for ~~urban~~-search and rescue team and specialty rescue team missions.
- (9) Delineation of the roles of the contract response team, local public safety personnel, the Division of Emergency Management's area coordinator, and other State agency personnel participating in ~~an urban~~-a search and rescue team or specialty rescue team mission.
- (10) Procedures for the Division of Emergency Management to audit the contract response teams to ensure compliance with State and federal guidelines.

(b) Within available appropriations, the Division of Emergency Management shall spend the necessary funds for training, equipment, and other items necessary to support the operations of contract response teams. The Division of Emergency Management may also administer any grants of other funds made available for contract response teams, in accordance with applicable rules and regulations approved by the Director of the State Budget.

(c) In developing the Urban-State Search and Rescue Program and adopting the rules required by this section, the Secretary shall consult with the Urban-State Search and Rescue Team Advisory Committee established pursuant to G.S. 166A-69.

"§ 166A-67. Contracts; equipment loans.

(a) The Secretary may contract with any unit or units of local government for the provision of a contract response team to implement the Urban-State Search and Rescue Program. Contracts are to be let consistent with the bidding and contract standards and procedures adopted pursuant to G.S. 166A-66(a)(7) and G.S. 166A-66(a)(8). In entering into contracts with units of local government, the Secretary may agree to provide any of the following:

- (1) A loan of equipment.
- (2) Reimbursement of personnel costs, including the cost of callback personnel, when a contract response team is authorized by the Department to respond to ~~urban~~-search and rescue team and specialty rescue team missions.
- (3) Reimbursement for use of equipment and vehicles owned by the contract response team.
- (4) Replacement of disposable materials and damaged equipment.
- (5) Training expenses.
- (6) Anything else agreed to by the Secretary and the contract response team.

(b) The Secretary shall not agree to provide reimbursement for standby time.

1 (c) Any contract entered into between the Secretary and a unit of local government for the
2 provision of a contract response team shall specify that the members of the contract response team,
3 when performing under the contract, shall not be employees of the State and shall not be entitled
4 to benefits under the Teachers' and State Employees' Retirement System or for the payment by the
5 State of federal Social Security, employment insurance, or workers' compensation.

6 (d) Contract response teams that have the use of a State vehicle may use the vehicle for
7 local purposes. Where a State vehicle is used for purposes other than authorized contract response
8 to ~~an urban~~-a search and rescue team and specialty rescue team mission, the contract response
9 team shall be liable for repairs or replacements directly attributable to that use.

10 **"§ 166A-68. Immunity of contract response team personnel.**

11 Members of a contract response team shall be protected from liability under the provisions of
12 G.S. 166A-19.60(a) while on ~~an urban~~-a search and rescue team or specialty rescue team mission
13 pursuant to authorization from the Division of Emergency Management.

14 **"§ 166A-69. Urban-State Search and Rescue Team Advisory Committee.**

15 (a) The ~~Urban-State~~ Search and Rescue Team Advisory Committee is created. The
16 Secretary shall appoint the members of the Committee and shall designate the Director or Deputy
17 Director of the North Carolina Division of Emergency Management as the chair. In making
18 appointments, the Secretary shall take into consideration the expertise of the appointees in the
19 management of ~~urban~~-search and rescue or specialty response team missions. The Secretary shall
20 appoint one representative from each of the following:

- 21 (1) The Division of North Carolina Emergency Management, who shall be the
22 Director or Deputy Director of the North Carolina Division of Emergency
23 Management and who shall serve as the chair.
- 24 (2) Each state ~~USAR~~-regional contract response team's Chief or Deputy Chief.
- 25 (3) The North Carolina Office of State Fire Marshal.
- 26 (4) The North Carolina Highway Patrol.
- 27 (5) The North Carolina National Guard.
- 28 (6) The North Carolina Association of Rescue and E.M.S., Inc.
- 29 (7) The North Carolina Association of Fire Chiefs.
- 30 (8) The North Carolina State Firefighters' Association.
- 31 (9) The North Carolina Emergency Management Association.

32 (b) The Advisory Committee shall meet on the call of the chair, or at the request of the
33 Secretary, provided that the Committee shall meet no less than once every year. The Department
34 of Public Safety shall provide space for the Advisory Committee to meet. The Department shall
35 also provide the Advisory Committee with necessary support staff and supplies to enable the
36 Committee to carry out its duties in an effective manner.

37 (c) Members of the Advisory Committee shall serve without pay, but shall receive travel
38 allowance, lodging, subsistence, and per diem as provided by G.S. 138-5.

39 (d) The Contract Response Team Advisory Committee shall advise the Secretary on the
40 establishment of the ~~Urban-State~~ Search and Rescue Program. The Committee shall also evaluate
41 and advise the Secretary of the need for additional contract response teams to serve the State."

42 **SECTION 2.** There is appropriated from the General Fund to the Department of
43 Public Safety, Division of Emergency Management, for the 2017-2018 fiscal year the sum of two
44 million three hundred ninety-seven thousand dollars (\$2,397,000) in recurring funds to be used to
45 support the State Search and Rescue Program as provided in Article 6 of Chapter 166A of the
46 General Statutes, as amended by Section 1 of this act. The funds shall be used in partnership with
47 units of local government to supplement local expenses to purchase equipment, maintain
48 equipment, and provide other items necessary to ensure statewide search and rescue services. Any
49 match requirement established by the Secretary may be satisfied by the sponsoring local agency
50 with cash payments or in-kind contributions.

1 **SECTION 3.** Section 2 of this act becomes effective July 1, 2017. The remainder of
2 this act is effective when it becomes law.