

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

H

D

HOUSE BILL 843  
Second Edition Engrossed 5/24/11  
PROPOSED SENATE COMMITTEE SUBSTITUTE H843-PCS80372-MD-24

Short Title: Modernize NC Emergency Management Act.

(Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO MODERNIZE THE NORTH CAROLINA EMERGENCY MANAGEMENT  
3 ACT AND RELATED STATUTES.  
4 The General Assembly of North Carolina enacts:

5  
6 **I. CHANGES TO CHAPTER 166A OF THE GENERAL STATUTES**

7 **SECTION 1.(a)** G.S. 166A-6.1 is recodified as G.S. 166A-29 and the remainder of  
8 Article 1 of Chapter 166A is repealed.

9 **SECTION 1.(b)** Chapter 166A of the General Statutes is amended by adding a new  
10 Article to read:

11 "Article 1A.

12 "North Carolina Emergency Management Act.

13 "Part 1. General Provisions.

14 **"§ 166A-19. Short title.**

15 This Article may be cited as "North Carolina Emergency Management Act."

16 **"§ 166A-19.1. Purposes.**

17 The purposes of this Article are to set forth the authority and responsibility of the Governor,  
18 State agencies, and local governments in prevention of, preparation for, response to, and  
19 recovery from natural or man-made emergencies or hostile military or paramilitary action and  
20 to do the following:

- 21 (1) Reduce vulnerability of people and property of this State to damage, injury,  
22 and loss of life and property.
- 23 (2) Prepare for prompt and efficient rescue, care, and treatment of threatened or  
24 affected persons.
- 25 (3) Provide for the rapid and orderly rehabilitation of persons and restoration of  
26 property.
- 27 (4) Provide for cooperation and coordination of activities relating to emergency  
28 mitigation, preparedness, response, and recovery among agencies and  
29 officials of this State and with similar agencies and officials of other states,  
30 with local and federal governments, with interstate organizations, and with  
31 other private and quasi-official organizations.



"§ 166A-19.2. Limitations.

Nothing in this Article shall be construed to do any of the following:

- (1) Interfere with dissemination of news or comment on public affairs; but any communications facility or organization, including, but not limited to, radio and television stations, wire services, and newspapers may be requested to transmit or print public service messages furnishing information or instructions in connection with an emergency, disaster, or war.
- (2) Limit, modify, or abridge the authority of the Governor to declare martial law or exercise any other powers vested in the Governor under the North Carolina Constitution, statutes, or common law of this State independent of, or in conjunction with, any provisions of this Article.

"§ 166A-19.3. Definitions.

The following definitions apply in this Article:

- (1) Account. – The State Emergency Response Account established in G.S. 166A-19.42.
- (2) Chair of the board of county commissioners. – The chair of the board of county commissioners or, in case of the chair's absence or disability, the person authorized to act in the chair's stead. Unless the governing body of the county has specified who is to act in lieu of the chair with respect to a particular power or duty set out in this Article, this term shall mean the person generally authorized to act in lieu of the chair.
- (3) Disaster declaration. – A gubernatorial declaration that the impact or anticipated impact of an emergency constitutes a disaster of one of the types enumerated in G.S. 166A-19.21(b).
- (4) Division. – The Division of Emergency Management established in Subpart A of Part 5 of Article 13 of Chapter 143B of the General Statutes.
- (5) Eligible entity. – Any political subdivision. The term also includes an owner or operator of a private nonprofit utility that meets the eligibility criteria set out in this Article.
- (6) Emergency. – An occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, weather-related, or riot-related cause.
- (7) Emergency area. – The geographical area covered by a state of emergency.
- (8) Emergency management. – Those measures taken by the populace and governments at federal, State, and local levels to minimize the adverse effect of any type emergency, which includes the never-ending preparedness cycle of planning, prevention, mitigation, warning, movement, shelter, emergency assistance, and recovery.
- (9) Emergency management agency. – A State or local governmental agency charged with coordination of all emergency management activities for its jurisdiction.
- (10) Hazard risk management. – The systematic application of policies, practices, and resources to the identification, assessment, and control of risk associated with hazards affecting human health and safety and property. Hazard, risk, and cost-benefit analysis are used to support development of risk reduction options, program objectives, and prioritization of issues and resources.
- (11) Mayor. – The mayor or other chief executive official of a municipality or, in case of that person's absence or disability, the person authorized to act in that person's stead. Unless the governing body of the municipality has specified who is to act in lieu of the mayor with respect to a particular power or duty

1 set out in this Article, the term shall mean the person generally authorized to  
2 act in lieu of the mayor.

3 (12) Political subdivision. – Counties and incorporated cities, towns, and villages.

4 (13) Preliminary damage assessment. – The initial estimate prepared by State,  
5 local, or federal emergency management workers used to determine the  
6 severity and magnitude of damage caused by an emergency.

7 (14) Private nonprofit utility. – A utility that would be eligible for federal public  
8 assistance disaster funds pursuant to 44 C.F.R. Part 206.

9 (15) Secretary. – The Secretary of the Department of Public Safety.

10 (16) Stafford Act. – The Robert T. Stafford Disaster Relief and Emergency  
11 Assistance Act, Pub. L. No. 93-288, 88 Stat. 143, codified generally at 42  
12 U.S.C. § 5121, et seq., as amended.

13 (17) State Acquisition and Relocation Fund. – State funding for supplemental  
14 grants to homeowners participating in a federal Hazard Mitigation Grant  
15 Program Acquisition and Relocation Program. These grants are used to  
16 acquire safe, decent, and sanitary housing by paying the difference between  
17 the cost of the home acquired under the federal Hazard Mitigation Grant  
18 Program Acquisition and Relocation Program and the cost of a comparable  
19 home located outside the 100-year floodplain.

20 (18) State of emergency. – A finding and declaration by any of the following  
21 authorities that an emergency exists:

22 a. The Governor, acting under the authority of G.S. 166A-19.20.

23 b. The General Assembly, acting under the authority of  
24 G.S. 166A-19.20.

25 c. The governing body of a municipality or the mayor of a municipality,  
26 acting under the authority of G.S. 166A-19.22.

27 d. The governing body of a county or the chair of the board of  
28 commissioners of a county, acting under the authority of  
29 G.S. 166A-19.22.

30 "Part 2. State Emergency Management.

31 **"§ 166A-19.10. Powers of the Governor.**

32 (a) State Emergency Management Program. – The State Emergency Management  
33 Program includes all aspects of preparations for, response to, recovery from, and mitigation  
34 against war or peacetime emergencies.

35 (b) Powers of the Governor. – The Governor is authorized and empowered to do the  
36 following:

37 (1) To exercise general direction and control of the State Emergency  
38 Management Program and to be responsible for carrying out the provisions  
39 of this Article, other than those provisions that confer powers and duties  
40 exclusively on local governments.

41 (2) To make, amend, or rescind the necessary orders, rules, and regulations  
42 within the limits of the authority conferred upon the Governor herein, with  
43 due consideration of the policies of the federal government.

44 (3) To delegate any authority vested in the Governor under this Article and to  
45 provide for the subdelegation of any such authority.

46 (4) To cooperate and coordinate with the President and the heads of the  
47 departments and agencies of the federal government, and with other  
48 appropriate federal officers and agencies, and with the officers and agencies  
49 of other states and local units of government in matters pertaining to the  
50 emergency management of the State and nation.

- 1           (5)    To enter into agreements with the American National Red Cross, Salvation  
2           Army, Mennonite Disaster Service, and other disaster relief organizations.
- 3           (6)    To make, amend, or rescind mutual aid agreements in accordance with  
4           G.S. 166A-19.72.
- 5           (7)    To utilize the services, equipment, supplies, and facilities of existing  
6           departments, offices, and agencies of the State and of the political  
7           subdivisions thereof. The officers and personnel of all such departments,  
8           offices, and agencies are required to cooperate with and extend such services  
9           and facilities to the Governor upon request. This authority shall extend to a  
10           state of emergency declared pursuant to G.S. 166A-19.20, to the imminent  
11           threat of an emergency that will likely require an emergency to be declared  
12           pursuant to G.S. 166A-19.20, or to emergency management planning and  
13           training purposes.
- 14           (8)    To agree, when required to obtain federal assistance in debris removal, that  
15           the State will indemnify the federal government against any claim arising  
16           from the removal of the debris.
- 17           (9)    To sell, lend, lease, give, transfer, or deliver materials or perform services  
18           for emergency purposes on such terms and conditions as may be prescribed  
19           by any existing law, and to account to the State Treasurer for any funds  
20           received for such property.
- 21           (10)   In an emergency, or when requested by the governing body of a political  
22           subdivision in the State, to assume operational control over all or any part of  
23           the emergency management functions within this State.

24    **§ 166A-19.11. Powers of the Secretary of Public Safety.**

25    The Secretary shall be responsible to the Governor for State emergency management  
26    activities. The Secretary shall have the following powers and duties as delegated by the  
27    Governor:

- 28           (1)    To activate the State and local plans applicable to the areas in question and  
29           to authorize and direct the deployment and use of any personnel and forces  
30           to which the plan or plans apply, and the use or distribution of any supplies,  
31           equipment, materials, and facilities available pursuant to this Article or any  
32           other provision of law.
- 33           (2)    To adopt the rules to implement those provisions of this Article that deal  
34           with matters other than those that are exclusively local.
- 35           (3)    To develop a system to produce a preliminary damage assessment from  
36           which the Secretary will recommend the appropriate level of disaster  
37           declaration to the Governor. The system shall, at a minimum, consider  
38           whether the damage involved and its effects are of such a severity and  
39           magnitude as to be beyond the response capabilities of the local government  
40           or political subdivision.
- 41           (4)    Additional authority, duties, and responsibilities as may be prescribed by the  
42           Governor. The Secretary may subdelegate his authority to the appropriate  
43           member of the Secretary's department.

44    **§ 166A-19.12. Powers of the Division of Emergency Management.**

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

- 47           (1)    Coordination of the activities of all State agencies for emergency  
48           management within the State, including planning, organizing, staffing,  
49           equipping, training, testing, and activating emergency management  
50           programs.

- 1           (2)   Preparation and maintenance of State plans for emergencies. The State plans  
2           or any parts thereof may be incorporated into department regulations and  
3           into executive orders of the Governor.
- 4           (3)   Coordination with the State Health Director to amend or revise the North  
5           Carolina Emergency Operations Plan regarding public health matters. At a  
6           minimum, the revisions to the Plan shall provide for the following:
- 7           a.     The epidemiologic investigation of a known or suspected threat  
8           caused by nuclear, biological, or chemical agents.
- 9           b.     The examination and testing of persons and animals that may have  
10          been exposed to a nuclear, biological, or chemical agent.
- 11          c.     The procurement and allocation of immunizing agents and  
12          prophylactic antibiotics.
- 13          d.     The allocation of the Strategic National Stockpile.
- 14          e.     The appropriate conditions for quarantine and isolation in order to  
15          prevent further transmission of disease.
- 16          f.     Immunization procedures.
- 17          g.     The issuance of guidelines for prophylaxis and treatment of exposed  
18          and affected persons.
- 19          (4)   Establishment of a voluntary model registry for use by political subdivisions  
20          in identifying functionally and medically fragile persons in need of  
21          assistance during an emergency. All records, data, information,  
22          correspondence, and communications relating to the registration of persons  
23          with special needs or of functionally and medically fragile persons obtained  
24          pursuant to this subdivision are confidential and are not a public record  
25          pursuant to G.S. 132-1 or any other applicable statute, except that this  
26          information shall be available to emergency response agencies, as  
27          determined by the local emergency management director. This information  
28          shall be used only for the purposes set forth in this subdivision.
- 29          (5)   Promulgation of standards and requirements for local plans and programs  
30          consistent with federal and State laws and regulations, determination of  
31          eligibility for State financial assistance provided for in G.S. 166A-19.15, and  
32          provision of technical assistance to local governments. Standards and  
33          requirements for local plans and programs promulgated under this  
34          subdivision shall be reviewed by the Division at least biennially and updated  
35          as necessary.
- 36          (6)   Development and presentation of training programs, including the  
37          Emergency Management Certification Program established under Article 5  
38          of this Chapter, and public information programs to insure the furnishing of  
39          adequately trained personnel and an informed public in time of need.
- 40          (7)   Making of such studies and surveys of the resources in this State as may be  
41          necessary to ascertain the capabilities of the State for emergency  
42          management, maintaining data on these resources, and planning for the most  
43          efficient use thereof.
- 44          (8)   Coordination of the use of any private facilities, services, and property.
- 45          (9)   Preparation for issuance by the Governor of executive orders, declarations,  
46          and regulations as necessary or appropriate.
- 47          (10) Cooperation and maintenance of liaison with the other states, the federal  
48          government, and any public or private agency or entity in achieving any  
49          purpose of this Article and in implementing programs for emergency or war  
50          prevention, preparation, response, and recovery.

- 1           (11) Making recommendations, as appropriate, for zoning, building, and other  
2 land-use controls, and safety measures for securing mobile homes or other  
3 nonpermanent or semipermanent works designed to protect against or  
4 mitigate the effects of an emergency.
- 5           (12) Coordination of the use of existing means of communications and  
6 supplementing communications resources and integrating them into a  
7 comprehensive State or State-federal telecommunications or other  
8 communications system or network.
- 9           (13) Administration of federal and State grant funds provided for emergency  
10 management purposes, including those funds provided for planning and  
11 preparedness activities by emergency management agencies.
- 12           (14) Serving as the lead State agency for the coordination of information and  
13 resources for hazard risk management, which shall include the following  
14 responsibilities:
- 15           a. Coordinating with other State agencies and county governments in  
16 conducting hazard risk analysis. To the extent another State agency  
17 has primary responsibility for the adoption of hazard mitigation  
18 standards, those standards shall be applied in conducting a hazard  
19 risk analysis.
- 20           b. Establishing and maintaining a hazard risk management information  
21 system and tools to display natural hazards and vulnerabilities and  
22 conducting risk assessment.
- 23           c. Acquiring and leveraging all natural hazard data generated or  
24 maintained by State agencies and county governments.
- 25           d. Acquiring and leveraging all vulnerability data generated or  
26 maintained by State agencies and county governments.
- 27           e. Maintaining a clearinghouse for methodologies and metrics for  
28 calculating and communicating hazard probability and loss  
29 estimation.
- 30           (15) Utilizing and maintaining technology that enables efficient and effective  
31 communication and management of resources between political  
32 subdivisions, State agencies, and other governmental entities involved in  
33 emergency management activities.
- 34           (16) Establishing and operating a 24-hour Operations Center to serve as a single  
35 point of contact for local governments to report the occurrence of emergency  
36 and disaster events and to coordinate local and State response assets.
- 37           (17) Developing, maintaining, and implementing plans for response to any  
38 emergency occurring at a fixed nuclear power generating facility located in  
39 or near the borders of the State of North Carolina.
- 40           (18) Maintaining the State Emergency Operations Center as the facility to house  
41 the State Emergency Response Team whenever it is activated for disaster  
42 response.
- 43           (19) Serving as the agency responsible for the management of intrastate and  
44 interstate mutual aid planning, implementation, and resource procurement  
45 necessary for supporting emergency response and recovery.

46                                   "Part 3. Local Emergency Management.

47 **"§ 166A-19.15. County and municipal emergency management.**

48           (a) Governing Body of Counties Responsible for Emergency Management. – The  
49 governing body of each county is responsible for emergency management within the  
50 geographical limits of such county. All emergency management efforts within the county will  
51 be coordinated by the county, including activities of the municipalities within the county.

1        (b) Counties May Establish and Maintain Emergency Management Agencies. – The  
2 governing body of each county is hereby authorized to establish and maintain an emergency  
3 management agency for the purposes contained in G.S. 166A-19.1. The governing body of  
4 each county which establishes an emergency management agency pursuant to this authorization  
5 shall appoint a coordinator who will have a direct responsibility for the organization,  
6 administration, and operation of the county program and will be subject to the direction and  
7 guidance of such governing body. In the event that any county fails to establish an emergency  
8 management agency, and the Governor, in the Governor's discretion, determines that a need  
9 exists for such an emergency management agency, then the Governor is hereby empowered to  
10 establish an emergency management agency within that county.

11        (c) Municipalities May Establish and Maintain Emergency Management Agencies. –  
12 All incorporated municipalities are authorized to establish and maintain emergency  
13 management agencies subject to coordination by the county.

14        (d) Joint Agencies Authorized. – Counties and incorporated municipalities are  
15 authorized to form joint emergency management agencies composed of a county and one or  
16 more municipalities within the county's borders, between two or more counties, or between two  
17 or more counties and one or more municipalities within the borders of those counties.

18        (e) Local Appropriations Authorized. – Each county and incorporated municipality in  
19 this State is authorized to make appropriations for the purposes of this Article and to fund them  
20 by levy of property taxes pursuant to G.S. 153A-149 and G.S. 160A-209 and by the allocation  
21 of other revenues, use of which is not otherwise restricted by law.

22        (f) Additional Powers. – In carrying out the provisions of this Article each political  
23 subdivision is authorized to do the following:

24            (1) To appropriate and expend funds, make contracts, obtain and distribute  
25 equipment, materials, and supplies for emergency management purposes and  
26 to provide for the health and safety of persons and property, including  
27 emergency assistance, consistent with this Article.

28            (2) To direct and coordinate the development of emergency management plans  
29 and programs in accordance with the policies and standards set by the  
30 Division, consistent with federal and State laws and regulations.

31            (3) To assign and make available all available resources for emergency  
32 management purposes for service within or outside of the physical limits of  
33 the subdivision.

34            (4) To delegate powers in a local state of emergency declared pursuant to  
35 G.S. 166A-19.22.

36            (5) To coordinate the voluntary registration of functionally and medically fragile  
37 persons in need of assistance during an emergency either through a registry  
38 established by this subdivision or by the State. All records, data,  
39 information, correspondence, and communications relating to the  
40 registration of persons with special needs or of functionally and medically  
41 fragile persons obtained pursuant to this subdivision are confidential and are  
42 not a public record pursuant to G.S. 132-1 or any other applicable statute,  
43 except that this information shall be available to emergency response  
44 agencies, as determined by the local emergency management director. This  
45 information shall be used only for the purposes set forth in this subdivision.

46        (g) County Eligibility for State and Federal Financial Assistance. – Each county which  
47 establishes an emergency management agency pursuant to State standards and which meets  
48 requirements for local plans and programs may be eligible to receive State and federal financial  
49 assistance, including State and federal funding appropriated for emergency management  
50 planning and preparedness, and for the maintenance and operation of a county emergency  
51 management program. Such financial assistance is subject to an appropriation being made for

1 this purpose. Where the appropriation does not allocate appropriated funds among counties, the  
2 amount allocated to each county shall be determined annually by the Division. The size of this  
3 allocation shall be based in part on the degree to which local plans and programs meet State  
4 standards and requirements promulgated by the Division, including those relating to  
5 professional competencies of local emergency management personnel. However, in making an  
6 allocation determination, the Division shall, where appropriate, take into account the fact that a  
7 particular county may lack sufficient resources to meet the standards and requirements  
8 promulgated by the Division.

9 "Part 4. Declarations of State of Emergency.

10 **"§ 166A-19.20. Gubernatorial or legislative declaration of state of emergency.**

11 (a) Declaration. – A state of emergency may be declared by the Governor or by a  
12 resolution of the General Assembly, if either of these finds that an emergency exists.

13 (b) Emergency Area. – An executive order or resolution declaring a state of emergency  
14 shall include a definition of the area constituting the emergency area.

15 (c) Expiration of States of Emergency. – A state of emergency declared pursuant to this  
16 section shall expire when it is rescinded by the authority that issued it.

17 (d) Exercise of Powers Not Contingent on Declaration of Disaster Type. – Once a state  
18 of emergency has been declared pursuant to this section, the fact that a declaration of disaster  
19 type has not been issued shall not preclude the exercise of powers otherwise conferred during a  
20 state of emergency.

21 **"§ 166A-19.21. Gubernatorial disaster declaration.**

22 (a) Preliminary Damage Assessment. – When a state of emergency is declared pursuant  
23 to G.S. 166A-19.20, the Secretary shall provide the Governor and the General Assembly with a  
24 preliminary damage assessment as soon as the assessment is available.

25 (b) Declaration of Disaster. – Upon receipt of a preliminary damage assessment, the  
26 Governor is authorized to issue a disaster declaration declaring the impact or anticipated impact  
27 of the emergency to constitute a disaster of one of the following types:

28 (1) Type I disaster. – A Type I disaster may be declared by the Governor prior  
29 to, and independently of, any action taken by the Small Business  
30 Administration, the Federal Emergency Management Agency, or any other  
31 federal agency, if all of the following criteria are met:

32 a. A local state of emergency has been declared pursuant to  
33 G.S. 166A-19.22 and a written copy of the declaration has been  
34 forwarded to the Governor.

35 b. The preliminary damage assessment meets or exceeds the criteria  
36 established for the Small Business Administration Disaster Loan  
37 Program pursuant to 13 C.F.R. Part 123 or meets or exceeds the State  
38 infrastructure criteria set out in G.S. 166A-19.41(b)(2)a.

39 c. A major disaster declaration by the President of the United States  
40 pursuant to the Stafford Act has not been declared.

41 (2) Type II disaster. – A Type II disaster may be declared if the President of the  
42 United States has issued a major disaster declaration pursuant to the Stafford  
43 Act. The Governor may request federal disaster assistance under the Stafford  
44 Act without making a Type II disaster declaration.

45 (3) Type III disaster. – A Type III disaster may be declared if the President of  
46 the United States has issued a major disaster declaration under the Stafford  
47 Act and either of the following is true:

48 a. The preliminary damage assessment indicates that the extent of  
49 damage is reasonably expected to meet the threshold established for  
50 an increased federal share of disaster assistance under applicable  
51 federal law and regulations.

- 1                    b. The preliminary damage assessment prompts the Governor to call a  
2                    special session of the General Assembly to establish programs to  
3                    meet the unmet needs of individuals, businesses, or political  
4                    subdivisions affected by the emergency.
- 5        (c) Expiration of Disaster Declarations. –
- 6                    (1) Expiration of Type I disaster declarations. – A Type I disaster declaration  
7                    shall expire 30 days after its issuance unless renewed by the Governor or the  
8                    General Assembly. Such renewals may be made in increments of 30 days  
9                    each, not to exceed a total of 120 days from the date of first issuance. The  
10                   Joint Legislative Commission on Governmental Operations shall be notified  
11                   prior to the issuance of any renewal of a Type I disaster declaration.
- 12                   (2) Expiration of Type II disaster declarations. – A Type II disaster declaration  
13                   shall expire six months after its issuance unless renewed by the Governor or  
14                   the General Assembly. Such renewals may be made in increments of three  
15                   months each, not to exceed a total of 12 months from the date of first  
16                   issuance. The Joint Legislative Commission on Governmental Operations  
17                   shall be notified prior to the issuance of any renewal of a Type II disaster  
18                   declaration.
- 19                   (3) Expiration of Type III disaster declarations. – A Type III disaster declaration  
20                   shall expire 12 months after its issuance unless renewed by the General  
21                   Assembly.
- 22                   (4) Expiration of disaster declarations declared prior to July 1, 2001. – Any state  
23                   of disaster declared or proclaimed before July 1, 2001, irrespective of type,  
24                   shall terminate by a declaration of the Governor or resolution of the General  
25                   Assembly. A declaration or resolution declaring or terminating a state of  
26                   disaster shall be disseminated promptly by means calculated to bring its  
27                   contents to the attention of the general public and, unless the circumstances  
28                   attendant upon the disaster prevent or impede, promptly filed with the  
29                   Secretary, the Secretary of State, and the clerks of superior court in the area  
30                   to which it applies.

31        **§ 166A-19.22. Municipal or county declaration of state of emergency.**

32                   (a) Declaration. – A state of emergency may be declared by the governing body of a  
33                   municipality or county, if either of these finds that an emergency exists. Authority to declare a  
34                   state of emergency under this section may also be delegated by ordinance to the mayor of a  
35                   municipality or to the chair of the board of county commissioners of a county.

36                   (b) Emergency Area. – The emergency area shall be determined in accordance with the  
37                   following:

- 38                   (1) Unless another subdivision of this subsection is applicable, the emergency  
39                   area shall not exceed the area over which the municipality or county has  
40                   jurisdiction to enact general police-power ordinances. The governing body  
41                   declaring the state of emergency may declare that the emergency area  
42                   includes part or all of the governing body's jurisdiction. Unless the  
43                   governing body declaring the state of emergency provides otherwise, the  
44                   emergency area includes this entire jurisdiction, subject to the limitations  
45                   contained in the other subdivisions in this subsection.
- 46                   (2) The emergency area of a state of emergency declared by a county shall not  
47                   include any area within the corporate limits of any municipality, or within  
48                   any area of the county over which a municipality has jurisdiction to enact  
49                   general police-power ordinances, unless the municipality's governing body  
50                   or mayor consents to or requests the state of emergency's application. Such  
51                   an extension may be with respect to one or more of the prohibitions and

1 restrictions imposed in that county pursuant to the authority granted in  
2 G.S. 166A-19.31 and need not be with respect to all prohibitions and  
3 restrictions authorized by that section.

4 (3) The board of commissioners or chair of the board of commissioners of any  
5 county who has been requested to do so by a mayor may by declaration  
6 extend the emergency area of a state of emergency declared by a  
7 municipality to any area within the county in which the board or chair  
8 determines it to be necessary to assist in the controlling of the emergency  
9 within the municipality. The extension may be with respect to one or more  
10 of the prohibitions and restrictions imposed in that mayor's municipality  
11 pursuant to the authority granted in G.S. 166A-19.31 and need not be with  
12 respect to all prohibitions and restrictions authorized by that section.  
13 Extension of the emergency area pursuant to this subdivision shall be subject  
14 to the following additional limitations:

15 a. The extension of the emergency area shall not include any area  
16 within the corporate limits of a municipality, or within any area of  
17 the county over which a municipality has jurisdiction to enact general  
18 police-power ordinances, unless the mayor or governing body of that  
19 other municipality consents to its application.

20 b. A chair of a board of county commissioners extending the emergency  
21 area under the authority of this subdivision shall take reasonable  
22 steps to give notice of its terms to those likely to be affected.

23 c. The chair of the board of commissioners shall declare the termination  
24 of any prohibitions and restrictions extended pursuant to this  
25 subdivision upon the earlier of the following:

26 1. The chair's determination that they are no longer necessary.

27 2. The determination of the board of county commissioners that  
28 they are no longer necessary.

29 3. The termination of the prohibitions and restrictions within the  
30 municipality.

31 d. The powers authorized under this subdivision may be exercised  
32 whether or not the county has enacted ordinances under the authority  
33 of G.S. 166A-19.31. Exercise of this authority shall not preclude the  
34 imposition of prohibitions and restrictions under any ordinances  
35 enacted by the county under the authority of G.S. 166A-19.31.

36 (c) Expiration of States of Emergency. – Unless an ordinance adopted pursuant to  
37 G.S. 166A-19.31 provides otherwise, a state of emergency declared pursuant to this section  
38 shall expire when it is terminated by the official or governing body that declared it.

39 (d) Effect of Declaration. – The declaration of a state of emergency pursuant to this  
40 section shall activate the local ordinances authorized in G.S. 166A-19.31 and any and all  
41 applicable local plans, mutual assistance compacts, and agreements and shall also authorize the  
42 furnishing of assistance thereunder.

43 **"§ 166A-19.23. Excessive pricing prohibitions.**

44 A declaration issued pursuant to this Article shall trigger the prohibitions against excessive  
45 pricing during states of disaster, states of emergency, or abnormal market disruptions pursuant  
46 to G.S. 75-37 and G.S. 75-38.

47 "Part 5. Additional Powers During States of Emergency.

48 **"§ 166A-19.30. Additional powers of the Governor during state of emergency.**

49 (a) In addition to any other powers conferred upon the Governor by law, during a  
50 gubernatorially or legislatively declared state of emergency, the Governor shall have the  
51 following powers:

- 1           (1)    To utilize all available State resources as reasonably necessary to cope with  
2           an emergency, including the transfer and direction of personnel or functions  
3           of State agencies or units thereof for the purpose of performing or  
4           facilitating emergency services.
- 5           (2)    To take such action and give such directions to State and local law  
6           enforcement officers and agencies as may be reasonable and necessary for  
7           the purpose of securing compliance with the provisions of this Article and  
8           with the orders, rules, and regulations made pursuant thereto.
- 9           (3)    To take steps to assure that measures, including the installation of public  
10           utilities, are taken when necessary to qualify for temporary housing  
11           assistance from the federal government when that assistance is required to  
12           protect the public health, welfare, and safety.
- 13           (4)    Subject to the provisions of the State Constitution to relieve any public  
14           official having administrative responsibilities under this Article of such  
15           responsibilities for willful failure to obey an order, rule, or regulation  
16           adopted pursuant to this Article.
- 17        (b)    During a gubernatorially or legislatively declared state of emergency, with the  
18        concurrence of the Council of State, the Governor has the following powers:
- 19           (1)    To direct and compel the evacuation of all or part of the population from any  
20           stricken or threatened area within the State, to prescribe routes, modes of  
21           transportation, and destinations in connection with evacuation; and to control  
22           ingress and egress of an emergency area, the movement of persons within  
23           the area, and the occupancy of premises therein.
- 24           (2)    To establish a system of economic controls over all resources, materials, and  
25           services to include food, clothing, shelter, fuel, rents, and wages, including  
26           the administration and enforcement of any rationing, price freezing, or  
27           similar federal order or regulation.
- 28           (3)    To regulate and control the flow of vehicular and pedestrian traffic, the  
29           congregation of persons in public places or buildings, lights and noises of all  
30           kinds, and the maintenance, extension, and operation of public utility and  
31           transportation services and facilities.
- 32           (4)    To waive a provision of any regulation or ordinance of a State agency or a  
33           political subdivision which restricts the immediate relief of human suffering.
- 34           (5)    To perform and exercise such other functions, powers, and duties as are  
35           necessary to promote and secure the safety and protection of the civilian  
36           population.
- 37           (6)    To appoint or remove an executive head of any State agency or institution,  
38           the executive head of which is regularly selected by a State board or  
39           commission.
- 40           a.    Such an acting executive head will serve during the following:
- 41                1.    The physical or mental incapacity of the regular office holder,  
42                as determined by the Governor after such inquiry as the  
43                Governor deems appropriate.
- 44                2.    The continued absence of the regular holder of the office.
- 45                3.    A vacancy in the office pending selection of a new executive  
46                head.
- 47           b.    An acting executive head of a State agency or institution appointed in  
48           accordance with this subdivision may perform any act and exercise  
49           any power which a regularly selected holder of such office could  
50           lawfully perform and exercise.

- 1                   c.     All powers granted to an acting executive head of a State agency or  
2                   institution under this section shall expire immediately:  
3                   1.     Upon the termination of the incapacity as determined by the  
4                   Governor of the officer in whose stead the Governor acts;  
5                   2.     Upon the return of the officer in whose stead the Governor  
6                   acts; or  
7                   3.     Upon the selection and qualification of a person to serve for  
8                   the unexpired term, or the selection of an acting executive  
9                   head of the agency or institution by the board or commission  
10                  authorized to make such selection, and the person's  
11                  qualification.

- 12               (7)    To procure, by purchase, condemnation, seizure, or by other means to  
13               construct, lease, transport, store, maintain, renovate, or distribute materials  
14               and facilities for emergency management without regard to the limitation of  
15               any existing law.

16               (c)    In addition to any other powers conferred upon the Governor by law, during a  
17               gubernatorially or legislatively declared state of emergency, if the Governor determines that  
18               local control of the emergency is insufficient to assure adequate protection for lives and  
19               property because (i) needed control cannot be imposed locally because local authorities  
20               responsible for preservation of the public peace have not enacted appropriate ordinances or  
21               issued appropriate declarations as authorized by G.S. 166A-19.31; (ii) local authorities have not  
22               taken implementing steps under such ordinances or declarations, if enacted or declared, for  
23               effectual control of the emergency that has arisen; (iii) the area in which the emergency exists  
24               has spread across local jurisdictional boundaries, and the legal control measures of the  
25               jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and  
26               property are, or unquestionably will be, severely hampered; or (iv) the scale of the emergency  
27               is so great that it exceeds the capability of local authorities to cope with it, the Governor has the  
28               following powers:

- 29               (1)    To impose by declaration prohibitions and restrictions in the emergency  
30               area. These prohibitions and restrictions may, in the Governor's discretion,  
31               as appropriate to deal with the emergency, impose any of the types of  
32               prohibitions and restrictions enumerated in G.S. 166A-19.31(b), and may  
33               amend or rescind any prohibitions and restrictions imposed by local  
34               authorities. Prohibitions and restrictions imposed pursuant to this  
35               subdivision shall take effect in accordance with the provisions of  
36               G.S. 166A-19.31(d) and shall expire upon the earliest occurrence of either of  
37               the following: (i) the prohibition or restriction is terminated by the Governor  
38               or (ii) the state of emergency is terminated.
- 39               (2)    Give to all participating State and local agencies and officers such directions  
40               as may be necessary to assure coordination among them. These directions  
41               may include the designation of the officer or agency responsible for  
42               directing and controlling the participation of all public agencies and officers  
43               in the emergency. The Governor may make this designation in any manner  
44               which, in the Governor's discretion, seems most likely to be effective. Any  
45               law enforcement officer participating in the control of a state of emergency  
46               in which the Governor is exercising control under this section shall have the  
47               same power and authority as a sheriff throughout the territory to which the  
48               law enforcement officer is assigned.

49               (d)    Violation. – Any person who violates any provision of a declaration or executive  
50               order issued pursuant to this section shall be guilty of a Class 2 misdemeanor in accordance  
51               with G.S. 14-288.20A.

1 "§ 166A-19.31. Power of municipalities and counties to enact ordinances to deal with  
2 states of emergency.

3 (a) Authority to Enact Prohibitions and Restrictions. – The governing body of any  
4 municipality or county may enact ordinances designed to permit the imposition of prohibitions  
5 and restrictions within the emergency area during a state of emergency declared pursuant to  
6 G.S. 166A-19.22. Authority to impose by declaration prohibitions and restrictions under this  
7 section, and to impose those prohibitions and restrictions at a particular time as appropriate,  
8 may be delegated by ordinance to the mayor of a municipality or to the chair of the board of  
9 county commissioners of a county.

10 (b) Type of Prohibitions and Restrictions Authorized. – The ordinances authorized by  
11 this section may permit prohibitions and restrictions:

- 12 (1) Of movements of people in public places, including imposing a curfew;  
13 directing and compelling the voluntary or mandatory evacuation of all or  
14 part of the population from any stricken or threatened area within the  
15 governing body's jurisdiction; prescribing routes, modes of transportation,  
16 and destinations in connection with evacuation; and controlling ingress and  
17 egress of an emergency area, and the movement of persons within the area.  
18 (2) Of the operation of offices, business establishments, and other places to or  
19 from which people may travel or at which they may congregate.  
20 (3) Upon the possession, transportation, sale, purchase, and consumption of  
21 alcoholic beverages.  
22 (4) Upon the possession, transportation, sale, purchase, storage, and use of  
23 gasoline, and dangerous weapons and substances, except that this  
24 subdivision does not authorize prohibitions or restrictions on lawfully  
25 possessed firearms or ammunition. As used in this subdivision, the term  
26 "dangerous weapons and substances" has the same meaning as it does under  
27 G.S. 14-288.1. As used in this subdivision, the term "firearm" has the same  
28 meaning as it does under G.S. 14-409.39(2).  
29 (5) Upon other activities or conditions the control of which may be reasonably  
30 necessary to maintain order and protect lives or property during the state of  
31 emergency.

32 The ordinances authorized by this section need not require or provide for the imposition of all  
33 of the types of prohibitions or restrictions, or any particular prohibition or restriction,  
34 authorized by this section during an emergency but may instead authorize the official or  
35 officials who impose those prohibitions or restrictions to determine and impose the prohibitions  
36 or restrictions deemed necessary or suitable to a particular state of emergency.

37 (c) When Ordinances Take Effect. – Notwithstanding any other provision of law,  
38 whether general or special, relating to the promulgation or publication of ordinances by any  
39 municipality or county, upon the declaration of a state of emergency by the mayor or chair of  
40 the board of county commissioners within the municipality or the county, any ordinance  
41 enacted under the authority of this section shall take effect immediately unless the ordinance  
42 sets a later time. If the effect of this section is to cause an ordinance to go into effect sooner  
43 than it otherwise could under the law applicable to the municipality or county, the mayor or  
44 chair of the board of county commissioners, as the case may be, shall take steps to cause  
45 reports of the substance of the ordinance to be disseminated in a fashion that its substance will  
46 likely be communicated to the public in general, or to those who may be particularly affected  
47 by the ordinance if it does not affect the public generally. As soon as practicable thereafter,  
48 appropriate distribution or publication of the full text of any such ordinance shall be made.

49 (d) When Prohibitions and Restrictions Take Effect. – All prohibitions and restrictions  
50 imposed by declaration pursuant to ordinances adopted under this section shall take effect in  
51 the emergency area immediately upon publication of the declaration unless the declaration sets

1 a later time. For the purpose of requiring compliance, publication may consist of reports of the  
2 substance of the prohibitions and restrictions in the mass communications media serving the  
3 emergency area or other effective methods of disseminating the necessary information quickly.  
4 As soon as practicable, however, appropriate distribution of the full text of any declaration shall  
5 be made. This subsection shall not be governed by the provisions of G.S. 1-597.

6 (e) Expiration of Prohibitions and Restrictions. – Prohibitions and restrictions imposed  
7 pursuant to this section shall expire upon the earliest occurrence of any of the following:

8 (1) The prohibition or restriction is terminated by the official or entity that  
9 imposed the prohibition or restriction.

10 (2) The state of emergency terminates.

11 (f) Intent to Supplement Other Authority. – This section is intended to supplement and  
12 confirm the powers conferred by G.S. 153A-121(a), G.S. 160A-174(a), and all other general  
13 and local laws authorizing municipalities and counties to enact ordinances for the protection of  
14 the public health and safety in times of riot or other grave civil disturbance or emergency.

15 (g) Previously Enacted Ordinances Remain in Effect. – Any ordinance of a type  
16 authorized by this section promulgated prior to October 1, 2012, if otherwise valid, continue in  
17 full force and effect without reenactment.

18 (h) Violation. – Any person who violates any provision of an ordinance or a declaration  
19 enacted or declared pursuant to this section shall be guilty of a Class 2 misdemeanor in  
20 accordance with G.S. 14-288.20A.

21 "Part 6. Funding of Emergency Preparedness and Response.

22 **"§ 166A-19.40. Use of contingency and emergency funds.**

23 (a) Use of Funds for Relief and Assistance. – The Governor may use contingency and  
24 emergency funds as necessary and appropriate to provide relief and assistance from the effects  
25 of an emergency and may reallocate such other funds as may reasonably be available within the  
26 appropriations of the various departments when the severity and magnitude of the emergency  
27 so requires and the contingency and emergency funds are insufficient or inappropriate.

28 (b) Use of Funds for National Guard Training. – In preparation for a state of  
29 emergency, with the concurrence of the Council of State, the Governor may use contingency  
30 and emergency funds as necessary and appropriate for National Guard training in preparation  
31 for emergencies.

32 **"§ 166A-19.41. State emergency assistance funds.**

33 (a) Governor May Make Funds Available for Emergency Assistance. – In the event of a  
34 gubernatorially or legislatively declared state of emergency, the Governor may make State  
35 funds available for emergency assistance as authorized by this section. Any State funds made  
36 available by the Governor for emergency assistance may be administered through State  
37 emergency assistance programs which may be established by the Governor upon the  
38 declaration of a state of emergency. It is the intent of the General Assembly in authorizing the  
39 Governor to make State funds available for emergency assistance and in authorizing the  
40 Governor to establish State emergency assistance programs to provide State assistance for  
41 recovery from those emergencies for which federal assistance under the Stafford Act is either  
42 not available or does not adequately meet the needs of the citizens of the State in the  
43 emergency area.

44 (b) Emergency Assistance in a Type I Disaster. – In the event that a Type I disaster is  
45 declared, the Governor may make State funds available for emergency assistance in the  
46 emergency area in the form of individual assistance and public assistance as provided in this  
47 subsection.

48 (1) Individual assistance. – State emergency assistance in the form of grants to  
49 individuals and families may be made available when damage meets or  
50 exceeds the criteria set out in 13 C.F.R. Part 123 for the Small Business  
51 Administration Disaster Loan Program. Individual assistance grants shall

1 include benefits comparable to those provided by the Stafford Act and may  
2 be provided for the following:

- 3 a. Provision of temporary housing and rental assistance.
- 4 b. Repair or replacement of dwellings. Grants for repair or replacement  
5 of housing may include amounts necessary to locate the individual or  
6 family in safe, decent, and sanitary housing.
- 7 c. Replacement of personal property (including clothing, tools, and  
8 equipment).
- 9 d. Repair or replacement of privately owned vehicles.
- 10 e. Medical or dental expenses.
- 11 f. Funeral or burial expenses resulting from the emergency.
- 12 g. Funding for the cost of the first year's flood insurance premium to  
13 meet the requirements of the National Flood Insurance Act of 1968,  
14 as amended, 42 U.S.C. § 4001, et seq.

15 (2) Public assistance. – State emergency assistance in the form of public  
16 assistance grants may be made available to eligible entities located within  
17 the emergency area on the following terms and conditions:

- 18 a. Eligible entities shall meet the following qualifications:
  - 19 1. The eligible entity suffers a minimum of ten thousand dollars  
20 (\$10,000) in uninsurable losses;
  - 21 2. The eligible entity suffers uninsurable losses in an amount  
22 equal to or exceeding one percent (1%) of the annual  
23 operating budget.
  - 24 3. For a state of emergency declared pursuant to  
25 G.S. 166A-19.20(a) after the deadline established by the  
26 Federal Emergency Management Agency pursuant to the  
27 Disaster Mitigation Act of 2002, P.L. 106-390, the eligible  
28 entity shall have a hazard mitigation plan approved pursuant  
29 to the Stafford Act.
  - 30 4. For a state of emergency declared pursuant to  
31 G.S. 166A-19.20(a), after August 1, 2002, the eligible entity  
32 shall be participating in the National Flood Insurance  
33 Program in order to receive public assistance for flooding  
34 damage.
- 35 b. Eligible entities shall be required to provide non-State matching  
36 funds equal to twenty-five percent (25%) of the eligible costs of the  
37 public assistance grant.
- 38 c. An eligible entity that receives a public assistance grant pursuant to  
39 this subsection may use the grant for the following purposes only:
  - 40 1. Debris clearance.
  - 41 2. Emergency protective measures.
  - 42 3. Roads and bridges.
  - 43 4. Crisis counseling.
  - 44 5. Assistance with public transportation needs.

45 (c) Emergency Assistance in a Type II Disaster. – If a Type II disaster is declared, the  
46 Governor may make State funds available for emergency assistance in the emergency area in  
47 the form of the following types of grants:

- 48 (1) State Acquisition and Relocation Funds.
- 49 (2) Supplemental repair and replacement housing grants available to individuals  
50 or families in an amount necessary to locate the individual or family in safe,

1 decent, and sanitary housing, not to exceed twenty-five thousand dollars  
2 (\$25,000) per family.

3 (d) Emergency Assistance in a Type III Disaster. – If a Type III disaster is declared, the  
4 Governor may make State funds available for emergency assistance in the emergency area in  
5 the form of the following types of grants:

6 (1) State Acquisition and Relocation Funds.

7 (2) Supplemental repair and replacement housing grants available to individuals  
8 or families in an amount necessary to locate the individual or family in safe,  
9 decent, and sanitary housing, not to exceed twenty-five thousand dollars  
10 (\$25,000) per family.

11 (3) Any programs authorized by the General Assembly.

12 **"§ 166A-19.42. State Emergency Response Account.**

13 (a) Account Established. – There is established a State Emergency Response Account  
14 as a reserve in the General Fund. Any funds appropriated to the Account shall remain available  
15 for expenditure as provided by this section, unless directed otherwise by the General Assembly.

16 (b) Use of Funds. – The Governor may spend funds from the Account for the following  
17 purposes:

18 (1) To cover the start-up costs of State Emergency Response Team operations  
19 for an emergency that poses an imminent threat of a Type I, Type II, or Type  
20 III disaster.

21 (2) To cover the cost of first responders to a Type I, Type II, or Type III disaster  
22 and any related supplies and equipment needed by first responders that are  
23 not provided for under subdivision (1) of this subsection.

24 All other types of emergency assistance authorized by this Part shall continue to be  
25 financed by the funds made available under G.S. 166A-19.41.

26 (c) Reporting Requirement. – The Governor shall report to the Joint Legislative  
27 Commission on Governmental Operations and to the Chairs of the Appropriations Committees  
28 of the Senate and House of Representatives on any expenditures from the State Emergency  
29 Response Account no later than 30 days after making the expenditure. The report shall include  
30 a description of the emergency and type of action taken.

31 "Part 7. Immunity and Liability.

32 **"§ 166A-19.60. Immunity and exemption.**

33 (a) Generally. – All functions hereunder and all other activities relating to emergency  
34 management as provided for in this Chapter or elsewhere in the General Statutes are hereby  
35 declared to be governmental functions. Neither the State nor any political subdivision thereof,  
36 nor, except in cases of willful misconduct, gross negligence, or bad faith, any emergency  
37 management worker, firm, partnership, association, or corporation complying with or  
38 reasonably attempting to comply with this Article or any order, rule, or regulation promulgated  
39 pursuant to the provisions of this Article or pursuant to any ordinance relating to any  
40 emergency management measures enacted by any political subdivision of the State, shall be  
41 liable for the death of or injury to persons, or for damage to property as a result of any such  
42 activity.

43 (b) Immunity. – The immunity provided to firms, partnerships, associations, or  
44 corporations, under subsection (a) of this section, is subject to all of the following conditions:

45 (1) The immunity applies only when the firm, partnership, association, or  
46 corporation is acting without compensation or with compensation limited to  
47 no more than actual expenses and one of the following applies:

48 a. Emergency management services are provided at any place in this  
49 State during a state of emergency declared by the Governor or  
50 General Assembly pursuant to this Article, and the services are  
51 provided under the direction and control of the Secretary pursuant to

1 G.S. 166A-19.10, 166A-19.11, 166A-19.12, 166A-19.20,  
2 166A-19.30, and 143B-602, or the Governor.

3 b. Emergency management services are provided during a state of  
4 emergency declared pursuant to G.S. 166A-19.22, and the services  
5 are provided under the direction and control of the governing body of  
6 a municipality or county under G.S. 166A-19.31, or the chair of a  
7 board of county commissioners under G.S. 166A-19.22(b)(3).

8 c. The firm, partnership, association, or corporation is engaged in  
9 planning, preparation, training, or exercises with the Division, the  
10 Division of Public Health, or the governing body of each county or  
11 municipality under G.S. 166A-19.15 related to the performance of  
12 emergency management services or measures.

13 (2) The immunity shall not apply to any firm, partnership, association, or  
14 corporation, or to any employee or agent thereof, whose act or omission  
15 caused in whole or in part the actual or imminent emergency or whose act or  
16 omission necessitated emergency management measures.

17 (3) To the extent that any firm, partnership, association, or corporation has  
18 liability insurance, that firm, partnership, association, or corporation shall be  
19 deemed to have waived the immunity to the extent of the indemnification by  
20 insurance for its negligence. An insurer shall not under a contract of  
21 insurance exclude from liability coverage the acts or omissions of a firm,  
22 partnership, association, or corporation for which the firm, partnership,  
23 association, or corporation would only be liable to the extent indemnified by  
24 insurance as provided by this subdivision.

25 (c) No Effect on Benefits. – The rights of any person to receive benefits to which the  
26 person would otherwise be entitled under this Article or under the Workers' Compensation Law  
27 or under any pension law and the right of any such person to receive any benefits or  
28 compensation under any act of Congress shall not be affected by performance of emergency  
29 management functions.

30 (d) License Requirements Suspended. – Any requirement for a license to practice any  
31 professional, mechanical, or other skill shall not apply to any authorized emergency  
32 management worker who shall, in the course of performing the worker's duties as such, practice  
33 such professional, mechanical, or other skill during a state of emergency.

34 (e) Definition of Emergency Management Worker. – As used in this section, the term  
35 "emergency management worker" shall include any full- or part-time paid, volunteer, or  
36 auxiliary employee of this State or other states, territories, possessions, or the District of  
37 Columbia, of the federal government or any neighboring country or of any political subdivision  
38 thereof, or of any agency or organization performing emergency management services at any  
39 place in this State, subject to the order or control of or pursuant to a request of the State  
40 government or any political subdivision thereof. The term "emergency management worker"  
41 under this section shall also include any health care worker performing health care services as a  
42 member of a hospital-based or county-based State Medical Assistance Team designated by the  
43 North Carolina Office of Emergency Medical Services and any person performing emergency  
44 health care services under G.S. 90-12.2.

45 (f) Powers of Individuals Operating Pursuant to Mutual Aid Agreements. – Any  
46 emergency management worker, as defined in this section, performing emergency management  
47 services at any place in this State pursuant to agreements, compacts, or arrangements for  
48 mutual aid and assistance to which the State or a political subdivision thereof is a party, shall  
49 possess the same powers, duties, immunities, and privileges the person would ordinarily  
50 possess if performing duties in the State, or political subdivision thereof, in which normally  
51 employed or rendering services.

1 **"§ 166A-19.61. No private liability.**

2 Any person, firm, or corporation owning or controlling real or personal property who,  
3 voluntarily or involuntarily, knowingly or unknowingly, with or without compensation, grants a  
4 license or privilege or otherwise permits or allows the designation or use of the whole or any  
5 part or parts of such real or personal property for the purpose of sheltering, protecting,  
6 safeguarding, or aiding in any way persons shall, together with his successors in interest, if any,  
7 not be civilly liable for the death of or injury to any person or the loss of or damage to the  
8 property of any persons where such death, injury, loss, or damage resulted from, through, or  
9 because of the use of the said real or personal property for any of the above purposes.

10 **"§ 166A-19.62. Civil liability of persons who willfully ignore a warning in an emergency.**

11 In an emergency, a person who willfully ignores a warning regarding personal safety issued  
12 by a federal, State, or local law enforcement agency, emergency management agency, or other  
13 governmental agency responsible for emergency management under this Article is civilly liable  
14 for the cost of a rescue effort to any governmental agency or nonprofit agency cooperating with  
15 a governmental agency conducting a rescue on the endangered person's behalf if all of the  
16 following are true:

- 17 (1) The person ignores the warning and (i) engages in an activity or course of  
18 action that a reasonable person would not pursue or (ii) fails to take a course  
19 of action that a reasonable person would pursue.  
20 (2) As a result of ignoring the warning, the person places himself or herself or  
21 another in danger.  
22 (3) A governmental rescue effort is undertaken on the endangered person's  
23 behalf.

24 "Part 8. Miscellaneous Provisions.

25 **"§ 166A-19.70. Ensuring availability of emergency supplies and utility services.**

26 (a) Executive Order. – In addition to any other powers conferred on the Governor by  
27 law, whenever a curfew has been imposed, the Governor may declare by executive order that  
28 the health, safety, or economic well-being of persons or property in this State require that  
29 persons transporting essentials in commerce to the curfew area, or assisting in ensuring their  
30 availability, and persons assisting in restoring utility services, be allowed to enter or remain in  
31 areas from which they would otherwise be excluded for the limited purpose of delivering the  
32 essentials, assisting in ensuring their availability, or assisting in restoring utility services.

33 (b) Maximum Hours of Service Waiver. – As part of an executive order issued pursuant  
34 to subsection (a) of this section, or independently of such an order, the Governor may declare  
35 by executive order that the health, safety, or economic well-being of persons or property in this  
36 State require that the maximum hours of service prescribed by the Department of Public Safety  
37 pursuant to G.S. 20-381 and similar rules be waived for persons transporting essentials or  
38 assisting in the restoration of utility services.

39 (c) Certification System. – The Secretary shall develop a system pursuant to which a  
40 person who transports essentials in commerce, or assists in ensuring their availability, and  
41 persons who assist in the restoring of utility services can be certified as such. The certification  
42 system shall allow for both preemergency declaration and postemergency declaration  
43 certification and may include an annually renewable precertification. The Secretary shall only  
44 allow those who routinely transport or distribute essentials or assist in the restoring of utility  
45 services to be certified. A certification of the employer shall constitute a certification of the  
46 employer's employees. The Secretary shall create an easily recognizable indicium of  
47 certification in order to assist local officials' efforts to determine which persons have received  
48 certification by the system established under this subsection.

49 (d) Presence in Curfew Area Permitted. – Notwithstanding the existence of any curfew,  
50 a person who is certified pursuant to the system established under subsection (c) of this section  
51 shall be allowed to enter or remain in the curfew area for the limited purpose of delivering or

1 assisting in the distribution of essentials or assisting in the restoration of utility services and  
2 shall be allowed to provide service that exceeds otherwise applicable hours of service  
3 maximums, to the extent authorized by an executive order executed pursuant to subsection (a)  
4 of this section. Nothing in this section prohibits law enforcement or other local officials from  
5 specifying the permissible route of ingress or egress for persons with certifications.

6 (e) **Abnormal Market Disruptions with Respect to Petroleum.** – If the Governor  
7 declares the existence of an abnormal market disruption with respect to petroleum pursuant to  
8 G.S. 75-38(f), the Governor shall contemporaneously seek all applicable waivers under the  
9 federal Clean Air Act, 42 U.S.C. § 7401, et seq., and any other applicable federal law to  
10 facilitate the transportation of fuel within this State in order to address or prevent a fuel supply  
11 emergency in this State. Waiver requests shall be directed to the appropriate federal agencies  
12 and shall seek waivers of the following:

13 (1) **The Reformulated Gasoline requirements throughout the State.**

14 (2) **The Federal and State Implementation Plan summertime gasoline**  
15 **requirements (low RVP) throughout the State.**

16 (3) **Any other waiver that will, if obtained, facilitate the transportation of fuel**  
17 **within this State.**

18 (f) **Definitions.** – The following definitions apply in this section:

19 (1) **Curfew.** – Any restriction on ingress and egress to the emergency area of a  
20 state of emergency or any restriction on the movement of persons within  
21 such an area.

22 (2) **Curfew area.** – The area that is subject to a curfew.

23 (3) **Essentials.** – Any goods that are consumed or used as a direct result of an  
24 emergency or which are consumed or used to preserve, protect, or sustain  
25 life, health, safety, or economic well-being of persons or their property. The  
26 Secretary shall determine what goods constitute essentials for purposes of  
27 this section.

28 **§ 166A-19.71. Accept services, gifts, grants, and loans.**

29 Whenever the federal government or any agency or officer thereof or of any person, firm, or  
30 corporation shall offer to the State, or through the State to any political subdivision thereof,  
31 services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for emergency  
32 management purposes, the State acting through the Governor, or such political subdivision,  
33 acting with the consent of the Governor and through its governing body, may accept such offer.  
34 Upon such acceptance the Governor of the State or governing body of such political  
35 subdivision may authorize any officer of the State or of the political subdivision, as the case  
36 may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State  
37 or of such political subdivision, and subject to the terms of the offer and the rules and  
38 regulations, if any, of the agency making the offer.

39 **§ 166A-19.72. Establishment of mutual aid agreements.**

40 (a) **Governor Authorized to Enter Agreements with Other States and Federal**  
41 **Government.** – The Governor may establish mutual aid agreements with other states and with  
42 the federal government provided that any special agreements so negotiated are within the  
43 Governor's authority.

44 (b) **Governor Authorized to Enter Agreements with Political Subdivisions.** – The  
45 Governor may establish mutual aid agreements with political subdivisions in the State with the  
46 concurrence of the subdivision's governing body.

47 (c) **Political Subdivisions Authorized to Enter Agreements with Other Political**  
48 **Subdivisions.** – The chief executive of each political subdivision, with the concurrence of the  
49 subdivision's governing body, may develop mutual aid agreements for reciprocal emergency  
50 management aid and assistance. Such agreements shall be consistent with the State emergency  
51 management program and plans.

1        (d) Political Subdivisions Authorized to Enter Agreements with Political Subdivisions  
2 in Other States. – The chief executive officer of each political subdivision, with the  
3 concurrence of the governing body and subject to the approval of the Governor, may enter into  
4 mutual aid agreements with local chief executive officers in other states for reciprocal  
5 emergency management aid and assistance. These agreements shall be consistent with the State  
6 emergency management program and plans.

7        (e) Terms of Agreements. – Mutual aid agreements may include, but are not limited to,  
8 the furnishing or exchange of such supplies, equipment, facilities, personnel, and services as  
9 may be needed; the reimbursement of costs and expenses for equipment, supplies, personnel,  
10 and similar items; and on such terms and conditions as deemed necessary.

11 **"§ 166A-19.73. Compensation.**

12        (a) Extent of Compensation. – Compensation for services or for the taking or use of  
13 property shall be only to the extent that legal obligations of individual citizens are exceeded in  
14 a particular case and then only to the extent that the claimant has not been deemed to have  
15 volunteered his services or property without compensation.

16        (b) Limitation; Basis of Compensation. – Compensation for property shall be only if the  
17 property was commandeered, seized, taken, condemned, or otherwise used in coping with an  
18 emergency and this action was ordered by the Governor. The State shall make compensation  
19 for the property so seized, taken, or condemned on the following basis:

20            (1) In case property is taken for temporary use, the Governor, within 30 days of  
21 the taking, shall fix the amount of compensation to be paid for such damage  
22 or failure to return. Whenever the Governor shall deem it advisable for the  
23 State to take title to property taken under this section, the Governor shall  
24 forthwith cause the owner of such property to be notified thereof in writing  
25 by registered mail, postage prepaid, or by the best means available, and  
26 forthwith cause to be filed a copy of said notice with the Secretary of State.

27            (2) If the person entitled to receive the amounts so determined by the Governor  
28 as just compensation is unwilling to accept the same as full and complete  
29 compensation for such property or the use thereof, the person shall be paid  
30 seventy-five percent (75%) of such amount and shall be entitled to recover  
31 from the State of North Carolina in an action brought in the superior court in  
32 the county of residence of claimant, or in Wake County, in the same manner  
33 as other condemnation claims are brought, within three years after the date  
34 of the Governor's award.

35 **"§ 166A-19.74. Nondiscrimination in emergency management.**

36        State and local governmental bodies and other organizations and personnel who carry out  
37 emergency management functions under the provisions of this Article are required to do so in  
38 an equitable and impartial manner. Such State and local governmental bodies, organizations,  
39 and personnel shall not discriminate on the grounds of race, color, religion, nationality, sex,  
40 age, or economic status in the distribution of supplies, the processing of applications, and other  
41 relief and assistance activities.

42 **"§ 166A-19.75. Emergency management personnel.**

43        (a) Limitation. – No person shall be employed or associated in any capacity in any  
44 emergency management agency established under this Article if that person does or has done  
45 any of the following:

46            (1) Advocates or has advocated a change by force or violence in the  
47 constitutional form of the Government of the United States or in this State.

48            (2) Advocates or has advocated the overthrow of any government in the United  
49 States by force or violence.

50            (3) Has been convicted of any subversive act against the United States.

1           (4) Is under indictment or information charging any subversive act against the  
2           United States.

3           (5) Has ever been a member of the Communist Party.

4       (b) Oath. – Each person who is appointed to serve in any emergency management  
5 agency shall, before entering upon the person's duties, take a written oath before a person  
6 authorized to administer oaths in this State, which oath shall be substantially as follows:

7       "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of  
8 the United States and the Constitution of the State of North Carolina, against all enemies,  
9 foreign and domestic; and that I will bear true faith and allegiance to the same; that I take this  
10 obligation freely, without any mental reservation or purpose of evasion; and that I will well and  
11 faithfully discharge the duties upon which I am about to enter. And I do further swear (or  
12 affirm) that I do not advocate, nor am I, nor have I ever knowingly been, a member of any  
13 political party or organization that advocates the overthrow of the Government of the United  
14 States or of this State by force or violence; and that during such time as I am a member of the  
15 State Emergency Management Agency I will not advocate nor become a member of any  
16 political party or organization that advocates the overthrow of the Government of the United  
17 States or of this State by force or violence, so help me God."

18       (c) No Violation of Dual Office Holding Prohibition. – No position created by or  
19 pursuant to this Article shall be deemed an office within the meaning of Section 9 of Article 6  
20 of the North Carolina Constitution.

21 **"§ 166A-19.76. Leave options for voluntary firefighters, rescue squad workers, and**  
22 **emergency medical service personnel called into service.**

23       (a) Leave Without Pay. – A member of a volunteer fire department, rescue squad, or  
24 emergency medical services agency called into service of the State after a declaration of a state  
25 of emergency by the Governor or by the General Assembly, or upon the activation of the State  
26 Emergency Response Team in response to an emergency, shall have the right to take leave  
27 without pay from his or her civilian employment. No member of a volunteer fire department,  
28 rescue squad, or emergency medical services agency shall be forced to use or exhaust his or her  
29 vacation or other accrued leave from his or her civilian employment for a period of active  
30 service. The choice of leave shall be solely within the discretion of the member.

31       (b) Request in Writing Required. – For the volunteer member to be entitled to take  
32 leave without pay pursuant to this section, his or her services shall be requested in writing by  
33 the Director of the Division or by the head of a local emergency management agency. The  
34 request shall be directed to the Chief of the member's volunteer fire department, rescue squad,  
35 or emergency medical services agency, and a copy shall be provided to the member's employer.  
36 This section shall not apply to those members whose services have been certified by their  
37 employer to the Director of the Division, or to the head of a local emergency management  
38 agency, as essential to the employer's own ongoing emergency relief activities.

39       (c) Definition of an Emergency Requiring Activation of the State Emergency Response  
40 Team. – For purposes of this section, an emergency requiring the activation of the State  
41 Emergency Response Team means an emergency at Activation Level 2 or greater according to  
42 the North Carolina State Emergency Operations Plan of November 2002. Activation Level 2  
43 requires the State Emergency Operations Center to be fully activated with 24-hour staffing  
44 from all State Emergency Response Team members.

45       (d) Enforcement. – The Commissioner of Labor shall enforce the provisions of this  
46 section pursuant to Chapter 95 of the General Statutes.

47 **"§ 166A-19.77. Division of Forest Resources designated as emergency response agency.**

48       The Division of Forest Resources of the Department of Agriculture and Consumer Services  
49 is designated an emergency response agency of the State of North Carolina for purposes of the  
50 following:

51       (1) Supporting the Division in responding to all-risk incidents.



1 material or device, as defined in G.S. 14-288.8(c)(5), or any instrument or  
2 substance designed for a use that carries a threat of serious bodily injury or  
3 destruction of property; or any instrument or substance that is capable of  
4 being used to inflict serious bodily injury, when the circumstances indicate a  
5 probability that such instrument or substance will be so used; or any part or  
6 ingredient in any instrument or substance included above, when the  
7 circumstances indicate a probability that such part or ingredient will be so  
8 used.

9 (3) ~~"Declared state of emergency":~~Declared state of emergency. – A state of  
10 emergency as that term is defined in G.S. 166A-19.3 or a state of emergency  
11 ~~found and proclaimed by the Governor under the authority of~~  
12 ~~G.S. 14-288.15, by any mayor or other municipal official or officials under~~  
13 ~~the authority of G.S. 14-288.12, by any chairman of the board of~~  
14 ~~commissioners of any county or other county official or officials under the~~  
15 ~~authority of G.S. 14-288.13, by any chairman of the board of county~~  
16 ~~commissioners acting under the authority of G.S. 14-288.14, by declared by~~  
17 any chief executive official or acting chief executive official of any county  
18 or municipality acting under the authority of any other applicable statute or  
19 provision of the common law to preserve the public peace in a state of  
20 emergency, or by any executive official or military commanding officer of  
21 the United States or the State of North Carolina who becomes primarily  
22 responsible under applicable law for the preservation of the public peace  
23 within any part of North Carolina.

24 (4) ~~"Disorderly conduct":~~Disorderly conduct. – As defined in G.S. 14-288.4(a).

25 (4a) Emergency. – As defined in G.S. 166A-19.3.

26 (5) ~~"Law enforcement officer":~~Law enforcement officer. – Any officer of the  
27 State of North Carolina or any of its political subdivisions authorized to  
28 make arrests; any other person authorized under the laws of North Carolina  
29 to make arrests and either acting within that person's territorial jurisdiction  
30 or in an area in which that person has been lawfully called to duty by the  
31 Governor or any mayor or chairman of the board of county commissioners;  
32 any member of the Armed Forces of the United States, the North Carolina  
33 National Guard, or the North Carolina State Defense Militia called to duty in  
34 a state of emergency in North Carolina and made responsible for enforcing  
35 the laws of North Carolina or preserving the public peace; or any officer of  
36 the United States authorized to make arrests without warrant and assigned to  
37 duties that include preserving the public peace in North Carolina.

38 (6) ~~"Mayor":~~Mayor. – The mayor or other chief executive official of a  
39 municipality or, in case of that person's absence or disability, the person  
40 authorized to act in that person's stead. Unless the governing body of the  
41 municipality has specified who is to act in lieu of the mayor with respect to a  
42 particular power or duty set out in this Article, the word "mayor" shall apply  
43 to the person generally authorized to act in lieu of the mayor.

44 (7) ~~"Municipality":~~Municipality. – Any active incorporated city or town, but not  
45 including any sanitary district or other municipal corporation that is not a  
46 city or town. An "active" municipality is one which has conducted the most  
47 recent election required by its charter or the general law, whichever is  
48 applicable, and which has the authority to enact general police-power  
49 ordinances.

50 (8) ~~"Public disturbance":~~Public disturbance. – Any annoying, disturbing, or  
51 alarming act or condition exceeding the bounds of social toleration normal

1 for the time and place in question which occurs in a public place or which  
2 occurs in, affects persons in, or is likely to affect persons in a place to which  
3 the public or a substantial group has access. The places covered by this  
4 definition shall include, but not be limited to, highways, transport facilities,  
5 schools, prisons, apartment houses, places of business or amusement, or any  
6 neighborhood.

7 (9) ~~"Riot":~~Riot. – As defined in G.S. 14-288.2(a).

8 (10) ~~"State of emergency": The condition that exists whenever, during times of~~  
9 ~~public crisis, disaster, rioting, catastrophe, or similar public emergency,~~  
10 ~~public safety authorities are unable to maintain public order or afford~~  
11 ~~adequate protection for lives or property, or whenever the occurrence of any~~  
12 ~~such condition is imminent."~~

13 **SECTION 2.(b)** G.S. 14-288.4(a)(4)c. reads as rewritten:

14 "(a) Disorderly conduct is a public disturbance intentionally caused by any person who  
15 does any of the following:

16 ...

17 (4) Refuses to vacate any building or facility of any public or private  
18 educational institution in obedience to any of the following:

19 ...

20 c. If ~~a state of an~~ emergency is occurring or is imminent within the  
21 institution, an order given by any law-enforcement officer acting  
22 within the scope of the officer's authority."

23 **SECTION 2.(c)** G.S. 14-288.7 is repealed.

24 **SECTION 2.(d)** G.S. 14-288.11 reads as rewritten:

25 **"§ 14-288.11. Warrants to inspect vehicles in riot areas or approaching municipalities**  
26 **during emergencies.**

27 (a) Notwithstanding the provisions of Article 4 of Chapter 15, any law-enforcement  
28 officer may, under the conditions specified in this section, obtain a warrant authorizing  
29 inspection of vehicles under the conditions and for the purpose specified in subsection (b).

30 (b) The inspection shall be for the purpose of discovering any dangerous weapon or  
31 substance likely to be used by one who is or may become unlawfully involved in a riot. The  
32 warrant may be sought to inspect:

33 (1) All vehicles entering or approaching a municipality in which ~~a state of an~~  
34 emergency exists; or

35 (2) All vehicles which might reasonably be regarded as being within or  
36 approaching the immediate vicinity of an existing riot.

37 (c) The warrant may be issued by any judge or justice of the General Court of Justice.

38 (d) The issuing official shall issue the warrant only when he has determined that the one  
39 seeking the warrant has been specifically authorized to do so by the head of the  
40 law-enforcement agency of which the affiant is a member, and:

41 (1) If the warrant is being sought for the inspection of vehicles entering or  
42 approaching a municipality, that ~~a state of an~~ emergency exists within the  
43 municipality; or

44 (2) If the warrant being sought is for the inspection of vehicles within or  
45 approaching the immediate vicinity of a riot, that a riot is occurring within  
46 that area.

47 Facts indicating the basis of these determinations must be stated in an affidavit and signed by  
48 the affiant under oath or affirmation.

49 (e) The warrant must be signed by the issuing official and must bear the hour and date  
50 of its issuance.

1 (f) The warrant must indicate whether it is for the inspection of vehicles entering or  
2 approaching a municipality or whether it is for the inspection of vehicles within or approaching  
3 the immediate vicinity of a riot. In either case, it must also specify with reasonable precision  
4 the area within which it may be exercised.

5 (g) The warrant shall become invalid 24 hours following its issuance and must bear a  
6 notation to that effect.

7 (h) Warrants authorized under this section shall not be regarded as search warrants for  
8 the purposes of application of Article 4 of Chapter 15.

9 (i) Nothing in this section is intended to prevent warrantless frisks, searches, and  
10 inspections to the extent that they may be constitutional and consistent with common law and  
11 governing statutes."

12 **SECTION 2.(e)** G.S. 14-288.12 through G.S. 14-288.17 and G.S. 14-288.19 are  
13 repealed.

14 **SECTION 2.(f)** G.S. 14-288.18 reads as rewritten:

15 **"§ 14-288.18. Injunction to cope with emergencies at public and private educational**  
16 **institutions.**

17 (a) The chief administrative officer, or his authorized representative, of any public or  
18 private educational institution may apply to any superior court judge for injunctive relief if a  
19 ~~state of an~~ emergency exists ~~or is imminent~~ within his institution. For the purposes of this  
20 section, the superintendent of any city or county administrative school unit shall be deemed the  
21 chief administrative officer of any public elementary or secondary school within his unit.

22 (b) Upon a finding by a superior court judge, to whom application has been made under  
23 the provisions of this section, that a ~~state of an~~ emergency exists ~~or is imminent~~ within a public  
24 or private educational institution by reason of riot, disorderly conduct by three or more persons,  
25 or the imminent threat of riot, the judge may issue an injunction containing provisions  
26 appropriate to cope with the emergency then occurring or threatening. The injunction may be  
27 addressed to named persons or named or described groups of persons as to whom there is  
28 satisfactory cause for believing that they are contributing to the ~~existing or imminent state of~~  
29 emergency, and ordering such persons or groups of persons to take or refrain or desist from  
30 taking such various actions as the judge finds it appropriate to include in his order."

31 **SECTION 2.(g)** G.S. 20-118.4(a) reads as rewritten:

32 **"§ 20-118.4. Firefighting equipment exempt from size and weight restrictions while**  
33 **transporting or moving heavy equipment in an emergency; permits.**

34 (a) Exemption From Weight and Size Restrictions During Emergency Response. – Any  
35 overweight or oversize vehicle owned and operated by a State or local government or  
36 cooperating federal agency is exempt from the weight and size restrictions of this Chapter and  
37 implementing rules while it is actively engaged in (i) a response to a fire under the authority of  
38 a forest ranger pursuant to G.S. 113-55(a); (ii) a county request for forest protection assistance  
39 pursuant to G.S. 113-59; (iii) a request for assistance under a state of emergency declared  
40 pursuant to ~~G.S. 14-288.12, 14-288.13, 14-288.14, 14-288.15,~~ G.S. 166A-19.20 or  
41 G.S. 166A-19.22, and any other applicable statutes and provisions of common law; (iv) a  
42 request for assistance under a disaster declared pursuant to ~~G.S. 166A-6~~ or ~~G.S. 166A-8,~~  
43 G.S. 166A-19.21 when the vehicle meets the following conditions:

44 ...."

45 **SECTION 2.(h)** G.S. 42A-36 reads as rewritten:

46 **"§ 42A-36. Mandatory evacuations.**

47 If State or local authorities, acting pursuant to ~~Article 36A of Chapter 14~~ or ~~Article 1 of~~  
48 ~~Chapter 166A~~ Article 1A of Chapter 166A of the General Statutes, order a mandatory  
49 evacuation of an area that includes the residential property subject to a vacation rental, the  
50 tenant under the vacation rental agreement, whether in possession of the property or not, shall  
51 comply with the evacuation order. Upon compliance, the tenant shall be entitled to a refund

1 from the landlord of the rent, taxes, and any other payments made by the tenant pursuant to the  
2 vacation rental agreement as a condition of the tenant's right to occupy the property prorated for  
3 each night that the tenant is unable to occupy the property because of the mandatory evacuation  
4 order. The tenant shall not be entitled to a refund if: (i) prior to the tenant taking possession of  
5 the property, the tenant refused insurance offered by the landlord or real estate broker that  
6 would have compensated the tenant for losses or damages resulting from loss of use of the  
7 property due to a mandatory evacuation order; or (ii) the tenant purchased insurance offered by  
8 the landlord or real estate broker. The insurance offered shall be provided by an insurance  
9 company duly authorized by the North Carolina Department of Insurance, and the cost of the  
10 insurance shall not exceed eight percent (8%) of the total amount charged for the vacation  
11 rental to the tenant less the amount paid by the tenant for a security deposit."

12 **SECTION 2.(i)** G.S. 58-2-46 reads as rewritten:

13 "**§ 58-2-46. State of ~~disaster~~emergency automatic stay of proof of loss requirements;**  
14 **premium and debt deferrals; loss adjustments for separate windstorm policies.**

15 Whenever a state of ~~disaster~~emergency is proclaimed for the State or for an area within the  
16 State under ~~G.S. 166A-6~~G.S. 166A-19.20 or whenever the President of the United States has  
17 issued a major disaster declaration for the State or for an area within the State under the  
18 Stafford Act, 42 U.S.C. § 5121, et seq., as amended:

19 .....

20 **SECTION 2.(j)** G.S. 58-2-47 reads as rewritten:

21 "**§ 58-2-47. Incident affecting operations of the Department; stay of deadlines and deemer**  
22 **provisions.**

23 Regardless of whether a state of ~~disaster~~emergency has been proclaimed under  
24 ~~G.S. 166A-6~~G.S. 166A-19.20 or declared under the Stafford Act, whenever an incident beyond  
25 the Department's reasonable control, including an act of God, insurrection, strike, fire, power  
26 outage, or systematic technological failure, substantially affects the daily business operations of  
27 the Department, the Commissioner may issue an order, effective immediately, to stay the  
28 application of any deadlines and deemer provisions imposed by law or rule upon the  
29 Commissioner or Department or upon persons subject to the Commissioner's jurisdiction,  
30 which deadlines and deemer provisions would otherwise operate during the time period for  
31 which the operations of the Department have been substantially affected. The order shall  
32 remain in effect for a period not exceeding 30 days. The order may be renewed by the  
33 Commissioner for successive periods not exceeding 30 days each for as long as the operations  
34 of the Department remain substantially affected, up to a period of one year from the effective  
35 date of the initial order."

36 **SECTION 2.(k)** G.S. 58-3-228(b)(2) reads as rewritten:

37 "(2) The covered person requesting coverage of the refill or replacement  
38 prescription resides in a county that:

- 39 a. Is covered under a ~~proclamation of state of disaster~~state of  
40 emergency issued by the Governor or ~~by a resolution of the General~~  
41 Assembly under ~~G.S. 166A-6~~, G.S. 166A-19.20, or a declaration of  
42 major disaster issued by the President of the United States under the  
43 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42  
44 U.S.C. § 5121, et seq., as amended; or  
45 b. ~~Is declared to be under a state of emergency in a proclamation issued~~  
46 ~~by the Governor under G.S. 14-288.15."~~

47 **SECTION 2.(l)** G.S. 58-33-70(e) reads as rewritten:

48 "(e) The Commissioner may permit an experienced adjuster, who regularly adjusts in  
49 another state and who is licensed in the other state (if that state requires a license), to act as an  
50 adjuster in this State without a North Carolina license only for an insurance company  
51 authorized to do business in this State, for emergency insurance adjustment work, for a period

1 to be determined by the Commissioner, done for an employer who is an adjuster licensed by  
2 this State or who is a regular employer of one or more adjusters licensed by this State; provided  
3 that the employer shall furnish to the Commissioner a notice in writing immediately upon the  
4 beginning of any such emergency insurance adjustment work. As used in this subsection,  
5 "emergency insurance adjustment work" includes, but is not limited to, (i) adjusting of a single  
6 loss or losses arising out of an event or catastrophe common to all of those losses or (ii)  
7 adjusting losses in any area declared to be a state of ~~disaster~~emergency by the Governor under  
8 ~~G.S. 166A-6~~G.S. 166A-19.20 or by the President of the United States under applicable federal  
9 law."

10 **SECTION 2.(m)** G.S. 58-44-70(a) reads as rewritten:

11 "(a) This Part provides for a nonadversarial alternative dispute resolution procedure for a  
12 facilitated claim resolution conference prompted by the critical need for effective, fair, and  
13 timely handling of insurance claims arising out of damages to residential property as the result  
14 of an event for which there is a state of ~~disaster~~emergency declared within 60 days of the  
15 event. This Part applies only (i) if a state of ~~disaster~~emergency has been proclaimed for the  
16 State or for an area within the State by the Governor or by a resolution of the General  
17 Assembly under ~~G.S. 166A-6~~G.S. 166A-19.20; or (ii) if the President of the United States has  
18 issued a major disaster declaration for the State or for an area within the State under the Robert  
19 T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121, et seq., as  
20 amended; and (iii) if the Commissioner issues an order establishing the mediation procedure  
21 authorized by this Part."

22 **SECTION 2.(n)** G.S. 58-44-75(2) reads as rewritten:

23 **"§ 58-44-75. Definitions.**

24 As used in this Part:

25 ...

26 (2) Disaster. ~~—As defined in G.S. 166A-4(1).~~As the term "emergency" is  
27 defined in G.S. 166A-19.3(6)."

28 **SECTION 2.(o)** G.S. 75-38(d) reads as rewritten:

29 "(d) A "triggering event" means the declaration of a state of emergency ~~pursuant to~~  
30 ~~G.S. 166A-8 or Article 36A of Chapter 14 of the General Statutes, the proclamation of a state~~  
31 ~~of disaster pursuant to G.S. 166A-6, pursuant to Article 1A of Chapter 166A of the General~~  
32 Statutes or a finding of abnormal market disruption pursuant to G.S. 75-38(e)."

33 **SECTION 2.(p)** G.S. 83A-13.1(a) reads as rewritten:

34 "(a) A professional architect who voluntarily, without compensation, provides structural,  
35 electrical, mechanical, or other architectural services at the scene of a declared disaster or  
36 emergency, declared under federal law or in accordance with the provisions of ~~Article 1 of~~  
37 ~~Chapter 166A of the General Statutes or Article 36A of Chapter 14 of the General Statutes,~~  
38 Article 1A of Chapter 166A of the General Statutes, at the request of a public official, law  
39 enforcement official, public safety official, or building inspection official, acting in an official  
40 capacity, shall not be liable for any personal injury, wrongful death, property damage, or other  
41 loss caused by the professional architect's acts or omissions in the performance of the  
42 architectural services."

43 **SECTION 2.(q)** G.S. 89C-19.1(a) reads as rewritten:

44 "(a) A professional engineer who voluntarily, without compensation, provides structural,  
45 electrical, mechanical, or other engineering services at the scene of a declared disaster or  
46 emergency, declared under federal law or in accordance with the provisions of ~~Article 1 of~~  
47 ~~Chapter 166A of the General Statutes or Article 36A of Chapter 14 of the General Statutes,~~  
48 Article 1A of Chapter 166A of the General Statutes, at the request of a public official, law  
49 enforcement official, public safety official, or building inspection official, acting in an official  
50 capacity, shall not be liable for any personal injury, wrongful death, property damage, or other

1 loss caused by the professional engineer's acts or omissions in the performance of the  
2 engineering services."

3 **SECTION 2.(r)** G.S. 122C-409 reads as rewritten:

4 **"§ 122C-409. Community of Butner comprehensive emergency management plan.**

5 The Department of Public Safety shall establish an emergency management agency as  
6 defined in ~~G.S. 166A-4(2)~~G.S. 166A-19.3(9) for the Camp Butner Reservation, and the Town  
7 of Butner."

8 **SECTION 2.(s)** G.S. 131D-7 reads as rewritten:

9 **"§ 131D-7. Waiver of rules for certain adult care homes providing shelter or services  
10 during disaster or emergency.**

11 (a) The Division of Health Service Regulation may temporarily waive, during disasters  
12 or emergencies declared in accordance with ~~Article 1~~Article 1A of Chapter 166A of the  
13 General Statutes, any rules of the Commission pertaining to adult care homes to the extent  
14 necessary to allow the adult care home to provide temporary shelter and temporary services  
15 requested by the emergency management agency. The Division may identify, in advance of a  
16 declared disaster or emergency, rules that may be waived, and the extent the rules may be  
17 waived, upon a disaster or emergency being declared in accordance with ~~Article 1~~Article 1A of  
18 Chapter 166A of the General Statutes. The Division may also waive rules under this subsection  
19 during a declared disaster or emergency upon the request of an emergency management agency  
20 and may rescind the waiver if, after investigation, the Division determines the waiver poses an  
21 unreasonable risk to the health, safety, or welfare of any of the persons occupying the adult care  
22 home. The emergency management agency requesting temporary shelter or temporary services  
23 shall notify the Division within 72 hours of the time the preapproved waivers are deemed by  
24 the emergency management agency to apply.

25 (b) As used in this section, "emergency management agency" is as defined in  
26 ~~G.S. 166A-4(2)~~G.S. 166A-19.3."

27 **SECTION 2.(t)** G.S. 131E-84 reads as rewritten:

28 **"§ 131E-84. Waiver of rules for hospitals that provide temporary shelter or temporary  
29 services during a disaster or emergency.**

30 (a) The Division of Health Service Regulation may temporarily waive, during disasters  
31 or emergencies declared in accordance with ~~Article 1~~Article 1A of Chapter 166A of the  
32 General Statutes, any rules of the Commission pertaining to a hospital to the extent necessary to  
33 allow the hospital to provide temporary shelter and temporary services requested by the  
34 emergency management agency. The Division may identify, in advance of a declared disaster  
35 or emergency, rules that may be waived, and the extent to which the rules may be waived, upon  
36 a declaration of disaster or emergency in accordance with ~~Article 1~~Article 1A of Chapter 166A  
37 of the General Statutes. The Division may also waive rules under this subsection during a  
38 declared disaster or emergency upon the request of an emergency management agency and may  
39 rescind the waiver if, after investigation, the Division determines the waiver poses an  
40 unreasonable risk to the health, safety, or welfare of any of the persons occupying the hospital.  
41 The emergency management agency requesting temporary shelter or temporary services shall  
42 notify the Division within 72 hours of the time the preapproved waivers are deemed by the  
43 emergency management agency to apply.

44 (b) As used in this section, "emergency management agency" is as defined in  
45 ~~G.S. 166A-4~~G.S. 166A-19.3."

46 **SECTION 2.(u)** G.S. 131E-112 reads as rewritten:

47 **"§ 131E-112. Waiver of rules for health care facilities that provide temporary shelter or  
48 temporary services during a disaster or emergency.**

49 (a) The Division of Health Service Regulation may temporarily waive, during disasters  
50 or emergencies declared in accordance with ~~Article 1~~Article 1A of Chapter 166A of the  
51 General Statutes, any rules of the Commission pertaining to facilities or home care agencies to

1 the extent necessary to allow the facility or home care agency to provide temporary shelter and  
2 temporary services requested by the emergency management agency. The Division may  
3 identify, in advance of a declared disaster or emergency, rules that may be waived, and the  
4 extent the rules may be waived, upon a disaster or emergency being declared in accordance  
5 with ~~Article 1~~ Article 1A of Chapter 166A of the General Statutes. The Division may also  
6 waive rules under this subsection during a declared disaster or emergency upon the request of  
7 an emergency management agency and may rescind the waiver if, after investigation, the  
8 Division determines the waiver poses an unreasonable risk to the health, safety, or welfare of  
9 any of the persons occupying the facility. The emergency management agency requesting  
10 temporary shelter or temporary services shall notify the Division within 72 hours of the time  
11 the preapproved waivers are deemed by the emergency management agency to apply.

12 (b) As used in this section, "emergency management agency" is as defined in  
13 ~~G.S. 166A-4(2)~~ G.S. 166A-19.3.

14 **SECTION 2.(v)** G.S. 143C-4-4(b) reads as rewritten:

15 "(b) Authorized Uses. – Notwithstanding any other provision of law, funds appropriated  
16 to the Contingency and Emergency Fund may be used only for expenditures required: (i) by a  
17 court or Industrial Commission order, (ii) to respond to events as authorized under  
18 ~~G.S. 166A-5(1)a.9.~~ G.S. 166A-19.40(a) of the North Carolina Emergency Management Act, or  
19 (iii) for other statutorily authorized purposes or other contingencies and emergencies."

20 **SECTION 2.(w)** G.S. 143C-5-2 reads as rewritten:

21 **"§ 143C-5-2. Order of appropriations bills.**

22 Each house of the General Assembly shall first pass its version of the Current Operations  
23 Appropriations Act on third reading and order it sent to the other chamber before placing any  
24 other appropriations bill on the calendar for second reading. This section does not apply to the  
25 following bills:

- 26 (1) An appropriations bill to respond to ~~a disaster as defined by~~  
27 ~~G.S. 166A-4(1)~~ an emergency as defined by G.S. 166A-19.3.  
28 (2) An appropriations bill making adjustments to the current year budget.  
29 (3) An appropriations bill authorizing continued operations at current funding  
30 levels."

31 **SECTION 2.(x)** G.S. 143C-6-4(b)(2) reads as rewritten:

32 "(b) Adjustments to the Certified Budget. – Notwithstanding the provisions of  
33 G.S. 143C-6-1, a State agency may, with approval of the Director of the Budget, spend more  
34 than was authorized in the certified budget for all of the following:

35 ...

- 36 (2) A purpose or program if the overexpenditure of the purpose or program is:  
37 a. Required by a court or Industrial Commission order;  
38 b. Authorized under ~~G.S. 166A-5(1)a.9.~~ G.S. 166A-19.40(a) of the  
39 North Carolina Emergency Management Act; or  
40 c. Required to call out the National Guard."

41 **SECTION 2.(y)** G.S. 166A-24 reads as rewritten:

42 **"§ 166A-24. Immunity of Regional Response Team Personnel.**

43 Members of a regional response team shall be protected from liability under the provisions  
44 of ~~G.S. 166A-14(a)~~ G.S. 166A-19.60(a) while responding to a hazardous materials or terrorist  
45 incident pursuant to authorization from the Division of Emergency Management."

46 **SECTION 2.(z)** G.S. 14-409.40(f) reads as rewritten:

47 "(f) Nothing contained in this section prohibits municipalities or counties from  
48 application of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, 14-269.3,  
49 14-269.4, 14-277.2, 14-415.11, 14-415.23, including prohibiting the possession of firearms in  
50 public-owned buildings, on the grounds or parking areas of those buildings, or in public parks  
51 or recreation areas, except nothing in this subsection shall prohibit a person from storing a

1 firearm within a motor vehicle while the vehicle is on these grounds or areas. Nothing  
 2 contained in this section prohibits municipalities or counties from exercising powers provided  
 3 by law in ~~declared~~ states of emergency declared under Article 36A of this Chapter Article 1A  
 4 of Chapter 166A of the General Statutes."

5 **SECTION 2.(aa)** G.S. 14-415.4(e)(6) reads as rewritten:

6 "(e) Disqualifiers Requiring Denial of Petition. – The court shall deny the petition to  
 7 restore the firearms rights of any petitioner if the court finds any of the following:

8 ...

9 (6) The petitioner is or has been adjudicated guilty of or received a prayer for  
 10 judgment continued or suspended sentence for one or more crimes of  
 11 violence constituting a misdemeanor, including a misdemeanor under Article  
 12 8 of Chapter 14 of the General Statutes, or a misdemeanor under  
 13 G.S. 14-225.2, 14-226.1, 14-258.1, 14-269.2, 14-269.3, 14-269.4, 14-269.6,  
 14 14-276.1, 14-277, 14-277.1, 14-277.2, 14-277.3, 14-281.1, 14-283,  
 15 14-288.2, 14-288.4(a)(1) or (2), 14-288.6, 14-288.9, ~~14-288.12, 14-288.13,~~  
 16 ~~14-288.14, 14-288.20A,~~ 14-318.2, 14-415.21(b), or 14-415.26(d), or a  
 17 substantially similar out-of-state or federal offense."

18 **SECTION 2.(bb)** G.S. 14-415.12(b)(8) reads as rewritten:

19 "(b) The sheriff shall deny a permit to an applicant who:

20 ...

21 (8) Is or has been adjudicated guilty of or received a prayer for judgment  
 22 continued or suspended sentence for one or more crimes of violence  
 23 constituting a misdemeanor, including but not limited to, a violation of a  
 24 misdemeanor under Article 8 of Chapter 14 of the General Statutes, or a  
 25 violation of a misdemeanor under G.S. 14-225.2, 14-226.1, 14-258.1,  
 26 14-269.2, 14-269.3, 14-269.4, 14-269.6, 14-276.1, 14-277, 14-277.1,  
 27 14-277.2, 14-277.3A, 14-281.1, 14-283, 14-288.2, 14-288.4(a)(1) or (2),  
 28 14-288.6, 14-288.9, ~~14-288.12, 14-288.13, 14-288.14,~~ ~~14-288.20A,~~  
 29 14-318.2, 14-415.21(b), 14-415.26(d), or former G.S. 14-277.3."

30 **SECTION 2.(cc)** G.S. 18B-110 reads as rewritten:

31 **"§ 18B-110. Emergency.**

32 When the Governor finds that a ~~"state of emergency," as defined in G.S. 14-288.1, an~~  
 33 emergency, as that term is defined in G.S. 166A-19.3, exists anywhere in this State, ~~the~~  
 34 Governor may

35 (1) Order the closing of all ABC stores; and

36 (2) Order the cessation of all sales, transportation, manufacture, and bottling of  
 37 alcoholic beverages.

38 The Governor's order shall apply in those portions of the State designated in the order, for  
 39 the duration of the state of emergency. Any order by the Governor under this section shall be  
 40 directed to the Chairman of the Commission and to the Secretary of Public Safety."

41 **SECTION 2.(dd)** G.S. 70-13.1(a)(2) reads as rewritten:

42 "(2) Criminal history. – A history of conviction of a state or federal crime,  
 43 whether a misdemeanor or felony, that bears upon an applicant's fitness to  
 44 conduct archaeological investigations under G.S. 70-13. The crimes include  
 45 the criminal offenses set forth in any of the following Articles of Chapter 14  
 46 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary  
 47 Substitutes; Article 5A, Endangering Executive and Legislative Officers and  
 48 Court Officers; Article 6, Homicide; Article 7A, Rape and Other Sex  
 49 Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article  
 50 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device  
 51 or Material; Article 14, Burglary and Other Housebreakings; Article 15,

Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 19C, Financial Identity Fraud; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, ~~Riots and Civil Disorders~~; Riots, Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302, or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5."

**SECTION 2.(ee)** G.S. 74F-18(a)(2) reads as rewritten:

"(2) Criminal history. – A history of conviction of a state or federal crime, whether a misdemeanor or felony, that bears on an applicant's fitness for licensure to practice locksmithing. The crimes include the criminal offenses set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, ~~Riots and Civil Disorders~~; Riots, Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act in Article 5 of Chapter 90 of the General Statutes and alcohol-related offenses including sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states."

**SECTION 2.(ff)** G.S. 90-12.5 reads as rewritten:

**"§ 90-12.5. Disasters and emergencies.**

In the event of an occurrence which the Governor of the State of North Carolina has declared ~~a disaster or when the Governor has declared~~ a state of emergency, or in the event of an occurrence for which a county or municipality has enacted an ordinance to deal with states of emergency under ~~G.S. 14-288.12, 14-288.13, or 14-288.14~~, G.S. 166A-19.31, or to protect

1 the public health, safety, or welfare of its citizens under Article 22 of Chapter 130A of the  
2 General Statutes, G.S. 160A-174(a) or G.S. 153A-121(a), as applicable, the Board may waive  
3 the requirements of this Article in order to permit the provision of emergency health services to  
4 the public."

5 **SECTION 2.(gg)** G.S. 90-85.25(a) reads as rewritten:

6 "**§ 90-85.25. Disasters and emergencies.**

7 (a) In the event of an occurrence which the Governor of the State of North Carolina has  
8 declared a disaster or when the Governor has declared a state of emergency, or in the event of  
9 an occurrence for which a county or municipality has enacted an ordinance to deal with states  
10 of emergency under ~~G.S. 14-288.12, 14-288.13, or 14-288.14~~, G.S. 166A-19.31, or to protect  
11 the public health, safety, or welfare of its citizens under G.S. 160A-174(a) or  
12 G.S. 153A-121(a), as applicable, the Board may waive the requirements of this Article in order  
13 to permit the provision of drugs, devices, and professional services to the public."

14 **SECTION 2.(hh)** G.S. 90-113.31A(14) reads as rewritten:

15 "(14) Criminal history. – A history of conviction of a State crime, whether a  
16 misdemeanor or felony, that bears on an applicant's fitness for licensure to  
17 practice substance abuse professional services. The crimes include the  
18 criminal offenses set forth in any of the following Articles of Chapter 14 of  
19 the General Statutes: Article 5, Counterfeiting and Issuing Monetary  
20 Substitutes; Article 5A, Endangering Executive and Legislative Officers;  
21 Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8,  
22 Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious  
23 Injury or Damage by Use of Explosive or Incendiary Device or Material;  
24 Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other  
25 Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,  
26 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,  
27 Obtaining Property or Services by False or Fraudulent Use of Credit Device  
28 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article  
29 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public  
30 Morality and Decency; Article 26A, Adult Establishments; Article 27,  
31 Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct  
32 in Public Office; Article 35, Offenses Against the Public Peace; Article 36A,  
33 ~~Riots and Civil Disorders~~; Riots, Civil Disorders, and Emergencies; Article  
34 39, Protection of Minors; Article 40, Protection of the Family; Article 59,  
35 Public Intoxication; and Article 60, Computer-Related Crime. The crimes  
36 also include possession or sale of drugs in violation of the North Carolina  
37 Controlled Substances Act in Article 5 of Chapter 90 of the General Statutes  
38 and alcohol-related offenses including sale to underage persons in violation  
39 of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1  
40 through G.S. 20-138.5."

41 **SECTION 2.(ii)** G.S. 90-171.48(a)(2) reads as rewritten:

42 "(2) Criminal history. – A history of conviction of a State crime, whether a  
43 misdemeanor or felony, that bears on an applicant's fitness for licensure to  
44 practice nursing. The crimes include the criminal offenses set forth in any of  
45 the following Articles of Chapter 14 of the General Statutes: Article 5,  
46 Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering  
47 Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape  
48 and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and  
49 Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or  
50 Incendiary Device or Material; Article 14, Burglary and Other  
51 Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny;

1 Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses  
2 and Cheats; Article 19A, Obtaining Property or Services by False or  
3 Fraudulent Use of Credit Device or Other Means; Article 19B, Financial  
4 Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article  
5 26, Offenses Against Public Morality and Decency; Article 26A, Adult  
6 Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29,  
7 Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses  
8 Against the Public Peace; Article 36A, ~~Riots and Civil Disorders~~; Riots,  
9 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article  
10 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,  
11 Computer-Related Crime. The crimes also include possession or sale of  
12 drugs in violation of the North Carolina Controlled Substances Act in Article  
13 5 of Chapter 90 of the General Statutes and alcohol-related offenses  
14 including sale to underage persons in violation of G.S. 18B-302 or driving  
15 while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5."

16 **SECTION 2.(jj)** G.S. 90-270.63(a)(2) reads as rewritten:

17 "(2) Criminal history. – A history of conviction of a State or federal crime,  
18 whether a misdemeanor or felony, that bears on an applicant's fitness for  
19 licensure to practice marriage and family therapy. The crimes include the  
20 criminal offenses set forth in any of the following Articles of Chapter 14 of  
21 the General Statutes: Article 5, Counterfeiting and Issuing Monetary  
22 Substitutes; Article 5A, Endangering Executive and Legislative Officers;  
23 Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8,  
24 Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious  
25 Injury or Damage by Use of Explosive or Incendiary Device or Material;  
26 Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other  
27 Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,  
28 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,  
29 Obtaining Property or Services by False or Fraudulent Use of Credit Device  
30 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article  
31 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public  
32 Morality and Decency; Article 26A, Adult Establishments; Article 27,  
33 Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct  
34 in Public Office; Article 35, Offenses Against the Public Peace; Article 36A,  
35 ~~Riots and Civil Disorders~~; Riots, Civil Disorders, and Emergencies; Article  
36 39, Protection of Minors; Article 40, Protection of the Family; Article 59,  
37 Public Intoxication; and Article 60, Computer-Related Crime. The crimes  
38 also include possession or sale of drugs in violation of the North Carolina  
39 Controlled Substances Act in Article 5 of Chapter 90 of the General Statutes  
40 and alcohol-related offenses, including sale to underage persons in violation  
41 of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1  
42 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this  
43 subdivision, such crimes also include similar crimes under federal law or  
44 under the laws of other states."

45 **SECTION 2.(kk)** G.S. 90-288.01(a)(2) reads as rewritten:

46 "(2) Criminal history. – A history of conviction of a state or federal crime,  
47 whether a misdemeanor or felony, that bears on an applicant's fitness for  
48 licensure as a nursing home administrator. The crimes include the criminal  
49 offenses set forth in any of the following Articles of Chapter 14 of the  
50 General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes;  
51 Article 5A, Endangering Executive and Legislative Officers; Article 6,

1 Homicide; Article 7A, Rape and Other Sex Offenses; Article 8, Assaults;  
 2 Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or  
 3 Damage by Use of Explosive or Incendiary Device or Material; Article 14,  
 4 Burglary and Other Housebreakings; Article 15, Arson and Other Burnings;  
 5 Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article  
 6 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services  
 7 by False or Fraudulent Use of Credit Device or Other Means; Article 19B,  
 8 Financial Transaction Card Crime Act; Article 20, Frauds; Article 21,  
 9 Forgery; Article 26, Offenses Against Public Morality and Decency; Article  
 10 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury;  
 11 Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35,  
 12 Offenses Against the Public Peace; Article 36A, ~~Riots and Civil Disorders;~~  
 13 Riots, Civil Disorders, and Emergencies; Article 39, Protection of Minors;  
 14 Article 40, Protection of the Family; Article 59, Public Intoxication; and  
 15 Article 60, Computer-Related Crime. The crimes also include possession or  
 16 sale of drugs in violation of the North Carolina Controlled Substances Act,  
 17 Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses,  
 18 including sale to underage persons in violation of G.S. 18B-302 or driving  
 19 while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5."

20 **SECTION 2.(ii)** G.S. 90-345(a)(2) reads as rewritten:

21 "(2) Criminal history. – A history of conviction of a State or federal crime,  
 22 whether a misdemeanor or felony, that bears on an applicant's fitness for  
 23 licensure to practice professional counseling. The crimes include the  
 24 criminal offenses set forth in any of the following Articles of Chapter 14 of  
 25 the General Statutes: Article 5, Counterfeiting and Issuing Monetary  
 26 Substitutes; Article 5A, Endangering Executive and Legislative Officers;  
 27 Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8,  
 28 Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious  
 29 Injury or Damage by Use of Explosive or Incendiary Device or Material;  
 30 Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other  
 31 Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,  
 32 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,  
 33 Obtaining Property or Services by False or Fraudulent Use of Credit Device  
 34 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article  
 35 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public  
 36 Morality and Decency; Article 26A, Adult Establishments; Article 27,  
 37 Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct  
 38 in Public Office; Article 35, Offenses Against the Public Peace; Article 36A,  
 39 ~~Riots and Civil Disorders;~~ Riots, Civil Disorders, and Emergencies; Article  
 40 39, Protection of Minors; Article 40, Protection of the Family; Article 59,  
 41 Public Intoxication; and Article 60, Computer-Related Crime. The crimes  
 42 also include possession or sale of drugs in violation of the North Carolina  
 43 Controlled Substances Act in Article 5 of Chapter 90 of the General Statutes  
 44 and alcohol-related offenses including sale to underage persons in violation  
 45 of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1  
 46 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this  
 47 subdivision, such crimes also include similar crimes under federal law or  
 48 under the laws of other states."

49 **SECTION 2.(mm)** G.S. 93E-2-11(a)(2) reads as rewritten:

50 "(2) Criminal history. – A history of conviction of a state or federal crime,  
 51 whether a misdemeanor or felony, that bears on an applicant's fitness for

1 registration to act as a real estate appraisal management company. The  
2 crimes include the criminal offenses set forth in any of the following Articles  
3 of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing  
4 Monetary Substitutes; Article 5A, Endangering Executive and Legislative  
5 Officers; Article 6, Homicide; Article 7A, Rape and Other Sex Offenses;  
6 Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13,  
7 Malicious Injury or Damage by Use of Explosive or Incendiary Device or  
8 Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson  
9 and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,  
10 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,  
11 Obtaining Property or Services by False or Fraudulent Use of Credit Device  
12 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article  
13 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public  
14 Morality and Decency; Article 26A, Adult Establishments; Article 27,  
15 Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct  
16 in Public Office; Article 35, Offenses Against the Public Peace; Article 36A,  
17 ~~Riots and Civil Disorders;~~ Riots, Civil Disorders, and Emergencies; Article  
18 39, Protection of Minors; Article 40, Protection of the Family; Article 59,  
19 Public Intoxication; and Article 60, Computer-Related Crime. The crimes  
20 also include possession or sale of drugs in violation of the North Carolina  
21 Controlled Substances Act in Article 5 of Chapter 90 of the General Statutes  
22 and alcohol-related offenses, including sale to underage persons in violation  
23 of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1  
24 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this  
25 subdivision, such crimes also include similar crimes under federal law or  
26 under the laws of other states."

27 **SECTION 2.(nn)** G.S. 114-19.6(a)(2) reads as rewritten:

28 "(2) "Criminal history" means a State or federal history of conviction of a crime,  
29 whether a misdemeanor or felony, that bears upon a covered person's fitness  
30 for employment in the Department of Health and Human Services or the  
31 Division of Juvenile Justice of the Department of Public Safety. The crimes  
32 include, but are not limited to, criminal offenses as set forth in any of the  
33 following Articles of Chapter 14 of the General Statutes: Article 5,  
34 Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering  
35 Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape  
36 and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and  
37 Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or  
38 Incendiary Device or Material; Article 14, Burglary and Other  
39 Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny;  
40 Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses  
41 and Cheats; Article 19A, Obtaining Property or Services by False or  
42 Fraudulent Use of Credit Device or Other Means; Article 19B, Financial  
43 Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article  
44 26, Offenses Against Public Morality and Decency; Article 26A, Adult  
45 Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29,  
46 Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses  
47 Against the Public Peace; Article 36A, ~~Riots and Civil Disorders;~~ Riots,  
48 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article  
49 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,  
50 Computer-Related Crime. The crimes also include possession or sale of  
51 drugs in violation of the North Carolina Controlled Substances Act, Article 5

1 of Chapter 90 of the General Statutes, and alcohol-related offenses such as  
2 sale to underage persons in violation of G.S. 18B-302, or driving while  
3 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5."

4 **SECTION 2.(oo)** G.S. 114-19.12(a)(2) reads as rewritten:

5 "(2) Criminal history. – A State or federal history of conviction of a crime,  
6 whether a misdemeanor or felony, that bears upon a covered person's fitness  
7 for holding a paid or volunteer position with a fire department. The crimes  
8 include, but are not limited to, criminal offenses as set forth in any of the  
9 following Articles of Chapter 14 of the General Statutes: Article 5,  
10 Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering  
11 Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape  
12 and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and  
13 Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or  
14 Incendiary Device or Material; Article 14, Burglary and Other  
15 Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny;  
16 Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses  
17 and Cheats; Article 19A, Obtaining Property or Services by False or  
18 Fraudulent Use of Credit Device or Other Means; Article 19B, Financial  
19 Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article  
20 26, Offenses Against Public Morality and Decency; Article 26A, Adult  
21 Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29,  
22 Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses  
23 Against the Public Peace; Article 36A, ~~Riots and Civil Disorders;~~ Riots,  
24 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article  
25 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,  
26 Computer-Related Crime. The crimes also include possession or sale of  
27 drugs in violation of the North Carolina Controlled Substances Act, Article 5  
28 of Chapter 90 of the General Statutes, and alcohol-related offenses such as  
29 sale to underage persons in violation of G.S. 18B-302, or driving while  
30 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5."

31 **SECTION 2.(pp)** G.S. 114-19.23(a)(2) reads as rewritten:

32 "(2) "Criminal history" means a State or federal history of conviction of a crime,  
33 whether a misdemeanor or felony, that bears upon a covered person's fitness  
34 for employment in the Department of Public Instruction. The crimes include,  
35 but are not limited to, criminal offenses as set forth in any of the following  
36 Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and  
37 Issuing Monetary Substitutes; Article 5A, Endangering Executive and  
38 Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other Sex  
39 Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article  
40 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device  
41 or Material; Article 14, Burglary and Other Housebreakings; Article 15,  
42 Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article  
43 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,  
44 Obtaining Property or Services by False or Fraudulent Use of Credit Device  
45 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article  
46 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public  
47 Morality and Decency; Article 26A, Adult Establishments; Article 27,  
48 Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct  
49 in Public Office; Article 35, Offenses Against the Public Peace; Article 36A,  
50 ~~Riots and Civil Disorders;~~ Riots, Civil Disorders, and Emergencies; Article  
51 39, Protection of Minors; Article 40, Protection of the Family; Article 59,

1 Public Intoxication; and Article 60, Computer-Related Crime. The crimes  
2 also include possession or sale of drugs in violation of the North Carolina  
3 Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes,  
4 and alcohol-related offenses such as sale to underage persons in violation of  
5 G.S. 18B-302, or driving while impaired violation of G.S. 20-138.1 through  
6 G.S. 20-138.5."

7 **SECTION 2.(qq)** G.S. 115C-238.29K(a)(1) reads as rewritten:

8 "(1) "Criminal history" means a county, state, or federal criminal history of  
9 conviction of a crime, whether a misdemeanor or a felony, that indicates an  
10 individual (i) poses a threat to the physical safety of students or personnel, or  
11 (ii) has demonstrated that he or she does not have the integrity or honesty to  
12 fulfill his or her duties as school personnel. These crimes include the  
13 following North Carolina crimes contained in any of the following Articles  
14 of Chapter 14 of the General Statutes: Article 5A, Endangering Executive  
15 and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Kindred  
16 Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article  
17 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device  
18 or Material; Article 14, Burglary and Other Housebreakings; Article 15,  
19 Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article  
20 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A,  
21 Obtaining Property or Services by False or Fraudulent Use of Credit Device  
22 or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses  
23 Against Public Morality and Decency; Article 26A, Adult Establishments;  
24 Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31,  
25 Misconduct in Public Office; Article 35, Offenses Against the Public Peace;  
26 Article 36A, ~~Riots and Civil Disorders~~; Riots, Civil Disorders, and  
27 Emergencies; Article 39, Protection of Minors; and Article 60,  
28 Computer-Related Crime. These crimes also include possession or sale of  
29 drugs in violation of the North Carolina Controlled Substances Act, Article 5  
30 of Chapter 90 of the General Statutes, and alcohol-related offenses such as  
31 sale to underage persons in violation of G.S. 18B-302 or driving while  
32 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to  
33 the North Carolina crimes listed in this subdivision, such crimes also include  
34 similar crimes under federal law or under the laws of other states."

35 **SECTION 2.(rr)** G.S. 115C-332(a)(1) reads as rewritten:

36 "(1) "Criminal history" means a county, state, or federal criminal history of  
37 conviction of a crime, whether a misdemeanor or a felony, that indicates the  
38 employee (i) poses a threat to the physical safety of students or personnel, or  
39 (ii) has demonstrated that he or she does not have the integrity or honesty to  
40 fulfill his or her duties as public school personnel. Such crimes include the  
41 following North Carolina crimes contained in any of the following Articles  
42 of Chapter 14 of the General Statutes: Article 5A, Endangering Executive  
43 and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Kindred  
44 Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article  
45 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device  
46 or Material; Article 14, Burglary and Other Housebreakings; Article 15,  
47 Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article  
48 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A,  
49 Obtaining Property or Services by False or Fraudulent Use of Credit Device  
50 or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses  
51 Against Public Morality and Decency; Article 26A, Adult Establishments;

1 Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31,  
2 Misconduct in Public Office; Article 35, Offenses Against the Public Peace;  
3 Article 36A, ~~Riots and Civil Disorders~~; Riots, Civil Disorders, and  
4 Emergencies; Article 39, Protection of Minors; and Article 60,  
5 Computer-Related Crime. Such crimes also include possession or sale of  
6 drugs in violation of the North Carolina Controlled Substances Act, Article 5  
7 of Chapter 90 of the General Statutes, and alcohol-related offenses such as  
8 sale to underage persons in violation of G.S. 18B-302 or driving while  
9 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to  
10 the North Carolina crimes listed in this subparagraph, such crimes also  
11 include similar crimes under federal law or under the laws of other states."

12 **SECTION 2.(ss)** G.S. 121-25.1(a)(2) reads as rewritten:

13 "(2) Criminal history. – A history of conviction of a state or federal crime,  
14 whether a misdemeanor or felony, that bears upon an applicant's fitness to  
15 conduct activities related to the surveillance, protection, preservation, and  
16 archaeological recovery of property subject to the exclusive dominion and  
17 control of the State under G.S. 121-22. The crimes include the criminal  
18 offenses set forth in any of the following Articles of Chapter 14 of the  
19 General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes;  
20 Article 5A, Endangering Executive and Legislative Officers and Court  
21 Officers; Article 6, Homicide; Article 7A, Rape and Other Sex Offenses;  
22 Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13,  
23 Malicious Injury or Damage by Use of Explosive or Incendiary Device or  
24 Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson  
25 and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,  
26 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,  
27 Obtaining Property or Services by False or Fraudulent Use of Credit Device  
28 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article  
29 19C, Financial Identity Fraud; Article 20, Frauds; Article 21, Forgery;  
30 Article 26, Offenses Against Public Morality and Decency; Article 26A,  
31 Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article  
32 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses  
33 Against the Public Peace; Article 36A, ~~Riots and Civil Disorders~~; Riots,  
34 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article  
35 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,  
36 Computer-Related Crime. The crimes also include possession or sale of  
37 drugs in violation of the North Carolina Controlled Substances Act, Article 5  
38 of Chapter 90 of the General Statutes, and alcohol-related offenses such as  
39 sale to underage persons in violation of G.S. 18B-302, or driving while  
40 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5."

41 **SECTION 2.(tt)** G.S. 122C-80(e) reads as rewritten:

42 "(e) Relevant Offense. – As used in this section, "relevant offense" means a county,  
43 state, or federal criminal history of conviction or pending indictment of a crime, whether a  
44 misdemeanor or felony, that bears upon an individual's fitness to have responsibility for the  
45 safety and well-being of persons needing mental health, developmental disabilities, or  
46 substance abuse services. These crimes include the criminal offenses set forth in any of the  
47 following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing  
48 Monetary Substitutes; Article 5A, Endangering Executive and Legislative Officers; Article 6,  
49 Homicide; Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10,  
50 Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or  
51 Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15,

1 Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,  
2 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or  
3 Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial  
4 Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses  
5 Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27,  
6 Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office;  
7 Article 35, Offenses Against the Public Peace; Article 36A, ~~Riots and Civil Disorders~~; Riots,  
8 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article 40, Protection of  
9 the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. These  
10 crimes also include possession or sale of drugs in violation of the North Carolina Controlled  
11 Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses  
12 such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in  
13 violation of G.S. 20-138.1 through G.S. 20-138.5."

14 **SECTION 2.(uu)** G.S. 131D-40(d) reads as rewritten:

15 "(d) Relevant Offense. – As used in this section, "relevant offense" means a county,  
16 state, or federal criminal history of conviction or pending indictment of a crime, whether a  
17 misdemeanor or felony, that bears upon an individual's fitness to have responsibility for the  
18 safety and well-being of aged or disabled persons. These crimes include the criminal offenses  
19 set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5,  
20 Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and  
21 Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8,  
22 Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by  
23 Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other  
24 Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17,  
25 Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,  
26 Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means;  
27 Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery;  
28 Article 26, Offenses against Public Morality and Decency; Article 26A, Adult Establishments;  
29 Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in  
30 Public Office; Article 35, Offenses Against the Public Peace; Article 36A, ~~Riots and Civil~~  
31 ~~Disorders~~; Riots, Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article  
32 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related  
33 Crime. These crimes also include possession or sale of drugs in violation of the North Carolina  
34 Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related  
35 offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while  
36 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5."

37 **SECTION 2.(vv)** G.S. 143-143.10A(a)(2) reads as rewritten:

38 "(2) Criminal history. – A history of conviction of a state or federal crime,  
39 whether a misdemeanor or felony, that bears on an applicant's fitness for  
40 licensure under this Part. The crimes include the criminal offenses set forth  
41 in any of the following Articles of Chapter 14 of the General Statutes:  
42 Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A,  
43 Endangering Executive and Legislative Officers; Article 6, Homicide;  
44 Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10,  
45 Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use  
46 of Explosive or Incendiary Device or Material; Article 14, Burglary and  
47 Other Housebreakings; Article 15, Arson and Other Burnings; Article 16,  
48 Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False  
49 Pretenses and Cheats; Article 19A, Obtaining Property or Services by False  
50 or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial  
51 Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article

1 26, Offenses Against Public Morality and Decency; Article 26A, Adult  
2 Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29,  
3 Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses  
4 Against the Public Peace; Article 36A, ~~Riots and Civil Disorders; Riots,~~  
5 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article  
6 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,  
7 Computer-Related Crime. The crimes also include possession or sale of  
8 drugs in violation of the North Carolina Controlled Substances Act in Article  
9 5 of Chapter 90 of the General Statutes and alcohol-related offenses  
10 including sale to underage persons in violation of G.S. 18B-302 or driving  
11 while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In  
12 addition to the North Carolina crimes listed in this subdivision, such crimes  
13 also include similar crimes under federal law or under the laws of other  
14 states."

15 **SECTION 2.(ww)** G.S. 143-215.94II reads as rewritten:

16 "**§ 143-215.94II. Emergency proclamation; Governor's powers.**

17 (a) Whenever any emergency exists or appears imminent, arising from the discharge of  
18 oil or other pollutants within the marine environment, the Governor shall by proclamation  
19 declare ~~the fact and that~~ a state of emergency exists in the appropriate sections of the State.  
20 Upon such proclamation, the Governor shall have all powers enumerated in ~~G.S. 14-288.15,~~  
21 G.S. 166A-19.30(c) subject to the ~~provisions of G.S. 14-288.16~~ limitations contained in that  
22 subsection.

23 (b) If the Governor is unavailable, the Lieutenant Governor shall, by proclamation,  
24 ~~declare the fact and that~~ declare a state of emergency exists in the appropriate sections of the  
25 State.

26 (c) In performing his duties under this section, the Governor is authorized and directed  
27 to cooperate with all departments and agencies of the federal government, the offices and  
28 agencies of other states and foreign countries and the political subdivisions thereof, and private  
29 agencies in all matters pertaining to an emergency described herein.

30 (d) In addition to the powers enumerated in ~~G.S. 14-288.15,~~ G.S. 166A-19.30(c), in the  
31 case of such an emergency described in subsection (a) of this section, the Governor is further  
32 authorized and empowered to transfer any funds available to him by statute for emergency use  
33 into the Oil or Other Hazardous Substances Pollution Protection Fund created pursuant to  
34 G.S. 143-215.87, to be utilized for the purposes specified therein."

35 **SECTION 2.(xx)** G.S. 143B-146.16(a)(1) reads as rewritten:

36 "(1) "Criminal history" means a county, state, or federal criminal history of  
37 conviction of a crime, whether a misdemeanor or a felony, that indicates the  
38 employee (i) poses a threat to the physical safety of students or personnel, or  
39 (ii) has demonstrated that he or she does not have the integrity or honesty to  
40 fulfill his or her duties as school personnel. Such crimes include the  
41 following North Carolina crimes contained in any of the following Articles  
42 of Chapter 14 of the General Statutes: Article 5A, Endangering Executive  
43 and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Kindred  
44 Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article  
45 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device  
46 or Material; Article 14, Burglary and Other Housebreakings; Article 15,  
47 Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article  
48 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A,  
49 Obtaining Property or Services by False or Fraudulent Use of Credit Device  
50 or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses  
51 Against Public Morality and Decency; Article 26A, Adult Establishments;

1 Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31,  
2 Misconduct in Public Office; Article 35, Offenses Against the Public Peace;  
3 Article 36A, ~~Riots and Civil Disorders~~; Riots, Civil Disorders, and  
4 Emergencies; Article 39, Protection of Minors; and Article 60,  
5 Computer-Related Crime. Such crimes also include possession or sale of  
6 drugs in violation of the North Carolina Controlled Substances Act, Article 5  
7 of Chapter 90 of the General Statutes, and alcohol-related offenses such as  
8 sale to underage persons in violation of G.S. 18B-302 or driving while  
9 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to  
10 the North Carolina crimes listed in this subdivision, such crimes also include  
11 similar crimes under federal law or under the laws of other states."

12 **SECTION 2.(yy)** G.S. 153A-129 reads as rewritten:

13 **"§ 153A-129. Firearms.**

14 A county may by ordinance regulate, restrict, or prohibit the discharge of firearms at any  
15 time or place except when used to take birds or animals pursuant to Chapter 113, Subchapter  
16 IV, when used in defense of person or property, or when used pursuant to lawful directions of  
17 law-enforcement officers. A county may also regulate the display of firearms on the public  
18 roads, sidewalks, alleys, or other public property. This section does not limit a county's  
19 authority to take action under ~~Chapter 14, Article 36A~~. Article 1A of Chapter 166A of the  
20 General Statutes."

21 **SECTION 2.(zz)** G.S. 160A-189 reads as rewritten:

22 **"§ 160A-189. Firearms.**

23 A city may by ordinance regulate, restrict, or prohibit the discharge of firearms at any time  
24 or place within the city except when used in defense of person or property or pursuant to lawful  
25 directions of law-enforcement officers, and may regulate the display of firearms on the streets,  
26 sidewalks, alleys, or other public property. Nothing in this section shall be construed to limit a  
27 city's authority to take action under ~~Article 36A of Chapter 14 of the General Statutes~~. Article  
28 1A of Chapter 166A of the General Statutes."

29  
30 **EFFECTIVE DATE**

31 **SECTION 3.** This act becomes effective October 1, 2012.