

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 814
Committee Substitute Favorable 4/26/23

Short Title: Emergency Management Mods.

(Public)

Sponsors:

Referred to:

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT ACT
3 AND OTHER PROVISIONS GOVERNING EMERGENCY MANAGEMENT, AS
4 RECOMMENDED BY THE DIVISION OF EMERGENCY MANAGEMENT OF THE
5 DEPARTMENT OF PUBLIC SAFETY.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 166A-19.12 reads as rewritten:

8 "§ 166A-19.12. Powers of the Division of Emergency Management.

9 The Division of Emergency Management shall have the following powers and duties as
10 delegated by the Governor and Secretary of Public Safety:

11 ...

12 (4) ~~Establishment of a voluntary model registry for use by political subdivisions~~
13 ~~in identifying functionally and medically fragile persons in need of assistance~~
14 ~~during an emergency. All records, data, information, correspondence, and~~
15 ~~communications relating to the registration of persons with special needs or~~
16 ~~of functionally and medically fragile persons obtained pursuant to this~~
17 ~~subdivision are confidential and are not a public record pursuant to G.S. 132-1~~
18 ~~or any other applicable statute, except that this information shall be available~~
19 ~~to emergency response agencies, as determined by the local emergency~~
20 ~~management director. This information shall be used only for the purposes set~~
21 ~~forth in this subdivision.~~

22 ...

23 (16) Establishing and operating a 24-hour ~~Operations-Watch~~ Center to serve as a
24 single point of contact for local governments to report the occurrence of
25 emergency and disaster events and to coordinate local and State response
26 assets. The Division shall record all telephone calls to the 24-hour ~~Operations~~
27 ~~Watch~~ Center emergency hotline and shall maintain the recording of each
28 telephone call for at least one year.

29 ...

30 (26) The Division may contract for services from vendors specializing in (i) repair,
31 replacement, construction, or improvements to infrastructure or equipment on
32 private residential structures or public structures damaged as a result of hazard
33 mitigation and (ii) construction or improvement of infrastructure to support
34 hazard mitigation on private residential structures and public structures for the
35 purpose of implementing hazard mitigation programs on behalf of the State or
36 political subdivisions of the State. For the purposes of this subdivision, the



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1 term "infrastructure" includes nonresidential buildings that serve the public,
2 water, sewer, and stormwater systems, and other publicly owned assets.
3 Nothing in this subdivision is intended to exempt the Division from other
4 requirements of Article 8 of Chapter 143 of the General Statutes.

5 (27) The Division shall establish and maintain a Statewide Interoperability
6 Coordinator (SWIC) to coordinate voice and data interoperability programs,
7 processes, and initiatives. The SWIC shall be designated as the individual
8 currently serving as the Executive Director of the North Carolina
9 Interoperability Executive Committee, and the Committee shall address
10 matters of governance, technology, usage, training, exercises, and policy that
11 pertain to voice and data interoperability.

12 (28) The Division shall support local, regional, State, and federal disaster
13 communications planning and response through integrated planning,
14 including all of the following:

- 15 a. Disaster response communications processes.
- 16 b. Public safety answering point disaster and recovery planning and
17 consequence management, including developing and maintaining the
18 Telecommunicator Emergency Response Team program.
- 19 c. Backup primary, alternate, contingent, and emergent communications
20 planning for essential information pathways.
- 21 d. Training and qualifying communications personnel and resources that
22 can respond to requests for assistance."

23 **SECTION 2.(a)** G.S. 102-1.1 is repealed.

24 **SECTION 2.(b)** Chapter 102 of the General Statutes is amended by adding a new
25 section to read:

26 **"§ 102-1.2. Name and description in relation to the North American Terrestrial Reference**
27 **Frame of 2022.**

28 From and after the date and time the North Carolina Geodetic Survey Section in the Division
29 of Emergency Management of the Department of Public Safety receives from the National
30 Oceanic and Atmospheric Administration's National Geodetic Survey (NGS) official notice of a
31 complete, published definition of the North American Terrestrial Reference Frame of 2022
32 (NATRF2022), including the State plane coordinate constants applicable to North Carolina, the
33 official survey base for North Carolina shall be a system of plane coordinates to be known as the
34 "North Carolina Coordinate System of 2022," said system being defined as a one-parallel
35 Lambert conformal conic projection of the "Geodetic Reference System (GRS 80) ellipsoid"
36 having a central meridian of 79° – 00' west from the prime meridian and a central parallel of
37 latitude of 35° – 15' north of the equator, along which parallel the scale shall be exactly 0.999 96
38 or 1 part in 25,000 smaller than unity. All coordinates of the system are expressed in meters, the
39 east or x coordinate being measured easterly along the grid and the north or y coordinate being
40 measured northerly along the grid. The International Foot, 1 foot = 0.3048 meter exactly, shall
41 be used as a conversion factor. The origin of the coordinates is hereby established at the
42 intersection of the central meridian and the central parallel, such origin being given the
43 coordinates of east or x = 1,000,000 meters and north or y = 200,000 meters. The precise position
44 of said system shall be as marked on the ground by geodetic monuments and Continuously
45 Operating Reference Stations (CORs) established in conformity with the standards adopted by
46 NGS, whose geodetic positions have been adjusted on NATRF2022, and whose plane
47 coordinates have been computed on the system defined. Whenever plane coordinates are used in
48 the description or identification of surface area or location within this State, the coordinates shall
49 be identified as "NATRF2022," indicating North American Terrestrial Reference Frame of 2022,
50 or as "NAD 83," indicating North American Datum of 1983, or as "NAD 27," indicating North
51 American Datum of 1927."

1 SECTION 2.(c) Chapter 102 of the General Statutes is amended by adding a new
2 section to read:

3 **"§ 102-1.3. Name and description of future horizontal and vertical reference frames.**

4 From and after the date and time that the North Carolina Geodetic Survey Section in the
5 Division of Emergency Management of the Department of Public Safety receives an official
6 notice from the National Geodetic Survey of a change or adjustment to NATRF2022 or any other
7 part of the National Spatial Reference System (NSRS), the North Carolina Geodetic Survey will
8 have the authority, as described in G.S. 102-9, to adopt rules, regulations, and specifications on
9 the official use or characteristics of any future horizontal or vertical reference frames and
10 associated coordinate systems of the NSRS."

11 SECTION 2.(d) G.S. 102-11 reads as rewritten:

12 **"§ 102-11. Vertical control.**

13 Whereas the foregoing provisions of this Chapter heretofore are related to horizontal control
14 only, the administrative agency may adopt standards for vertical control or levying surveys
15 consistent with those recommended by and used by the United States ~~Coast and National~~
16 Geodetic Survey, and make or cause to be made such surveys as are necessary to complete the
17 vertical control of North Carolina, in accordance with the provisions for horizontal control
18 surveys as defined in this Chapter. The administrative agency shall have the authority to
19 determine the official vertical datum used in this State."

20 SECTION 3. G.S. 153A-18 reads as rewritten:

21 **"§ 153A-18. Uncertain or disputed boundary.**

22 (a) If two or more counties are uncertain as to the exact location of the boundary between
23 them, the North Carolina Geodetic Survey (NCGS), on a cooperative basis, shall assist counties
24 in defining and monumenting the location of the uncertain or disputed boundary as established
25 in accordance with law. Upon receiving written request from all counties adjacent to the uncertain
26 or disputed boundary, the NCGS may cause the boundary to be surveyed, marked, and mapped.
27 The counties may appoint special commissioners to supervise the surveying, marking, and
28 mapping. A commissioner so appointed or a person surveying or marking the boundary may enter
29 upon private property to view and survey the boundary or to erect boundary markers. Upon
30 ratification of the survey by the board of commissioners of each county, a map showing the
31 surveyed boundary shall be recorded in the office of the register of deeds of each county in the
32 manner provided by law for the recordation of maps or plats and in the Secretary of State's office.
33 The map shall contain a reference to the date of each resolution of ratification and to the page in
34 the minutes of each board of commissioners where the resolution may be found. Upon
35 recordation, the map is conclusive as to the location of the boundary. Upon reestablishing all, or
36 some portion, of a county boundary, and if after the NCGS submits the results of the survey to
37 the requesting counties, and the requesting counties have not ratified the reestablished boundary
38 within one year of receiving the (map) survey plat denoting the location of the reestablished
39 boundary, the survey plat will become conclusive as to the location of the boundary and will be
40 recorded in the Register of Deeds in each affected county and in the Secretary of State's office.
41 The Chief of the NCGS (State Surveyor) will notify each affected party in writing of the action
42 taken. As used in this subsection, an "affected party" means both (i) the governing body of a
43 county that the reestablished boundary denotes the extent of its jurisdiction and (ii) a property
44 owner whose real property has been placed in whole or in part in another county due to the
45 reestablished boundary. The North Carolina Geodetic Survey maintained by the Division of
46 Emergency Management of the Department of Public Safety is the authoritative source for North
47 Carolina county and State boundary information.

48 ...

49 (c) Two or more counties may establish the boundary between them pursuant to
50 subsection (a) of this section. Those boundaries are defined by natural monuments such as rivers,
51 streams, and ridgelines. The use of base maps prepared from orthophotography or Light

1 Detection and Ranging may be used if said natural monuments are visible, which base maps show
2 ~~the monuments of the National Geodetic Survey and are referenced and connected to the~~ North
3 Carolina State Plane Coordinate System established pursuant to Chapter 102 of the General
4 Statutes. The orthophotography or Light Detection and Ranging shall be prepared in compliance
5 with the State's adopted orthophotography ~~standard.~~ Light Detection and Ranging standard,
6 respectively. Upon ratification of the location of the boundary determined from
7 ~~orthophotography~~ orthophotography, Light Detection and Ranging, or a combination of both, by
8 the board of commissioners of each county, the map showing the boundary and the monuments
9 of the National Geodetic Survey and North Carolina Coordinate System shall be recorded in the
10 Office of the Register of Deeds of each county and in the Secretary of State's office. The map
11 shall contain a reference to the date of each resolution of ratification and to the page in the
12 minutes of each board of commissioners where the resolution may be ~~found.~~ found and county
13 boundary metadata and State plane coordinates of all county boundary points information. Upon
14 recordation, the map is conclusive as to the location of the boundary."

15 **SECTION 4.** Part 2 of Article 1A of Chapter 166A of the General Statutes is
16 amended by adding a new section to read:

17 **"§ 166A-19.14A. North Carolina Flood Inundation Mapping and Alert Network records.**

18 (a) Notwithstanding G.S. 132-6, any electronic mailing list of individual subscribers to
19 the North Carolina Flood Inundation Mapping and Alert Network shall be made available for
20 public inspection in either printed or electronic format, or both, in the discretion of the Division
21 of Emergency Management. The Division shall not be required to provide a copy of the list of
22 individual subscribers upon request.

23 (b) The Division may only use the list for the following purposes:

24 (1) For the purpose for which the individual was subscribed to the list.

25 (2) To notify the subscribers of an emergency to the public health or public safety.

26 (3) To notify subscribers of the existence of any similar lists to subscribe to in the
27 event the list is deleted."

28 **SECTION 5.** The funds appropriated to the Division of Emergency Management of
29 the Department of Public Safety in (i) the Committee Report, as described in Section 39.2 of S.L.
30 2018-5, for GuardianAngel Emergency Management Personnel/Equipment Tracking Tool
31 referenced in Item 12 on Page E9 of that report and (ii) the Committee Report, as described in
32 Section 43.2 of S.L. 2021-180, for Asset Tracking and Management – UNC referenced in Item
33 152 on Page E51 of that report, shall instead be used by the Division, the North Carolina National
34 Guard, and other agencies for funding for licenses and payment of vendor fees for personnel and
35 equipment tracking and management capabilities.

36 **SECTION 6.** G.S. 166A-69 reads as rewritten:

37 **"§ 166A-69. North Carolina Search and Rescue Team Advisory Committee.**

38 (a) The North Carolina Search and Rescue Team Advisory Committee is created. The
39 Secretary shall appoint the members of the Committee and shall designate the Director ~~or Deputy~~
40 ~~Director~~ of the North Carolina Division of Emergency Management or the Director's designee as
41 the chair. In making appointments, the Secretary shall take into consideration the expertise of the
42 appointees in the management of search and rescue or specialty response team missions. The
43 Secretary shall appoint one representative from each of the following:

44 (1) The Division of North Carolina Emergency Management, who shall be the
45 Director ~~or Deputy Director~~ of the North Carolina Division of Emergency
46 Management or the Director's designee and who shall serve as the chair.

47 (2) Each state regional contract response team's Chief or Deputy Chief.

48 (3) The North Carolina Office of State Fire Marshal.

49 (4) The North Carolina Highway Patrol.

50 (5) The North Carolina National Guard.

51 (6) The North Carolina Association of Rescue and E.M.S., Inc.

- 1 (7) The North Carolina Association of Fire Chiefs.
- 2 (8) The North Carolina State Firefighters' Association.
- 3 (9) The North Carolina Emergency Management Association.
- 4 (10) A program representative from each of the following specialty rescue
- 5 programs:
- 6 a. Helicopter rescue.
- 7 b. Swiftwater rescue.
- 8 c. Mountain rescue.
- 9 d. Wilderness search and rescue.

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

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

17 (d) The Contract Response Team Advisory Committee shall advise the Secretary on the
18 establishment of the North Carolina Search and Rescue Program. The Committee shall also
19 evaluate and advise the Secretary of the need for additional contract response teams to serve the
20 State."

21 **SECTION 7.** Of the recurring funds appropriated to the Division of Emergency
22 Management of the Department of Public Safety for the State Search and Rescue Program, the
23 Division may use up to two hundred thousand dollars (\$200,000) each fiscal year to support the
24 transfer of two existing full-time equivalent positions from federal grant funding support to those
25 State funds in order to provide and ensure consistent management and oversight of the State
26 Search and Rescue Program.

27 **SECTION 8.** G.S. 166A-29.1 reads as rewritten:

28 "**§ 166A-29.1. Hazardous materials facility fee.**

29 (a) Definitions. – The following definitions apply in this section:

- 30 (1) EPCRA. – The federal Emergency Planning and Community Right-to-Know
31 Act, P.L. No. 99-499 et. Seq.
- 32 (2) Extremely hazardous substance. – Any substance, regardless of its state, set
33 forth in 40 C.F.R. Part 355, Appendix A or B.
- 34 (3) Hazardous chemical. – As defined in 29 C.F.R. 1910.1200(c), except that the
35 term does not include any of the following:
 - 36 a. Any food, food additive, color additive, drug, or cosmetic regulated by
37 the Food and Drug Administration.
 - 38 b. Any substance present as a solid in any manufactured item to the
39 extent exposure to the substance does not occur under normal
40 conditions of use.
 - 41 c. Any substance to the extent that it is used for personal, family, or
42 household purposes or is present in the same form and concentration
43 as a product packaged for distribution and use by the public.
 - 44 d. Any substance to the extent that it is used in a research laboratory or a
45 hospital or other medical facility under the direct supervision of a
46 technically qualified individual.
 - 47 e. Any substance to the extent that it is used in routine agricultural
48 operations or is a fertilizer held for sale by a retailer to the ultimate
49 consumer.

50 (b) Annual Fee Shall Be Charged. – A person or business required under Section 302 or
51 312 of EPCRA to submit a notification or an annual inventory form to the Division shall be

1 required to pay to the Department an annual fee in the amount set forth in subsection (c) of this
2 section.

3 (b1) Account Created. – There is created the Hazardous Material Facility Account as a
4 special, nonreverting account within the Department. All fees collected under this section shall
5 be credited to the Account and shall be used to support the hazardous materials response
6 programs established in accordance with subsection (f) of this section.

7 ...

8 (f) Use of Fee Proceeds. – The proceeds of fees assessed pursuant to this section shall be
9 used for the following:

- 10 (1) To offset costs associated with the establishment and maintenance of a
11 hazardous materials database and a hazardous materials response application.
- 12 (2) To offset costs associated with the operations of the regional response
13 program for hazardous materials emergencies and terrorist incidents.
- 14 (3) To provide grants to counties for hazardous materials emergency response
15 planning, training, and related exercises.
- 16 (4) To offset Division costs that directly support hazardous materials emergency
17 preparedness and response."

18 **SECTION 9.** G.S. 166A-61 reads as rewritten:

19 **"§ 166A-61. Program standards and guidelines.**

20 (a) The Division shall establish standards and guidelines for administration of the
21 Program, including:

- 22 ~~(1) Minimum educational and training standards that must be met in order to~~
23 ~~qualify for Type IV (entry), Type III (basic), Type II (intermediate), and Type~~
24 ~~I (advanced) emergency management certification.~~
- 25 ~~(2) Levels of education or equivalent experience that may be met in order to~~
26 ~~qualify for the certifications provided for in subdivision (1) of this subsection.~~
- 27 ~~(3) Levels of education or equivalent experience for instructors who participate~~
28 ~~in programs or courses of instruction.~~
- 29 ~~(4) Curricula, syllabi, and other educational materials.~~
- 30 ~~(5) Mode(s) of delivery of educational and training programs.~~ Program.

31 (b) In developing the Program, the Division may consult and cooperate with political
32 subdivisions, agencies of the State, other governmental agencies, universities, colleges,
33 community colleges, and other institutions, public or private, concerning the development of the
34 Program and a systematic career development plan, including conducting and stimulating
35 research by public and private agencies designed to improve education and training in the
36 administration of emergency management.

37 (c) The Division shall study and make reports and recommendations to the Secretary of
38 Public Safety and other appropriate agencies and officials concerning compliance with federal
39 guidance, training, educational, technical assistance needs, and equipment needs of State and
40 local emergency management agencies."

41 **SECTION 10.** This act is effective when it becomes law.