

NORTH CAROLINA GENERAL ASSEMBLY



JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE

REPORT TO THE 2013 SESSION of the 2013 GENERAL ASSEMBLY

JANUARY 9, 2013

This page is intentionally left blank

A LIMITED NUMBER OF COPIES OF THIS REPORT ARE AVAILABLE FOR
DISTRIBUTION THROUGH THE LEGISLATIVE LIBRARY

ROOM 500
LEGISLATIVE OFFICE BUILDING
RALEIGH, NORTH CAROLINA 27603-5925
TELEPHONE: (919) 733-9390

This page is intentionally left blank

TABLE OF CONTENTS

Transmittal Letter.....	7
Statutory Authority	9
Committee Membership.....	11
Committee Proceedings	13
Committee Recommendations	23
Legislative Proposals	25

This page is intentionally left blank

TRANSMITTAL LETTER

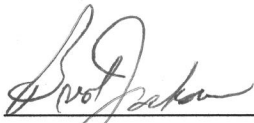
January 9, 2013

[\[Back to Top\]](#)

TO THE MEMBERS OF THE 2013 REGULAR SESSION
OF THE 2013 GENERAL ASSEMBLY

Pursuant to Article 12Q of Chapter 120 of the General Statutes, the Joint Legislative Emergency Management Oversight Committee submits its report and recommendations to the 2013 Regular Session of the 2013 General Assembly.

Respectfully submitted,



Senator Brent Jackson



Representative John Faircloth

Co-Chairs

Joint Legislative Emergency Management Oversight Committee

This page is intentionally left blank

STATUTORY AUTHORITY

[\[Back to Top\]](#)

NORTH CAROLINA GENERAL STATUTES

Article 12Q.

Joint Legislative Emergency Management Oversight Committee.

§ 120-70.150. Creation and membership of Joint Legislative Emergency Management Oversight Committee.

The Joint Legislative Emergency Management Oversight Committee is established. The Committee consists of 12 members as follows:

- (1) Six members of the Senate appointed by the President Pro Tempore of the Senate; and
- (2) Six members of the House of Representatives appointed by the Speaker of the House of Representatives.

Terms on the Committee are for two years and begin on the convening of the General Assembly in each odd-numbered year, except the terms of the initial members, which begin on appointment and end on the day of the convening of the 2013 General Assembly. Members may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes resignation or removal from service on the Committee.

A member continues to serve until a successor is appointed. A vacancy shall be filled by the officer who made the original appointment.

§ 120-70.151. Purpose and powers of Committee.

(a) The Joint Legislative Emergency Management Oversight Committee shall examine, on a continuing basis, issues related to emergency management in North Carolina in order to make ongoing recommendations to the General Assembly on ways to promote effective emergency preparedness, management, response, and recovery. The Committee may examine:

- (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 nonnatural disasters.
- (3) Hurricane preparedness, evacuation, and response.
- (4) Energy security issues.
- (5) Terrorism preparedness and response, including bioterrorism.
- (6) Flood and natural disaster preparation and response.
- (7) Any other topic the Committee believes is related to its purpose.

(b) The Committee may make interim reports to the General Assembly on matters for which it may report to a regular session of the General Assembly. A report to the

General Assembly may contain any legislation needed to implement a recommendation of the Committee.

§ 120-70.152. Organization of Committee.

(a) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Joint Legislative Emergency Management Oversight Committee. The Committee shall meet upon the joint call of the cochairs.

(b) A quorum of the Committee is seven members. Only recommendations, including proposed legislation, receiving at least six affirmative votes may be included in a Committee report to the General Assembly. While in the discharge of its official duties, the Committee has the powers of a joint committee under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.

(c) The cochairs of the Committee may call upon other knowledgeable persons or experts to assist the Committee in its work.

(d) Members of the Committee shall receive subsistence and travel expenses as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate. The Committee may contract for consultants or hire employees in accordance with G.S. 120-32.02. The Legislative Services Commission, through the Legislative Services Officer, shall assign professional staff to assist the Committee in its work. Upon the direction of the Legislative Services Commission, the Supervisors of Clerks of the Senate and of the House of Representatives shall assign clerical staff to the Committee. The expenses for clerical employees shall be borne by the Committee.

(e) In appointing members to the Committee, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall take into consideration the goal of having members appointed to the Committee who have knowledge and experience relating to areas that are most impacted by disasters and emergencies.

COMMITTEE MEMBERSHIP

[\[Back to Top\]](#)

JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE

2012-2013 Membership

Pursuant to G.S. 120-70.150, the Joint Legislative Emergency Management Oversight Committee (Committee) consists of twelve members, six appointed by the President Pro Tempore of the Senate and six appointed by the Speaker of the House of Representatives. Pursuant to G.S. 120-70.152(e), in appointing members to the Committee, the President Pro Tem and the Speaker shall take into consideration the goal of having members appointed to the Committee who have knowledge and experience relating to areas that are most impacted by disasters and emergencies.

President Pro Tempore of the Senate

Appointments: (expiring on January 9, 2013)

Senator Brent Jackson, Co-Chair

525 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 733-5705
Email: Brent.Jackson@ncleg.net

Senator Andrew Brock

623 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 715-0690
Email: Andrew.Brock@ncleg.net

Senator Harry Brown

300-B Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 715-3034
Email: Harry.Brown@ncleg.net

Senator Kathy Harrington

2113 Legislative Building
16 W. Jones Street
Raleigh, NC 27601-2808
(919) 733-5734
Email: Kathy.Harrington@ncleg.net

Speaker of the House of Representatives

Appointments: (expiring on January 9, 2013)

Representative John Faircloth, Co-Chair

306A3 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 733-5877
Email: John.Faircloth@ncleg.net

Representative James L. Boles, Jr.

528 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 733-5903
Email: James.Boles@ncleg.net

Representative Carolyn H. Justice

420 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 715-9664
Email: Carolyn.Justice@ncleg.net

Representative Jason Saine

1004 Legislative Building
16 W. Jones Street
Raleigh, NC 27601-2808
(919)-733-0057
Email: Jason.Saine@ncleg.net

Senator Dan Soucek

310 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 733-5472
Email: Dan.Soucek@ncleg.net

Senator Stan White

1121 Legislative Building
16 W. Jones Street
Raleigh, NC 27601-2808
(919) 715-8293
Email: Stan.White@ncleg.net

Representative Phil R. Shepard

301H Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 715-9644
Email: Phil.Shepard@ncleg.net

Representative Timothy L. Spear

402 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 715-3029
Email: Tim.Spear@ncleg.net

Committee Staff:

Research Division

Jennifer Mundt, Committee Analyst
Barbara Riley, Committee Counsel
Erika Churchill, Committee Counsel
Peter Ledford, Committee Counsel
545 Legislative Office Building
300 North Salisbury Street
Raleigh, North Carolina 27603
(919) 733-2578

Legislative Drafting Division

Ben Stanley, Committee Counsel
401 Legislative Office Building
300 North Salisbury Street
Raleigh, NC 27603
(919) 733-6660

Fiscal Research Division

Kristine Leggett, Committee Analyst
Suites 203 and 619 Legislative Office Building
300 North Salisbury Street
Raleigh, NC 27603
(919) 733-4910

Committee Clerks:

Cindy Davis, Office of Senator Brent Jackson

525 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 733-5705
Email: Jacksonla@ncleg.net

Becky Bauerband, Office of Representative John Faircloth

306A3 Legislative Office Building
300 N. Salisbury Street
Raleigh, NC 27603-5925
(919) 733-5877
Email: Fairclothla@ncleg.net

COMMITTEE PROCEEDINGS

[\[Back to Top\]](#)

The Joint Legislative Emergency Management Oversight Committee met three times during the interim between the 2012 and the 2013 Regular Sessions of the General Assembly. The Committee's Charge can be found [here](#). The following is a brief summary of the Committee's proceedings. Detailed minutes and information from each Committee meeting are available in the Legislative Library and [online](#)¹.

November 27, 2012

AGENDA

Media Briefing Room
Department of Public Safety Joint Force Headquarters
Raleigh, North Carolina

1. Call to order
Representative John Faircloth, Presiding
2. Introductory remarks by Cochairs (*5 minutes*)
Representative John Faircloth
Senator Brent Jackson
3. Introduction of Members and Staff (*10 minutes*)
4. Presentation of the Committee Charge (*5 minutes*)
Jennifer Mundt, Committee Analyst
Research Division
5. Overview of Emergency Management in North Carolina (*45 minutes*)
Doug Hoell, Director
Division of Emergency Management, Department of Public Safety
6. Committee Discussion and Announcements

Division of Emergency Management staff will lead tours of Joint Force Headquarters for interested persons. Photo identification must be provided in order to participate.

7. Adjourn

The first meeting of the Joint Legislative Emergency Management Oversight Committee (EMOC or Committee) was held on Tuesday November 27, 2012 at 10:00 a.m. in the Media Briefing Room of the Department of Public Safety Joint Force Headquarters in Raleigh, North Carolina. Representative Faircloth presided.

¹ The website for the Joint Legislative Emergency Oversight Committee:
<http://ncleg.net/gascripts/Committees/Committees.asp?sAction=ViewCommittee&sActionDetails=Non-Standing> 6580

Ms. Jennifer Mundt, Committee Analyst, presented the Committee charge.

Mr. Doug Hoell, Director of the Division of Emergency Management (Division) in the Department of Public Safety (DPS), provided the Committee with an overview of emergency management in North Carolina. Mr. Hoell explained that the Division's primary mission is "consequence management" and maintaining readiness for: search and rescue; providing mass care for evacuations; protecting life and property; providing incident management; supplementing local government; and helping communities recover. Mr. Hoell provided examples of how emergency management adds value to the State and explained the different types of disasters:

Type I Disaster: small, localized disaster to which the State can respond without federal assistance. **Typical cost-share: 75% State / 25% local.**

Type II Disaster: causes damage over a large area (several counties) for which the State receives federal assistance to recover. **Typical cost-share: 75% FEMA / 25% State.**

Type III Disaster: causes widespread catastrophic damage and federal assistance in needed to recover. **Cost-share range: 75-90% FEMA / 10-25% State.**

Mr. Hoell reported that North Carolina Emergency Management is nationally recognized and a leader in the field. The Division is broken down into three branches across the State with each branch subdivided into five areas that comprise numerous counties. Area Coordinators have charge over the assets available in their areas and can commit resources as needed. Mr. Hoell described the State Emergency Response Team (SERT) and identified many of the agencies and nongovernment organizations that participate on the SERT. Mr. Hoell stated that the business of the Division changed dramatically since 1999, namely due to the response to Hurricane Floyd. The changes in the Division include: appropriations for dedicated staffing within the Division; better developed resources; establishment of regional coordination centers; improvements in planning; development of the North Carolina Disaster Recovery Guide; and establishing mutual aid agreements. The Division conducts training and exercise programs to provide the foundation for response actions.

Mr. Hoell explained how emergency management works in an event and that all emergencies begin and end at the local level with the support and commitment from emergency management partners from start to finish. Emergency management funding comes from four main sources; the majority being federal grants and 75% of the federal money is passed through to local governments. Mr. Hoell closed his presentation with an outline of the critical issues for emergency management in the State.

December 4, 2012

AGENDA

Room 544 Legislative Office Building
Raleigh, North Carolina

1. Call to order
Senator Brent Jackson, Presiding
2. Introductory remarks by Cochairs (*5 minutes*)
Senator Brent Jackson
Representative John Faircloth
3. Overview of State agency and local government involvement in emergency management operations (*2 hours and 25 minutes*)

Department of Public Safety (DPS)

Doug Hoell, Director
Division of Emergency Management, DPS

Zachary Kendall, Security Specialist, Prison Section
Division of Adult Corrections, DPS

North Carolina National Guard

Major General Lusk, Adjutant General
North Carolina National Guard

Department of Agriculture and Consumer Services (DACS)

Sharron Stewart, Director
Division of Emergency Programs, DACS

Greg Pate, State Forester
North Carolina Forest Service, DACS

Department of Health and Human Services (DHHS)

Joseph M. Breen, MS, Chief of Planning, Budget, and Support Services
Division of Aging and Adult Services, DHHS

Carlotta Dixon, MHS, CPM, Program Compliance Section Chief
Division of Social Services, DHHS

Regina Godette-Crawford, Chief, NC Office of Emergency Medical Services
Division of Health Service Regulation, DHHS

Walter Lee Cox, III, Chief, Radiation Protection Section
Division of Health Service Regulation, DHHS

Dr. Laura Gerald, State Health Director
Division of Public Health, DHHS

Department of Environment and Natural Resources (DENR)

Robin Smith, Assistant Secretary for Environment
DENR

Local Government Representatives

Rocky Hyder, Director of Emergency Services, Henderson County
On behalf of the North Carolina Association of County Commissioners

Derrick Remer, Emergency Management Coordinator, City of Raleigh
On behalf of the North Carolina League of Municipalities

North Carolina Highway Patrol

Colonel Michael Gilchrist, Commander
North Carolina Highway Patrol, DPS

4. Overview of the VIPER system (*25 minutes*)
Captain Robert West
Lane Hobbs
North Carolina State Highway Patrol
5. Committee discussion of legislative recommendations and proposals
6. Committee discussion and announcements
7. Adjourn

The second meeting of the Joint Legislative Emergency Management Oversight Committee (EMOC or Committee) was held on Tuesday December 4, 2012 at 9:30 a.m. in Room 544 of the Legislative Office Building in Raleigh, North Carolina. Senator Jackson presided. This meeting was designed to provide the Committee with a broad overview of how agencies and local governments are involved in emergency management activities in the State.

[Mr. Doug Hoell](#), Director of the Division of Emergency Management (Division) in the Department of Public Safety (DPS), provided the Committee with an overview of emergency management in North Carolina. Mr. Hoell explained that DEM's primary mission is maintaining readiness in the event of disasters. Mr. Hoell briefly described the organization of the Division and the branches across the State. Mr. Hoell described the State Emergency Response Team (SERT) and identified many of the agencies and nongovernment organizations that participate on the SERT. Mr. Hoell stated that the business of the Division changed dramatically since 1999 and the response to Hurricane Floyd. A discussion of the types of disasters was provided and Mr. Hoell closed his presentation with a fleshed-out list of critical issues for and needs of the Division and emergency management in general that were requested by the Chairs at the November 27, 2012 Committee meeting.

[Mr. Zachary Kendall](#), Security Specialist in the Prison Section of the Division of Adult Corrections (Corrections) in DPS, provided the Committee with an overview of emergency preparedness and response activities in Corrections. Mr. Kendall's overview included a discussion of the prisons, community corrections facilities, and inmates in the State. Some of the advantages and strengths of Corrections include: its size; special

teams and specialized resources; secure and self-contained facilities; communications and transportation capabilities; geographic diversity of facilities and resources; and experience with emergencies. Prisons make preparations for every anticipated disaster and staff and inmates are available to assist the public in the event of an emergency. Mr. Kendall recommended increasing the number of inmate labor crews through reinstatement of the Community Work Crew Program.

[Major General Lusk](#), Adjutant General of the North Carolina National Guard (National Guard), provided the Committee with an overview of the mission and how the National Guard supports the State. The National Guard's mission is to provide a ready team of citizen soldiers and airmen who are always ready and always there to protect and preserve the lives and property of North Carolina citizens, defend the nation, and secure the American way of life. This mission complements the National Guard's vision to be the most effective, efficient, innovative, and indispensable partner in securing the homeland by providing the best military value for the State and nation. Major General Lusk described that the dual-role of the National Guard (federal and State missions) includes provision of ready-made forces, supporting civil authorities, and participating in local, state, and national programs that add value to communities. The National Guard provides defense support to civil authorities in emergencies and disasters, during national special security events, and for critical infrastructure protection. The State of North Carolina is a member of the Emergency Management Assistance Compact with 53 other states and territories, an agreement signed between governors that provide legal protection for assisting guardsmen and reimbursement for activities allowing for shared guard and civilian assets. Major General Lusk stated that there is a need to modernize response capabilities and to upgrade existing facilities.

[Ms. Sharron Stewart](#), Director of the Division of Emergency Programs (Division) and [Greg Pate](#), State Forester in the Department of Agriculture and Consumer Services (DACS), provided an overview of DACS's mission, programs, and activities as they relate to emergency management and response. The Division is responsible for coordinating all disaster response and food response across departments. The Division is the State-lead in coordination of responses to biological or radiological disasters related to agriculture and food. Many programs within DACS play a role in emergency response including: the Forest Service; Agronomic Services; the Food and Drug Division; Meat and Poultry Inspection Division; Research Stations; Soil and Water; and Veterinary. Ms. Stewart listed some of DACS activities in recent disasters and emergencies and described the Multi-Hazard Threat Database that tabulates data on a daily basis, geocodes it, and provides real-time information on a host of resources in the State. Mr. Pate explained the Forest Service's role in emergency management and response and that the Service is a designated emergency response agency of the State. One of the main responsibilities of the Forest Service is to respond to forest fires by protecting State- and privately-owned forestland in North Carolina from fires through fire suppression, pre-suppression, and aggressive suppression on all wildfires. Mr. Pate described the personnel and equipment resources available to the Forest Service and the interagency activities the Forest Service provides in disasters. Mr. Pate and Ms. Stewart identified numerous gaps in pre-event response activities, response, and recovery for the Committee's consideration.

[Mr. Joseph Breen](#), Chief of Planning, Budget, and Support Systems and Emergency Coordinating Officer for the Division of Aging and Adult Services (DAAS) in the Department of Health and Human Services (DHHS), gave an overview of DAAS and its role in emergency response and preparedness. Mr. Breen stated that DAAS is a member of SERT and works with the Division of Social Services and 16 Area Agencies on Aging to assist 400 aging providers.

[Ms. Carlotta Dixon](#), Chief of the Program Compliance Section of the Division of Social Services (DSS) in DHHS provided an overview of DSS and its role as lead coordinator for DHHS in responding to emergencies and disasters. DSS is responsible for bringing the various divisions within DHHS and the Division of Emergency Management together during an emergency. In addition to its role in providing staffing, communications, and resources, DSS, by order of the Governor, is the lead state agency for the Mass Emergency Repatriation Program to ensure U.S. citizens are brought back from foreign countries in an emergency.

[Ms. Regina Godette-Crawford](#), Chief of North Carolina Office of Emergency Medical Services (EMS) in the Division of Health Service Regulation (DHSR) in DHHS provided an overview of EMS and stated that EMS (or Disaster Medical Services) are supplemental to county governments that are affected by a disaster. Assistance comes in the form of resources available from within DHSR and often includes support from multiple agencies within the Department and across State government. EMS is responsible for coordinating State assistance to local governments in response to medical care needs.

[Mr. Walter Lee Cox](#), Chief of the Radiation Protection Section (RPS) of DHSR in DHHS provided an overview of RPS and explained that the staff serves as radiation subject matter experts for the SERT leader in recommending protective actions for the safety of emergency workers, public, crops, livestock, and the environment. RPS partners with the Division of Emergency Management and responds to all radiological incidents involving radioactive material 24 hours a day, 365 days a year.

[Dr. Julie Casani](#), Branch Head and Bioterrorism Coordinator, Preparedness System Coordination, and Pandemic Flu Planning, in the Division of Public Health (DPH) (on behalf of Dr. Laura Gerald), provided an overview of DPH's preparedness and response activities. Dr. Casani explained that every case – whether it is infectious disease, chemical, or radiological exposure – can become an outbreak or be a harbinger for a larger event. There are 85 local health programs across the State. DPH is a member of the DHHS Disaster Coordination Committee which is predominately focused on human services issues. DPH is a SERT partner and the State Health Director is a SERC Commissioner.

[Ms. Robin Smith](#), Assistant Secretary for Environment in the Department of Environment and Natural Resources (DENR), provided an overview of DENR's role in emergency response and recovery. Ms. Smith explained that DENR staff responds to both natural and man-made disasters and emergencies. Examples of the man-made disasters and emergencies to which DENR has recently responded include: the West Pharmaceuticals

explosion in Pitt County in 2003, the EQ-Apex hazardous waste storage facility fire in Wake County in 2006, and the CSX train derailment and fire in Pitt County in 2002. In terms of natural disasters, DENR conducts hurricane preparation activities including: contacting drinking water and wastewater system operators about pre-storm preparations; advising farmers on management of animal wastes in lagoons; and identifying sites for debris removal and disposal. After a hurricane, various divisions within DENR perform response and mitigation activities including:

- Division of Coastal Management which conducts damage surveys and issues permits to rebuild structures under the Coastal Area Management Act.
- Divisions of Water Resources and Water Quality which provide technical assistance to wastewater treatment plants, provide resources, inspect for chemical spills and floating underground petroleum tanks, respond to reports of wastewater and chemical spills, take water quality samples, and issue emergency permits to remove debris from streams and creeks.

Ms. Smith reported that DENR also conducts on-site air quality monitoring, identification of hazardous substances, testing of indoor air quality, and cleanup and proper disposal of hazardous wastes. Ms. Smith also listed a number of [recommendations](#) to improve DENR's ability to respond to natural and man-made disasters and emergencies.

[Mr. Rocky Hyder](#), Director of Henderson County Emergency Services, provided the Committee with a local perspective on emergency management and response. Mr. Hyder described local emergency management as the initial organized effort to mitigate against, prepare for, respond to, and recover from any event which threatens to or actually inflicts damage to people or property. Mr. Hyder touched on some of the local responsibilities in carrying out the North Carolina Emergency Management Act including: providing for the health and safety of people and property; developing emergency management plans; making available all resources for emergencies; delegating powers in a local state of emergency; and coordinating the voluntary registration of functionally and medically fragile people. Mr. Hyder described Emergency Management Performance Grants and that the funding formula is based on population and performance (about ¼ the total local budget). Each county receives a baseline funding amount based on population in exchange for completing universal performance objectives. Lastly, Mr. Hyder addressed domestic preparedness regions and mutual aid and explained that homeland security issues tend to affect a region rather than a county or distinct location. The purpose of the regions is to develop and expand regional prevention, preparedness, response, and recovery capabilities. With regards to mutual aid, the statewide mutual aid agreement facilitates mutual aid between county and municipal governments and establishes the framework for the national Emergency Management Assistance Compact.

[Mr. Derrick Remer](#), Emergency Management Coordinator for the City of Raleigh presented an overview of municipal emergency management. Mr. Remer reported that the City of Raleigh works jointly with Wake County at the emergency operations center and that Raleigh's hazard mitigation plan was developed in conjunction with other cities in Wake County. Mr. Remer stated that City employees develop the emergency operations plan, provide training, and work with county and State agencies and staff as

necessary in an emergency. The City's emergency plans are similar in scope to those adopted by the State to provide for consistency.

[Colonel Michael Gilchrist](#), Commander of the North Carolina Highway Patrol (Patrol) in DPS provided the Committee with an overview of Patrol emergency preparedness and deployment of personnel and resources during natural disasters. Colonel Gilchrist reported that there are eight communications / operations centers that are self-sufficient. The Patrol conducts statewide planning via conference calls and informal meetings between all local emergency operations centers and Patrol supervisors to ensure open lines of communication. The Patrol does much in the way of pre-storm planning as well as post-event recovery. The Patrol has a host of communications resources and provides homeland security and terrorism response.

[Mr. Lane Hobbs](#), with the North Carolina Highway Patrol, provided the Committee with an overview of the Voice Interoperability Plan for Emergency Responders (VIPER) system. Mr. Hobbs explained that VIPER provides the ability for agencies to talk with one another and extends to all hospitals and ambulances. Mr. Hobbs provided the background to the VIPER system and examples of past disasters where there was a lack of voice interoperability. VIPER is a statewide 800MHz trunked radio system available for all emergency responders (local, State, and federal). The goal is to have 95% in-street portable coverage with network infrastructure consisting of towers linked via microwave. The Patrol is responsible for build-out and ongoing operations and maintenance of the VIPER system. The system itself is compatible with 29 local trunked voice systems throughout the State and the only end-user requirement to join the network is the purchase of their own radios. Mr. Hobbs reported that by the end of 2012, 84% of the system will be completed with 200 sites on-air. Over 65,000 users are on the network including 260 emergency response agencies. Mr. Hobbs outlined the current funding of the VIPER system and listed some of the funding challenges including an additional \$4.25 million in recurring funds for operations and maintenance to support the existing network and \$49 million to fund build-out and implementation of the remaining sites. Of the \$49 million, \$23 million is required to upgrade to P25 technology to both comply with federal digital capacity transition and to double the number of end-users allowed on the system to 128,000. The concern about the FCC narrowbanding mandate was also discussed which will require local public safety agencies to either upgrade their infrastructure or purchase new end-user devices compatible with VIPER. The impact to VIPER is an increased number of end-users on a system that is already at capacity without the P25 migration.

December 19, 2012
AGENDA
Room 643 Legislative Office Building
Raleigh, North Carolina

1. Call to order
Representative John Faircloth, Presiding
2. Introductory remarks by Cochairs (5 minutes)
Representative John Faircloth
Senator Brent Jackson
3. Approval of the minutes for the November 27 and December 4, 2012 meetings of the Committee (5 minutes)
4. Committee consideration of its legislative recommendations and report to the 2013 Regular Session of the 2013 General Assembly
 - Various Emergency Management Changes
 - Joint Legislative Emergency Management Oversight Committee Report to the 2013 Regular Session of 2013 General Assembly
5. Committee discussion and announcements
6. Adjourn

The third and final meeting of the Committee was held on Wednesday December 19, 2012 1:00 p.m. in Room 643 of the Legislative Office Building. Representative John Faircloth presided.

Mr. Ben Stanley, Committee Counsel, explained the legislation before the Committee for consideration. *Various Emergency Management Changes* (2013-MDz-21 [v.6]) was approved by the Committee and is found on Page 25 of this report. Lastly, Ms. Jennifer Mundt, Committee Analyst, presented the Committee's draft report to the 2013 General Assembly, which was approved by Committee. Chairman Faircloth authorized Committee staff to revise the report to reflect the proceedings of the meeting and to address any clarifying, conforming, and technical amendments to the draft legislation and recommendations that were adopted by the Committee.

This page is intentionally left blank

COMMITTEE RECOMMENDATIONS

[\[Back to Top\]](#)

1. The Joint Legislative Emergency Management Oversight Committee recommends that the House and Senate Appropriations Committees fund the completion, operations, and maintenance of the Voice Interoperability Plan for Emergency Responders (VIPER) system and fund upgrading the system to P25 in order to double the number of end-users on VIPER.

This page is intentionally left blank

LEGISLATIVE PROPOSALS

[\[Back to Top\]](#)

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

U

D

BILL DRAFT 2013-MDz-21 [v.8] (12/13)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
12/19/2012 1:39:31 PM

Short Title: Various Emergency Management Changes. (Public)

Sponsors: Unknown (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY
3 MANAGEMENT LAWS OF THIS STATE, AS RECOMMENDED BY THE
4 JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT
5 COMMITTEE.
6 The General Assembly of North Carolina enacts:
7 SECTION 1.(a) G.S. 20-125(b) reads as rewritten:
8 "(b) Every vehicle owned ~~and~~or operated by a police department or by the
9 Department of Public Safety including the State Highway Patrol or by the Wildlife
10 Resources Commission or the Division of Marine Fisheries or by the Division of
11 Parks and Recreation of the Department of Environment and Natural Resources or
12 by the North Carolina Forest Service of the Department of Agriculture and
13 Consumer Services and used exclusively for law ~~enforcement~~enforcement, fire-
14 fighting, or other emergency response purposes, or by the Division of Emergency
15 Management, or by a fire department, either municipal or rural, or by a fire patrol,
16 whether such fire department or patrol be a paid organization or a voluntary
17 association, vehicles used by an organ procurement organization or agency for the
18 recovery and transportation of human tissues and organs for transplantation, and
19 every ambulance or emergency medical service emergency support vehicle used
20 for answering emergency calls, shall be equipped with special lights, bells, sirens,
21 horns or exhaust whistles of a type approved by the Commissioner of Motor
22 Vehicles.

1 The operators of all such vehicles so equipped are hereby authorized to use
2 such equipment at all times while engaged in the performance of their duties and
3 services, both within their respective corporate limits and beyond.

4 In addition to the use of special equipment authorized and required by this
5 subsection, the chief and assistant chiefs of any police department or of any fire
6 department, whether the same be municipal or rural, paid or voluntary, county fire
7 marshals, assistant fire marshals, transplant coordinators, and emergency
8 management coordinators, are hereby authorized to use such special equipment on
9 privately owned vehicles operated by them while actually engaged in the
10 performance of their official or semiofficial duties or services either within or
11 beyond their respective corporate limits.

12 And vehicles driven by law enforcement officers of the North Carolina
13 Division of Motor Vehicles shall be equipped with a bell, siren, or exhaust whistle
14 of a type approved by the Commissioner, and all vehicles owned and operated by
15 the State Bureau of Investigation for the use of its agents and officers in the
16 performance of their official duties may be equipped with special lights, bells,
17 sirens, horns or exhaust whistles of a type approved by the Commissioner of
18 Motor Vehicles.

19 Every vehicle used or operated for law enforcement purposes by the sheriff or
20 any salaried deputy sheriff or salaried rural policeman of any county, whether
21 owned by the county or not, may be, but is not required to be, equipped with
22 special lights, bells, sirens, horns or exhaust whistles of a type approved by the
23 Commissioner of Motor Vehicles. Such special equipment shall not be operated or
24 activated by any person except by a law enforcement officer while actively
25 engaged in performing law enforcement duties.

26 In addition to the use of special equipment authorized and required by this
27 subsection, the chief and assistant chiefs of each emergency rescue squad which is
28 recognized or sponsored by any municipality or civil preparedness agency, are
29 hereby authorized to use such special equipment on privately owned vehicles
30 operated by them while actually engaged in their official or semiofficial duties or
31 services either within or beyond the corporate limits of the municipality which
32 recognizes or sponsors such organization."

33 **SECTION 1.(b)** G.S. 20-130.1 reads as rewritten:

34 **"§ 20-130.1. Use of red or blue lights on vehicles prohibited; exceptions.**

35 (a) It is unlawful for any person to install or activate or operate a red light
36 in or on any vehicle in this State. As used in this subsection, unless the context
37 requires otherwise, "red light" means an operable red light not sealed in the
38 manufacturer's original package which: (i) is designed for use by an emergency
39 vehicle or is similar in appearance to a red light designed for use by an emergency
40 vehicle; and (ii) can be operated by use of the vehicle's battery, vehicle's electrical
41 system, or a dry cell battery. As used in this subsection, the term "red light" shall
42 also mean any forward facing red light installed on a vehicle after initial
43 manufacture of the vehicle.

1 (b) The provisions of subsection (a) of this section do not apply to the
2 following:

- 3 (1) A police ~~car~~; vehicle.
- 4 (2) A highway patrol ~~car~~; vehicle.
- 5 (3) A vehicle owned by the Wildlife Resources Commission and
6 operated exclusively for law-enforcement ~~purposes~~; purposes.
- 7 (4) An ~~ambulance~~; ambulance.
- 8 (5) A vehicle used by an organ procurement organization or agency
9 for the recovery and transportation of blood, human tissues, or
10 organs for ~~transplantation~~; transplantation.
- 11 (6) A fire-fighting ~~vehicle~~; vehicle.
- 12 (7) A school ~~bus~~; bus.
- 13 (8) A vehicle operated by any member of a municipal or rural fire
14 department in the performance of his duties, regardless of
15 whether members of that fire department are paid or
16 ~~voluntary~~; voluntary.
- 17 (9) A vehicle of a voluntary lifesaving organization (including the
18 private vehicles of the members of such an organization) that has
19 been officially approved by the local police authorities and which
20 is manned or operated by members of that organization while
21 answering an official ~~call~~; call.
- 22 (10) A vehicle operated by medical doctors or anesthetists in
23 ~~emergencies~~; emergencies.
- 24 (11) A motor vehicle used in law enforcement by the sheriff, or any
25 salaried rural policeman in any county, regardless of whether or
26 not the county owns the ~~vehicle~~; vehicle.
- 27 (11a) A vehicle operated by the State Fire Marshal or his
28 representatives in the performance of their duties, whether or not
29 the State owns the ~~vehicle~~; vehicle.
- 30 (12) A vehicle operated by any county fire marshal, assistant fire
31 marshal, or emergency management coordinator in the
32 performance of his duties, regardless of whether or not the
33 county owns the ~~vehicle~~; vehicle.
- 34 (13) A light required by the Federal Highway
35 ~~Administration~~; Administration.
- 36 (14) A vehicle operated by a transplant coordinator who is an
37 employee of an organ procurement organization or agency when
38 the transplant coordinator is responding to a call to recover or
39 transport human tissues or organs for
40 ~~transplantation~~; transplantation.
- 41 (15) A vehicle operated by an emergency medical service as an
42 emergency support ~~vehicle~~; vehicle.
- 43 (16) A State emergency management ~~vehicle~~; and vehicle.

1 (17) An Incident Management Assistance Patrol vehicle operated by
2 the Department of Transportation, when using rear-facing red
3 lights while stopped for the purpose of providing assistance or
4 incident management.

5 (18) A vehicle operated by the Division of Marine Fisheries or the
6 Division of Parks and Recreation of the Department of
7 Environment and Natural Resources that is used for law
8 enforcement, fire-fighting, or other emergency response purpose.

9 (19) A vehicle operated by the North Carolina Forest Service of the
10 Department of Agriculture and Consumer Services that is used
11 for law enforcement, fire-fighting, or other emergency response
12 purpose.

13 ..."

14 **SECTION 1.(c)** G.S. 20-145 reads as rewritten:

15 **"§ 20-145. When speed limit not applicable.**

16 The speed limitations set forth in this Article shall not apply to vehicles when
17 operated with due regard for safety under the direction of the police in the chase or
18 apprehension of violators of the law or of persons charged with or suspected of
19 any such violation, nor to fire department or fire patrol vehicles when traveling in
20 response to a fire alarm, nor to public or private ambulances and rescue squad
21 emergency service vehicles when traveling in emergencies, nor to vehicles
22 operated by county fire marshals and civil preparedness coordinators when
23 traveling in the performances of their ~~duties~~-duties, nor to any of the following
24 when either operated by a law enforcement officer in the chase or apprehension of
25 violators of the law or of persons charged with or suspected of any such violation,
26 or when traveling in response to a fire alarm or for other emergency response
27 purposes: (i) a vehicle operated by the Division of Marine Fisheries or the
28 Division of Parks and Recreation of the Department of Environment and Natural
29 Resources; or (ii) a vehicle operated by the North Carolina Forest Service of the
30 Department of Agriculture and Consumer Services. This exemption shall not,
31 however, protect the driver of any such vehicle from the consequence of a reckless
32 disregard of the safety of others."

33 **SECTION 1.(d)** G.S. 20-156(b) reads as rewritten:

34 "(b) The driver of a vehicle upon the highway shall yield the right-of-way to
35 police and fire department vehicles and public and private ambulances, vehicles
36 used by an organ procurement organization or agency for the recovery or
37 transportation of human tissues and organs for transplantation or a vehicle
38 operated by a transplant coordinator who is an employee of an organ procurement
39 organization or agency when the transplant coordinator is responding to a call to
40 recover or transport human tissues or organs for transplantation, and to rescue
41 squad emergency service vehicles and vehicles operated by county fire marshals
42 and civil preparedness ~~coordinators~~-coordinators, and to a vehicle operated by the
43 Division of Marine Fisheries or the Division of Parks and Recreation of the

1 Department of Environment and Natural Resources when used for law
2 enforcement, fire-fighting, or other emergency response purpose, and to a vehicle
3 operated by the North Carolina Forest of the Department of Agriculture and
4 Consumer Services when used for a law enforcement, fire-fighting, or other
5 emergency response purpose, when the operators of said vehicles are giving a
6 warning signal by appropriate light and by bell, siren or exhaust whistle audible
7 under normal conditions from a distance not less than 1,000 feet. When
8 appropriate warning signals are being given, as provided in this subsection, an
9 emergency vehicle may proceed through an intersection or other place when the
10 emergency vehicle is facing a stop sign, a yield sign, or a traffic light which is
11 emitting a flashing strobe signal or a beam of steady or flashing red light. This
12 provision shall not operate to relieve the driver of a police or fire department
13 vehicle or a vehicle owned or operated by the Department of Environment and
14 Natural Resources or the Department of Agriculture and Consumer Services or
15 public or private ambulance or vehicles used by an organ procurement
16 organization or agency for the recovery or transportation of human tissues and
17 organs for transplanted or a vehicle operated by a transplant coordinator who is
18 an employee of an organ procurement organization or agency when the transplant
19 coordinator is responding to a call to recover or transport human tissues or organs
20 for transplanted, or rescue squad emergency service vehicle or county fire
21 marshals or civil preparedness coordinators from the duty to drive with due regard
22 for the safety of all persons using the highway, nor shall it protect the driver of any
23 such vehicle or county fire marshal or civil preparedness coordinator from the
24 consequence of any arbitrary exercise of such right-of-way."

25 **SECTION 1.(e)** G.S. 20-157(a) reads as rewritten:

26 "(a) Upon the approach of any law enforcement or fire department vehicle or
27 public or private ambulance or rescue squad emergency service vehicle or a
28 vehicle operated by the Division of Marine Fisheries or the Division of Parks and
29 Recreation of the Department of Environment and Natural Resources or the North
30 Carolina Forest Service of the Department of Agriculture and Consumer Services
31 when traveling in response to a fire alarm or other emergency response purpose
32 giving warning signal by appropriate light and by audible bell, siren or exhaust
33 whistle, audible under normal conditions from a distance not less than 1000 feet,
34 the driver of every other vehicle shall immediately drive the same to a position as
35 near as possible and parallel to the right-hand edge or curb, clear of any
36 intersection of streets or highways, and shall stop and remain in such position
37 unless otherwise directed by a law enforcement or traffic officer until the law
38 enforcement or fire department vehicle or the vehicle operated by the Division of
39 Marine Fisheries or the Division of Parks and Recreation of the Department of
40 Environment and Natural Resources or the North Carolina Forest Service of the
41 Department of Agriculture and Consumer Services or the public or private
42 ambulance or rescue squad emergency service vehicle shall have passed. Provided,
43 however, this subsection shall not apply to vehicles traveling in the opposite

1 direction of the vehicles herein enumerated when traveling on a four-lane limited
2 access highway with a median divider dividing the highway for vehicles traveling
3 in opposite directions, and provided further that the violation of this subsection
4 shall be negligence per se. Violation of this subsection is a Class 2 misdemeanor."

5 **SECTION 2.** The Department of Public Safety shall study methods of
6 allowing prisoners to contribute to cleanup and mitigation efforts in connection
7 with states of emergency declared in this State. No later than October 1, 2013, the
8 Department shall report its findings and recommendations to the Joint Legislative
9 Emergency Management Oversight Committee and to the Joint Legislative
10 Oversight Committee on Justice and Public Safety. The report shall include at
11 least the following:

- 12 (1) A list of the type and number of prisoners incarcerated by the
13 Department of Public Safety that might be available to respond to
14 emergencies in this State.
- 15 (2) Options for methods of deploying prisoners to respond to and
16 assist with cleanup and mitigation efforts in connection with
17 states of emergency based on the type and location of an
18 emergency.
- 19 (3) A statement of the resources that would be required to implement
20 these options and an estimate of the cost of each option.
- 21 (4) Identification of any legal, practical, or financial obstacles that
22 would need to be addressed before prisoners could be deployed
23 in this manner.

24 **SECTION 3.** Section 1 of this act becomes effective October 1, 2013.
25 The remainder of this act is effective when it becomes law.