

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 740
Senate State and Local Government Committee Substitute Adopted 6/13/17

Short Title: SAR Rename/Disputed County Boundaries/Mapping. (Public)

Sponsors:

Referred to:

April 13, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE NAME OF SEARCH AND RESCUE SERVICES, TO ALLOW
3 THE NORTH CAROLINA GEODETIC SURVEY TO RATIFY RESULTS OF COUNTY
4 BOUNDARY RESURVEYS, AND TO CLARIFY THAT PROTECTIVE RIDGELINE
5 MAPS ARE HOUSED WITH THE NORTH CAROLINA GEODETIC SURVEY
6 RATHER THAN THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 6 of Chapter 166A of the General Statutes reads as rewritten:

9 "Article 6.

10 "~~Urban~~ North Carolina Search and Rescue.

11 **"§ 166A-65. Definitions.**

12 The following definitions apply in this Article:

- 13 (1) Contract response team. – ~~An urban~~ A search and rescue team, specialty
14 rescue team, or incident support team.
- 15 (2) Incident support team. – A team of trained emergency response personnel,
16 organized to provide coordination between governmental agencies and
17 nongovernmental organizations as well as technical and logistical support to
18 ~~urban~~ search and rescue teams and specialty rescue teams.
- 19 (2a) Search and rescue team. – A specialized team or group of teams, organized
20 with capabilities equivalent to search and rescue teams established under the
21 Federal Emergency Management Agency in order to assist in the removal of
22 trapped victims during emergencies, including, but not limited to, collapsed
23 structures, trench excavations, elevated locations, and other technical rescue
24 situations.
- 25 (3) Secretary. – The Secretary of the Department of Public Safety.
- 26 (4) Specialty rescue team. – A specialized response team, organized to provide
27 technical rescue assistance to first responders. The term includes, but is not
28 limited to, a canine search and rescue or disaster response team, a cave
29 search and rescue team, a collapse search and rescue team, a mine and tunnel
30 search and rescue team, and a swift water or flood search and rescue team. A
31 specialty rescue team shall be aligned with one or more of the search and
32 rescue categories within the Federal Emergency Management Agency's
33 national resource typing system.
- 34 (5) ~~Urban search and rescue team. – A specialized team or group of teams,~~
35 ~~organized with capabilities equivalent to urban search and rescue teams~~
36 ~~established under the Federal Emergency Management Agency in order to~~



1 assist in the removal of trapped victims during emergencies, including, but
2 not limited to, collapsed structures, trench excavations, elevated locations,
3 and in other technical rescue situations.

4 **"§ 166A-66. Urban North Carolina Search and Rescue Program.**

5 (a) The Secretary shall adopt rules establishing a program for ~~urban~~ search and rescue
6 that relies on ~~contracts~~ contracts, memorandums of understanding, and memorandums of
7 agreement with contract response teams. The program shall be administered by the Division of
8 Emergency Management. To the extent possible, the program shall be coordinated with other
9 emergency planning activities of the State. The program shall include contract response teams
10 located strategically across the State that are available to provide 24-hour dispatch from the
11 Division of Emergency Management Operations Center. The rules for the program shall
12 include:

- 13 (1) Standards, including training, equipment, and personnel standards required
14 to operate a contract response team.
- 15 (2) Guidelines for the dispatch of a contract response team to ~~an urban~~ a search
16 and rescue team or specialty rescue team mission.
- 17 (3) Guidelines for the on-site operations of a contract response team.
- 18 (4) Standards for administration of a contract response team, including
19 procedures for reimbursement of response costs.
- 20 (5) Refresher and specialist training for members of contract response teams.
- 21 (6) Procedures for recovering the costs of ~~an urban~~ a search and rescue team or
22 specialty rescue team mission.
- 23 (7) Procedures for bidding and contracting for ~~urban~~ search and rescue team and
24 specialty rescue team missions.
- 25 (8) Criteria for evaluating bids for ~~urban~~ search and rescue team and specialty
26 rescue team missions.
- 27 (9) Delineation of the roles of the contract response team, local public safety
28 personnel, the Division of Emergency Management's area coordinator, and
29 other State agency personnel participating in ~~an urban~~ a search and rescue
30 team or specialty rescue team mission.
- 31 (10) Procedures for the Division of Emergency Management to audit the contract
32 response teams to ensure compliance with State and federal guidelines.

33 (b) Within available appropriations, the Division of Emergency Management shall
34 spend the necessary funds for training, equipment, and other items necessary to support the
35 operations of contract response teams. The Division of Emergency Management may also
36 administer any grants of other funds made available for contract response teams, in accordance
37 with applicable rules and regulations approved by the Director of the State Budget.

38 (c) In developing the Urban North Carolina Search and Rescue Program and adopting
39 the rules required by this section, the Secretary shall consult with the Urban North Carolina
40 Search and Rescue Team Advisory Committee established pursuant to G.S. 166A-69.

41 **"§ 166A-67. Contracts; equipment loans.**

42 (a) The Secretary may contract with any unit or units of local government for the
43 provision of a contract response team to implement the Urban North Carolina Search and
44 Rescue Program. Contracts are to be let consistent with the bidding and contract standards and
45 procedures adopted pursuant to G.S. 166A-66(a)(7) and G.S. 166A-66(a)(8). In entering into
46 contracts with units of local government, the Secretary may agree to provide any of the
47 following:

- 48 (1) A loan of equipment.
- 49 (2) Reimbursement of personnel costs, including the cost of callback personnel,
50 when a contract response team is authorized by the Department to respond to
51 ~~urban~~ search and rescue team and specialty rescue team missions.

- 1 (3) Reimbursement for use of equipment and vehicles owned by the contract
2 response team.
3 (4) Replacement of disposable materials and damaged equipment.
4 (5) Training expenses.
5 (6) Anything else agreed to by the Secretary and the contract response team.

6 (b) The Secretary shall not agree to provide reimbursement for standby time.

7 (c) Any contract entered into between the Secretary and a unit of local government for
8 the provision of a contract response team shall specify that the members of the contract
9 response team, when performing under the contract, shall not be employees of the State and
10 shall not be entitled to benefits under the Teachers' and State Employees' Retirement System or
11 for the payment by the State of federal Social Security, employment insurance, or workers'
12 compensation.

13 (d) Contract response teams that have the use of a State vehicle may use the vehicle for
14 local purposes. Where a State vehicle is used for purposes other than authorized contract
15 response to ~~an urban-a~~ search and rescue team and specialty rescue team mission, the contract
16 response team shall be liable for repairs or replacements directly attributable to that use.

17 **"§ 166A-68. Immunity of contract response team personnel.**

18 Members of a contract response team shall be protected from liability under the provisions
19 of G.S. 166A-19.60(a) while on ~~an urban-a~~ search and rescue team or specialty rescue team
20 mission pursuant to authorization from the Division of Emergency Management.

21 **"§ 166A-69. Urban-North Carolina Search and Rescue Team Advisory Committee.**

22 (a) The ~~Urban-North Carolina~~ Search and Rescue Team Advisory Committee is created.
23 The Secretary shall appoint the members of the Committee and shall designate the Director or
24 Deputy Director of the North Carolina Division of Emergency Management as the chair. In
25 making appointments, the Secretary shall take into consideration the expertise of the appointees
26 in the management of ~~urban-~~search and rescue or specialty response team missions. The
27 Secretary shall appoint one representative from each of the following:

- 28 (1) The Division of North Carolina Emergency Management, who shall be the
29 Director or Deputy Director of the North Carolina Division of Emergency
30 Management and who shall serve as the chair.
31 (2) Each state ~~USAR-~~regional contract response team's Chief or Deputy Chief.
32 (3) The North Carolina Office of State Fire Marshal.
33 (4) The North Carolina Highway Patrol.
34 (5) The North Carolina National Guard.
35 (6) The North Carolina Association of Rescue and E.M.S., Inc.
36 (7) The North Carolina Association of Fire Chiefs.
37 (8) The North Carolina State Firefighters' Association.
38 (9) The North Carolina Emergency Management Association.

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

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

46 (d) The Contract Response Team Advisory Committee shall advise the Secretary on the
47 establishment of the ~~Urban-North Carolina~~ Search and Rescue Program. The Committee shall
48 also evaluate and advise the Secretary of the need for additional contract response teams to
49 serve the State."

50 **SECTION 2.** G.S. 153A-18 reads as rewritten:

51 **"§ 153A-18. Uncertain or disputed boundary.**

1 (a) If two or more counties are uncertain as to the exact location of the boundary
2 between them, ~~they~~ the North Carolina Geodetic Survey (NCGS), on a cooperative basis, shall
3 assist counties in defining and monumenting the location of the uncertain or disputed boundary
4 as established in accordance with law. Upon receiving written request from all counties
5 adjacent to the uncertain or disputed boundary, the NCGS may cause the boundary to be
6 surveyed, marked, and mapped. The counties may appoint special commissioners to supervise
7 the surveying, marking, and mapping. A commissioner so appointed or a person surveying or
8 marking the boundary may enter upon private property to view and survey the boundary or to
9 erect boundary markers. Upon ratification of the survey by the board of commissioners of each
10 county, a map showing the surveyed boundary shall be recorded in the office of the register of
11 deeds of each county in the manner provided by law for the recordation of maps or plats and in
12 the Secretary of State's office. The map shall contain a reference to the date of each resolution
13 of ratification and to the page in the minutes of each board of commissioners where the
14 resolution may be found. Upon recordation, the map is conclusive as to the location of the
15 boundary. Upon reestablishing all, or some portion, of a county boundary, and if after the
16 NCGS submits the results of the survey to the requesting counties, and the requesting counties
17 have not ratified the reestablished boundary within one year of receiving the (map) survey plat
18 denoting the location of the reestablished boundary, the survey plat will become conclusive as
19 to the location of the boundary and will be recorded in the Register of Deeds in each affected
20 county and in the Secretary of State's office. The Chief of the NCGS (State Surveyor) will
21 notify each affected party in writing of the action taken. As used in this subsection, an "affected
22 party" means the governing body of a county that the reestablished boundary denotes the extent
23 of its jurisdiction.

24 ...

25 (c) Two or more counties may establish the boundary between them pursuant to
26 ~~subsection (a), above, by the subsection (a) of this section. Those boundaries are defined by~~
27 natural monuments such as rivers, streams, and ridgelines. The use of base maps prepared from
28 ~~orthophotography, orthophotography may be used if said natural monuments are visible, which~~
29 base maps show the monuments of the United States Geological Survey National Geodetic
30 Survey and North Carolina State Plane Coordinate System established pursuant to Chapter 102
31 of the General Statutes. The orthophotography shall be prepared in compliance with the State's
32 adopted orthophotography standard. Upon ratification of the location of the boundary
33 determined from orthophotography by the board of commissioners of each county, the map
34 showing the boundary and the monuments of the United States Geological Survey National
35 Geodetic Survey and North Carolina State Plane Coordinate System shall be recorded in the
36 Office of the Register of Deeds of each county and in the Secretary of State's office. The map
37 shall contain a reference to the date of each resolution of ratification and to the page in the
38 minutes of each board of commissioners where the resolution may be found. Upon recordation,
39 the map is conclusive as to the location of the boundary."

40 **SECTION 3.** G.S. 113A-212 reads as rewritten:

41 **"§ 113A-212. Assistance to counties and cities under ridge law.**

42 ...

43 (b) The Secretary of Environmental Quality shall identify the protected mountain ridge
44 crests in each county by showing them on a map or drawing, describing them in a document, or
45 any combination thereof. Such maps, drawings, or documents shall identify the protected
46 mountain ridges as defined in G.S. 113A-206 and such other mountain ridges as any county
47 may request, and shall specify those protected mountain ridges that serve as all or part of the
48 boundary line between two counties. By November 1, 1983, the map, drawing, or document
49 tentatively identifying the protected mountain ridge crests of each county shall be filed with the
50 board of county commissioners and with the city governing body of each city that requests it.
51 By January 1, 1984, the map, drawing, or document identifying the protected mountain ridge

1 crests shall be permanently filed by the Secretary with the register of deeds in the county where
2 the land lies, and made available for inspection at the ~~Secretary's office~~ office of the North
3 Carolina Geodetic Survey (NC Emergency Management/Risk Management) in Raleigh. Copies
4 of the maps, drawings, or documents certified by the register of deeds, shall be admitted in
5 evidence in all courts and shall have the same force and effect as would the original.

6"

7 **SECTION 4.** Section 1 of this act becomes effective July 1, 2017. The remainder
8 of this act is effective when it becomes law.