

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-196
HOUSE BILL 380**

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



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

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

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

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

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

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

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

(c) Each county and incorporated municipality in this State is authorized to make appropriations for the purposes of this Article and to fund them by levy of property taxes

pursuant to G.S. 153A-149 and G.S. 160A-209 and by the allocation of other revenues, whose use is not otherwise restricted by law.

- (d) In carrying out the provisions of this Article each political subdivision is authorized:
- (1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes and to provide for the health and safety of persons and property, including emergency assistance, consistent with this Article;
 - (2) To direct and coordinate the development of emergency management plans and programs in accordance with the policies and standards set by the State; Division of Emergency Management, consistent with federal and State laws and regulations;
 - (3) To assign and make available all available resources for emergency management purposes for service within or outside of the physical limits of the subdivision; and
 - (4) To delegate powers in a local state of emergency under G.S. 166A-8 to an appropriate official.

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

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

In the General Assembly read three times and ratified this the 18th day of June, 2009.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 11:45 a.m. this 26th day of June, 2009