

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 300*

Short Title: Amend NC Emergency Management Laws. (Public)

Sponsors: Senators Odom; Albertson, Ballance, Ballantine, Berger, Bingham, Carpenter, Carter, Forrester, Foxx, Garrou, Garwood, Hagan, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Lee, Lucas, Martin of Pitt, Metcalf, Plyler, Purcell, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Swindell, Thomas, Warren, Weinstein, and Wellons.

Referred to: State and Local Government.

March 5, 2001

A BILL TO BE ENTITLED
AN ACT TO AMEND THE LAWS REGARDING EMERGENCY MANAGEMENT
AS RECOMMENDED BY THE LEGISLATIVE DISASTER RESPONSE AND
RECOVERY COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 166A-4 reads as rewritten:

"§ 166A-4. Definitions.

The following definitions apply in this Article:

(1) "Associated Expenses." – The costs of administering the disaster or emergency assistance program.

~~(1) "Emergency Management."—Those measures taken by the populace and governments at federal, State, and local levels to minimize the adverse effect of any type disaster, which include the never ending preparedness cycle of prevention, mitigation, warning, movement, shelter, emergency assistance and recovery.~~

~~(2) "Emergency Management Agency."—A State or local governmental agency charged with coordination of all emergency management activities for its jurisdiction.~~

(2) "Contiguous Counties or Other Political Subdivisions." – Those land areas that abut the land area of the declared disaster area without geographic separation other than by a minor body of water, not to exceed one mile between the land areas of the counties or other political subdivisions.

- 1 (3) "Disaster." – An occurrence or imminent threat of widespread or
2 severe damage, injury, or loss of life or property resulting from any
3 natural or man-made accidental, military or paramilitary cause.
- 4 (4) "Disaster Area." – The geographical areas affected by the disaster,
5 including contiguous counties or other political subdivisions.
- 6 (5) "Eligible Entity." – Any political subdivision. The term also includes
7 an owner or operator of a private nonprofit utility that meets the
8 eligibility criteria set out in this Chapter of the General Statutes.
- 9 (6) "Emergency." – The condition that exists whenever, during times of
10 public crisis, disaster, rioting, catastrophe, or similar public
11 emergency, public safety authorities are unable to maintain public
12 order or afford adequate protection for lives or property, or whenever
13 the occurrence of any such condition is imminent.
- 14 (7) "Emergency Management." – Those measures taken by the populace
15 and governments at federal, State, and local levels to minimize the
16 adverse effect of any type disaster, which include the never-ending
17 preparedness cycle of prevention, mitigation, warning, movement,
18 shelter, emergency assistance, and recovery.
- 19 (8) "Emergency Management Agency." – A State or local governmental
20 agency charged with coordination of all emergency management
21 activities for its jurisdiction.
- 22 (9) "Law Enforcement Officer." – Any officer of the State of North
23 Carolina or any of its political subdivisions authorized to make arrests;
24 any other person authorized under the laws of North Carolina to make
25 arrests and either acting within his territorial jurisdiction or in an area
26 in which he has been lawfully called to duty by the Governor or any
27 mayor or chair of the board of county commissioners; any member of
28 the armed forces of the United States, the North Carolina national
29 guard, or the State defense militia called to duty in a state of
30 emergency in North Carolina and made responsible for enforcing the
31 laws of North Carolina or preserving the public peace; or any officer
32 of the United States authorized to make arrests without warrant and
33 assigned to duties that include preserving the public peace in North
34 Carolina.
- 35 (10) "Mayor." – The mayor or other chief executive official of a
36 municipality or, in case of the mayor's absence or disability, the person
37 authorized to act in the mayor's stead. Unless the governing body of
38 the municipality has specified who is to act in lieu of the mayor with
39 respect to a particular power or duty set out in this Article, the word
40 "mayor" shall apply to the person generally authorized to act in lieu of
41 the mayor.
- 42 (4)(11) "Political Subdivision." – Counties and incorporated cities, towns and
43 villages.

- 1 (12) "Preliminary Damage Assessment." – The process used by State, local,
2 or federal emergency management workers to determine the severity
3 and magnitude of damages caused by a disaster event.
- 4 (13) "Private Nonprofit Utilities." – A utility that would be eligible for
5 federal public assistance disaster funds pursuant to 44 C.F.R. Part 206.
- 6 (14) "State Acquisition and Relocation Fund." – State funding for
7 supplemental grants to homeowners participating in a Hazard
8 Mitigation Grant Program (HMGP) Acquisition and Relocation
9 program. These grants are used to acquire safe, decent, and sanitary
10 housing by paying the difference between the cost of the home
11 acquired under the HMGP Program and the cost of a comparable home
12 located outside the 100-year floodplain.
- 13 (15) "State of Emergency." – A state of emergency found and proclaimed
14 by the Governor under the authority of G.S. 166A-6, by any mayor or
15 other municipal official or officials, by any chair of the board of
16 commissioners of any county or other county official or officials, by
17 any chair of the board of county commissioners, by any chief
18 executive official or acting chief executive official of any county or
19 municipality acting under the authority of any other applicable statute
20 or provision of the common law to preserve the public peace in a state
21 of emergency, or by any executive official or military commanding
22 officer of the United States or the State of North Carolina who
23 becomes primarily responsible under applicable law for the
24 preservation of the public peace within any part of North Carolina.
- 25 (16) "Type I Disaster." – A disaster of limited severity that causes damages
26 within the jurisdictional boundaries of one or more political
27 subdivisions: (i) that meet or exceed the criteria established for the
28 Small Business Administration Disaster Loan Program pursuant to 13
29 C.F.R. Part 123; or (ii) that meet or exceed the State infrastructure
30 criteria as provided in this Chapter, but for which the State has not yet
31 received a major disaster declaration by the President of the United
32 States pursuant to the Robert T. Stafford Disaster Relief and
33 Emergency Assistance Act, 42 U.S.C. § 5121, et seq., ("The Stafford
34 Act").
- 35 (17) "Type II Disaster." – A disaster that causes damages within the
36 jurisdictional boundaries of one or more political subdivisions that
37 meet or exceed the criteria established for a major disaster declaration
38 under the Stafford Act.
- 39 (18) "Type III Disaster." – A disaster that causes damages within the
40 jurisdictional boundaries of one or more political subdivisions that:
41 a. Meet or exceed the criteria established for a major disaster
42 declaration under the Stafford Act that are reasonably expected
43 to meet the threshold established for an increased federal share

1 of disaster assistance under applicable federal law and
2 regulations; or

- 3 b. Require the Governor to call a special session of the General
4 Assembly to implement, activate, or retool programs
5 established in S.L. 1999-463 Extra Session or to create other
6 programs to meet the unmet needs of individuals, persons, or
7 political subdivisions affected by a disaster."

8 **SECTION 2.** G.S. 166A-5 reads as rewritten:

9 **"§ 166A-5. State emergency management.**

10 The State emergency management program includes all aspects of preparations for,
11 response to and recovery from war or peacetime disasters.

- 12 (1) Governor. – The Governor shall have general direction and control of
13 the State emergency management program and shall be responsible for
14 carrying out the provisions of this Article.

15 a. The Governor is authorized and empowered:

- 16 1. To make, amend or rescind the necessary orders, rules
17 and regulations within the limits of the authority
18 conferred upon him herein, with due consideration of the
19 policies of the federal government.
20 2. To delegate any authority vested in him under this
21 Article and to provide for the subdelegation of any such
22 authority.
23 3. To cooperate and coordinate with the President and the
24 heads of the departments and agencies of the federal
25 government, and with other appropriate federal officers
26 and agencies, and with the officers and agencies of other
27 states and local units of government in matters pertaining
28 to the emergency management of the State and nation.
29 4. To enter into agreements with the American National
30 Red Cross, Salvation Army, Mennonite Disaster Service
31 and other disaster relief organizations.
32 5. To make, amend, or rescind mutual aid agreements in
33 accordance with G.S. 166A-10.
34 6. To utilize the services, equipment, supplies and facilities
35 of existing departments, offices and agencies of the State
36 and of the political subdivisions thereof. The officers and
37 personnel of all such departments, offices and agencies
38 are required to cooperate with and extend such services
39 and facilities to the Governor upon request. This
40 authority shall extend to a state of emergency, state of
41 disaster, imminent threat of disaster or emergency
42 management planning and training purposes.
43 7. To agree, when required to obtain federal assistance in
44 debris removal, that the State will indemnify the federal

- 1 government against any claim arising from the
2 ~~removal-removal of the debris.~~
- 3 8. To sell, lend, lease, give, transfer or deliver materials or
4 perform services for disaster purposes on such terms and
5 conditions as may be prescribed by any existing law, and
6 to account to the State Treasurer for any funds received
7 for such property.
- 8 9. To use contingency and emergency funds as necessary
9 and appropriate to provide relief and assistance from the
10 effects of a disaster, and to reallocate such other funds as
11 may reasonably be available within the appropriations of
12 the various departments when the severity and
13 magnitude of such disaster so requires and the
14 contingency and emergency funds are insufficient or
15 inappropriate.
- 16 b. In the threat of or event of a disaster, or when requested by the
17 governing body of any political subdivision in the State, the
18 Governor may assume operational control over all or any part
19 of the emergency management functions within this State.
- 20 (2) Secretary of Crime Control and Public Safety. – The Secretary of
21 Crime Control and Public Safety shall be responsible to the Governor
22 for State emergency management activities and shall have:
- 23 a. The power, as delegated by the Governor, to activate the State
24 and local plans applicable to the areas in question and he shall
25 be empowered to authorize and direct the deployment and use
26 of any personnel and forces to which the plan or plans apply,
27 and the use or distribution of any supplies, equipment, materials
28 and facilities available pursuant to this Article or any other
29 provision of law.
- 30 a1. The power, as delegated by the Governor, to adopt the rules and
31 procedures needed to implement this Chapter.
- 32 a2. The Secretary shall develop a system of damage assessment
33 through which the Secretary will recommend the appropriate
34 level of disaster declaration to the Governor. The system shall,
35 at a minimum, consider whether the damage involved and its
36 effects are of such a severity and magnitude as to be beyond the
37 response capabilities of the local government or political
38 subdivision.
- 39 b. Additional authority, duties, and responsibilities as may be
40 prescribed by the Governor, and he may subdelegate his
41 authority to the appropriate member of his department.
- 42 (3) Functions of State Emergency Management. – The functions of the
43 State emergency management program include:

- 1 a. Coordination of the activities of all agencies for emergency
2 management within the State, including planning, organizing,
3 staffing, equipping, training, testing, and the activation of
4 emergency management programs.
- 5 b. Preparation and maintenance of State plans for man-made or
6 natural disasters. The State plans or any parts thereof may be
7 incorporated into department regulations and into executive
8 orders of the Governor.
- 9 c. Promulgation of standards and requirements for local plans and
10 programs, determination of eligibility for State financial
11 assistance provided for in G.S. 166A-7 and provision of
12 technical assistance to local governments.
- 13 d. Development and presentation of training programs and public
14 information programs to insure the furnishing of adequately
15 trained personnel and an informed public in time of need.
- 16 e. Making of such studies and surveys of the resources in this
17 State as may be necessary to ascertain the capabilities of the
18 State for emergency management, maintaining data on these
19 resources, and planning for the most efficient use thereof.
- 20 f. Coordination of the use of any private facilities, services, and
21 property.
- 22 g. Preparation for issuance by the Governor of executive orders,
23 proclamations, and regulations as necessary or appropriate.
- 24 h. Cooperation and maintenance of liaison with the other states,
25 federal government and any public or private agency or entity
26 in achieving any purpose of this Article and in implementing
27 programs for emergency, disaster or war prevention,
28 preparation, response, and recovery.
- 29 i. Making recommendations, as appropriate, for zoning, building
30 and other land-use controls, and safety measures for securing
31 mobile homes or other nonpermanent or semipermanent works
32 designed to protect against or mitigate the effects of a disaster.
- 33 j. Coordination of the use of existing means of communications
34 and supplementing communications resources and integrating
35 them into a comprehensive State or State-federal
36 telecommunications or other communications system or
37 network."

38 **SECTION 3.** G.S. 166A-6 reads as rewritten:

39 **"§ 166A-6. State of emergency, threatened disaster, and state of disaster.**

40 (a) The existence of a state of disaster may be proclaimed by the Governor, or by
41 a resolution of the General Assembly if either of these finds that a disaster threatens or
42 exists.

43 (a1) When the Governor determines that a state of emergency exists in any part of
44 North Carolina, the Governor may exercise the powers conferred by this section if the

1 Governor further finds that local control of the emergency is insufficient to assure
2 adequate protection for lives and property. Local control shall be deemed insufficient
3 only if any of the following circumstances exist:

4 (1) Needed control cannot be imposed locally because local
5 authorities responsible for preservation of the public peace have
6 not enacted appropriate ordinances or issued appropriate
7 proclamations as authorized by G.S. 166A-8.

8 (2) Local authorities have not taken implementing steps under such
9 ordinances or proclamations, if enacted or proclaimed, for
10 effectual control of the emergency that has arisen.

11 (3) The area in which the state of emergency exists has spread
12 across local jurisdictional boundaries, and the legal control
13 measures of the jurisdictions are conflicting or uncoordinated to
14 the extent that efforts to protect life and property are, or
15 unquestionably will be, severely hampered.

16 (4) The scale of the emergency is so great that it exceeds the
17 capability of local authorities to cope with it.

18 (a2) The Governor, when acting under the authority of this section, may by
19 proclamation impose prohibitions and restrictions in all areas affected by the state of
20 emergency and give to all participating State and local agencies and officers any
21 directions needed to assure coordination among them. These directions may include the
22 designation of the officer or agency responsible for directing and controlling the
23 participation of all public agencies and officers in the emergency. The Governor may
24 make this designation in any manner that, in the Governor's discretion, seems most
25 likely to be effective. Any law enforcement officer participating in the control of a state
26 of emergency in which the Governor is exercising control under this section shall have
27 the same power and authority as a sheriff throughout the territory to which the law
28 enforcement officer is assigned.

29 (a3) The Governor in the Governor's discretion, as appropriate to deal with the
30 emergency then occurring or likely to occur, may impose any one or more or all of the
31 types of prohibitions and restrictions enumerated in G.S. 166A-8A and may amend or
32 rescind any prohibitions and restrictions imposed by local authorities.

33 (a4) Any person who violates any provision of a proclamation of the Governor
34 issued under the authority of this section is guilty of a Class 2 misdemeanor.

35 (a5) The Governor, by proclamation, or the General Assembly, by resolution, may
36 declare a Type I, Type II, or Type III Disaster, if warranted, based upon the severity of
37 damage caused by a disaster that impacts the State. Such a declaration, if made, shall be
38 based upon a preliminary damage assessment provided to the Governor or the General
39 Assembly.

40 (a6) A Type I disaster may be declared if all of the following criteria are met:

41 (1) A local state of emergency has been declared pursuant to G.S. 166A-8.

42 (2) The governing body of any municipality or county seeking disaster
43 assistance sends a written request for a Type I disaster declaration to

1 the Governor or the General Assembly within five days of the
2 declaration of the local state of emergency.

3 (3) The preliminary damage assessment meets or exceeds the criteria
4 established for the Small Business Administration Disaster Loan
5 Program pursuant to 13 C.F.R. Part 123 or meets or exceeds the State
6 infrastructure criteria as provided in this Chapter.

7 (4) A major disaster declaration by the President of the United States
8 pursuant to 42 U.S.C. § 5121, et seq. ("The Stafford Act") has not yet
9 been declared.

10 (a7) A Type I disaster declaration may be made by the Governor or the General
11 Assembly prior to, and independently of, any action taken by the Small Business
12 Administration, the Federal Emergency Management Agency (FEMA), or any other
13 federal agency. A Type I disaster declaration shall expire 30 days after its issuance
14 unless renewed by the Governor or the General Assembly. Such renewals may be made
15 in increments of 30 days each, not to exceed a total of 120 days from the date of first
16 issuance. The Joint Legislative Commission on Governmental Operations shall be
17 notified prior to the issuance of any renewal of a Type I disaster declaration.

18 (a8) A Type II disaster may be declared if a major disaster declaration by the
19 President of the United States pursuant to the Stafford Act has been issued. The
20 Governor may request federal disaster assistance under the Stafford Act without making
21 a Type I disaster declaration. A Type II disaster declaration shall expire six months
22 after its issuance unless renewed by the Governor or the General Assembly. Such
23 renewals may be made in increments of three months each, not to exceed a total of 12
24 months from the date of first issuance. The Joint Legislative Commission on
25 Governmental Operations shall be notified prior to the issuance of any renewal of a
26 Type II disaster declaration.

27 (a9) A Type III disaster may be declared if the President of the United States
28 issues a major disaster declaration under the Stafford Act. A Type III disaster
29 declaration shall expire 12 months after its issuance unless renewed by the General
30 Assembly.

31 (a10) Any state of disaster declared before January 1, 2002, shall terminate by a
32 proclamation of the Governor or resolution of the General Assembly. A proclamation or
33 resolution declaring or terminating a state of disaster shall be disseminated promptly by
34 means calculated to bring its contents to the attention of the general public and, unless
35 the circumstances attendant upon the disaster prevent or impede, promptly filed with the
36 Secretary of Crime Control and Public Safety, the Secretary of State and the clerks of
37 superior court in the area to which it applies.

38 (a11) When it is determined by the Governor that a great public crisis, disaster, riot,
39 catastrophe, or any other similar public emergency exists, or the occurrence of any such
40 condition is imminent, and, in the Governor's opinion, it is necessary to evacuate any
41 building owned or controlled by any department, agency, institution, school, college,
42 board, division, commission, or subdivision of the State in order to maintain public
43 order and safety or to afford adequate protection for lives or property, the Governor may
44 issue an order of evacuation directing all persons within the building to leave the

1 building and its premises. The order shall be delivered to any law enforcement officer or
2 officer of the national guard, and the officer shall, by a suitable public address system,
3 read the order to the occupants of the building and demand that the occupants evacuate
4 the building within the time specified in the Governor's order.

5 Any person who willfully refuses to leave the building as directed in the Governor's
6 order shall be guilty of a Class 2 misdemeanor.

7 (b) In addition to any other powers conferred upon the Governor by law, during
8 ~~the state of disaster, he a state of emergency or disaster,~~ the Governor shall have the
9 following:

- 10 (1) To utilize all available State resources as reasonably necessary to cope
11 with an ~~emergency,~~ emergency or disaster, including the transfer and
12 direction of personnel or functions of State agencies or units thereof
13 for the purpose of performing or facilitating emergency services;
- 14 (2) To take such action and give such directions to State and local
15 law-enforcement officers and agencies as may be reasonable and
16 necessary for the purpose of securing compliance with the provisions
17 of this Article and with the orders, rules and regulations made pursuant
18 thereto;
- 19 (3) To take steps to assure that measures, including the installation of
20 public utilities, are taken when necessary to qualify for temporary
21 housing assistance from the federal government when that assistance is
22 required to protect the public health, welfare, and safety;
- 23 (4) Subject to the provisions of the State Constitution to relieve any public
24 official having administrative responsibilities under this Article of
25 such responsibilities for willful failure to obey an order, rule or
26 regulation adopted pursuant to this Article.

27 (c) In addition, during a state of emergency or disaster, with the concurrence of
28 the Council of State, the Governor has the following powers:

- 29 (1) To direct and compel the evacuation of all or part of the population
30 from any stricken or threatened area within the State, to prescribe
31 routes, modes of transportation, and destinations in connection with
32 evacuation; and to control ingress and egress of a disaster area, the
33 movement of persons within the area, and the occupancy of premises
34 therein;
- 35 (2) To establish a system of economic controls over all resources,
36 materials and services to include food, clothing, shelter, fuel, rents and
37 wages, including the administration and enforcement of any rationing,
38 price freezing or similar federal order or regulation;
- 39 (3) To regulate and control the flow of vehicular and pedestrian traffic, the
40 congregation of persons in public places or buildings, lights and noises
41 of all kinds and the maintenance, extension and operation of public
42 utility and transportation services and facilities;

- 1 (4) To waive a provision of any regulation or ordinance of a State agency
2 or a local governmental unit which restricts the immediate relief of
3 human suffering;
- 4 (5) To use contingency and emergency funds as necessary and appropriate
5 to provide relief and assistance from the effects of a disaster, and to
6 reallocate such other funds as may reasonably be available within the
7 appropriations of the various departments when the severity and
8 magnitude of such disaster so requires and the contingency and
9 emergency funds are insufficient or inappropriate;
- 10 (6) To perform and exercise such other functions, powers and duties as are
11 necessary to promote and secure the safety and protection of the
12 civilian population;
- 13 (7) To appoint or remove an executive head of any State agency or
14 institution the executive head of which is regularly selected by a State
15 board or commission.
- 16 a. Such an acting executive head will serve during:
- 17 1. The physical or mental incapacity of the regular office
18 holder, as determined by the Governor after such inquiry
19 as the Governor deems appropriate;
- 20 2. The continued absence of the regular holder of the
21 office; or
- 22 3. A vacancy in the office pending selection of a new
23 executive head.
- 24 b. An acting executive head of a State agency or institution
25 appointed in accordance with this subdivision may perform any
26 act and exercise any power which a regularly selected holder of
27 such office could lawfully perform and exercise.
- 28 c. All powers granted to an acting executive head of a State
29 agency or institution under this section shall expire
30 immediately:
- 31 1. Upon the termination of the incapacity as determined by
32 the Governor of the officer in whose stead he acts;
- 33 2. Upon the return of the officer in whose stead he acts; or
- 34 3. Upon the selection and qualification of a person to serve
35 for the unexpired term, or the selection of an acting
36 executive head of the agency or institution by the board
37 or commission authorized to make such selection, and
38 his qualification.
- 39 (8) To procure, by purchase, condemnation, seizure or by other means to
40 construct, lease, transport, store, maintain, renovate or distribute
41 materials and facilities for emergency management without regard to
42 the limitation of any existing law.

1 (d) In preparation for a state of emergency or disaster, with the concurrence of
2 the Council of State, the Governor may use contingency and emergency funds as
3 necessary and appropriate for National Guard training in preparation for disasters."

4 **SECTION 4.** Article I of Chapter 166A of the General Statutes is amended
5 by adding a new section to read:

6 "**§ 166A-6A. State-sponsored disaster and emergency assistance programs.**

7 (a) Pursuant to G.S. 166A-6, the Governor or the General Assembly may declare
8 a state of emergency and state of disaster. The Governor or the General Assembly may
9 declare a Type I, Type II, or Type III disaster under the provisions of this Chapter.

10 (b) The Governor may make grants to political subdivisions for disaster
11 assistance programs authorized by this Chapter of the General Statutes or other disaster
12 programs that are enacted by the General Assembly. Political subdivisions and
13 individuals shall apply for disaster assistance programs within the prescribed application
14 period. Benefits under the disaster assistance programs authorized by this Chapter may
15 continue to be disbursed after the termination of the disaster or emergency declaration.

16 (c) The State and eligible entities may be compensated for associated expenses.

17 (d) Pursuant to the declaration of a Type I disaster, the following programs may
18 be implemented:

19 (1) Individual Assistance. – The Governor may make a grant to a local
20 governmental unit in an area adversely affected by a declared disaster.
21 The local governmental unit shall use the funds to make grants to
22 individuals or families who are unable to meet disaster-related
23 necessary expenses or other serious needs resulting from a disaster. In
24 disaster areas, the Governor may make grants to meet the needs of
25 individuals and families regardless of whether the President has made
26 a major disaster declaration. Individual Assistance programs may
27 include all of the following:

28 a. Funding to provide temporary housing and rental assistance.

29 b. Funding to repair or replace real property and thereby meet the
30 unmet real property needs of individuals or families with
31 disaster-related real property losses. These funds shall be used
32 to make repair and replacement housing grants available to the
33 individuals or families in an amount necessary to relocate the
34 individual or family to safe, decent, and sanitary housing, but
35 shall not exceed seventy-five thousand dollars (\$75,000) per
36 family.

37 c. Funding to replace personal property (including clothing, tools,
38 and equipment).

39 d. Funding to repair, replace, or provide privately owned vehicles
40 or to provide public transportation.

41 e. Funding for medical or dental expenses.

42 f. Funding for funeral or burial expenses resulting from the
43 disaster.

1 g. Funding for the cost of the first year's flood insurance premium
2 to meet the requirements of the National Flood Insurance Act of
3 1968, as amended, 42 U.S.C. § 4001, et seq.

4 h. Funding for legal counseling.

5 (2) Public Assistance. – The Governor may make grants for public
6 assistance programs. To receive public assistance grants, eligible
7 entities must participate in the National Flood Insurance Program and
8 must have an approved hazard mitigation plan within one year after the
9 enactment of this statute.

10 a. The Governor may make public assistance grants to a political
11 subdivision for a public utility or to a person or entity that owns
12 or operates an eligible private nonprofit utility. The public
13 assistance grants may include associated expenses incurred by
14 the political subdivision, person, or entity.

15 b. Public Assistance programs include all of the following:

16 1. Debris clearance.

17 2. Emergency protective measures.

18 3. Roads and bridges.

19 4. Crisis counseling.

20 c. Pursuant to G.S. 166A-6, for any Type I disaster, the State of
21 North Carolina, through the Governor, may provide disaster or
22 emergency assistance to any political subdivision or eligible
23 private nonprofit utility for public assistance programs only
24 when both of the following occur:

25 1. There is a minimum of ten thousand dollars (\$10,000) in
26 uninsurable losses.

27 2. The losses equal or exceed five percent (5%) of the
28 annual operating budget.

29 d. Each political subdivision or eligible private nonprofit utility
30 receiving a State public assistance grant may be required to
31 provide matching funds to meet eligible costs and expenses.

32 e. Pursuant to G.S. 166A-6A, for Type I disasters, political
33 subdivisions, and owner or operator of an eligible private
34 nonprofit utility may be required to provide non-State matching
35 funds not to exceed twenty-five percent (25%) of the eligible
36 costs of the public assistance grant.

37 (e) For Type II or Type III disaster declarations, the Governor may make disaster
38 assistance grants when the federal assistance authorized by the Stafford Act does not
39 fully meet the needs of the individual or family. Associated expenses may be available
40 to the State and to eligible entities.

41 (1) Programs offered under Type II disasters include all of the following:

42 a. State Acquisition and Relocation Funds (SARF).

43 b. Repair and replacement housing grants available to the
44 individuals or families in an amount necessary to relocate the

1 individual and family to safe, decent, and sanitary housing not
2 to exceed seventy-five thousand dollars (\$75,000) per family.

3 (2) Programs offered under Type III disasters include all of the following:

4 a. State Acquisition and Relocation Funds (SARF).

5 b. Repair and replacement housing grants available to the
6 individuals or families in an amount necessary to relocate the
7 individual and family to safe, decent, and sanitary housing not
8 to exceed seventy-five thousand dollars (\$75,000) per family.

9 c. Any programs authorized by the General Assembly."

10 **SECTION 5.** G.S. 166A-8 reads as rewritten:

11 **"§ 166A-8. Local emergency authorizations.**

12 (1) A local state of emergency may be declared for any disaster, as defined
13 in ~~G.S. 166A-4~~ under the provisions of Article 36A of G.S. Chapter
14 ~~14~~.G.S. 166A-4.

15 (2) ~~Such a~~The declaration shall activate the local ordinances authorized in
16 ~~G.S. 14 288.12 through 14 288.14~~ G.S. 166A-8A through G.S. 166A-
17 8C and any and all applicable local plans, mutual assistance compacts
18 and agreements and shall also authorize the furnishing of assistance
19 there under.

20 (3) The timing, publication, amendment and rescision of local "state of
21 emergency" declarations shall be in accordance with the local
22 ordinance."

23 **SECTION 6.** Article 1 of Chapter 166A of the General Statutes is amended
24 by adding the following new sections:

25 **"§ 166A-8A. Powers of municipalities to enact ordinances to deal with states of**
26 **emergency.**

27 (a) The governing body of any municipality may enact ordinances designed to
28 permit the imposition of prohibitions and restrictions during a state of emergency. The
29 ordinances may delegate to the mayor of the municipality the authority to determine and
30 proclaim the existence of a state of emergency and to impose those authorized
31 prohibitions and restrictions appropriate at a particular time. The ordinances authorized
32 by this section may prohibit and restrict any of the following:

33 (1) The movements of people in public places.

34 (2) The operation of offices, business establishments, and other places to
35 or from which people may travel or at which they may congregate.

36 (3) The possession, transportation, sale, purchase, and consumption of
37 alcoholic beverages.

38 (4) The possession, transportation, sale, purchase, storage, and use of
39 dangerous weapons and substances, and gasoline.

40 (5) Any other activities or conditions the control of which may be
41 reasonably necessary to maintain order and protect lives or property
42 during the state of emergency.

43 (b) This section is intended to supplement and confirm the powers conferred by
44 G.S. 160A-174(a) and all other general and local laws authorizing municipalities to

1 enact ordinances for the protection of the public health and safety in times of riot or
2 other grave civil disturbance or emergency.

3 (c) Any ordinance of a type authorized by this section promulgated prior to June
4 19, 1969, shall, if otherwise valid, continue in full force and effect without reenactment.

5 (d) Any person who violates any provision of an ordinance or a proclamation
6 enacted or proclaimed under the authority of this section is guilty of a Class 3
7 misdemeanor.

8 **"§ 166A-8B. Powers of counties to enact ordinances to deal with states of**
9 **emergency.**

10 (a) The governing body of any county may enact ordinances designed to permit
11 the imposition of prohibitions and restrictions during a state of emergency.

12 (b) The ordinances authorized by this section may permit the same prohibitions
13 and restrictions to be imposed as enumerated in G.S. 166A-8(A). The ordinances may
14 delegate to the chair of the board of county commissioners the authority to determine
15 and proclaim the existence of a state of emergency and to impose those authorized
16 prohibitions and restrictions appropriate at a particular time.

17 (c) No ordinance enacted by a county under the authority of this section shall
18 apply within the corporate limits of any municipality or within any area of the county
19 over which the municipality has jurisdiction to enact general police-power ordinances
20 unless the municipality by resolution consents to its application.

21 (d) Any person who violates any provision of an ordinance or a proclamation
22 enacted or proclaimed under the authority of this section is guilty of a Class 3
23 misdemeanor.

24 **"§ 166A-8C. Power of chair of board of county commissioners to extend**
25 **emergency restrictions imposed in municipality.**

26 (a) The chair of the board of commissioners of any county who has been
27 requested to do so by a mayor may by proclamation extend the effect of any one or
28 more of the prohibitions and restrictions imposed in that mayor's municipality pursuant
29 to the authority granted in G.S. 166A-8(A). The chair may extend the prohibitions and
30 restrictions to any area within the county in which the chair determines it to be
31 necessary to assist in controlling the state of emergency within the municipality. No
32 prohibition or restriction extended by proclamation by the chair under the authority of
33 this section shall apply within the limits of any other municipality or within any area of
34 the county over which the municipality has jurisdiction to enact general police-power
35 ordinances unless that other municipality by resolution consents to its application.

36 (b) Whenever any chair of the board of county commissioners extends the effect
37 of municipal prohibitions and restrictions under the authority of this section to any area
38 of the county, it shall be deemed that a state of emergency has been validly found and
39 declared with respect to such area of the county.

40 (c) Any chair of a board of county commissioners extending prohibitions and
41 restrictions under the authority of this section must take reasonable steps to give notice
42 of its terms to those likely to be affected. The chair of the board of commissioners shall
43 proclaim the termination of any prohibitions and restrictions extended under the
44 authority of this section upon any of the following:

- 1 (1) The chair's determination that they are no longer necessary.
2 (2) The determination of the board of county commissioners that they are
3 no longer necessary.
4 (3) The termination of the prohibitions and restrictions within the
5 municipality.

6 (d) The powers authorized under this section may be exercised whether or not the
7 county has enacted ordinances under the authority of G.S. 166A-8(B). Exercise of this
8 authority shall not preclude the imposition of prohibitions and restrictions under any
9 ordinances enacted by the county under the authority of G.S. 166A-8(B).

10 (e) Any person who violates any provision of any prohibition or restriction
11 extended by proclamation under the authority of this section is guilty of a Class 3
12 misdemeanor.

13 **§ 166A-8D. Effective time, publication, amendment, and rescision of**
14 **proclamations.**

15 (a) This section applies to proclamations issued under the authority of G.S.
16 166A-8A, 166A-8B, 166A-8C, and any other applicable statutes and provisions of the
17 common law.

18 (b) All prohibitions and restrictions imposed by proclamation shall take effect
19 immediately upon publication of the proclamation in the area affected unless the
20 proclamation sets a later time. For the purpose of requiring compliance, publication may
21 consist of reports of the substance of the prohibitions and restrictions in the mass
22 communications media serving the affected area or other effective methods of
23 disseminating the necessary information quickly. As soon as practicable, however,
24 appropriate distribution of the full text of any proclamation shall be made. This
25 subsection shall not be governed by the provisions of G.S. 1-597.

26 (c) Prohibitions and restrictions may be extended as to time or area, amended, or
27 rescinded by proclamation. Prohibitions and restrictions imposed by proclamation under
28 the authority of G.S. 166A-8 shall expire five days after their last imposition unless
29 sooner terminated under G.S. 166A-8, by proclamation, or by the governing body of the
30 county or municipality in question. Prohibitions and restrictions imposed by
31 proclamation of the Governor shall expire five days after their last imposition unless
32 sooner terminated by proclamation of the Governor.

33 **§ 166A-8E. Municipal and county ordinances may be made immediately effective**
34 **if state of emergency exists or is imminent.**

35 (a) Notwithstanding any other provision of law, whether general or special,
36 relating to the promulgation or publication of ordinances by any municipality or county,
37 this section shall control with respect to any ordinances authorized by G.S. 166A-8.

38 (b) Upon proclamation by the mayor or chair of the board of county
39 commissioners that a state of emergency exists within the municipality or the county, or
40 is imminent, any ordinance enacted under the authority of this Article shall take effect
41 immediately unless the ordinance sets a later time. If the effect of this section is to cause
42 an ordinance to go into effect sooner than it otherwise could under the law applicable to
43 the municipality or county, the mayor or chair of the board of county commissioners, as
44 the case may be, shall take steps to cause reports of the substance of any such ordinance

1 to be disseminated in a fashion that such substance will likely be communicated to the
2 public in general, or to those who may be particularly affected by the ordinance if it
3 does not affect the public generally. As soon as practicable thereafter, appropriate
4 distribution or publication of the full text of any such ordinance shall be made."

5 **SECTION 7.** G.S. 166A-14(c) reads as rewritten:

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

10 **SECTION 8.** G.S. 14-288.12 through G.S. 14-288.17 and G.S. 14-288.19
11 are repealed.

12 **SECTION 9.** This act becomes effective December 1, 2001. Prosecutions
13 for offenses committed before the effective date of this act are not abated or affected by
14 this act, and the statutes that would be applicable but for this act remain applicable to
15 those prosecutions.