

NORTH CAROLINA GENERAL ASSEMBLY



JOINT STUDY COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY

Co-Chairs
Representative W. Pete Cunningham
Senator Martin Nesbitt, Jr.

INTERIM REPORT

MAY, 2006

The Joint Study Committee on Emergency Preparedness and Disaster Management Recovery submits the following interim report.

Representative W. Pete Cunningham ~~Pete Cunningham~~ Senator Martin Nesbitt ~~Senator Martin Nesbitt, Jr.~~ Senator Martin Nesbitt, Jr.
Co-Chair Co-Chair

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COMMITTEE PROCEEDINGS

The Joint Study Committee on Emergency Preparedness and Disaster Management Recovery met 4 times. At its first meeting on February 21, 2006, the Committee heard from a number of speakers who addressed each of the topics assigned to the Committee for study, including an overview of the State's emergency management program, the State's preparedness to deal with bioterrorism and pandemic flu, the State's energy emergency plan and the need for changes in the State Building Code for construction in hurricane and flood prone areas. To address each of these issues in depth, the CoChairs of the Committee appointed 4 subcommittees. Those Subcommittees and their specific charges were as follows:

- **Subcommittee on Building Code Issues** - Chaired by Representative Phil Haire and Senator Julia Boseman, this Subcommittee was charged with determining whether the State building code sufficiently addresses issues related to commercial and residential construction in hurricane and flood prone areas.
- **Subcommittee on Energy Security Issues** - Chaired by Representative Daniel McComas and Senator Katie Dorsett, the Energy Security Issues Subcommittee was charged with reviewing the State's energy security, including: identifying the State's energy profile, determining the State's essential energy facilities and their connections, and evaluating potential threats and the possible consequences of disruptive events.
- **Subcommittee on Public Health and Bioterrorism** - Chaired by Representative Rick Glazier and Senator Vernon Malone, the Public Health/Bioterrorism Issues Subcommittee was charged with reviewing the public health infrastructure in place to respond to natural and non-natural disasters, including pandemic flu and bioterrorism preparation and response .
- **Subcommittee on Disaster Preparedness Issues** - Chaired by Representative William Wainwright and Senator John Snow, this subcommittee was charged with studying the State's hurricane preparedness, evacuation and response and the State's flood and natural disaster preparation and response.

The Committee Chairs asked that the Subcommittees commence their work as soon as possible and set March 28 as the date for the Subcommittees to report their initial findings and recommendations back to the Committee. At the March 28 meeting the Subcommittees addressed the key issues they

had identified and their proposed recommendations, including cost estimates, for the Committee's consideration.

The Building Codes Subcommittee reported that it was considering legislation that would increase wind-borne debris protection beyond the current 1,500' limit. Other potential recommendations included requiring builders to inform homebuyers of their choices for wind-borne debris protection when building a home and the authorization of a more stringent "voluntary code" which if chosen by a builder or buyer might result in lower insurance premiums for those implementing the more stringent standards.

The Subcommittee on Public Health and Bioterrorism submitted a number of potential recommendations for the Committee's consideration. They included replacing the current State laboratory facilities with a new State Laboratory of Public Health and Office of the Chief Medical Examiner, the implementation of the Health Information System for local health departments, the purchase of essential vaccines for children and flu vaccine for the high risk population, the purchase of antiviral medication, the implementation of a School Nurse initiative, the establishment of a Statewide healthcare personnel registry for those desiring to assist during disasters, updating the Department of Agriculture and Consumer Services laboratories, increasing the Department's testing capacity for food defense activities, and clarification of liability protection and workers compensation for members of the State Medical Assistance Team when responding to incidents beyond their usual jurisdiction.

The Subcommittee on Disaster Preparedness Issues identified four areas of concern regarding the State's disaster preparedness and response capabilities. There is a need to consolidate emergency operations into one location with adequate room to house the State Emergency Response Team together with FEMA officials, local government representatives and representatives from the many nonprofit organizations that are involved in disaster response and recovery. To this end there is an opportunity to collocate a new Emergency Operations Center within the North Carolina National Guard facility to be constructed this fall. Planning and design work for the EOC portion of the facility should be undertaken now. The Committee authorized the CoChairs to send a letter to the Governor requesting that he fund the planning and design portion of the project using existing funds. A copy of that letter may be found in Appendix A.

The Subcommittee also identified the need to have a designated response and recovery fund to allow the State and local governments to respond appropriately in the immediate aftermath of a disaster, and a need to have a certification program for emergency management personnel. The

Subcommittee plans to further investigate the adequacy of planning and staffing for emergency management at the local level.

The Energy Security Issues Subcommittee indicated that their study had shown the need for better coordination between State agencies, local government, and energy providers to ensure that governmental and critical private fuel needs are properly prioritized during an emergency. The Subcommittee recommended that the North Carolina Energy Emergency Plan be updated.

The third meeting of the Committee was held on April 20, 2006. At this meeting, the Committee focused on the legislative proposals and cost estimates submitted by the Subcommittees. Each of the Subcommittee reports contained one or more proposed pieces of legislation. A number of changes to the Subcommittees' legislative proposals were suggested and the Committee directed that these changes be made and final reports submitted to Staff for compilation into the interim report by the Committee to the General Assembly. At the final meeting, on May 10, 2006, the Committee approved the Interim Report.

SUBCOMMITTEE REPORTS AND RECOMMENDATIONS

SUBCOMMITTEE ON BUILDING CODE ISSUES IN HURRICANE AND FLOOD PRONE AREAS

SUBCOMMITTEE MEMBERS

Rep. Phil Haire, Co-Chair
Rep. Bruce Goforth
Mr. Mike McGee

Sen. Julia Boseman, Co-Chair
Sen. Clark Jenkins
Mr. Duke Geraghty
Mr. Spencer Rogers

STAFF

Tim Hovis (Research Division), Beth Braswell (Legislative Drafting Division),
Marilyn Chism (Fiscal Research Division)

MEETINGS

The Subcommittee has held three meetings, on March 7, 2006, a second meeting on March 27, 2006, and a third meeting on April 10, 2006.

On March 7, 2006, the Subcommittee heard from the following presenters:

- Mr. Ryan Boyles, Associate State Climatologist, State Climate Office, discussed hurricane trends including factors affecting the number and intensity of hurricanes making landfall in the United States.
- Ms. Wanda Edwards, Deputy Commissioner of the Division Engineering and Codes, Department of Insurance compared the current State Building Code with the Code of the International Code Council. Ms. Edwards stressed the need to increase current standards for wind-borne debris protection on windows and doors and provided the Subcommittee with the following three options: (1) plywood coverings; (2) impact resistant window glazing; and (3) storm shutters. Ms. Edwards noted that under the current Code wind-borne debris protection is only required within 1500 feet of the ocean.
- Mr. Joe Stewart, Executive Director, Insurance Federation of North Carolina spoke and encouraged the adoption of increased wind-borne

debris protection requirements under the Code as a way of mitigating the risk of damage.

- The Subcommittee also heard from Mr. Paul Wilms, Director of Government Affairs, North Carolina Home Builders Association. Mr. Wilms emphasized the need to balance the economic costs of increased wind-borne debris requirements under the Code with the added benefit or protection these requirements might provide. Mr. Wilms noted that the current Code is sufficient, but that the Association supports continuing examination of the issue by the Building Code Council.
- Finally, Mr. Dan Tingen, Chairman of the Building Code Council indicated that North Carolina uses the International Code as a model, but has always modified the International Code to fit the needs of the State. Mr. Tingen pointed out that the Council is willing to examine a change to the 1500 foot wind-borne debris requirement.

On March 27, 2006, the Subcommittee heard a presentation from Mr. David Herlong, Flood Warning Program Manager, Division of Emergency Management, Department of Crime Control and Public Safety who presented updated information on floodplain mapping, possible areas of flooding in the State, and the State's flood warning system.

The Subcommittee then discussed possible legislation requiring increased wind-borne debris requirements under the Code.

On April 10, the Subcommittee considered findings and recommendations which are set out below.

FINDINGS

- The Subcommittee on Building Code Issues in Hurricane and Flood Prone Areas finds that continued study of wind-borne debris protection for windows and doors under the North Carolina Building Code is needed. Under the current Code, wind-borne debris protection is required only within 1500 feet of the ocean. The Subcommittee asks that the North Carolina Building Code Council study this issue and review reports from other states, including Florida and Texas, and report to the General Assembly on the need for increased wind-borne debris requirements.

- The Subcommittee on Building Code Issues in Hurricane and Flood Prone Areas finds that the North Carolina Building Code Council should examine changes to the Building Code based on recommendations of the Division of Emergency Management's and the Department of Environment and Natural Resources' ongoing study of Flood Insurance Rate Maps, streambed maps, and areas vulnerable to landslides, and report to the General Assembly on any recommended changes.
- The Subcommittee on Building Code Issues in Hurricane and Flood Prone Areas finds that continued study of incentives for those builders and buyers who choose more stringent requirements under a "voluntary code" is needed to encourage home builders and buyers to choose more hurricane and flood-resistant homes under such a code.

**RECOMMENDATIONS
(See Legislative Proposal 1)**

- The Subcommittee recommends legislation directing the North Carolina Building Code Council to study issues related to wind-borne debris requirements under the State Building Code and report to the General Assembly by December 15, 2006 on their findings and recommendations for changes to the Code.
- The Subcommittee recommends legislation directing the Division of Emergency Management of the Department of Crime Control and Public Safety to report to the North Carolina Building Code Council on their ongoing study of Flood Insurance Rate Maps and report to the Council within 90 days after the study is completed. The Subcommittee recommends legislation directing the Council to review the report and study issues related to the construction of buildings in areas in which flooding and landslides are potential problems and report its findings and recommendations to the General Assembly by February 1, 2007.
- The Subcommittee recommends the consideration of future legislation authorizing more stringent requirements in a "voluntary code" which if chosen by a builder or buyer may result in tax incentives and which may result in decreased premiums for those who choose the more stringent Code.

SUBCOMMITTEE ON ENERGY SECURITY ISSUES

MEMBERS

Sen. Katie G. Dorsett, Co-Chair

Rep. Daniel Francis McComas, Co-Chair

Sen. C.W. Pete Bland

Sen. Keith Presnell

Sen. Harry Brown

Rep. Thomas Roger West

Rep. Grier Martin

Rep. Louis M. Pate

STAFF

Steve Rose (Research Division), Kory Goldsmith (Research Division), Susan Iddings (Legislative Drafting Division), Karlynn O'Shaughnessy (Fiscal Research Division), Bob Weiss (Fiscal Research Division)

MEETINGS

The Energy Security Issues Subcommittee met on March 21, 2006.

Larry Shirley, the Director of the State Energy Office, discussed energy security strategies. Robert Gruber, Executive Director of the Public Staff, North Carolina Utilities Commission, explained the state's electric utility infrastructure and emergency planning. John Dorman, Director of Geospatial and Technology Management, Department of Crime Control and Public Safety, reviewed his organization's capabilities.

FINDINGS:

- 90% of the petroleum used for fuel in North Carolina reaches this state via two pipelines that originate in the Gulf coast region.
- In the summer and fall of 2005, Hurricanes Katrina and Rita caused severe damage to Gulf coast refineries and to the pipelines that supply fuel to North Carolina. North Carolina experienced major disruptions in its petroleum supplies that almost reached emergency proportions.
- As a result of the disruptions, the Governor curtailed all "non-essential" travel by State agencies. In addition, units of local government were in danger of not having sufficient fuel to supply their "first responder" services.
- The State contract for fuel is awarded to independent distributors whose supplies were the first to be curtailed during the fuel disruptions this summer. Units of local government purchase their fuel through the State's contract.

- Neither the State nor units of local government had firm contracts with fuel distributors that ensured that their fuel needs would receive priority during the supply disruptions.
- The North Carolina Energy Emergency Plan is produced by the State Energy Office as part of the North Carolina Emergency Operations Plan. It is designed to do all of the following:
 - a. Determine North Carolina's essential energy facilities.
 - b. Assess potential threats and possible consequences of energy disruptions.
 - c. Identify response measures and options.
 - d. Coordinate local, State and federal issues.
- The North Carolina Energy Emergency Plan was last revised in 2003.

KEY ISSUE

There needs to be better coordination and planning within and between State agencies and units of local government to ensure that governmental fuel requirements are properly prioritized during an energy crisis and to ensure that critical governmental functions can be carried-out during an energy crisis.

RECOMMENDATIONS (See Legislative Proposal 2)

- The State Energy Office shall use its authority under Chapter 113B and as the lead technical agency responsible for responding to and recovering from fuel shortages under the North Carolina Emergency Operations Plan to update the North Carolina Energy Emergency Plan by November 1, 2006. In order to accomplish this task all appropriate State agencies and units of local government shall:
 - a. Review and revise existing energy emergency plans or develop energy emergency plans if none exist.
 - b. Clarify the roles and responsibilities between the agencies and units of local government in the event of a petroleum shortage.
- The State Energy Office, in conjunction with the Office of State Purchase and Contract, shall review the current State contract for fuel and determine whether it adequately minimizes the risk that the State and units of local government will experience supply curtailments during a fuel shortage.
- The State Energy Office shall report its findings and recommendations to the Joint Study Committee on Emergency Preparedness and Disaster no

later than November 1, 2006. All recommendations shall include a cost estimate of the recommended undertaking.

COST OF RECOMMENDED UNDERTAKINGS

The cost of updating the North Carolina Energy Emergency Plan is estimated to be \$40,000.

SUBCOMMITTEE ON PUBLIC HEALTH AND BIOTERRORISM

MEMBERS

Sen. Vernon Malone, Co-Chair
Sen. Fletcher Hartsell
Rep. Edward Jones
Mr. Bill Gentry
Dr. Marty Zaluski

Rep. Rick Glazier, Co-Chair
Rep. Linda Coleman
Dr. Leah Devlin
Mr. Jeff Frazier

STAFF

Ben Popkin (Research (Division), Shawn Parker (Research Division), Sara Kamprath (Research Division), Hal Pell (Research Division), Gann Watson (Legislative Drafting Division), Joy Hicks (Fiscal Research Division), Andrea Russo (Fiscal Research Division)

MEETINGS

The Joint Study Committee on Emergency Preparedness and Disaster Management Recovery, Subcommittee on Public Health and Bioterrorism, met on March 23, 2006 and heard presentations from the following:

- Dr. Leah Devlin, North Carolina Division of Public Health, presented an overview of the Public Health 2004 Task Force report.
- Dr. Steve Cline, North Carolina Division of Public Health, discussed the public health preparedness and training exercises conducted in the State.
- Dr. Jeff Engel, North Carolina Division of Public Health, reviewed the North Carolina Pandemic Influenza Response Plan.
- Dr. Marty Zaluski, Division of Emergency Programs, North Carolina Department of Agriculture and Consumer Services, discussed the economic impact of agroterrorism and the Avian Flu.
- Drexdal Pratt, North Carolina Office of Emergency Medical Services, reviewed hospital preparedness and medical surge capacity in the State.
- Dr. Lou Turner, Director, State Public Health Laboratory, discussed the need to replace the current State Public Health Laboratory and Office of the Chief Medical Examiner facilities.
- Dr. Leah Devlin, North Carolina Division of Public Health, reported on the need for more antiviral medications and annual flu vaccines.

The Joint Study Committee on Emergency Preparedness and Disaster Management Recovery, Subcommittee on Public Health and Bioterrorism, also met on April 13, 2006 to adopt the interim report.

RECOMMENDATIONS

(See Legislative Proposals 3-8)

- **Recommendation 1: Provide liability protection and workers' compensation for State Medical Assistance Team members**

The Subcommittee on Public Health/Bioterrorism Issues recommends that the Joint Study Committee on Emergency Preparedness and Disaster Management Recovery encourage the General Assembly to enact legislation to provide liability protection and workers' compensation for healthcare workers when responding to in-state incidents outside their hospital or normal jurisdiction as members of a State Medical Assistance Team.

- **Recommendation 2: Appropriate Funds for vaccines and antiviral medications**

The Subcommittee on Public Health/Bioterrorism Issues recommends that the Joint Study Committee on Emergency Preparedness and Disaster Management Recovery encourage the General Assembly to enact legislation to appropriate funds from the General Fund to the Department of Health and Human Services to purchase essential vaccines for children, to assure flu vaccines for high risk populations and to purchase antiviral medications.

- **Recommendation 3: Appropriate Funds for State Laboratory of Public Health and Office of Chief Medical Examiner**

The Subcommittee on Public Health/Bioterrorism Issues recommends that the Joint Study Committee on Emergency Preparedness and Disaster Management Recovery encourage the General Assembly to enact legislation to appropriate funds from the General Fund to the Department of Health and Human Services to design and build a new co-located State Laboratory of Public Health and Office of the Chief Medical Examiner.

- **Recommendation 4: Appropriate Funds for Regional Advisory Committees**

The Subcommittee on Public Health/Bioterrorism Issues recommends that the Joint Study Committee on Emergency Preparedness and Disaster Management Recovery encourage the General Assembly to enact legislation to appropriate funds from the General Fund to the Office of Emergency Management Services to fund the continued operations of the eight existing Regional Advisory Committees operating across the State.

- **Recommendation 5: Appropriate funds for Department of Agriculture and Consumer Services staffing and facility needs**

The Subcommittee on Public Health/Bioterrorism Issues recommends that the Joint Study Committee on Emergency Preparedness and Disaster Management Recovery encourage the General Assembly to enact legislation to appropriate funds from the General Fund to the Department of Agriculture and Consumer Services' Veterinary Division and Food and Drug Protection Division for staffing and facility improvements and to the Emergency Programs Division for its Multi-Hazard Threat Database.

- **Recommendation 6: Establish disaster response health care personnel registry**

The Subcommittee on Public Health/Bioterrorism Issues recommends that the Joint Study Committee on Emergency Preparedness and Disaster Management Recovery encourage the General Assembly to require health care personnel licensing boards overseeing health care workers with disaster response skills to participate in the establishment of an emergency system for advanced registry of health care professionals.

- **Recommendation 7: enhance protection of State food supply**

The Subcommittee on Public Health/Bioterrorism Issues recommends that the Joint Study Committee on Emergency Preparedness and Disaster Management Recovery encourage the General Assembly to enact legislation to enhance the embargo authority of the Secretary of Environment and Natural Resources and local health directors and to direct the Department of Agriculture and Consumer Services, the Department of Environment and Natural Resources and the Department of Health and Human Services to jointly develop a plan to protect the State food supply from intentional contamination.

SUBCOMMITTEE ON DISASTER PREPAREDNESS ISSUES

MISSION

(#3) Hurricane preparedness, evacuation and response, and #6) Floods and natural disaster preparation and response

MEMBERS

Sen. John Snow: Co-Chair
Sen. Jeanne Lucas
Sen. Tom Apodaca
Maj. Gen. William Ingram
Mr. Doug Hoell
Mr. Randy Thompson
Thomas McCarthy

Rep. William Wainwright: Co-Chair
Rep. Joe Kiser
Rep. Michael Wray
Rep. Ray Rapp
Rep. Mary McAllister
Rep. Alice Graham Underhill

STAFF

Denise Thomas (Fiscal Research Division), Barbara Riley (Research Division), Emily Johnson (Legislative Drafting Division), and Blinda Edwards (Subcommittee Assistant)

MEETINGS

The Subcommittee met on March 9th and March 21st for presentations and discussions of the following topics (presenters):

- The ABC's of Disaster Preparedness - basic responsibilities and goals common to preparing for all type of disasters (*Doug Hoell, Director, and NC Division of Emergency Management*).
- Overview of the Emergency Management Division's Findings and Recommendations Regarding State's Level of Preparedness (*Doug Hoell*).
- Disaster Preparedness Needs of Special Populations: Hospitals, Nursing Homes, People with Special Needs (*Abby Carter Emanuelson, Director of Public Policy, National Multiple Sclerosis Society and Drexdal Pratt, Chief, DHHS Office of Emergency Medical Services*)

On April 13, 2006, the Subcommittee met again to review the draft legislation that would be proposed for the 2006 Short Session. After some discussion, the

Subcommittee decided to forward two legislative proposals to the Full Committee to be included in the report for the 2006 Short Session.

RECOMMENDATIONS

(See Legislative Proposals 9 and 10)

- **Recommendation 1: Establish a designated disaster response and recovery fund and appropriate funds for this purpose in the 2006 Short Session.** Currently, there is no source of readily available funds to enable the Governor and county officials to prepare for or respond in the immediate aftermath of a hurricane or other natural disaster. In the days leading up to the anticipated hurricanes, state and local governments incur costs related to activating the National Guard, contracting to purchase water, ice, food, generators, portable toilets, transportation services, and other emergency supplies, etc. The Governor is forced to divert existing funds from the budgets of state agencies and county officials must often make expenditure decisions related to FEMA or other federal funds without knowing if the state will assume the cost of the required federal match.

Historical data for the past 11 years indicated that, on average, North Carolina state and local government agencies spent about \$25 million each year on disaster preparation, response, and recovery efforts. This includes amounts required to match federal funds provided for this purpose and monies spent on state-declared emergencies for which no federal funds are available. The Subcommittee recommends the establishment of a special revenue fund from which the Governor may draw funds, without prior approval of the legislature, to prepare for and respond to emergencies and natural disasters. The Governor would also disburse monies from the fund to county and local governments for this purpose. The sum of twenty million dollars would be appropriated to the fund for the 2006-2007 fiscal year. In each subsequent fiscal year, the beginning balance of the fund must equal twenty million dollars. If the balance of the fund at the end of a fiscal year does not equal twenty million dollars, then an amount equal to the difference between the balance of the fund and twenty million dollars must be appropriated to the fund for the next fiscal year. The attached legislative proposal establishes and appropriates \$20 million to a designated "emergency response fund."

- **Recommendation 2: In the 2006 Short Session, appropriate \$8.24 million NR (\$440,000 for planning & design/\$7,800,000 for construction) to the Department of Crime Control and Public Safety for a new Emergency**

Operations Center (EOC). The NC Emergency Operations Center (EOC) is spread out among three separate locations, has insufficient space to accommodate state, FEMA, and other staff during disasters, has insufficient parking, and has mold and other health hazards. The state has the opportunity to build a new EOC that would be co-located with a new federally-funded headquarters building for the NC National Guard (NCNG). The NCNG is building the new facility using \$35.8 million provided by the US Department of Defense. In addition to housing the EOC, the building would house all of the Raleigh Emergency Management Division (EMD) staff in one location. Currently, EMD staff is housed in three separate locations in Raleigh. It would be more cost-efficient for the state to share construction costs and co-locate with the NCNG facility than to build a stand-alone EOC using all state funds. The following motion was approved at the March 28, 2006 meeting of the Joint Committee:

- *“The Committee requests the Co-chairs to inform the Governor of their wish to proceed with the planning and design for the EOC space in the NCNG building as early as possible.”*

Following that meeting, Sen. Nesbitt and Rep. Cunningham sent a letter (attached) to Gov. Easley requesting that he immediately identify \$440,000 in available funds to be used to begin planning and designing a new EOC prior to June 30, 2006. Furthermore, the letter stated that while the Chairs cannot make a commitment that the General Assembly will appropriate the \$7.8 million needed for construction, the Committee has voted to include the funding proposal in its report for the 2006 legislative session. As of April 20, the Governor’s office had not identified the \$440,000 needed to begin the planning and design work in the current fiscal year. The legislative proposal appropriates \$8.24 million for fiscal year 2006-07 to plan, design, and construct a new EOC. The National Guard building project is currently in the planning and design phase, with construction scheduled to begin in 2007. Therefore, EMD will need the entire \$8.2 million authorized for FY 2006-07.

Recommendations to be Developed for Proposal in the 2007 Long Session

- ***Recommendation: The NC Division of Emergency Management, in collaboration with the Community College System, the University System, and other relevant agencies, should design and implement a professional emergency management certification program. Once fully implemented, all state and local Emergency Managers would be required, by statute, to be professionally certified. The Subcommittee will continue to develop this recommendation, including a schedule and cost estimates, during the 2006-07***

interim period and prepare a legislative proposal for consideration during the 2007 Legislative Session. Each county receives federal funds to aid in paying for an employee to carry out emergency management responsibilities. However, this money is usually placed in the county's general fund and the emergency management responsibility is assigned as an additional duty to the fire marshall or EMS director. Emergency management is a complex function requiring knowledge and competency in gathering critical information, developing detailed plans, and managing emergency services, human services, infrastructure, and logistics resources. Yet, currently, there is no requirement that county emergency managers be trained and professionally certified to carry out these duties. During the 2006-07 interim, the Subcommittee will further develop a plan and legislative proposals for the design and implementation of a multi-level certification program for county, municipal, and state agency personnel.

- ***Recommendation: The Subcommittee will continue to explore the weaknesses in state, county, and local governments' ability to plan and prepare for natural disasters and to evacuate and shelter persons with special needs. The Subcommittee will develop recommendations to establish positions in and provide needed resources to the Raleigh and regional offices of the state agencies, and possibly county/municipal agencies, responsible for developing, reviewing, and monitoring disaster plans and preparation.***

Hurricane Katrina highlighted the difficulties faced by all levels of government to adequately plan, prepare for, and respond to hurricanes and other natural disasters. The Emergency Management Division (EMD) is the NC state agency with the lead responsibility to plan and monitor the level of disaster preparedness among state, county, and local agencies. Yet, most of EMD's positions in its Raleigh and regional offices are time-limited and 100 percent federally funded. When the federal funds expire, the positions must be terminated. In addition, county and local governments have limited resources to devote to disaster planning and preparation. Of particular note in the Hurricane Katrina experience, was government's failure to anticipate the challenges related to evacuating and sheltering people who are hospitalized, elderly, or have special needs. Both the NC state emergency operations plan and the administrative code require that hospitals, nursing homes, long term care and other facilities that house persons with special needs have a plan to evacuate and provide alternate housing for residents during disasters/emergencies. However, neither EMD nor DHHS has sufficient staff and resources to review these plans or to monitor these facilities during an evacuation. In addition, there appears to be no statutory authority to require facilities to evacuate or a system to track and account for their residents when they are evacuated.

During the 2006-07 interim, the Subcommittee will gather additional information from state, county, municipal and non-governmental agencies on the how to address the challenges of evacuating and housing the hospitalized, elderly, and persons with special needs in emergency situations. Specifically, the Subcommittee will focus on the following issues:

- Additional staff needed by the Office of Emergency Medical Services, the Division of Facility Services, the Emergency Management Division, and county/local governments to review and approve facility evacuation plans and monitor these facilities during evacuations. One question to be addressed by the Subcommittee is if plans should be consistent among all facilities throughout the state.
- Statutory authority to order facilities to evacuate during emergencies or permit county/municipality officials to carry out the evacuation when the facility cannot or will not do so.

LEGISLATIVE PROPOSALS

LEGISLATIVE PROPOSAL 1 SUBCOMMITTEE ON BUILDING CODE ISSUES

A BILL TO BE ENTITLED
AN ACT TO MANDATE THAT THE NORTH CAROLINA BUILDING
CODE COUNCIL STUDY CONSTRUCTION ISSUES RELATED TO
WIND-BORNE DEBRIS, FLOODING, AND LANDSLIDES, AS
RECOMMENDED BY THE JOINT STUDY COMMITTEE ON
EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT
RECOVERY.

The General Assembly of North Carolina enacts:

SECTION 1. The North Carolina Building Code Council shall study the issue of wind-borne debris and its impact on dwellings and other structures. In conducting the study, the Building Code Council shall review studies conducted by or in other states such as Florida and Texas that relate to wind-borne debris and problems associated therewith.

The North Carolina Building Code Council shall report to the General Assembly by December 15, 2006, on its findings and recommendations. The report shall include any proposed legislation or proposed amendments to the North Carolina State Building Code to address problems associated with wind-borne debris.

SECTION 2. The Division of Emergency Management of the Department of Crime Control and Public Safety shall report to the North Carolina Building Code Council on the Flood Insurance Rate Maps that are being updated pursuant to Section 6 of S.L. 2005-1. The Division shall report to the Council 90 days after the update is completed.

The North Carolina Building Code Council shall review the updated Flood Insurance Rate maps and study issues related to the construction of buildings in areas in which flooding and landslides are potential problems. Council shall report its findings and recommendations to the General Assembly on or before February 1, 2007.

SECTION 3. This act is effective when it becomes law.

LEGISLATIVE PROPOSAL 2
SUBCOMMITTEE ON ENERGY SECURITY ISSUES

A BILL TO BE ENTITLED

AN ACT TO UPDATE THE NORTH CAROLINA ENERGY EMERGENCY PLAN, TO IMPROVE PLANNING AND COORDINATION FOR AN ENERGY EMERGENCY OR ENERGY CRISIS AMONG ALL LEVELS OF GOVERNMENT, AND TO APPROPRIATE FUNDS, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The General Assembly of North Carolina enacts:

SECTION 1. The General Assembly makes the following findings:

(1) Ninety percent (90%) of the petroleum used for fuel in North Carolina reaches this State via two pipelines that originate in the Gulf coast region.

(2) In the summer and fall of 2005, Hurricanes Katrina and Rita caused severe damage to Gulf coast refineries and to the pipelines that supply fuel to North Carolina. North Carolina experienced major disruptions in its petroleum supplies that almost reached emergency proportions.

(3) As a result of the disruptions, the Governor curtailed all non-essential travel by State agencies. In addition, units of local government were in danger of not having sufficient fuel to supply their first responder and other vital services.

(4) The State and units of local government purchase their fuel through the State's competitive bidding procedure under Article 3 of Chapter 143 of the General Statutes, which requires the contract to be awarded to the lowest bidder. The contracts for fuel purchases by the State and by units of local government are awarded to independent fuel distributors whose supplies were the first to be curtailed during the fuel disruptions this summer. Consequently, neither the State nor units of local government had contracts with fuel distributors that ensured that their most vital fuel needs would receive priority during this summer's supply disruptions.

(5) The North Carolina Energy Emergency Plan is produced by the State Energy Office as part of the North Carolina Emergency Operations Plan. The North Carolina Emergency Operations Plan was

developed by the Department of Crime Control and Public Safety under G.S. 166A-5. Under the North Carolina Emergency Operations Plan, the State Energy Office of the Department of Administration is the lead technical agency responsible for responding to and recovering from fuel shortages in the State.

(6) The North Carolina Energy Emergency Plan is designed to do all of the following:

- a. Determine North Carolina's essential energy facilities.
- b. Assess potential threats and possible consequences of energy disruptions.
- c. Identify response measures and options.
- d. Coordinate local, State, and federal governments and their agencies.

(7) The North Carolina Energy Emergency Plan was last revised in 2003. The North Carolina Energy Emergency Plan does not adequately address the type of emergency the State experienced last summer, a natural disaster, or a serious terrorist attack on infrastructure.

(8) Better coordination and planning is needed within and among State agencies, federal agencies, and units of local government to ensure that public fuel supply requirements are properly prioritized during an energy emergency or energy crisis and to ensure that critical and emergency governmental functions can be maintained during an energy emergency or energy crisis.

SECTION 2. The State Energy Office shall update the North Carolina Energy Emergency Plan consistent with the findings under Section 1 of this act. In order to accomplish this task, the State Energy Office shall conduct a study of the State's ability to adequately respond to an energy emergency or energy crisis of a high magnitude. As part of this study, the State Energy Office shall:

(1) Review and recommend the revision of existing energy emergency plans of appropriate State agencies and units of local government or recommend to a particular unit of government that it should develop an energy emergency plan, if it currently has none.

(2) Clarify the roles and responsibilities among State, federal agencies, and units of local government in the event of an emergency petroleum shortage.

SECTION 3. The State Energy Office shall report its findings, recommendations, and its draft updated North Carolina Energy

Emergency Plan to the Joint Study Committee on Emergency Preparedness and Disaster Management Recovery no later than November 1, 2006. All recommendations to the Committee shall include a cost estimate of the recommended undertaking.

SECTION 4. The State Energy Office, in conjunction with the Office of State Purchase and Contract, shall review the current contracts for fuel for State purchases and purchases by units of local government and determine whether they adequately minimize the risk that the State and units of local government would experience supply curtailments for their highest fuel needs during an emergency fuel shortage.

SECTION 5. There is appropriated from The General Fund to the State Energy Office of the Department of Administration the sum of forty-thousand dollars (\$40,000) for the 2006-2007 fiscal year for its costs to implement this act.

SECTION 6. This act becomes effective July 1, 2006.

LEGISLATIVE PROPOSAL 3
SUBCOMMITTEE ON PUBLIC HEALTH AND BIOTERRORISM

A BILL TO BE ENTITLED
AN ACT TO PROVIDE LIABILITY PROTECTION AND WORKERS'
COMPENSATION FOR HEALTH CARE WORKERS WHEN
RESPONDING TO IN-STATE INCIDENTS OUTSIDE THEIR
HOSPITAL OR NORMAL JURISDICTION AS MEMBERS OF A STATE
MEDICAL ASSISTANCE TEAM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 166A-14 reads as rewritten:

"§ 166A-14. Immunity and exemption.

(a) All functions hereunder and all other activities relating to emergency management are hereby declared to be governmental functions. Neither the State nor any political subdivision thereof, nor, except in cases of willful misconduct, gross negligence or bad faith, any emergency management worker complying with or reasonably attempting to comply with this Article or any order, rule or regulation promulgated pursuant to the provisions of this Article or pursuant to any ordinance relating to any emergency management measures enacted by any political subdivision of the State, shall be liable for the death of or injury to persons, or for damage to property as a result of any such activity.

(b) The rights of any person to receive benefits to which ~~he~~the person would otherwise be entitled under this Article or under the Workers' Compensation Law or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress shall not be affected by performance of emergency management functions.

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

(d) As used in this section, the term "emergency management worker" shall include any full or part-time paid, volunteer or auxiliary employee of this State or other states, territories, possessions or the District of Columbia, of the federal government or any neighboring country or of any political subdivision thereof or of any agency or organization

performing emergency management services at any place in this State, subject to the order or control of or pursuant to a request of the State government or any political subdivision thereof. The term "emergency management worker" under this section shall also include ~~a~~any health care worker performing health care services as a member of a hospital-based or county-based State Medical Assistance Team and any person performing emergency health care services under G.S. 90-12.2.

(e) Any emergency management worker, as defined in this section, performing emergency management services at any place in this State pursuant to agreements, compacts or arrangements for mutual aid and assistance to which the State or a political subdivision thereof is a party, shall possess the same powers, duties, immunities and privileges ~~he~~the person would ordinarily possess if performing ~~his~~their duties in the State, or political subdivision thereof in which normally employed or rendering services."

SECTION 2. This act is effective when it becomes law.

LEGISLATIVE PROPOSAL 4
SUBCOMMITTEE ON PUBLIC HEALTH AND BIOTERRORISM

A BILL TO BE ENTITLED
AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES TO PURCHASE ESSENTIAL
VACCINES FOR CHILDREN, TO ASSURE FLU VACCINES FOR
HIGH RISK POPULATIONS, AND TO PURCHASE ANTIVIRAL
MEDICATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Health and Humans Services, Division of Public Health, the sum of twenty-eight million eight hundred sixty-two thousand five hundred sixty-two dollars (\$28,862,562) for the 2006-2007 fiscal year, to be allocated as follows:

- (1) \$15,600,000 to be used for the purchase of essential vaccines for children.
- (2) \$662,562 to be used to assure flu vaccine for high risk populations.
- (3) \$12,600,000 to be used to purchase antiviral medications.

SECTION 2. This act becomes effective July 1, 2006.

LEGISLATIVE PROPOSAL 5
SUBCOMMITTEE ON PUBLIC HEALTH AND BIOTERRORISM

A BILL TO BE ENTITLED
AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES TO DESIGN A NEW CO-
LOCATED STATE LABORATORY OF PUBLIC HEALTH AND
OFFICE OF THE CHIEF MEDICAL EXAMINER.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Health and Human Services the sum of five million two hundred thousand dollars (\$5,200,000) for the 2006-2007 fiscal year, to be used to design a new co-located State Laboratory of Public Health and Office of the Chief Medical Examiner to replace current facilities.

SECTION 2. This act becomes effective July 1, 2006.

LEGISLATIVE PROPOSAL 6
SUBCOMMITTEE ON PUBLIC HEALTH AND BIOTERRORISM

A BILL TO BE ENTITLED
AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES, OFFICE OF EMERGENCY
MEDICAL SERVICES FOR THE CONTINUED OPERATION OF
STATEWIDE REGIONAL ADVISORY COMMITTEES.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Health and Human Services, Office of Emergency Medical Services the sum of one million dollars (\$1,000,000) for the 2006-2007 fiscal year for the continued operations of the eight existing Regional Advisory Committees (RACs), to be allocated in the amount of \$125,000 to each of the eight lead RAC hospitals.

SECTION 2. This act becomes effective July 1, 2006.

LEGISLATIVE PROPOSAL 7
SUBCOMMITTEE ON PUBLIC HEALTH AND BIOTERRORISM

A BILL TO BE ENTITLED
AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO PROVIDE FOR STAFFING AND FACILITY IMPROVEMENTS TO THE VETERINARY DIAGNOSTIC LABORATORY SYSTEM, TO FUND STAFF AND FACILITIES FOR THE FOOD AND DRUG PROTECTION DIVISION, AND TO FUND THE EMERGENCY PROGRAMS DIVISION MULTI-HAZARD THREAT DATABASE.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Agriculture and Consumer Services the sum of four million five hundred eighty-nine thousand five hundred fifty dollars (\$4,589,550) for the 2006-2007 fiscal year, to be allocated as follows:

- (1) \$1,647,172 to be used by the Veterinary Division for Veterinary Diagnostic Laboratory System staffing needs and facility improvements.
- (2) \$1,980,378 to be used by the Food and Drug Protection Division for staffing needs and facility improvements.
- (3) \$962,000 to be used by the Emergency Programs Division to fund the Multi-Hazard Threat Database.

SECTION 2. This act becomes effective July 1, 2006.

LEGISLATIVE PROPOSAL 8
SUBCOMMITTEE ON PUBLIC HEALTH AND BIOTERRORISM

A BILL TO BE ENTITLED

AN ACT TO ENHANCE THE EMBARGO AUTHORITY OF THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES AND LOCAL HEALTH DIRECTORS AND TO DIRECT THE DEVELOPMENT OF A STATE PLAN TO PROTECT THE FOOD SUPPLY FROM INTENTIONAL CONTAMINATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-21(a) reads as rewritten:

"(a) In addition to the authority of the Commissioner of Agriculture pursuant to G.S. 106-25, The the Secretary of Environment and Natural Resources and or a local health director has authority to exercise embargo authority concerning food or drink pursuant to G.S. 106-125(a), (b) and (c) when delegated the authority by the Commissioner of Agriculture. the food or drink is in an establishment that is subject to regulation by the Department of Environment and Natural Resources pursuant to this Chapter or that is the subject of an investigation pursuant to G.S. 130A-144; however, no such action shall be taken in any establishment or part of an establishment that is under inspection or otherwise regulated by the Department of Agriculture and Consumer Services or the Unites States Department of Agriculture other than the part of the establishment that is subject to regulation by the Department of Environment and Natural Resources pursuant to this Chapter. Any action under this section shall only be taken by, or after consultation with, Department of Environment and Natural Resources regional environmental health specialists, or their superiors, in programs regulating food and drink pursuant to this Chapter. Authority under this statute shall not be delegated to individual environmental health specialists in local health departments otherwise authorized and carrying out laws and rules pursuant to G.S. 130A-4. When such action is taken, the Department of Environment and Natural Resources or the local health director shall immediately notify the Department of Agriculture and Consumer Services. For the purposes of this subsection, all duties and procedures in G.S.106-125 shall be carried out by the Secretary of the Department of Environment and Natural Resources or the local health director and shall not be required to be carried out by the Department of Agriculture and Consumer Services. It

shall be unlawful for any person to remove or dispose of the food or drink by sale or otherwise without the permission of a Department of Environment and Natural Resources Regional Environmental Health Specialist or a duly authorized agent of the Department of Agriculture and Consumer Services, or by the court in accordance with the provisions of G.S. 106-125.

SECTION 2. Article 22 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-481. Food Defense.

The Department of Agriculture and Consumer Services, Department of Environment and Natural Resources, and Department of Health and Human Services shall jointly develop a plan to protect the food supply from intentional contamination. The plan shall address protection of the food supply from production to consumption, including but not limited to the protection of plants, crops, and livestock."

SECTION 3. This act is effective when it becomes law.

LEGISLATIVE PROPOSAL 9
SUBCOMMITTEE ON DISASTER PREPAREDNESS ISSUES

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE STATE EMERGENCY RESPONSE FUND
AND TO APPROPRIATE FUNDS TO THE STATE EMERGENCY
RESPONSE FUND.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 166A is amended by adding a new section to read:

"§ 166A-6.02. State Emergency Response Fund.

(a) Fund established.--The State Emergency Response Fund is established as a special revenue fund in the Office of State Budget and Management. The money in this Fund shall not revert to the General Fund and shall remain in this Fund to be used as provided by this section.

(b) Fund balance. --The balance of the Fund at the beginning of each fiscal year shall be at least twenty million dollars (\$20,000,000). If the balance of the Fund at the end of a fiscal year is less than twenty million dollars (\$20,000,000), then there is appropriated to the Fund from the General Fund on July 1 an amount that is equal to the difference between twenty million dollars (\$20,000,000) and the balance of the Fund on June 30."

(c) Purpose and Spending Priority of Funds.--The Governor may spend money from the Fund for the purposes set forth in this section without further authorization of the General Assembly. Money from the Fund may be used to cover the start-up costs of State Emergency Response Team operations in anticipation of or in response to a Type I, Type II, or Type III disaster as defined by G.S. 166A-6. If money remains available after covering the start-up costs then that money may be used to help provide the State matching funds required for disaster assistance for a Type I, Type II, or Type III disaster. All other types of disaster assistance authorized by G.S. 166A-6 shall continue to be financed by the funds made available under that section."

SECTION 2. G.S. 166A-4 is amended by adding the following subdivision:

"(5a) Fund. -- The State Emergency Response Fund established in G.S. 166A-6.02."

SECTION 3. There is appropriated from the General Fund to the State Emergency Response Fund established in G.S. 166A-6.02 the sum of twenty million dollars (\$20,000,000) for the 2006-2007 fiscal year.

SECTION 4. This act becomes effective July 1, 2006.

LEGISLATIVE PROPOSAL 10

SUBCOMMITTEE ON DISASTER PREPAREDNESS ISSUES

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO CONSTRUCT A NEW EMERGENCY OPERATIONS CENTER AS A PORTION OF THE NEW READINESS CENTER FOR THE NORTH CAROLINA NATIONAL GUARD.

The General Assembly of North Carolina enacts:

SECTION 1. There is appropriated from the General Fund to the Department of Crime Control and Public Safety the sum of eight million two hundred forty thousand dollars (\$8,240,000) for the 2006-2007 fiscal year to provide the State funds required to match federal funds for the construction cost of a new Readiness Center for the North Carolina National Guard that will also house a new Emergency Operations Center for the State of North Carolina. Of the funds appropriated by this act the sum of up to four hundred forty thousand dollars (\$440,000) may be used for planning and designing the new Emergency Operations Center.

SECTION 2. This act becomes effective July 1, 2006.

APPENDICES

APPENDIX A

STATE OF NORTH CAROLINA
NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA 27601



April 3, 2006

The Honorable Michael F. Easley
Governor of North Carolina
20301 Mail Service Center
Raleigh, North Carolina 27699-0301

Dear Governor Easley:

The Joint Study Committee on Emergency Preparedness and Disaster Management Recovery received the following assessment and recommendation from its Subcommittee on Disaster Preparedness (at the March 28, 2006 meeting):

- Assessment - The NC Emergency Operations Center (EOC) is spread out among three separate locations; has insufficient space to accommodate State, FEMA, and other staff during disasters; has insufficient parking; and has mold and other health hazards. The State has the opportunity to build a new EOC that would be co-located with a new, federally-funded (\$35 million) headquarters building for the NC National Guard (NCNG). It would be more cost-efficient for the State to share construction costs and co-locate with the NCNG facility, than to build a stand-alone EOC using all state funds. NCNG plans to begin construction of the new headquarters in 2008.
- Recommendation - "In the 2006 Short Session, appropriate \$8.24 million NR (\$440,000 for planning & design/\$7,800,000 for construction) to the Department of Crime Control and Public Safety for a new EOC."

It is our understanding that the State needs to immediately begin the necessary planning and design work for the new EOC in order to take advantage of the opportunity afforded by the NCNG project. This will require the use of current year funds in order to initiate the project prior to June 30, 2006. Because the NC General Assembly will not convene until May 9, 2006, the Joint Study Committee asks that you request the Office of State Budget and Management to identify existing funds which can be used for the design portion of this project.

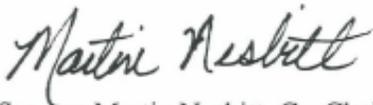
At this time, we cannot make a commitment that the General Assembly will appropriate the \$7.8 million in construction funds for the new EOC during the 2006 Session. However, the

Committee has voted to support this action and include a funding proposal in its report to the General Assembly in the upcoming weeks. Given the time constraints, we ask that these funds be identified in time to consult with the Joint Commission on Governmental Operations at the April 19, 2006 meeting.

Thank you for your attention to this matter. The Committee looks forward to your response in the near future.

Sincerely,

Sincerely,


Senator Martin Nesbitt, Co-Chair


Representative Pete Cunningham, Co-Chair

Cc: David McKoy, State Budget Officer
President Pro Tem Marc Basnight
Speaker James B. Black
Representative Wainwright
Senator Snow
Representative McComas
Representative Glazier
Representative Haire
Representative Kiser
Senator Boseman
Senator Malone
Senator Dorsett
Secretary Beatty
Major General Ingram
Representative Clary
Representative Crawford
Representative Earle
Representative Nye
Representative Owens
Representative Sherrill
Senator Dalton
Senator Garrou
Senator Hagan
Lynn Muchmore, Fiscal Research Director

APPENDIX B

Joint Study Committee on Emergency Preparedness and Disaster Management Recovery (2005/2006)

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*Joint Study Committee on Emergency Preparedness and Disaster
Management Recovery (2005 / 2006)*

Membership List (page 2)

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*Joint Study Committee on Emergency Preparedness and Disaster
Management Recovery (2005/2006)
Membership List (page 3)*

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<p>Mr. Duke Geraghty Starco Realty & Construction Co. 817 Hwy 64 Manteo, NC 27954 (252) 473-6300 duke@starcorealty.com (252) 473-1663 fax</p>	<p>Public Member</p>	<p>Rep. Thomas Roger West North Carolina House of Representatives 16 W. Jones Street, Room 1004 Raleigh, NC 27601-1096 (919) 733-5859 rogerw@ncleg.net Contact: Linda Johnson westla@ncleg.net</p>	<p>Member</p>
<p>Mr. H. Douglas Hoell State Div. of Emergency Management 4713 Mail Service Center Raleigh, NC 27699-4713 (919) 733-3825 dhoell@ncem.org</p>	<p>State Employee</p>	<p>Rep. Michael Harold Wray North Carolina House of Representatives 300 N. Salisbury Street, Room 533 Raleigh, NC 27603-5925 (919) 733-5662 michaelw@ncleg.net Contact: Mary Capps wrayla@ncleg.net</p>	<p>Member</p>
<p>Maj. Gen. William E. Ingram Jr. N.C. National Guard 4105 Reedy Creek Road Raleigh, NC 27607-6410 (919) 664-6101 william.ingram2@us.army.mil (919) 664-6400 fax</p>	<p>State Employee</p>	<p>Mr. Jeff Frazier Cisco Systems, Inc. 311 Glen Abbey Drive Cary, NC 27513 (919) 392-4132 jefrazie@cisco.com</p>	<p>Public Member</p>
<p>Mr. Spencer Rogers North Carolina Sea Grant 5600 Marvin K. Moss Lane Wilmington, NC 28409 (910) 962-2491 rogerssp@uncw.edu (910) 962-2410 fax</p>	<p>Public Member</p>	<p>Chief Thomas McCarthy Fayetteville Police Department 467 Hay Street Fayetteville, NC 28301 (910) 433-1819 tmccarthy@ci.fay.nc.us (919) 433-1895 fax</p>	<p>Public Member</p>
<p>Mr. Randy Thompson Brunswick Co Emergency Services PO Box 249 Bolivia, NC 28422 (910) 279-0485 rthompson@brunswick.net (910) 253-4451 fax</p>	<p>Public Member</p>	<p>Mr. Mike McGee McGee Brothers Company, Inc. 4524 Carriker Road Monroe, NC 28110 (704) 372-7610 mike@mcgeebrick.com</p>	<p>Public Member</p>
		<p>Dr. Marty Zaluski Director, Emergency Programs NC Dept of Agriculture 1035 Mail Service Center Raleigh, North Carolina 27699-1035 (919) 733-7601 marty.zaluski@ncmail.net</p>	

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Management Recovery (2005 / 2006)
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APPENDIX C

COMMITTEE AUTHORIZATION

Marc Basnight
President Pro Tempore,
North Carolina Senate



James B. Black
Speaker,
North Carolina House
of Representatives

Raleigh, North Carolina 27601-1096

**JOINT STUDY COMMITTEE ON
 EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY**

Rev. 3/30/06

Section 1. The **Joint Study Committee on Emergency Preparedness and Disaster Management Recovery** (hereinafter "Committee") is established by the President Pro Tempore of the Senate and the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1).

Section 2. The Committee consists of the 40 members listed below, 20 of whom are appointed by the President Pro Tempore of the Senate and 20 of whom are appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the appointing officer.

President Pro Tempore Appointments	Speaker of the House Appointments
Senator Martin L. Nesbitt, Jr. - Co-Chair	Representative W. Pete Cunningham - Co-Chair
Senator Vernon Malone - Vice-Chair	Representative Rick Glazier - Vice-Chair
Senator Julia Boseman - Vice-Chair	Representative R. Phillip Haire - Vice-Chair
Senator Tom Apodaca	Representative Daniel F. McComas - Vice-Chair
Senator C.W. "Pete" Bland	Representative William L. Wainwright, Vice-Chair
Senator Harry Brown	Representative Linda Coleman
Senator Katie G. Dorsett	Representative Bruce Goforth
Senator Fletcher L. Hartsell	Representative Edward Jones
Senator S. Clark Jenkins	Representative Joe L. Kiser
Senator Jeanne H. Lucas	Representative Grier Martin
Senator Keith Presnell	Representative Mary E. McAllister
Senator John J. Snow, Jr.	Representative Louis M. Pate, Jr.
Duke Geraghty, President, Starco Realty & Construction Co.	Representative Ray Rapp
Bill Gentry, Director, Community Preparedness and Disaster Management Program, UNC-CH School of Public Health	Representative Alice Graham Underhill
Leah Devlin, Acting State Health Director	Representative Roger West

and Director, Division of Public Health	
H. Douglas Hoell, Director, State Division of Emergency Management	Representative Michael H. Wray
Maj. Gen. William E. Ingram, Jr., The Adjutant General, North Carolina National Guard	Jeff Frazier, U. S. Strategic Channel Master, Justice and Public Safety Office, CISCO Systems, (Wake County)
Spencer Rogers, NC Sea Grant	Thomas McCarthy, Chief of Police, Fayetteville
Randy Thompson, Emergency Management Director, Brunswick County & President, NC Emergency Management Association	Mike McGee, McGee Bros. Co., Inc., (Union County)
Senate appointment - vacant	Marty Zaluski, DVM, Director of Emergency Programs, NC Department of Agriculture

Section 3. The Committee shall study issues related to emergency preparedness and disaster management recovery, including:

(1) Whether the State building code sufficiently addresses issues related to commercial and residential construction in hurricane and flood prone areas.

(2) The public health infrastructure in place to respond to natural and non-natural disasters, including pandemic flu preparation and response. A study of the pandemic flu preparation and response should include an assessment of potential threat; funding and mechanisms needed to produce and distribute a vaccine for the avian flu; review of quarantine and isolation laws and processes; coordination issues for local and state public health officials; coordination between state departments of public health, crime control and public safety, and agriculture; establishment of public education infrastructure for any necessary emergency vaccination program; assessment of needs of public health infrastructure and hospital capacity to respond.

(3) Hurricane preparedness, evacuation and response.

(4) Energy security, including: identifying the State's energy profile, determining the State's essential energy facilities and their connections, evaluating potential threats and the possible consequences of disruptive events; reviewing long-term strategies; outlining strategies for communication to the media and public; offering response options for each type of emergency; identifying the response measures and options that industry and government can take; coordination on a local, State and federal level issues; ensuring protection from cyber attack of computer control systems; monitoring of State's energy supply.

(5) Bioterrorism preparedness and response.

(6) Flood and natural disaster preparation and response.

(7) Any other topic the Committee believes is related to its purpose.

Section 4. The Committee shall meet upon the call of its House and Senate Co-chairs. A quorum of the Committee shall be a majority of its members. The

Committee may be organized into Subcommittees in order to facilitate discussion and to develop recommendations on the several important specialized issues for statewide consideration.

Section 5. The Committee, while in discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes. The Committee may contract for professional, clerical, or consultant services as provided by G.S. 120-32.02.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

Section 7. The expenses of the Committee shall be considered expenses incurred for the joint operation of the General Assembly. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of a co-chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. All expenses of the Committee shall be paid from the Legislative Services Commission's Reserve for Studies.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Committee in the State Legislative Building or the Legislative Office Building.

Section 10. The Committee may submit an interim report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before May 1, 2006, by filing a copy of the report with the President Pro Tempore's office, the Speaker's office, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the Senate and the House of Representatives, on or before December 31, 2006, by filing a copy of the report with the President Pro Tempore's office, the Speaker's office, and the Legislative Library. The Committee shall terminate upon December 31, 2006, or upon the filing of its final report, whichever occurs first.

Effective this 3rd day of February, 2006.



Marc Basnight
President Pro Tempore
Rev. 3/30/2006 to reflect Representative Daniel F. McComas - Vice-Chair.



James B. Black
Speaker

APPENDIX D
The Joint Study Committee on Emergency Preparedness and Disaster Management Recovery
May 2006
Fiscal Year 2006-07 Cost of Legislative Proposals

COMMITTEE PROPOSALS				GOVERNOR'S REQUEST	
Proposal	Agency	\$ FY 2006-07 request		\$ FY 2006-07 request	
		R	NR	R	NR
Update NC Energy Emergency Plan	State Energy Office		40,000		
Funds for Flu Vaccines and Antiviral Medications	Health and Human Services	16,262,562	12,600,000	6,526,095	190,000
Funds for Co-located State Laboratory of Public Health and Office of Chief Medical Examiner	Health and Human Services		5,200,000		101,000,000 ¹
Continue Operating Funds for Statewide Regional Advisory Committees	Health and Human Services	1,000,000			
Funds for Veterinary Laboratory and Food and Drug Protection	Agriculture	1,289,550	3,300,000	513,500	1,787,500
Establish State Emergency Response Fund	State Budget and Management		20,000,000 ²		50,000,000
Construct New Emergency Operations Center	Crime Control and Public Safety		8,240,000		8,500,000
<i>Subtotal</i>		<i>18,552,112</i>	<i>49,380,000</i>	<i>7,039,595</i>	<i>161,477,500</i>
<i>Total Funding Requested</i>		<i>\$ 67,932,112</i>		<i>\$168,517,095</i>	

¹ To be funded via Certificate of Participation (COPs), not a general fund appropriation

² NR appropriation as needed to maintain beginning-year fund balance at \$20 million