

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 723
PROPOSED COMMITTEE SUBSTITUTE S723-PCS35370-BD-44

Short Title: Clarify Prevention/Emergency Management Act. (Public)

Sponsors:

Referred to:

May 21, 2018

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE PREVENTION OF AND RESPONSE TO ACTS OF VIOLENCE ARE WITHIN THE SCOPE OF THE EMERGENCY MANAGEMENT ACT, TO CREATE AN INTEGRATED SYSTEM OF STATE AND LOCAL AUTHORITY TO ADDRESS RISK MANAGEMENT IN SCHOOLS AND PUBLIC FACILITIES, AND TO DESIGNATE THE DIVISION OF EMERGENCY MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY AS THE LEAD AGENCY RESPONSIBLE FOR COORDINATING RISK MANAGEMENT FOR SCHOOLS AND PUBLIC FACILITIES.

The General Assembly of North Carolina enacts:

PART I. CLARIFY EMERGENCY MANAGEMENT ACT TO INCLUDE PREVENTION OF DELIBERATE ACTS OF VIOLENCE

SECTION 1.1. G.S. 166A-19.1 reads as rewritten:

"§ 166A-19.1. Purposes.

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

- (1) ~~Reduce~~ Prevent or reduce vulnerability of people and property of this State to damage, injury, and loss of life and property.
- (2) Prepare for prompt and efficient response, rescue, care, and treatment of threatened or affected persons.
- (3) Provide for the rapid and orderly rehabilitation of persons and restoration of property.
- (4) Provide for cooperation and coordination of activities relating to emergency prevention, mitigation, preparedness, response, and recovery among agencies and officials of this State and with similar agencies and officials of other states, with local and federal governments, with interstate organizations, and with other private and quasi-official organizations."

SECTION 1.2. G.S. 166A-19.3 reads as rewritten:

"§ 166A-19.3. Definitions.

The following definitions apply 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, terrorism, weather related, public~~



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1 health, explosion related, riot related cause, or technological failure or
 2 accident, including, but not limited to, a cyber incident, an explosion, a
 3 transportation accident, a radiological accident, or a of the following:

- 4 a. Hazards caused by naturally occurring events such as meteorological
 5 or geological phenomena.
 6 b. Accidents, failures, and threats to public health, including explosions,
 7 technological and cyber failures, transportation or radiological
 8 accidents, diseases and pandemics, or the release of chemical or other
 9 hazardous material incident materials.
 10 c. Deliberate and coordinated acts of violence, riots, foreign or domestic
 11 terrorism, and military or paramilitary activities.

12 ...

13 (10a) Human-caused emergencies. – Deliberate and coordinated acts of violence,
 14 riots, foreign or domestic terrorism, and military or paramilitary activities.

15 ...

16 (14a) Public institutions of higher education. – Community colleges and The
 17 University of North Carolina.

18 (14b) Public schools. – Schools operated by a local board of education and all
 19 charter schools, regional schools, and laboratory schools.

20"

21 **SECTION 1.3.** G.S. 166A-19.10(a) reads as rewritten:

22 "(a) State Emergency Management Program. – The State Emergency Management
 23 Program includes all aspects of related to the prevention of, preparations for, response to,
 24 recovery from, and mitigation against war or peacetime all emergencies."

25
 26 **PART II. CREATE INTEGRATED SYSTEM OF STATE AND LOCAL AUTHORITY**
 27 **TO ADDRESS RISK MANAGEMENT FOR SCHOOLS AND PUBLIC FACILITIES**

28 **SECTION 2.1.** Article 1A of Chapter 166A of the General Statutes is amended by
 29 adding a new Part to read:

30 "Part 1B. Risk Management for Schools and Public Buildings.

31 "**§ 166A-19.100. Legislative findings.**

32 The General Assembly finds that human-caused emergencies are fundamentally different
 33 from emergencies caused by naturally occurring events. Naturally occurring events typically can
 34 be predicted, are regional in scope, and last over a period of hours, days, or even weeks.
 35 Human-caused emergencies typically occur without warning, often target schools and other
 36 public facilities, and are short in duration. Naturally occurring events cannot be prevented
 37 although the impact can be mitigated. Human-caused emergencies can be prevented or preempted
 38 given proper planning, information sharing, and integration of systems and infrastructure. The
 39 appropriate response time for human-caused emergencies is seconds and minutes as opposed to
 40 hours, days, and months for naturally occurring events. Because of the fundamental difference
 41 between emergencies caused by naturally occurring events and human-caused emergencies, the
 42 General Assembly finds that it is imperative that the State and local governments take
 43 coordinated and proactive steps to prevent human-caused emergencies from occurring and put in
 44 place the infrastructure and services to respond immediately and appropriately when needed.

45 "**§ 166A-19.101. State role; school risk management; facility risk management.**

46 (a) The Division of Emergency Management in the Department of Public Safety through
 47 the Office of School Risk Management established in G.S. 143B-1001 shall be the lead State
 48 agency charged with developing and administering a statewide system to address the prevention
 49 of and response to human-caused emergencies in public schools and public institutions of higher
 50 education. The Office shall develop a coordinated plan to prevent and preempt human-caused
 51 emergencies that integrates local emergency management plans, in-school education and

1 training, safe building design, intelligence gathering and reporting, suspect registries, technology,
2 and situational awareness. The plan shall establish clear lines of responsibility between State
3 agencies and local governments and shall leverage existing resources such as the North Carolina
4 Information Sharing and Analysis Center.

5 (b) The Division of Emergency Management in the Department of Public Safety through
6 the Office of Public Facility Risk Management established in G.S. 143B-1001 shall be the lead
7 State agency charged with facility risk and emergency response management. The Office shall
8 develop a coordinated plan to prevent and preempt human-caused emergencies that integrates
9 local emergency management plans, education and training, building design, intelligence
10 gathering and reporting, suspect registries, technology, and situational awareness. The plan shall
11 establish clear lines of responsibility between State agencies and local governments and shall
12 leverage existing resources such as the North Carolina Information Sharing and Analysis Center.

13 (c) Notwithstanding any other provision of law, any nonpublic school or private
14 institution of higher education may seek the assistance of the Division of Emergency
15 Management, Office of School Risk Management, to develop and implement processes and
16 procedures to prevent and respond to human-caused emergencies.

17 **"§ 166A-19.102. Local government role; school risk management; facility risk**
18 **management.**

19 Pursuant to G.S. 166A-19.15, each county shall develop emergency management plans that
20 address the prevention of and rapid response to human-caused emergencies in public schools,
21 public institutions of higher education, and public facilities.

22 **"§ 166A-19.103. Confidentiality of risk management information.**

23 Information and plans related to risk management for public schools, public institutions of
24 higher education, and public buildings developed or obtained under this Part or G.S. 143B-1001
25 are confidential and are not a public record as defined in G.S. 132-1."
26

27 **PART III. ESTABLISH THE DIVISION OF EMERGENCY MANAGEMENT AS LEAD**
28 **AGENCY RESPONSIBLE FOR COORDINATING RISK MANAGEMENT FOR**
29 **SCHOOLS AND PUBLIC FACILITIES**

30 **SECTION 3.1.** Subpart A of Part 5 of Article 13 of Chapter 143B of the General
31 Statutes is amended by adding a new section to read:

32 **"§ 143B-1001. Office of School Risk Management; Facility Risk Management Office.**

33 (a) School Risk Management. – There is established in the Division of Emergency
34 Management the Office of School Risk Management. The Office will oversee and manage all
35 data, processes, procedures, applications, and planning necessary to implement
36 G.S. 166A-19.12(22) and Part 1B of Article 1A of Chapter 166A of the General Statutes related
37 to the prevention of human-caused emergencies at public schools and public institutions of higher
38 education.

39 (b) Public Facility Risk Management. – There is established in the Division of
40 Emergency Management the Office of Public Facility Risk Management. The Office will oversee
41 and manage all data, processes, procedures, applications, and planning necessary to implement
42 G.S. 166A-19.12(23) and Part 1B of Article 1A of Chapter 166A of the General Statutes related
43 to the prevention of human-caused emergencies at public venues.

44 (c) As used in this section, the following definitions apply:

45 (1) Human-caused emergencies. – As defined in G.S. 166A-19.3(10a).

46 (2) Public institutions of higher education. – As defined in G.S. 166A-19.3(14a).

47 (3) Public schools. – As defined in G.S. 166A-19.3(14b)."

48 **SECTION 3.2.** G.S. 166A-19.12 reads as rewritten:

49 **"§ 166A-19.12. Powers of the Division of Emergency Management.**

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

- 1 ...
- 2 (22) Serving as the lead State agency for the implementation and maintenance of
- 3 the statewide School Risk and Response Management System (SRRMS)
- 4 under ~~G.S. 115C-105.49A~~.G.S. 115C-104.49A, as well as all risk
- 5 management and response management for public schools and public
- 6 institutions of higher education as provided in G.S. 143B-1001. The Division
- 7 shall collect and manage all data, processes, procedures, applications, and
- 8 planning supporting school safety. This includes higher education risk and
- 9 response management. The Division shall establish and ensure efficient,
- 10 timely, and secure sharing of threat assessments and anonymous safety tips
- 11 with law enforcement and the State Bureau of Investigation – Information
- 12 Sharing and Analysis Center. The Division shall also collect and manage all
- 13 data, processes, procedures, applications, and planning supporting school
- 14 safety, including:
- 15 a. Digital facility floorplan schematics and assets identification.
- 16 b. School risk management planning.
- 17 c. Higher education risk management planning.
- 18 d. Facility vulnerability assessment.
- 19 e. Anonymous student safety tip reporting.
- 20 f. Digital panic alerting and display.
- 21 g. Video monitoring.
- 22 h. Threat assessment.
- 23 i. Emergency response and recovery.
- 24 (23) Serving as the lead State agency responsible for facility risk and emergency
- 25 response management as provided in G.S. 143B-1001. The Division shall
- 26 collect and manage all data, processes, procedures, applications, and planning
- 27 supporting public facilities safety. In carrying out its duties and
- 28 responsibilities associated with facility risk and response management, the
- 29 Division shall leverage, coordinate, and collaborate with State and local
- 30 agencies who shall provide information upon the request of the Division. The
- 31 Division shall securely disseminate facility data and key emergency response
- 32 information associated with:
- 33 a. All public schools, community colleges, and the constituent
- 34 institutions of The University of North Carolina.
- 35 b. High and intermediate hazard dams.
- 36 c. State prisons and juvenile detention centers.
- 37 d. Large entertainment facilities and arenas.
- 38 e. State and local government-operated facilities.
- 39 f. Public hospitals.
- 40 e. Licensed care facilities and mental health facilities.
- 41 f. Publicly owned and passenger service airports.
- 42 g. Passenger rail facilities.
- 43 h. Hazardous material facilities."

44 **SECTION 3.3.** G.S. 166A-19.15 reads as rewritten:

45 **"§ 166A-19.15. County and municipal emergency management.**

46 (a) Governing Body of Counties Responsible for Emergency Management. – The

47 governing body of each county is responsible for emergency management within the

48 geographical limits of such county. All emergency management efforts within the county will be

49 coordinated by the county, including activities of the municipalities within the county.

50 (b) ~~Counties May~~ Shall Establish and Maintain Emergency Management Agencies. – The

51 governing body of each county ~~is hereby authorized to~~ shall establish and maintain an emergency

1 management agency for the purposes contained in ~~G.S. 166A-19.1.~~G.S. 166A-19.1 and Part 1B
2 of this Article. The governing body of each county ~~which establishes an emergency management~~
3 ~~agency pursuant to this authorization~~ shall appoint a coordinator who will have a direct
4 responsibility for the organization, administration, and operation of the county emergency
5 management program and will be subject to the direction and guidance of such governing body.
6 ~~In the event that any county fails to establish an emergency management agency, and the~~
7 ~~Governor, in the Governor's discretion, determines that a need exists for such an emergency~~
8 ~~management agency, then the Governor is hereby empowered to establish an emergency~~
9 ~~management agency within that county.~~A county may satisfy this requirement by establishing a
10 joint emergency management agency with another county as provided in subsection (d) of this
11 section.

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

15 (c1) Municipalities Shall Establish Emergency Management Points of Contact. – All
16 incorporated municipalities shall establish an emergency management point of contact.

17"

18 19 **PART IV. OTHER CHANGES/STUDY/EFFECTIVE DATE**

20 **SECTION 4.1.** G.S. 166A-19.70(c) reads as rewritten:

21 "(c) Certification System. – The Secretary shall develop a system pursuant to which a
22 person who transports essentials in commerce, or assists in ensuring their availability, and
23 persons who assist in the restoring of utility services can be certified as such. The certification
24 system shall allow for both ~~preemergency~~ pre-emergency declaration and ~~postemergency~~
25 post-emergency declaration certification ~~and may include an annually with a renewable~~
26 precertification. The Secretary shall only allow those who routinely transport or distribute
27 essentials or assist in the restoring of utility services to be certified. A certification of the
28 employer shall constitute a certification of the employer's employees. The Secretary shall create
29 an easily recognizable indicium of certification in order to assist local officials' efforts to
30 determine which persons have received certification by the system established under this
31 subsection."

32 **SECTION 4.2.** The Division of Emergency Management in the Department of
33 Public Safety (Division) shall conduct a study regarding the appropriate training standards for
34 school resource officers. The study shall include an examination of mandatory standards adopted
35 by other states as well as best practices. The Division shall also examine ways to increase the
36 number of trained school resource officers available to North Carolina schools. The Division
37 shall report its findings and recommendations to the Joint Legislative Oversight Committee on
38 Emergency Management no later than November 1, 2018.

39 **SECTION 4.3.** This act is effective when it becomes law.