



# SENATE BILL 723: Clarify Prevention/Emergency Management Act.

2017-2018 General Assembly

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| <b>Committee:</b>     | Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate | <b>Date:</b>        | June 14, 2018  |
| <b>Introduced by:</b> | Sens. Rabin, Alexander, Sanderson  | <b>Prepared by:</b> | Amy Darden     |
| <b>Analysis of:</b>   | Second Edition   |                     | Staff Attorney |

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**OVERVIEW:** *Senate Bill 723 would clarify that prevention and responses to acts of violence are within the scope of the North Carolina Emergency Management Act (NCEMA) and would:*

- *Amend the definition of "emergency" and add additional definitions to NCEMA.*
- *Create an integrated system of State and local authority to address risk management for schools and public facilities.*
- *Establish the Office of School Risk Management within the Division of Emergency Management and designate that office as the lead State agency charged with developing and administering a state-wide system to address the prevention of and response to human-caused emergencies in public schools and public institutions of higher education.*
- *Establish the Office of Public Facility Risk Management within the Division of Emergency Management and designate that office as the lead State agency charged with facility risk and emergency response management.*
- *Require each county to develop an emergency management plan that addresses prevention of and rapid response to human-caused emergencies in public schools, public institutions of higher education, and public facilities.*
- *Require each county to establish and maintain an emergency management agency or to establish a joint emergency management agency with another county.*
- *Require all incorporated municipalities to establish an emergency management contact.*

*The act would become effective when it becomes law.*

**[As introduced, this bill was identical to H963, as introduced by Reps. Faircloth, Speciale, Boles, Brenden Jones, which is currently in Senate Rules and Operations of the Senate.]**

**CURRENT LAW:** The North Carolina Emergency Management Act (NCEMA) sets forth the authority and responsibility of the Governor, State agencies, and local governments in the prevention of, preparation for, response to, and recovery from natural or man-made emergencies or hostile military or paramilitary action and requires cooperation and coordination among State officials and agencies with other states, with local governments, with the federal government, with interstate organizations, and with other private and quasi-official organizations. This required cooperation and coordination extends to areas relating to emergency mitigation, preparedness, response, and recovery. The State Emergency Management Program includes all aspects of preparations for, response to, recovery from, and mitigation against war or peacetime emergencies.

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# Senate Bill 723

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## **BILL ANALYSIS:**

### **Part I** of the bill would:

- Clarify that prevention and response to acts of violence are within the scope of the NCEMA.
- Amend the definition of "emergency" within NCEMA and would add the following additional definitions to NCEMA:
  - Human caused emergencies. – Deliberate and coordinated acts of violence, riots, foreign or domestic terrorism, and military or paramilitary activities.
  - Public institutions of higher education. – Community colleges and The University of North Carolina.
  - Public schools. – Schools operated by a local board of education and all charter schools, regional schools, and laboratory schools.

### **Part II and Part III** of the bill would:

- Establish the *Office of School Risk Management* within the Division of Emergency Management and designate that office as the lead State agency charged with developing and administering a state-wide system to address the prevention of and response to human-caused emergencies in public schools and public institutions of higher education and require that office to develop a coordinated plan to prevent and preempt human-caused emergencies.
- Establish the *Office of Public Facility Risk Management* within the Division of Emergency Management and designate that office as the lead State agency charged with facility risk and emergency response management and to require that office to develop a coordinated plan to prevent and preempt human-caused emergencies.
- Require each county to develop an emergency management plan that addresses prevention of and rapid response to human-caused emergencies in public schools, public institutions of higher education, and public facilities.
- Provide that risk management plans for public schools, public institutions of higher education, and public facilities are not public records under G.S. 132-1.
- Make conforming changes to the powers of the Division of Emergency Management.
- Require each county to establish and maintain an emergency management agency or to establish a joint emergency management agency with another county.
- Require all incorporated municipalities to establish an emergency management contact.

### **Part IV** of the bill would:

- Authorize the Secretary of the Department of Public Safety to establish a pre-emergency and post-emergency certification system for responders who transport essentials in commerce, or assist in ensuring their availability, and for persons who assist in the restoring of utility services.
- Require the Division of Emergency Management to conduct a study regarding the appropriate training standards for school resource officers and to report its findings and recommendations to the Joint Legislative Oversight Committee on Emergency Management no later than November 1, 2018.

**EFFECTIVE DATE:** This act is effective when it becomes law.