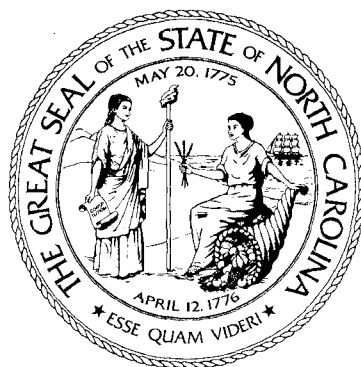


**THE JOINT SELECT COMMITTEE ON  
EMERGENCY PREPAREDNESS AND DISASTER  
MANAGEMENT RECOVERY**



INTERIM REPORT TO THE  
2008 SESSION  
OF THE GENERAL ASSEMBLY  
OF NORTH CAROLINA

May 15, 2008

TO THE MEMBERS OF THE 2008 SESSION OF THE GENERAL ASSEMBLY:

The Joint Select Committee on Emergency Preparedness and Disaster Management Recovery submits the following interim report.

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Senator Martin Nesbitt

Representative Grier Martin

Cochairs  
Joint Select Committee on Emergency Preparedness  
And Disaster Management Recovery

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## COMMITTEE PROCEEDINGS

March 6, 2008

The Joint Select Committee on Emergency Preparedness and Disaster Management Recovery held its initial meeting on March 6, 2008. Presentations were received from a number of State agencies updating the Committee on emergency management issues and highlighting immediate relevant agency needs.

The Director of the Division of Emergency Management (DEM), Doug Hoell, reviewed the Department of Crime Control and Public Safety's charge for emergency management. He noted that funding sources for emergency management activities include State dollars, Emergency Management Performance Grants, and Homeland Security funding. Money from Homeland Security has thinned over recent years. DEM's primary concern at this time is retaining 5 positions in the floodplain mapping program.

COL Thomas Harris of the North Carolina National Guard addressed the expected impact of the upcoming major deployment of the Guard to Iraq and gave an update on the Armed Forces Reserve Center (Joint Forces Headquarters). The upcoming deployment should not seriously impact the Guard's readiness to assist in emergency response in the State. The Guard plans for and expects to be able to provide the support necessary for a Category 3 hurricane or equivalent event. With respect to the Joint Forces Headquarters, they are continuing to wait upon federal funding of the project. Hope is that the funding will be contained in this year's federal supplemental spending bill.

Leah Devlin, State Health Director, discussed the plans that have been prepared since 2001 to deal with numerous diseases, including SARS and smallpox. The goals of the Division of Public Health include detection and rapid response in the event of an epidemic. Dr. Devlin requested the Committee's consideration of a number of issues for the 2008 Regular Session, including expanding the influenza vaccine program for children, strengthening the medical examiner program, assuring surge capacity in a disaster, and meeting vital records security demands.

Ray Starling, General Counsel for the North Carolina Department of Agriculture addressed the personnel and equipment needs of the Department for dealing with animal

disease, detecting contaminants in the food supply, and working with agricultural disaster preparedness issues. Chris Noles, Deputy Commissioner, Codes and Engineering Section of the Department of Insurance, reported on the new windborne debris standards that have been adopted by the State Building Code Commission. Written objections to the rule have been filed and it is now subject to legislative review.

Sharon Stroud in the State Energy Office discussed reducing petroleum shortage impacts on the State. Russell Duncan, State Energy Office discussed the impact of the drought on electric utilities in the State.

#### April 30, 2008

The Joint Select Committee met a second time on April 30, 2008. The Committee heard the reports of the Subcommittee on Public Health and Bioterrorism and the Subcommittee on Disaster Preparedness and reviewed the accompanying proposed legislation. After extended discussion, the Committee agreed, at the Chair's request, to defer official Committee action on the proposals to a following Joint Select Committee meeting to be held on May 15, 2008. In the interim, the Subcommittees were asked to hold additional meetings and to consider the issues raised in the Committee's discussion. In particular, the Subcommittee on Disaster Preparedness was asked to explore more immediate solutions to the vulnerabilities in the emergency management system noted by the Division of Emergency Management, including planning for the special needs population and the hiring of additional county emergency management coordinators.

#### May 15, 2008

The Joint Select Committee held its final meeting on May 15, 2008. In addition to adopting the reports of the Subcommittee on Disaster Preparedness and the Subcommittee on Public Health and Bioterrorism, the Committee voted to recommend to the 2008 General Assembly two additional pieces of legislation. Legislative Proposal 11, provides for a continuation of the Joint Select Committee through December 31, 2009. Legislative Proposal 12 would provide liability protection for private associations, private corporations, and private

nonprofit entities and organizations when responding to in-State incidents. These additional legislative proposals may be found in Appendix D.





## SUBCOMMITTEE REPORTS AND RECOMMENDATIONS

Report by the

### **Subcommittee on Disaster Preparedness**

To the

### **Joint Select Committee on Emergency Preparedness and Disaster Management Recovery**

**May 15, 2008**

The Subcommittee on Disaster Preparedness met on Monday May 12, 2008 to consider potential vulnerabilities in the State's emergency management program. These issues included the lack of full time emergency management coordinators at the county level, the need to implement a certification requirement for key local emergency management personnel, and the need to identify and register the functionally and medically fragile persons in each county so that appropriate resources may be allocated. Currently a majority of the counties in the State do not have a full time emergency management coordinator. All counties have an emergency management program, but in many counties, emergency management is an additional duty. Options to address the problem include setting a minimum county population threshold for a full time emergency management coordinator, or, for smaller counties, employing a full time coordinator for a multi county area. In addition, although a certification program for emergency management personnel has been developed, there are no requirements that local emergency management coordinators be certified.

The Division of Emergency Management also is in the process of developing a model registry for functionally and medically fragile persons. Only 31 counties have such registries at this time. Having a registry allows for adequate planning and resource management to meet the special needs of such persons in a disaster response.

In addition to the emergency management issues, the Subcommittee reviewed the need to establish additional Family Assistance Centers (FACs) for members of the North Carolina National Guard and their families, as well as members of other branches of the Armed Services. The State currently funds 3 FACs in the State. The FACs provide support services and information to military families including legal services, mental health services, TRICARE, youth activities, counseling and education. The goal of the additional FACs is to have the centers dispersed across the State so that the critical support and services provided would be no more than 50 miles from all service members and their families.

The Subcommittee also reviewed its earlier recommendations including the endorsement of legislation proposed by the Agricultural Drought Study Committee to add a position in the North Carolina Department of Agriculture and Consumer Services to coordinate the North Carolina State Agricultural Response Team, maintaining the current level of staffing for the Geospatial Technology and Floodplain Mapping program, continued funding for the landslide mapping program in the Department of

Environment and Natural Resources, and urging the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor to write the North Carolina Congressional Delegation requesting their support for funding in the 2008 federal supplemental spending bill for the planned Armed Forces Reserve Center (Joint Forces Headquarters) in which the new State Emergency Operations Center will be located.

### **Recommendations to the Joint Select Committee**

Based on the presentations and discussion, the Subcommittee submits the following recommendations to the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery for recommendation to the 2008 General Assembly.

- 1. Direct the Division of Emergency Management, in consultation with the North Carolina Association of County Commissioners, to study and develop plans to increase the number of emergency management coordinators at the county level, to implement a certification program for local emergency management personnel, and to develop and implement a registry for functionally and medically fragile persons in each county. See, **Legislative Proposal 1**, AN ACT TO DIRECT THE NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT, IN CONSULTATION WITH THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS TO STUDY AND DEVELOP PLANS TO ENHANCE DISASTER MANAGEMENT CAPABILITIES AT THE COUNTY LEVEL.
- 2. Fund an additional 7 Family Assistance Centers to provide services to the members of the North Carolina National Guard and their families, as well as other branches of the armed forces. See, **Legislative Proposal 2**, AN ACT APPROPRIATING FUNDS FOR THE CREATION OF ADDITIONAL FAMILY ASSISTANCE CENTERS TO BENEFIT MILITARY PERSONNEL AND THEIR FAMILIES.
- 3. Maintain the current level of staffing for the Geospatial Technology and Floodplain Mapping program in order to ensure that the floodplain maps for each of the 100 counties are properly maintained and updated.
- 4. Endorse the recommendation of Joint Select Committee on the Agricultural Drought Response to fund a position in the Department of Agriculture and Consumer Services to coordinate agricultural emergencies.
- 5. Write the North Carolina Congressional delegation urging increased support for the members and families of the Armed Forces, including support pre, during, and post deployment. **Appendix B.**
- 6. Request the President Pro Tempore of the Senate, the Speaker of the House and the Governor to write the North Carolina Congressional delegation asking their support for funding in the 2008 federal supplemental spending bill for the planned Armed Forces Reserve Center (Joint Forces Headquarters) in which the new State Emergency Operations Center will be located. A copy of the letter sent by the 2006 Joint Study Committee on Emergency Preparedness and Disaster Management Recovery is attached. **Appendix C.**

- 7. Endorse the continued funding of the landslide mapping program in the Department of Environment and Natural Resources. Six counties in the mountain region have been mapped to date and thirteen counties remain.



Report by the  
**Subcommittee on Public Health and Bioterrorism**

To the  
**Joint Select Committee on Emergency Preparedness  
and Disaster Management Recovery  
March 25, 2008**

The Subcommittee met on March 25, 2008. Two speakers presented: Dr. Leah Devlin, State Health Director, and Mr. Ray Starling, General Counsel for the North Carolina Department of Agriculture and Consumer Services. Dr. Devlin and Mr. Starling presented their respective agencies' pressing needs to the Subcommittee. The Subcommittee discussed and adopted the following recommendations for consideration by the full Joint Select Committee for inclusion among its recommendations to the General Assembly for the coming short session:

**Recommendations to the Joint Select Committee:**

- Appropriate funds to the Division of Public Health so that influenza vaccines can be provided to children in this State until they turn 18 years of age (\$4,493,016 R). **Legislative Proposal 3.**
- Directing the General Statutes Commission to study the Uniform Emergency Volunteer Health Practitioners Act and to make recommendations to the 2009 General Assembly. **Legislative Proposal 4.**
- Appropriate funds to the Division of Public Health for the leasing of space in which to store vital records (\$600,000 R). **Legislative Proposal 5.**
- Expand medical examiner jurisdiction so that a medical examiner must examine deaths occurring in facilities operated by the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services and appropriating funds for implementation (\$158,351 R). **Legislative Proposal 6.**
- Appropriate funds to the Food and Drug Protection Division of the Department of Agriculture and Consumer Services ("DACS") to establish and support ten positions to enhance the Division's inspection capabilities (\$631,993 R, \$22,626 NR). **Legislative Proposal 7.**
- Appropriate funds to the Food and Drug Protection Division to purchase an emergency generator (\$536,221 NR). **Legislative Proposal 8.**
- Appropriate funds to the Veterinary Division of DACS to complete the conversion of a portion of Rollins Laboratory into Biosafety Level 2 (BSL 2+) laboratory space (\$750,000 NR). **Legislative Proposal 9.**

- Appropriate funds to the Office of the Chief Medical Examiner to bolster certain facilities in order to reduce the autopsy backlog and improve the ability to detect and respond to emerging threats (\$1,416,666) **Legislative Proposal 10.**

# APPENDIX A

**Marc Basnight**  
President Pro Tempore,  
North Carolina Senate



**Joe Hackney**  
Speaker,  
North Carolina  
House of  
Representatives

Raleigh, North Carolina 27601-1096

## JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY

Rev. 2/4/08

**Section 1.** The Joint Select Committee on Emergency Preparedness and Disaster Management Recovery (hereinafter "Committee") is established by the President Pro Tempore of the Senate and the Speaker of the House of Representatives pursuant to Rule 31 of the Rules of the Senate of the 2007 General Assembly and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly, as the combination of a Senate Select Committee and a House Select Committee that meet together and function as a joint committee. The Committee is authorized to meet during the session and, pursuant to G.S. 120-19.6, is authorized to meet between sessions and during recesses of the General Assembly.

**Section 2.** The Committee consists of the 30 members listed below, 15 of whom are appointed by the President Pro Tempore of the Senate and 15 of whom are appointed by the Speaker of the House of Representatives. A Co-chair or other member of the Committee continues to serve until a successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment. Members serve at the pleasure of the appointing officer.

<b>President Pro Tempore Appointments</b>	<b>Speaker of the House Appointments</b>
Senator Martin L. Nesbitt, Jr. - Co-Chair	Representative Grier Martin - Co-Chair
Senator Vernon Malone - Vice-Chair	Representative Rick Glazier - Vice-Chair
Senator Julia Boseman - Vice-Chair	Representative Daniel F. McComas - Vice-Chair
Senator Tom Apodaca	Representative William L. Wainwright, Vice-Chair
Senator Robert Atwater	Representative Jeff Barnhart
Senator Ed Jones	Representative Linda Coleman
Senator Harry Brown	Representative Leo Daughtry
Senator Katie G. Dorsett	Representative Joe L. Kiser
Senator Fletcher L. Hartsell	Representative Louis M. Pate, Jr.
Senator S. Clark Jenkins	Representative Ray Rapp
Senator Jean Preston	Representative Thom Tillis
Senator Tony Rand	Representative Alice Graham Underhill

Senator John Kerr  
Senator John J. Snow, Jr.  
Senator Steve Goss

Representative Roger West  
Representative Arthur Williams  
Representative Michael H. Wray

**Section 3.** The Committee shall study issues related to emergency preparedness and disaster management recovery, including:

(1) Whether the State building code sufficiently addresses issues related to commercial and residential construction in hurricane and flood prone areas.

(2) The public health infrastructure in place to respond to natural and non-natural disasters, including pandemic flu preparation and response. A study of the pandemic flu preparation and response should include an assessment of potential threat; funding and mechanisms needed to produce and distribute a vaccine for the avian flu; review of quarantine and isolation laws and processes; coordination issues for local and State public health officials; coordination between State departments of public health, crime control and public safety, and agriculture; establishment of public education infrastructure for any necessary emergency vaccination program; assessment of needs of public health infrastructure and hospital capacity to respond.

(3) Hurricane preparedness, evacuation and response.

(4) Energy security, including: identifying the State's energy profile, determining the State's essential energy facilities and their connections, evaluating potential threats and the possible consequences of disruptive events; reviewing long-term strategies; outlining strategies for communication to the media and public; offering response options for each type of emergency; identifying the response measures and options that industry and government can take; coordination on a local, State and federal level issues; ensuring protection from cyber attack of computer control systems; monitoring of State's energy supply.

(5) Bioterrorism preparedness and response.

(6) Flood and natural disaster preparation and response.

(7) Any other topic the Committee believes is related to its purpose.

**Section 4.** The Committee shall meet upon the call of its House and Senate Co-chairs. A quorum of the Committee shall be a majority of its members. The Committee may be organized into Subcommittees in order to facilitate discussion and to develop recommendations on the several important specialized issues for statewide consideration.

**Section 5.** The Committee, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes. The Committee may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

**Section 6.** Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

**Section 7.** The expenses of the Committee shall be considered expenses incurred for the joint operation of the General Assembly. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a Co-chair of the Committee. Individual



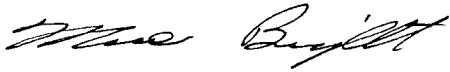
expenses in excess of \$5,000 shall be paid upon the written approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. All expenses of the Committee shall be paid from the Legislative Services Commission's Reserve for Studies.

**Section 8.** The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical support staff to the Committee.

**Section 9.** The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Committee in the State Legislative Building or the Legislative Office Building.

**Section 10.** The Committee may submit an interim report on the results of its study, including any proposed legislation, at anytime. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before December 31, 2008. The Committee shall file a copy of each Committee report with the President Pro Tempore's office, the Speaker's office, and the Legislative Library. The Committee shall terminate upon December 31, 2008, or upon the filing of its final report, whichever occurs first.

Effective this 3rd Day of April, 2007.



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Marc Basnight  
President Pro Tempore



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Joe Hackney  
Speaker

Rev. 4/10/07 to reflect new House appointees.

Rev. 5/02/07 to reflect Rep. Coleman to replace Rep. Goforth

Rev. 2/4/08 to reflect Rep. Martin as Co-Chair and Rep. Williams as a Committee Member



## APPENDIX B

May 13, 2008

The Honorable  
Washington, DC,

Dear

We are writing on behalf of the North Carolina General Assembly's Joint Select Committee on Emergency Preparedness and Disaster Management Recovery. The Committee seeks your support in obtaining additional resource and support for the North Carolina National Guard.

The Joint Select Committee was established by the North Carolina legislature in 2005 to assess the State's capacity to respond to the broad spectrum of potential natural disasters, pandemic illnesses, bioterrorism, and other emergencies and to make recommendations to the General Assembly with regard to enhancing the State's readiness posture to deal with such adverse events.

The North Carolina National Guard plays an essential role in our State's ability to respond to disaster events. Their ability to assist our local and state emergency responders is a tremendous benefit to the State. The National Guard's response capabilities not only help during disaster events, but also give comfort to our State's residents in the knowledge that the Guard is always ready to assist.

The North Carolina National Guard's commitment to the State is balanced against the organization's responsibility to the nation. As you know, the North Carolina National Guard has been very active in the wars in Iraq and Afghanistan as well as assisting in border protection efforts in the southwestern United States. We are reaching out to the North Carolina Congressional Delegation to ask that they continue to seek federal support for Guard members and their families.

We recognize and applaud your past efforts to support the North Carolina National Guard. Our committee is limited in what we can do, but we always consider all issues associated North Carolina National and support them whenever possible. With your assistance we know that the North Carolina National Guard will further enhance its ability to serve our State and country in the future.

Sincerely,

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Senator Martin Nesbitt, CoChair

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Representative Grier Martin, CoChair

## APPENDIX C

North Carolina General Assembly  
STATE LEGISLATIVE BUILDING  
RALEIGH, NORTH CAROLINA 27603



August 2, 2007

The Honorable (Congressional Delegation)  
Washington, DC,

Dear Congressman:

We are writing on behalf of the North Carolina General Assembly's Joint Select Committee on Emergency Preparedness and Disaster Management Recovery to seek your support in securing funding in the 2008 federal supplemental spending bill for the new Armed Forces Reserve Center (Joint Forces Headquarters) to be constructed in Raleigh, North Carolina.

The Joint Study Committee was established by the North Carolina legislature in 2005 to assess the State's capacity to respond to the broad spectrum of potential natural disasters, pandemic illnesses, bioterrorism, and other emergencies and to make recommendations to the General Assembly on ways to enhance the State's ability to deal with such adverse events.

One of the Committee's key recommendations to the 2006 General Assembly was the construction of a new State Emergency Operations Center (EOC). The existing State EOC has insufficient space to accommodate personnel from State Emergency Management, the National Guard, FEMA, and other agencies during disasters. As a practical matter, this means that State Emergency Management and the National Guard must operate from two geographically separate locations creating substantial obstacles to effective command and control during State emergencies. The existing facility also has serious problems with mold and other health hazards.

In addition to the urgent need for a new State EOC, the Committee's recommendation also rested upon the opportunity offered by the North Carolina National Guard to co-locate a new State EOC with the proposed Armed Forces Reserve Center. The General Assembly responded by appropriating \$8.5 million dollars for the design and construction of a co-located State EOC. The State's portion of the planning and design work has been completed and the project is on hold pending federal funding for the Armed Forces Reserve Center.

It is our understanding that the House Appropriations Committee has recommended that funding for the Armed Forces Reserve Center be included as part of the military construction budget in the 2008 supplemental spending bill. The House Appropriations Committee Report #109-464 noted the importance of the project and recommended that the Army National Guard accelerate the programming of the project from the original 2010 date to 2008.

We recognize and applaud your efforts to secure funding for the Armed Forces Reserve Center (Joint Forces Headquarters) in Raleigh. Given the critical need for both the state and federal portions of the facility, we appreciate your continued efforts to obtain this funding and help the State and the National Guard to be better able to serve the citizens of the State in the unfortunate occurrence of an emergency or natural disaster.

Sincerely,

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Senator Martin L. Nesbitt, Chair  
49<sup>th</sup> Senatorial District

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Rep. W. Pete Cunningham, Chair  
107<sup>th</sup> House District

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Senator Julia Boseman, Vice Chair  
9<sup>th</sup> Senatorial District

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Rep. Rick Glazier, Vice Chair  
45<sup>th</sup> House District

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Senator Vernon Malone, Vice Chair  
14<sup>th</sup> Senatorial District

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Rep. Daniel McComas, Vice Chair  
19<sup>th</sup> House District

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Senator Thomas Apodaca  
48<sup>th</sup> Senatorial District

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Rep. William Wainwright, Vice Chair  
12<sup>th</sup> House District

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Senator Robert C. Atwater  
18<sup>th</sup> Senatorial District

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Rep. Jeffrey L. Barnhart  
82<sup>nd</sup> House District

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Senator Harry Brown  
6<sup>th</sup> Senatorial District

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Rep. Linda D. Coleman  
39<sup>th</sup> House District

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Senator Katie Dorsett

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Rep. Leo Daughtry

28<sup>th</sup> Senatorial District

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Senator Steve Goss  
45<sup>th</sup> Senatorial District

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Senator Fletcher Hartsell  
36<sup>th</sup> Senatorial District

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Senator S. Clark Jenkins  
3<sup>rd</sup> Senatorial District

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Senator Edward W. Jones  
4<sup>th</sup> Senatorial District

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Senator John H. Kerr  
5<sup>th</sup> Senatorial District

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Senator Jean R. Preston  
2<sup>nd</sup> Senatorial District

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Senator Anthony E. Rand  
19<sup>th</sup> Senatorial District

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Senator John J. Snow  
50<sup>th</sup> Senatorial District

26<sup>th</sup> House District

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Rep. Joe Kiser  
97<sup>th</sup> House District

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Rep. Grier Martin  
34<sup>th</sup> House District

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Rep. Louis M. Pate  
11<sup>th</sup> House District

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Rep. Raymond C. Rapp  
118<sup>th</sup> House District

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Rep. Thomas R. Tillis  
98<sup>th</sup> House District

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Rep. Alice Graham Underhill  
3<sup>rd</sup> House District

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Rep. Roger West  
120<sup>th</sup> House District

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Rep. Michael H. Wray  
27<sup>th</sup> House District

# APPENDIX D

## LEGISLATIVE PROPOSAL 1

### A BILL TO BE ENTITLED

### AN ACT TO DIRECT THE NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT, IN CONSULTATION WITH THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS, TO STUDY AND DEVELOP PLANS TO ENHANCE DISASTER MANAGEMENT CAPABILITIES AT THE COUNTY LEVEL.

The General Assembly of North Carolina enacts:

**SECTION 1.** The Division of Emergency Management, in consultation with the North Carolina Association of County Commissioners, shall study ways and develop plans to increase the capabilities of counties to plan for, respond to, and manage disasters at the local level. Plans developed shall include timelines for implementation and estimates of funding needs and shall address:

1. Mandating, if determined necessary, the establishment and maintenance of emergency management agencies at the county level.
2. Increasing the number of counties employing full time emergency management coordinators, such that every county in the State, either individually, or pursuant to a joint undertaking between two or more counties, has a full time local emergency management coordinator available.
3. Implementing an emergency management certification requirement for all local emergency management coordinators and other essential local emergency management personnel.
4. Developing a model registry for use by the counties in identifying functionally and medically fragile persons in need of assistance during a disaster and in allocating resources to meet those needs.
5. Establishing a registry program for functionally and medically fragile persons in all counties.

**SECTION 2.** The Division of Emergency Management shall report the results of its study and provide the plans developed to the Chairs of the Joint Select Committee on Emergency Preparedness and Disaster Management Recovery and the House of Representatives and Senate Appropriations Subcommittees on Natural and Economic Resources no later than December 1, 2008.

**SECTION 3.** This act is effective when it becomes law.

## LEGISLATIVE PROPOSAL 2

### **A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS FOR THE CREATION OF ADDITIONAL FAMILY ASSISTANCE CENTERS TO BENEFIT MILITARY PERSONNEL AND THEIR FAMILIES.**

The General Assembly of North Carolina enacts:

**SECTION 1.** There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of two million one hundred thousand dollars (\$2,100,000) for the 2008 - 2009 fiscal year to fund 7 additional family assistance centers to benefit members of the North Carolina National Guard and their families and to benefit members of the armed forces and their families. The centers shall be located across the State and shall provide support for deploying, deployed, and redeployed members of the North Carolina National Guard and armed forces, primarily by providing family assistance, counseling, financial assistance, and help with health care matters. As used in this section, the term "armed forces" means the army, navy, marine corps, air force, and coast guard, including their reserve components.

**SECTION 2.** This act becomes effective July 1, 2008.

## LEGISLATIVE PROPOSAL 3

### **A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE DIVISION OF PUBLIC HEALTH OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXPAND INFLUENZA VACCINES FOR CHILDREN.**

The General Assembly of North Carolina enacts:

**SECTION 1.** There is appropriated from the General Fund to the Division of Public Health of the Department of Health and Human Services the sum of four million four hundred ninety-three thousand sixteen dollars (\$4,493,016) in recurring funds for the 2008-2009 fiscal year so that the Division can provide influenza vaccinations to children in this State who are up to 18 years of age.

**SECTION 2.** This act becomes effective July 1, 2008.



## LEGISLATIVE PROPOSAL 4

**A BILL TO BE ENTITLED  
AN ACT DIRECTING THE GENERAL STATUTES COMMISSION TO STUDY  
THE UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS  
ACT AND TO MAKE RECOMMENDATIONS TO THE GENERAL  
ASSEMBLY, AS RECOMMENDED BY THE SUBCOMMITTEE ON  
PUBLIC HEALTH AND BIOTERRORISM OF THE JOINT SELECT  
COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER  
MANAGEMENT RECOVERY.**

The General Assembly of North Carolina enacts:

**SECTION 1.** The General Statutes Commission is directed to study the Uniform Emergency Volunteer Health Practitioners Act in consultation with interested parties and to report to the 2009 General Assembly on the Commission's recommendations and legislative proposals.

**SECTION 2.** This act becomes effective October 1, 2008.

## LEGISLATIVE PROPOSAL 5

**A BILL TO BE ENTITLED  
AN ACT APPROPRIATING FUNDS TO THE DIVISION OF PUBLIC HEALTH  
TO RENT SPACE TO STORE VITAL RECORDS.**

The General Assembly of North Carolina enacts:

**SECTION 1.** There is appropriated from the General Fund to the Division of Public Health of the Department of Health and Human Services the sum of six hundred thousand dollars (\$600,000) in recurring funds for the 2008-2009 fiscal year to enter into a lease for space to store vital records.

**SECTION 2.** This act becomes effective July 1, 2008.

**LEGISLATIVE PROPOSAL 6**

**A BILL TO BE ENTITLED  
AN ACT TO EXPAND THE JURISDICTION OF MEDICAL EXAMINERS TO  
INCLUDE DEATHS THAT OCCUR AT FACILITIES OPERATED BY OR  
ON BEHALF OF THE DIVISION OF MENTAL HEALTH,  
DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE  
SERVICES.**

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 130A-383(a) reads as rewritten:

**"§ 130A-383. Medical examiner jurisdiction.**

(a) Upon the death of any person resulting from violence, poisoning, accident, suicide or homicide; occurring suddenly when the deceased had been in apparent good health or when unattended by a physician; occurring in a jail, prison, correctional institution or in police custody; occurring in any facility operated by, or on behalf of, the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services; occurring pursuant to Article 19 of Chapter 15 of the General Statutes; or occurring under any suspicious, unusual or unnatural circumstance, the medical examiner of the county in which the body of the deceased is found shall be notified by a physician in attendance, hospital employee, law-enforcement officer, funeral home employee, emergency medical technician, relative or by any other person having suspicion of such a death. No person shall disturb the body at the scene of such a death until authorized by the medical examiner unless in the unavailability of the medical examiner it is determined by the appropriate law enforcement agency that the presence of the body at the scene would risk the integrity of the body or provide a hazard to the safety of others. For the limited purposes of this Part, expression of opinion that death has occurred may be made by a nurse, an emergency medical technician or any other competent person in the absence of a physician."

**SECTION 2.** There is appropriated from the General Fund to the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services the sum of one hundred fifty-eight thousand three hundred fifty-one dollars (\$158,351) in recurring funds for the 2008-2009 fiscal year to implement this Act.

**SECTION 3.** This act becomes effective July 1, 2008.

## **LEGISLATIVE PROPOSAL 7**

### **A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO ESTABLISH AND SUPPORT ADDITIONAL FOOD SAFETY POSITIONS IN THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.**

The General Assembly of North Carolina enacts:

**SECTION 1.** There is appropriated from the General Fund to the Food and Drug Protection Division of the Department of Agriculture and Consumer Services the sum of six hundred thirty-one thousand nine hundred ninety-three dollars (\$631,993) in recurring funds and the sum of twenty-two thousand six hundred twenty-six dollars (\$22,626) in nonrecurring funds for the 2008-2009 fiscal year. These funds shall be used to establish and support six additional food inspectors, one administrative support person, and three laboratory positions to enhance the Division's inspection capabilities and to implement the Federal Drug Administration's Manufactured Food Regulatory Program Standards (MFRPS).

**SECTION 2.** This act becomes effective July 1, 2008.

## **LEGISLATIVE PROPOSAL 8**

### **A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE FOOD AND DRUG PROTECTION DIVISION OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR THE PURCHASE OF AN EMERGENCY GENERATOR.**

The General Assembly of North Carolina enacts:

**SECTION 1.** There is appropriated from the General Fund to the Food and Drug Protection Division of the Department of Agriculture and Consumer Services the sum of five hundred thirty-six thousand two hundred twenty-one dollars (\$536,221) in nonrecurring funds for the 2008-2009 fiscal year to purchase an emergency electrical generator for Constable Laboratory.

**SECTION 2.** This act becomes effective July 1, 2008.

**LEGISLATIVE PROPOSAL 9**

**A BILL TO BE ENTITLED  
AN ACT APPROPRIATING FUNDS TO THE VETERINARY DIVISION OF  
THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
TO COMPLETE RENOVATION OF ROLLINS LABORATORY.**

The General Assembly of North Carolina enacts:

**SECTION 1.** There is appropriated from the General Fund to the Veterinary Division of the Department of Agriculture and Consumer Services the sum of seven hundred fifty thousand dollars (\$750,000) in nonrecurring funds for the 2008-2009 fiscal year to complete the conversion of a portion of Rollins Laboratory into Biosafety Level 2 (BSL 2+) laboratory space.

**SECTION 2.** This act becomes effective July 1, 2008.

**LEGISLATIVE PROPOSAL 10**

**A BILL TO BE ENTITLED  
AN ACT APPROPRIATING FUNDS TO THE OFFICE OF THE CHIEF  
MEDICAL EXAMINER TO ADDRESS THE BACKLOG OF AUTOPSIES.**

The General Assembly of North Carolina enacts:

**SECTION 1.** There is appropriated from the General Fund to the Office of the Chief Medical Examiner of the Department of Health and Human Services the sum of one million four hundred sixteen thousand six hundred sixty-six dollars (\$1,416,666) in recurring funds for the 2008-2009 fiscal year to reduce autopsy time to 30 to 45 days, to improve the ability to detect and respond to emerging threats, and to improve support for mass casualties regionally.

**SECTION 2.** This act becomes effective July 1, 2008.

## LEGISLATIVE PROPOSAL 11

### **A BILL TO BE ENTITLED AN ACT TO CONTINUE THE JOINT LEGISLATIVE STUDY COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.**

The General Assembly of North Carolina enacts:

**SECTION 1.** The Joint Select Committee on Emergency Preparedness and Disaster Management Recovery is established. The Committee consists of 30 members, 15 of whom are appointed by the President Pro Tempore of the Senate and 15 of whom are appointed by the Speaker of the House of Representatives. A Co-chair or other member of the Committee continues to serve until a successor is appointed. A vacancy shall be filled within 30 days by the officer who made the original appointment. Members serve at the pleasure of the appointing officer. The Committee is authorized to meet during the session and, pursuant to G.S. 120-19.6, is authorized to meet between sessions and during recesses of the General Assembly.

**SECTION 2.** The Committee shall study issues related to emergency preparedness and disaster management recovery, including:

(1) Whether the State building code sufficiently addresses issues related to commercial and residential construction in hurricane and flood prone areas.

(2) The public health infrastructure in place to respond to natural and non-natural disasters, including pandemic flu preparation and response. A study of the pandemic flu preparation and response should include an assessment of potential threat; funding and mechanisms needed to produce and distribute a vaccine for the avian flu; review of quarantine and isolation laws and processes; coordination issues for local and State public health officials; coordination between State departments of public health, crime control and public safety, and agriculture; establishment of public education infrastructure for any necessary emergency vaccination program; assessment of needs of public health infrastructure and hospital capacity to respond.

(3) Hurricane preparedness, evacuation and response.

(4) Energy security, including: identifying the State's energy profile, determining the State's essential energy facilities and their connections, evaluating potential threats and the possible consequences of disruptive events; reviewing long-term strategies; outlining strategies for communication to the media and public; offering response options for each type of emergency; identifying the response measures and options that industry and government can take; coordination on a local, State and federal level issues; ensuring protection from cyber attack of computer control systems; monitoring of State's energy supply.

(5) Bioterrorism preparedness and response.

(6) Flood and natural disaster preparation and response.

(7) Any other topic the Committee believes is related to its purpose.

**SECTION 3.** The Committee shall meet upon the call of its House and Senate Co-chairs. A quorum of the Committee shall be a majority of its members. The Committee may be organized into Subcommittees in order to facilitate discussion and to develop recommendations on the several important specialized issues for statewide consideration.

**SECTION 4.** The Committee, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes. The Committee may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

**SECTION 5.** Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1. The expenses of the Committee shall be considered expenses incurred for the joint operation of the General Assembly. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a Co-chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. All expenses of the Committee shall be paid from the Legislative Services Commission's Reserve for Studies.

**SECTION 6.** The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical support staff to the Committee. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Committee in the State Legislative Building or the Legislative Office Building.

**SECTION 7.** The Committee may submit an interim report on the results of its study, including any proposed legislation, at anytime. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before December 31, 2009. The Committee shall file a copy of each Committee report with the President Pro Tempore's office, the Speaker's office, and the Legislative Library. The Committee shall terminate upon December 31, 2009, or upon the filing of its final report, whichever occurs first.

**SECTION 8.** This act is effective when it becomes law.

## LEGISLATIVE PROPOSAL 12

### **A BILL TO BE ENTITLED AN ACT TO PROVIDE LIABILITY PROTECTION FOR PRIVATE ASSOCIATIONS, PRIVATE CORPORATIONS, AND PRIVATE NON-PROFIT ENTITIES AND ORGANIZATIONS WHEN RESPONDING TO IN-STATE INCIDENTS.**

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 166A-14 reads as rewritten:

#### **"§ 166A-14. Immunity and exemption.**

(a) All functions hereunder and all other activities relating to emergency management are hereby declared to be governmental functions. Neither the State nor any political subdivision thereof, nor, except in cases of willful misconduct, gross negligence or bad faith, any emergency management ~~worker~~ worker, firm, partnership, association, or corporation complying with or reasonably attempting to comply with this Article or any order, rule or regulation promulgated pursuant to the provisions of this Article or pursuant to any ordinance relating to any emergency management measures enacted by any political subdivision of the State, shall be liable for the death of or injury to persons, or for damage to property as a result of any such activity.

(a1) The immunity provided to firms, partnerships, associations, or corporations, under subsection (a) of this section is subject to all of the following conditions:

- (1) The immunity applies only when the firm, partnership, association, or corporation is acting without compensation or with compensation limited to no more than actual expenses, and one of the following applies:
  - a. Emergency management services are provided at any place in this State during a state of disaster or state of emergency declared by the Governor pursuant to this Article or G.S. 14-288.15, and the services are provided under the direction and control of the Secretary of the Department of Crime Control and Public Safety pursuant to G.S. 166A-5, G.S. 166A-6, and G.S. 143B-476, or the Governor.
  - b. Emergency management services are provided during a local state of emergency declared pursuant to Article 36A of Chapter 14 of the General Statutes, and the services are provided under the direction and control of the governing body of any municipality under G.S. 14-288.12 and G.S. 166A-8, the governing body of any county under G.S. 14-288.13 and G.S. 166A-8, or the chair of any board of county commissioners under G.S. 14-288.14 and G.S. 166A-8.
  - c. The firm, partnership, association, or corporation is engaged in planning, preparation, training, or exercises with the Division of

Emergency Management, the Division of Public Health, or the governing body of each county or municipality under G.S. 166A-7 and G.S. 166A-8 related to the performance of emergency management services or measures.

(2) The immunity shall not apply to any firm, partnership, association, or corporation, or to any employee or agent thereof, whose act or omission caused in whole or in part the actual or imminent disaster or emergency, or whose act or omission necessitated emergency management measures.

(3) To the extent that any firm, partnership, association, or corporation has liability insurance, that firm, partnership, association, or corporation shall be deemed to have waived the immunity to the extent of the indemnification by insurance for its negligence.

(b) The rights of any person to receive benefits to which the person would otherwise be entitled under this Article or under the Workers' Compensation Law or under any pension law, and the right of any such person to receive any benefits or compensation under any act of Congress shall not be affected by performance of emergency management functions.

(c) Any requirement for a license to practice any professional, mechanical or other skill shall not apply to any authorized emergency management worker who shall, in the course of performing the worker's duties as such, practice such professional, mechanical or other skill during a state of disaster.

(d) As used in this section, the term "emergency management worker" shall include any full or part-time paid, volunteer or auxiliary employee of this State or other states, territories, possessions or the District of Columbia, of the federal government or any neighboring country or of any political subdivision thereof or of any agency or organization performing emergency management services at any place in this State, subject to the order or control of or pursuant to a request of the State government or any political subdivision thereof. The term "emergency management worker" under this section shall also include any health care worker performing health care services as a member of a hospital-based or county-based State Medical Assistance Team designated by the North Carolina Office of Emergency Medical Services and any person performing emergency health care services under G.S. 90-12.2.

(e) Any emergency management worker, as defined in this section, performing emergency management services at any place in this State pursuant to agreements, compacts or arrangements for mutual aid and assistance to which the State or a political subdivision thereof is a party, shall possess the same powers, duties, immunities and privileges the person would ordinarily possess if performing duties in the State, or political subdivision thereof in which normally employed or rendering services."

**SECTION 2.** This act is effective when it becomes law.