

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SESSION LAW 2023-92
HOUSE BILL 814

AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT ACT AND OTHER PROVISIONS GOVERNING EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE DIVISION OF EMERGENCY MANAGEMENT OF THE DEPARTMENT OF PUBLIC SAFETY.

The General Assembly of North Carolina enacts:

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

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

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

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

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

...
(26) The Division may contract for services from vendors specializing in (i) repair, replacement, construction, or improvements to infrastructure or equipment on private residential structures or public structures damaged as a result of hazard mitigation and (ii) construction or improvement of infrastructure to support hazard mitigation on private residential structures and public structures for the purpose of implementing hazard mitigation programs on behalf of the State or political subdivisions of the State. For the purposes of this subdivision, the term "infrastructure" includes nonresidential buildings that serve the public, water, sewer, and stormwater systems, and other publicly owned assets. Nothing in this subdivision is intended to exempt the Division from other requirements of Article 8 of Chapter 143 of the General Statutes.



- (27) The Division shall establish and maintain a Statewide Interoperability Coordinator (SWIC) to coordinate voice and data interoperability programs, processes, and initiatives. The SWIC shall be designated as the individual currently serving as the Executive Director of the North Carolina Interoperability Executive Committee, and the Committee shall address matters of governance, technology, usage, training, exercises, and policy that pertain to voice and data interoperability.
- (28) The Division shall support local, regional, State, and federal disaster communications planning and response through integrated planning, including all of the following:
- a. Disaster response communications processes.
 - b. Public safety answering point disaster and recovery planning and consequence management, including developing and maintaining the Telecommunicator Emergency Response Team program.
 - c. Backup primary, alternate, contingent, and emergent communications planning for essential information pathways.
 - d. Training and qualifying communications personnel and resources that can respond to requests for assistance."

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

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

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

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

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

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

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

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

"§ 102-11. Vertical control.

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

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

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

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

...

(c) Two or more counties may establish the boundary between them pursuant to subsection (a) of this section. Those boundaries are defined by natural monuments such as rivers, streams, and ridgelines. The use of base maps prepared from orthophotography or Light Detection and Ranging may be used if said natural monuments are visible, which base maps ~~show the monuments of the National Geodetic Survey and are referenced and connected to the North Carolina State Plane~~ Coordinate System established pursuant to Chapter 102 of the General

Statutes. The orthophotography or Light Detection and Ranging shall be prepared in compliance with the State's adopted orthophotography ~~standard.~~ Light Detection and Ranging standard, respectively. Upon ratification of the location of the boundary determined from ~~orthophotography~~ orthophotography, Light Detection and Ranging, or a combination of both, by the board of commissioners of each county, the map showing the boundary and the monuments of the National Geodetic Survey and North Carolina Coordinate System shall be recorded in the Office of the Register of Deeds of each county and in the Secretary of State's office. The map shall contain a reference to the date of each resolution of ratification and to the page in the minutes of each board of commissioners where the resolution may be ~~found.~~ found and county boundary metadata and State plane coordinates of all county boundary points information. Upon recordation, the map is conclusive as to the location of the boundary."

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

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

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

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

- (1) For the purpose for which the individual was subscribed to the list.
- (2) To notify the subscribers of an emergency to the public health or public safety.
- (3) To notify subscribers of the existence of any similar lists to subscribe to in the event the list is deleted."

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

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

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

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

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

- (10) A program representative from each of the following specialty rescue programs:
- a. Helicopter rescue.
 - b. Swiftwater rescue.
 - c. Mountain rescue.
 - d. Wilderness search and rescue.

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

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

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

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

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

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

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

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

(b) Annual Fee Shall Be Charged. – A person or business required under Section 302 or 312 of EPCRA to submit a notification or an annual inventory form to the Division shall be required to pay to the Department an annual fee in the amount set forth in subsection (c) of this section.

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

...

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

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

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

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

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

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

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

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

SECTION 10. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 29th day of June, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 12:28 p.m. this 10th day of July, 2023