

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 843
Second Edition Engrossed 5/24/11

Short Title: Modernize NC Emergency Management Act. (Public)

Sponsors: Representative Martin (Primary Sponsor)
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary.

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9 Article 1 of Chapter 166A is repealed.

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

12 "Article 1A.

13 "North Carolina Emergency Management Act.

14 "Part 1. General Provisions.

15 **"§ 166A-19. Short title.**

16 This Article may be cited as 'North Carolina Emergency Management Act.'

17 **"§ 166A-19.1. Purposes.**

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

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

33 **"§ 166A-19.2. Limitations.**

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



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

10 **§ 166A-19.3. Definitions.**

11 The following definitions apply in this Article:

- 12 (1) Account. – The State Emergency Response Account established in
13 G.S. 166A-19.42.
14 (2) Chairman of the board of county commissioners. – The chairman of the
15 board of county commissioners or, in case of the chairman's absence or
16 disability, the person authorized to act in the chairman's stead. Unless the
17 governing body of the county has specified who is to act in lieu of the
18 chairman with respect to a particular power or duty set out in this Article,
19 this term shall mean the person generally authorized to act in lieu of the
20 chairman.
21 (3) Division. – The Division of Emergency Management established in Part 8 of
22 Article 11 of Chapter 143B of the General Statutes.
23 (4) Eligible entity. – Any political subdivision. The term also includes an owner
24 or operator of a private nonprofit utility that meets the eligibility criteria set
25 out in this Article.
26 (5) Emergency. – An occurrence or imminent threat of widespread or severe
27 damage, injury, or loss of life or property resulting from any natural or
28 man-made accidental, military, paramilitary, weather-related, or riot-related
29 cause. For purposes of this Article, the term 'disaster' is synonymous with
30 this term.
31 (6) Emergency area. – The geographical area covered by a state of emergency.
32 (7) Emergency management. – Those measures taken by the populace and
33 governments at federal, State, and local levels to minimize the adverse effect
34 of any type emergency, which includes the never-ending preparedness cycle
35 of planning, prevention, mitigation, warning, movement, shelter, emergency
36 assistance, and recovery.
37 (8) Emergency management agency. – A State or local governmental agency
38 charged with coordination of all emergency management activities for its
39 jurisdiction.
40 (9) Hazard risk management. – The systematic application of policies, practices,
41 and resources to the identification, assessment, and control of risk associated
42 with hazards affecting human health and safety and property. Hazard, risk,
43 and cost-benefit analysis are used to support development of risk reduction
44 options, program objectives, and prioritization of issues and resources.
45 (10) Mayor. – The mayor or other chief executive official of a municipality or, in
46 case of the mayor's absence or disability, the person authorized to act in the
47 mayor's stead. Unless the governing body of the municipality has specified
48 who is to act in lieu of the mayor with respect to a particular power or duty
49 set out in this Article, the term shall mean the person generally authorized to
50 act in lieu of the mayor.
51 (11) Political subdivision. – Counties and incorporated cities, towns, and villages.

- 1 (12) Preliminary damage assessment. – The (initial estimate prepared) process
2 used by State, local, or federal emergency management workers to determine
3 the severity and magnitude of damage caused by an emergency.
4 (13) Private nonprofit utility. – A utility that would be eligible for federal public
5 assistance disaster funds pursuant to 44 C.F.R. Part 206.
6 (14) Secretary. – The Secretary of the Department of Crime Control and Public
7 Safety.
8 (15) Stafford Act. – The Robert T. Stafford Disaster Relief and Emergency
9 Assistance Act, Pub. L. No. 93-288, 88 Stat. 143, codified generally at 42
10 U.S.C. § 5121, et seq., as amended.
11 (16) State Acquisition and Relocation Fund. – State funding for supplemental
12 grants to homeowners participating in a Hazard Mitigation Grant Program
13 Acquisition and Relocation Program. These grants are used to acquire safe,
14 decent, and sanitary housing by paying the difference between the cost of the
15 home acquired under the Hazard Mitigation Grant Program Acquisition and
16 Relocation Program and the cost of a comparable home located outside the
17 100-year floodplain.
18 (17) State of emergency. – A finding and declaration by any of the following
19 authorities that an emergency exists:
20 a. The Governor, acting under the authority of G.S. 166A-19.20.
21 b. The General Assembly, acting under the authority of
22 G.S. 166A-19.20.
23 c. The governing body of a municipality or the mayor of a municipality,
24 acting under the authority of G.S. 166A-19.21.
25 d. The governing body of a county or the chairman of the board of
26 commissioners of a county, acting under the authority of
27 G.S. 166A-19.21.
28 "Part 2. State Emergency Management.

29 **"§ 166A-19.10. Powers of the Governor.**

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

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

- 35 (1) To exercise general direction and control of the State Emergency
36 Management Program and to be responsible for carrying out the provisions
37 of this Article, other than those provisions that confer powers and duties
38 exclusively on local governments.
39 (2) To make, amend, or rescind the necessary orders, rules, and regulations
40 within the limits of the authority conferred upon the Governor herein, with
41 due consideration of the policies of the federal government.
42 (3) To delegate any authority vested in the Governor under this Article and to
43 provide for the subdelegation of any such authority.
44 (4) To cooperate and coordinate with the President and the heads of the
45 departments and agencies of the federal government, and with other
46 appropriate federal officers and agencies, and with the officers and agencies
47 of other states and local units of government in matters pertaining to the
48 emergency management of the State and nation.
49 (5) To enter into agreements with the American National Red Cross, Salvation
50 Army, Mennonite Disaster Service, and other disaster relief organizations.

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

22 **"§ 166A-19.11. Powers of the Secretary of Crime Control and Public Safety.**

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

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

41 **"§ 166A-19.12. Powers of the Division of Emergency Management.**

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

- 44 (1) Coordination of the activities of all State agencies for emergency
45 management within the State, including planning, organizing, staffing,
46 equipping, training, testing, and the activation of emergency management
47 programs.
- 48 (2) Preparation and maintenance of State plans for emergencies. The State plans
49 or any parts thereof may be incorporated into department regulations and
50 into executive orders of the Governor.

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

- 1 (12) Coordination of the use of existing means of communications and
2 supplementing communications resources and integrating them into a
3 comprehensive State or State-federal telecommunications or other
4 communications system or network.
- 5 (13) Administration of federal and State grant funds provided for emergency
6 management purposes, including those funds provided for planning and
7 preparedness activities by emergency management agencies.
- 8 (14) Serving as the lead State agency for the coordination of information and
9 resources for hazard risk management, which shall include the following
10 responsibilities:
- 11 a. Coordinating with other State agencies and county governments in
12 conducting hazard risk analysis. To the extent another State agency
13 has primary responsibility for the adoption of hazard mitigation
14 standards, those standards shall be applied in conducting a hazard
15 risk analysis.
- 16 b. Establishing and maintaining a hazard risk management information
17 system and tools to display natural hazards and vulnerabilities and
18 conducting risk assessment.
- 19 c. Acquiring and leveraging all natural hazard data generated or
20 maintained by State agencies and county governments.
- 21 d. Acquiring and leveraging all vulnerability data generated or
22 maintained by State agencies and county governments.
- 23 e. Maintaining a clearinghouse for methodologies and metrics for
24 calculating and communicating hazard probability and loss
25 estimation.
- 26 (15) Utilizing and maintaining technology that enables efficient and effective
27 communication and management of resources between political
28 subdivisions, State agencies, and other governmental entities involved in
29 emergency management activities.

30 "Part 3. Local Emergency Management.

31 **"§ 166A-19.15. County and municipal emergency management.**

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

36 (b) Counties May Establish and Maintain Emergency Management Agencies. – The
37 governing body of each county is hereby authorized to establish and maintain an emergency
38 management agency for the purposes contained in G.S. 166A-19.1. The governing body of
39 each county which establishes an emergency management agency pursuant to this authorization
40 shall appoint a coordinator who will have a direct responsibility for the organization,
41 administration, and operation of the county program and will be subject to the direction and
42 guidance of such governing body. In the event that any county fails to establish an emergency
43 management agency, and the Governor, in the Governor's discretion, determines that a need
44 exists for such an emergency management agency, then the Governor is hereby empowered to
45 establish an emergency management agency within that county.

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

49 (d) Joint Agencies Authorized. – Counties and incorporated municipalities are
50 authorized to form joint emergency management agencies composed of a county and one or

1 more municipalities within the county's borders, between two or more counties, or between two
2 or more counties and one or more municipalities within the borders of those counties.

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

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

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

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

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

19 (4) To delegate powers in a local state of emergency declared pursuant to
20 G.S. 166A-19.21.

21 (5) To coordinate the voluntary registration of functionally and medically fragile
22 persons in need of assistance during an emergency either through a registry
23 established by this subdivision or by the State. All records, data,
24 information, correspondence, and communications relating to the
25 registration of persons with special needs or of functionally and medically
26 fragile persons obtained pursuant to this subdivision are confidential and are
27 not a public record pursuant to G.S. 132-1 or any other applicable statute,
28 except that this information shall be available to emergency response
29 agencies, as determined by the local emergency management director. This
30 information shall be used only for the purposes set forth in this subdivision.

31 (g) County Eligibility for State and Federal Financial Assistance. – Each county which
32 establishes an emergency management agency pursuant to State standards and which meets
33 requirements for local plans and programs may be eligible to receive State and federal financial
34 assistance, including State and federal funding appropriated for emergency management
35 planning and preparedness, and for the maintenance and operation of a county emergency
36 management program. Such financial assistance is subject to an appropriation being made for
37 this purpose. Where the appropriation does not allocate appropriated funds among counties, the
38 amount allocated to each county shall be determined annually by the Division. The size of this
39 allocation shall be based in part on the degree to which local plans and programs meet State
40 standards and requirements promulgated by the Division, including those relating to
41 professional competencies of local emergency management personnel. However, in making an
42 allocation determination, the Division shall, where appropriate, take into account the fact that a
43 particular county may lack sufficient resources to meet the standards and requirements
44 promulgated by the Division.

45 "Part 4. Declarations of State of Emergency.

46 **"§ 166A-19.20. Gubernatorial or legislative declaration of state of emergency.**

47 (a) Declaration. – A state of emergency may be declared by the Governor, or by a
48 resolution of the General Assembly, if either of these finds that an emergency exists. A Type L
49 emergency may only be declared by the Governor.

50 (b) Preliminary Damage Assessment. – When a state of emergency other than a Type L
51 emergency is declared pursuant to this section, the Secretary shall provide the Governor and the

1 General Assembly with a preliminary damage assessment as soon as the assessment is
2 available.

3 (c) Declaration of Emergency Area and Emergency Type. – Upon receipt of a
4 preliminary damage assessment, the Governor shall issue a declaration defining the emergency
5 area and declaring the state of emergency to be one of the types defined in subsection (d) of this
6 section. If the Governor declares the state of emergency to be a Type L emergency, then no
7 preliminary damage assessment is required for that declaration and the declaration of type shall
8 be made at the same time as the emergency is declared.

9 (d) Types of Emergency. –

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

14 a. A local state of emergency has been declared pursuant to
15 G.S. 166A-19.21 and a written copy of the declaration has been
16 forwarded to the Governor.

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

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

23 (2) Type II Disaster. – A Type II disaster may be declared if the President of the
24 United States has issued a major disaster declaration pursuant to the Stafford
25 Act. The Governor may request federal disaster assistance under the Stafford
26 Act without making a Type II disaster declaration.

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

30 a. The preliminary damage assessment indicates that the extent of
31 damage is reasonably expected to meet the threshold established for
32 an increased federal share of disaster assistance under applicable
33 federal law and regulations.

34 b. The preliminary damage assessment prompts the Governor to call a
35 special session of the General Assembly to establish programs to
36 meet the unmet needs of individuals or political subdivisions affected
37 by the emergency.

38 (4) Type L Emergency. – A Type L emergency may be declared if the Governor
39 determines that an emergency exists in any part of North Carolina and
40 further finds that local control of the emergency is insufficient to assure
41 adequate protection for lives and property. Local control shall be deemed
42 insufficient only if the Governor finds that at least one of the following is
43 true: (i) needed control cannot be imposed locally because local authorities
44 responsible for preservation of the public peace have not enacted appropriate
45 ordinances or issued appropriate declarations as authorized by
46 G.S. 166A-19.31; (ii) local authorities have not taken implementing steps
47 under such ordinances or declarations, if enacted or declared, for effectual
48 control of the emergency that has arisen; (iii) the area in which the
49 emergency exists has spread across local jurisdictional boundaries and the
50 legal control measures of the jurisdictions are conflicting or uncoordinated to
51 the extent that efforts to protect life and property are, or unquestionably will

1 be, severely hampered; or (iv) the scale of the emergency is so great that it
2 exceeds the capability of local authorities to cope with it.

3 (e) Expiration of States of Emergency. –

4 (1) Expiration of Type I disaster declarations. – A Type I disaster declaration
5 shall expire 30 days after its issuance unless renewed by the Governor or the
6 General Assembly. Such renewals may be made in increments of 30 days
7 each, not to exceed a total of 120 days from the date of first issuance. The
8 Joint Legislative Commission on Governmental Operations shall be notified
9 prior to the issuance of any renewal of a Type I disaster declaration.

10 (2) Expiration of Type II disaster declarations. – A Type II disaster declaration
11 shall expire six months after its issuance unless renewed by the Governor or
12 the General Assembly. Such renewals may be made in increments of three
13 months each, not to exceed a total of 12 months from the date of first
14 issuance. The Joint Legislative Commission on Governmental Operations
15 shall be notified prior to the issuance of any renewal of a Type II disaster
16 declaration.

17 (3) Expiration of Type III disaster declarations. – A Type III disaster declaration
18 shall expire 12 months after its issuance unless renewed by the General
19 Assembly.

20 (4) Expiration of Type L emergency declarations. – A Type L emergency
21 declaration shall expire 10 days after its issuance unless renewed by the
22 Governor one or more times. Renewals expire 10 days after issuance.

23 (5) Expiration of disaster declarations declared prior to July 1, 2001. – Any state
24 of disaster declared or proclaimed before July 1, 2001, irrespective of type,
25 shall terminate by a declaration of the Governor or resolution of the General
26 Assembly. A declaration or resolution declaring or terminating a state of
27 disaster shall be disseminated promptly by means calculated to bring its
28 contents to the attention of the general public and, unless the circumstances
29 attendant upon the disaster prevent or impede, promptly filed with the
30 Secretary, the Secretary of State, and the clerks of superior court in the area
31 to which it applies.

32 (f) Relation of Type L Emergency to Other Types of Emergency. – The declaration of a
33 Type L emergency shall not preclude a simultaneous or subsequent declaration of a Type I, II,
34 or III disaster in the same emergency area.

35 (g) Exercise of Powers Not Contingent on Declaration of Disaster Type. – Once a state
36 of emergency has been declared pursuant to subsection (a) of this section, the fact that a
37 declaration of disaster type has not yet been issued shall not preclude the exercise of powers
38 that are otherwise conferred during a state of emergency.

39 **§ 166A-19.21. Municipal or county declaration of state of emergency.**

40 (a) Declaration. – A state of emergency may be declared by the governing body of a
41 municipality or county if either of these finds that an emergency exists. Authority to declare a
42 state of emergency under this section may also be delegated by ordinance to the mayor of a
43 municipality or to the chairman of the board of county commissioners of a county.

44 (b) Emergency Area. – The emergency area of a state of emergency declared pursuant
45 to this section, or pursuant to an ordinance authorized by this section, shall be determined in
46 accordance with the following:

47 (1) Unless another subdivision of this subsection is applicable, the emergency
48 area shall not exceed the area over which the municipality or county has
49 jurisdiction to enact general police-power ordinances, and unless the
50 governing body declaring the state of emergency provides otherwise, the

1 emergency area includes this entire jurisdiction, subject to the limitations
2 contained in the other subdivisions in this subsection.

3 (2) The emergency area of a state of emergency declared by a county shall not
4 include any area within the corporate limits of any municipality, or within
5 any area of the county over which a municipality has jurisdiction to enact
6 general police-power ordinances, unless the municipality by resolution
7 consents to the state of emergency's application. Such an extension may be
8 with respect to one or more of the prohibitions and restrictions imposed in
9 that county pursuant to the authority granted in G.S. 166A-19.31 and need
10 not be with respect to all prohibitions and restrictions authorized by that
11 section.

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

23 a. The extension of the emergency area shall not include any area
24 within the corporate limits of a municipality, or within any area of
25 the county over which a municipality has jurisdiction to enact general
26 police-power ordinances, unless that other municipality consents to
27 its application.

28 b. A chairman of a board of county commissioners extending the
29 emergency area under the authority of this subdivision shall take
30 reasonable steps to give notice of its terms to those likely to be
31 affected.

32 c. The chairman of the board of commissioners shall declare the
33 termination of any prohibitions and restrictions extended pursuant to
34 this subdivision upon the earlier of:

35 1. The chairman's determination that they are no longer
36 necessary.

37 2. The determination of the board of county commissioners that
38 they are no longer necessary.

39 3. The termination of the prohibitions and restrictions within the
40 municipality.

41 d. The powers authorized under this subdivision may be exercised
42 whether or not the county has enacted ordinances under the authority
43 of G.S. 166A-19.31. Exercise of this authority shall not preclude the
44 imposition of prohibitions and restrictions under any ordinances
45 enacted by the county under the authority of G.S. 166A-19.31.

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

49 (d) Effect of Declaration. – The declaration of a state of emergency pursuant to this
50 section shall activate the local ordinances authorized in G.S. 166A-19.31 and any and all

1 applicable local plans, mutual assistance compacts and agreements and shall also authorize the
2 furnishing of assistance thereunder.

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

4 **"§ 166A-19.30. Additional powers of the Governor during state of emergency.**

5 (a) In addition to any other powers conferred upon the Governor by law, during a
6 gubernatorially or legislatively declared state of emergency, other than a Type L emergency,
7 the Governor shall have the following powers:

- 8 (1) To utilize all available State resources as reasonably necessary to cope with
9 an emergency, including the transfer and direction of personnel or functions
10 of State agencies or units thereof for the purpose of performing or
11 facilitating emergency services.
- 12 (2) To take such action and give such directions to State and local law
13 enforcement officers and agencies as may be reasonable and necessary for
14 the purpose of securing compliance with the provisions of this Article and
15 with the orders, rules, and regulations made pursuant thereto.
- 16 (3) To take steps to assure that measures, including the installation of public
17 utilities, are taken when necessary to qualify for temporary housing
18 assistance from the federal government when that assistance is required to
19 protect the public health, welfare, and safety.
- 20 (4) Subject to the provisions of the State Constitution to relieve any public
21 official having administrative responsibilities under this Article of such
22 responsibilities for willful failure to obey an order, rule, or regulation
23 adopted pursuant to this Article.

24 (b) During a gubernatorially or legislatively declared state of emergency other than a
25 Type L emergency, with the concurrence of the Council of State, the Governor has the
26 following powers:

- 27 (1) To direct and compel the evacuation of all or part of the population from any
28 stricken or threatened area within the State, to prescribe routes, modes of
29 transportation, and destinations in connection with evacuation; and to control
30 ingress and egress of an emergency area, the movement of persons within
31 the area, and the occupancy of premises therein.
- 32 (2) To establish a system of economic controls over all resources, materials, and
33 services to include food, clothing, shelter, fuel, rents, and wages, including
34 the administration and enforcement of any rationing, price freezing, or
35 similar federal order or regulation.
- 36 (3) To regulate and control the flow of vehicular and pedestrian traffic, the
37 congregation of persons in public places or buildings, lights and noises of all
38 kinds, and the maintenance, extension, and operation of public utility and
39 transportation services and facilities.
- 40 (4) To waive a provision of any regulation or ordinance of a State agency or a
41 political subdivision which restricts the immediate relief of human suffering.
- 42 (5) To perform and exercise such other functions, powers, and duties as are
43 necessary to promote and secure the safety and protection of the civilian
44 population.
- 45 (6) To appoint or remove an executive head of any State agency or institution
46 the executive head of which is regularly selected by a State board or
47 commission.
 - 48 a. Such an acting executive head will serve during the following:
 - 49 1. The physical or mental incapacity of the regular office holder,
50 as determined by the Governor after such inquiry as the
51 Governor deems appropriate.

- 1 2. The continued absence of the regular holder of the office.
2 3. A vacancy in the office pending selection of a new executive
3 head.
4 b. An acting executive head of a State agency or institution appointed in
5 accordance with this subdivision may perform any act and exercise
6 any power which a regularly selected holder of such office could
7 lawfully perform and exercise.
8 c. All powers granted to an acting executive head of a State agency or
9 institution under this section shall expire immediately:
10 1. Upon the termination of the incapacity as determined by the
11 Governor of the officer in whose stead he acts;
12 2. Upon the return of the officer in whose stead he acts; or
13 3. Upon the selection and qualification of a person to serve for
14 the unexpired term, or the selection of an acting executive
15 head of the agency or institution by the board or commission
16 authorized to make such selection, and his qualification.
17 (7) To procure, by purchase, condemnation, seizure, or by other means to
18 construct, lease, transport, store, maintain, renovate, or distribute materials
19 and facilities for emergency management without regard to the limitation of
20 any existing law.
21 (c) In addition to any other powers conferred upon the Governor by law, during a Type
22 L emergency the Governor shall have the following powers:
23 (1) To impose by declaration prohibitions and restrictions in the emergency
24 area. These prohibitions and restrictions may, in the Governor's discretion,
25 as appropriate to deal with the emergency, impose any of the types of
26 prohibitions and restrictions enumerated in G.S. 166A-19.31(b), and may
27 amend or rescind any prohibitions and restrictions imposed by local
28 authorities. Prohibitions and restrictions imposed pursuant to this
29 subdivision shall take effect in accordance with the provisions of
30 G.S. 166A-19.31(d) and shall expire upon the earliest occurrence of either of
31 the following: (i) the prohibition or restriction is terminated by the Governor
32 or (ii) the state of emergency is terminated.
33 (2) Give to all participating State and local agencies and officers such directions
34 as may be necessary to assure coordination among them. These directions
35 may include the designation of the officer or agency responsible for
36 directing and controlling the participation of all public agencies and officers
37 in the emergency. The Governor may make this designation in any manner
38 which, in the Governor's discretion, seems most likely to be effective. Any
39 law enforcement officer participating in the control of a state of emergency
40 in which the Governor is exercising control under this section shall have the
41 same power and authority as a sheriff throughout the territory to which the
42 law enforcement officer is assigned.
43 (d) Violation. – Any person who violates any provision of a declaration or executive
44 order issued pursuant to this section shall be guilty of a Class 2 misdemeanor in accordance
45 with G.S. 14-288.20A.

46 **§ 166A-19.31. Power of municipalities and counties to enact ordinances to deal with**
47 **states of emergency.**

- 48 (a) Authority to Enact Prohibitions and Restrictions. – The governing body of any
49 municipality or county may enact ordinances designed to permit the imposition of prohibitions
50 and restrictions within the emergency area during a state of emergency declared pursuant to
51 G.S. 166A-19.21. Authority to impose by declaration prohibitions and restrictions under this

1 section, and to impose those prohibitions and restrictions at a particular time as appropriate,
2 may be delegated by ordinance to the mayor of a municipality or to the chairman of the board
3 of county commissioners of a county.

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

6 (1) Of movements of people in public places, including directing and
7 compelling the evacuation of all or part of the population from any stricken
8 or threatened area within the governing body's jurisdiction, to prescribe
9 routes, modes of transportation, and destinations in connection with
10 evacuation; and to control ingress and egress of an emergency area, and the
11 movement of persons within the area.

12 (2) Of the operation of offices, business establishments, and other places to or
13 from which people may travel or at which they may congregate.

14 (3) Upon the possession, transportation, sale, purchase, and consumption of
15 alcoholic beverages.

16 (4) Upon the possession, transportation, sale, purchase, storage, and use of
17 dangerous weapons and substances, and gasoline. As used in this
18 subdivision, the term 'dangerous weapon and substance' has the same
19 meaning as it does under G.S. 14-288.1.

20 (5) Upon other activities or conditions the control of which may be reasonably
21 necessary to maintain order and protect lives or property during the state of
22 emergency.

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

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

40 (d) When Prohibitions and Restrictions Take Effect. – All prohibitions and restrictions
41 imposed by declaration pursuant to ordinances adopted under this section shall take effect in
42 the emergency area immediately upon publication of the declaration unless the declaration sets
43 a later time. For the purpose of requiring compliance, publication may consist of reports of the
44 substance of the prohibitions and restrictions in the mass communications media serving the
45 emergency area or other effective methods of disseminating the necessary information quickly.
46 As soon as practicable, however, appropriate distribution of the full text of any declaration shall
47 be made. This subsection shall not be governed by the provisions of G.S. 1-597.

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

50 (1) The prohibition or restriction is terminated by the governing body of the
51 county or municipality.

1 (2) The state of emergency terminates.

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

6 (g) Previously Enacted Ordinances Remain in Effect. – Any ordinance of a type
7 authorized by this section promulgated prior to [Date Bill Becomes Law], 2011, shall, if
8 otherwise valid, continue in full force and effect without reenactment.

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

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

13 **"§ 166A-19.40. Use of contingency and emergency funds.**

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

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

23 **"§ 166A-19.41. State emergency assistance funds.**

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

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

39 (1) Individual assistance. – State emergency assistance in the form of grants to
40 individuals and families may be made available when damage meets or
41 exceeds the criteria set out in 13 C.F.R. Part 123 for the Small Business
42 Administration Disaster Loan Program. Individual assistance grants shall
43 include benefits comparable to those provided by the Stafford Act and may
44 be provided for the following:

45 a. Provision of temporary housing and rental assistance.

46 b. Repair or replacement of dwellings. Grants for repair or replacement
47 of housing may include amounts necessary to locate the individual or
48 family in safe, decent, and sanitary housing.

49 c. Replacement of personal property (including clothing, tools, and
50 equipment).

51 d. Repair or replacement of privately owned vehicles.

- 1 e. Medical or dental expenses.
- 2 f. Funeral or burial expenses resulting from the emergency.
- 3 g. Funding for the cost of the first year's flood insurance premium to
4 meet the requirements of the National Flood Insurance Act of 1968,
5 as amended, 42 U.S.C. § 4001, et seq.
- 6 (2) Public assistance. – State emergency assistance in the form of public
7 assistance grants may be made available to eligible entities located within
8 the emergency area on the following terms and conditions:
- 9 a. Eligible entities shall meet the following qualifications:
- 10 1. The eligible entity suffers a minimum of ten thousand dollars
11 (\$10,000) in uninsurable losses;
- 12 2. The eligible entity suffers uninsurable losses in an amount
13 equal to or exceeding one percent (1%) of the annual
14 operating budget;
- 15 3. For a state of emergency declared pursuant to
16 G.S. 166A-19.20(a) after the deadline established by the
17 Federal Emergency Management Agency pursuant to the
18 Disaster Mitigation Act of 2002, P.L. 106-390, the eligible
19 entity shall have a hazard mitigation plan approved pursuant
20 to the Stafford Act; and
- 21 4. For a state of emergency declared pursuant to
22 G.S. 166A-19.20(a), other than a Type L emergency, after
23 August 1, 2002, the eligible entity shall be participating in the
24 National Flood Insurance Program in order to receive public
25 assistance for flooding damage.
- 26 b. Eligible entities shall be required to provide non-State matching
27 funds equal to twenty-five percent (25%) of the eligible costs of the
28 public assistance grant.
- 29 c. An eligible entity that receives a public assistance grant pursuant to
30 this subsection may use the grant for the following purposes only:
- 31 1. Debris clearance.
- 32 2. Emergency protective measures.
- 33 3. Roads and bridges.
- 34 4. Crisis counseling.
- 35 5. Assistance with public transportation needs.
- 36 (c) Emergency Assistance in a Type II Disaster. – If a Type II disaster is declared, the
37 Governor may make State funds available for emergency assistance in the emergency area in
38 the form of the following types of grants:
- 39 (1) State Acquisition and Relocation Funds.
- 40 (2) Supplemental repair and replacement housing grants available to individuals
41 or families in an amount necessary to locate the individual or family in safe,
42 decent, and sanitary housing not to exceed twenty-five thousand dollars
43 (\$25,000) per family.
- 44 (d) Emergency Assistance in a Type III Disaster. – If a Type III disaster is declared, the
45 Governor may make State funds available for emergency assistance in the emergency area in
46 the form of the following types of grants:
- 47 (1) State Acquisition and Relocation Funds.
- 48 (2) Supplemental repair and replacement housing grants available to individuals
49 or families in an amount necessary to locate the individual or family in safe,
50 decent, and sanitary housing not to exceed twenty-five thousand dollars
51 (\$25,000) per family.

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

2 **"§ 166A-19.42. State Emergency Response Account.**

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

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

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

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

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

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

21 "Part 7. Immunity and Liability.

22 **"§ 166A-19.60. Immunity and exemption.**

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

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

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

38 a. Emergency management services are provided at any place in this
39 State during a state of emergency declared by the Governor or
40 General Assembly pursuant to this Article, and the services are
41 provided under the direction and control of the Secretary pursuant to
42 G.S. 166A-19.10, 166A-19.11, 166A-19.12, 166A-19.20,
43 166A-19.30, and 143B-476, or the Governor.

44 b. Emergency management services are provided during a state of
45 emergency declared pursuant to G.S. 166A-19.21, and the services
46 are provided under the direction and control of the governing body of
47 a municipality or county under G.S. 166A-19.31, or the chair of a
48 board of county commissioners under G.S. 166A-19.21(b)(3).

49 c. The firm, partnership, association, or corporation is engaged in
50 planning, preparation, training, or exercises with the Division, the
51 Division of Public Health, or the governing body of each county or

1 municipality under G.S. 166A-19.15 related to the performance of
2 emergency management services or measures.

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

7 (3) To the extent that any firm, partnership, association, or corporation has
8 liability insurance, that firm, partnership, association, or corporation shall be
9 deemed to have waived the immunity to the extent of the indemnification by
10 insurance for its negligence. An insurer shall not under a contract of
11 insurance exclude from liability coverage the acts or omissions of a firm,
12 partnership, association, or corporation for which the firm, partnership,
13 association, or corporation would only be liable to the extent indemnified by
14 insurance as provided by this subdivision.

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

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

24 (e) Definition of Emergency Management Worker. – As used in this section, the term
25 'emergency management worker' shall include any full- or part-time paid, volunteer, or
26 auxiliary employee of this State or other states, territories, possessions, or the District of
27 Columbia, of the federal government or any neighboring country or of any political subdivision
28 thereof, or of any agency or organization performing emergency management services at any
29 place in this State, subject to the order or control of or pursuant to a request of the State
30 government or any political subdivision thereof. The term 'emergency management worker'
31 under this section shall also include any health care worker performing health care services as a
32 member of a hospital-based or county-based State Medical Assistance Team designated by the
33 North Carolina Office of Emergency Medical Services and any person performing emergency
34 health care services under G.S. 90-12.2.

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

42 **"§ 166A-19.61. No private liability.**

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

51 **"§ 166A-19.62. Civil liability of persons who willfully ignore a warning in a disaster.**

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

7 (1) The person ignores the warning and (i) engages in an activity or course of
8 action that a reasonable person would not pursue or (ii) fails to take a course
9 of action that a reasonable person would pursue.

10 (2) As a result of ignoring the warning the person places himself or herself or
11 another in danger.

12 (3) A governmental rescue effort is undertaken on the endangered person's
13 behalf.

14 "Part 8. Miscellaneous Provisions.

15 **"§ 166A-19.70. Ensuring availability of emergency supplies and utility services.**

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

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

29 (c) Certification System. – The Secretary of Crime Control and Public Safety shall
30 develop a system pursuant to which a person who transports essentials in commerce, or assists
31 in ensuring their availability, and persons who assist in the restoring of utility services can be
32 certified as such. The certification system shall allow for both preemergency declaration and
33 postemergency declaration certification and may include an annually renewable
34 precertification. The Secretary shall only allow those who routinely transport or distribute
35 essentials or assist in the restoring of utility services to be certified. A certification of the
36 employer shall constitute a certification of the employer's employees. The Secretary shall create
37 an easily recognizable indicium of certification in order to assist local officials' efforts to
38 determine which persons have received certification by the system established under this
39 subsection.

40 (d) Presence in Curfew Area Permitted. – Notwithstanding the existence of any curfew,
41 a person who is certified pursuant to the system established under subsection (c) of this section
42 shall be allowed to enter or remain in the curfew area for the limited purpose of delivering or
43 assisting in the distribution of essentials or assisting in the restoration of utility services and
44 shall be allowed to provide service that exceeds otherwise applicable hours of service
45 maximums, to the extent authorized by an executive order executed pursuant to subsection (a)
46 of this section. Nothing in this section prohibits law enforcement or other local officials from
47 specifying the permissible route of ingress or egress for persons with certifications.

48 (e) Abnormal Market Disruptions with Respect to Petroleum. – If the Governor
49 declares the existence of an abnormal market disruption with respect to petroleum pursuant to,
50 G.S. 75-38(f), the Governor shall contemporaneously seek all applicable waivers under the
51 federal Clean Air Act, 42 U.S.C. § 7401, et seq., and any other applicable federal law to

1 facilitate the transportation of fuel within this State in order to address or prevent a fuel supply
2 emergency in this State. Waiver requests shall be directed to the appropriate federal agencies
3 and shall seek waivers of the following:

4 (1) The Reformulated Gasoline requirements throughout the State.

5 (2) The Federal and State Implementation Plan summertime gasoline
6 requirements (low RVP) throughout the State.

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

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

10 (1) Curfew. – Any restriction on ingress and egress to the emergency area of a
11 state of emergency or any restriction on the movement of persons within
12 such an area.

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

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

19 **"§ 166A-19.71. Accept services, gifts, grants, and loans.**

20 Whenever the federal government or any agency or officer thereof or of any person, firm, or
21 corporation shall offer to the State, or through the State to any political subdivision thereof,
22 services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for emergency
23 management purposes, the State acting through the Governor, or such political subdivision,
24 acting with the consent of the Governor and through its governing body, may accept such offer.
25 Upon such acceptance the Governor of the State or governing body of such political
26 subdivision may authorize any officer of the State or of the political subdivision, as the case
27 may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State
28 or of such political subdivision, and subject to the terms of the offer and the rules and
29 regulations, if any, of the agency making the offer.

30 **"§ 166A-19.72. Establishment of mutual aid agreements.**

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

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

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

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

49 (e) Terms of Agreements. – Mutual aid agreements may include, but are not limited to,
50 the furnishing or exchange of such supplies, equipment, facilities, personnel, and services as

1 may be needed; the reimbursement of costs and expenses for equipment, supplies, personnel,
2 and similar items; and on such terms and conditions as deemed necessary.

3 **"§ 166A-19.73. Compensation.**

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

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

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

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

27 **"§ 166A-19.74. Nondiscrimination in emergency management.**

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

34 **"§ 166A-19.75. Emergency management personnel.**

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

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

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

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

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

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

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

49 I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution
50 of the United States and the Constitution of the State of North Carolina, against all enemies,
51 foreign and domestic; and that I will bear true faith and allegiance to the same; that I take this

1 obligation freely, without any mental reservation or purpose of evasion; and that I will well and
2 faithfully discharge the duties upon which I am about to enter. And I do further swear (or
3 affirm) that I do not advocate, nor am I, nor have I ever knowingly been, a member of any
4 political party or organization that advocates the overthrow of the Government of the United
5 States or of this State by force or violence; and that during such time as I am a member of the
6 State Emergency Management Agency I will not advocate nor become a member of any
7 political party or organization that advocates the overthrow of the Government of the United
8 States or of this State by force or violence, so help me God.'

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

12 **"§ 166A-19.76. Leave options for voluntary firefighters, rescue squad workers, and**
13 **emergency medical service personnel called into service.**

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

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

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

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

38 **"§ 166A-19.77. Division of Forest Resources designated as emergency response agency.**

39 The Division of Forest Resources of the Department of Environment and Natural Resources
40 is designated an emergency response agency of the State of North Carolina for purposes of the
41 following:

- 42 (1) Supporting the Division of Emergency Management of the Department of
43 Crime Control and Public Safety in responding to all-risk incidents.
- 44 (2) Receipt of any applicable State or federal funding.
- 45 (3) Training of other State and local agencies in emergency management.
- 46 (4) Any other emergency response roles for which the Division has special
47 training or qualifications.

48 **"§ 166A-19.78. Governor's power to order evacuation of public building.**

49 When it is determined by the Governor that a great public crisis, disaster, riot, catastrophe,
50 or any other similar public emergency exists, or the occurrence of any such condition is
51 imminent, and, in the Governor's opinion it is necessary to evacuate any building owned or

1 controlled by any department, agency, institution, school, college, board, division, commission,
2 or subdivision of the State in order to maintain public order and safety or to afford adequate
3 protection for lives or property, the Governor is hereby authorized to issue an order of
4 evacuation directing all persons within the building to leave the building and its premises
5 forthwith. The order shall be delivered to any law enforcement officer or officer of the National
6 Guard, and such officer shall, by a suitable public address system, read the order to the
7 occupants of the building and demand that the occupants forthwith evacuate said building
8 within the time specified in the Governor's order.

9 **"§ 166A-19.79. Severability.**

10 If any provision of this Article or the application thereof to any person or circumstances is
11 held invalid, the invalidity does not affect other provisions or applications of the Article which
12 can be given effect without the invalid provision or application, and to this end the provisions
13 of this Article are severable."

14 **SECTION 1.(c)** The title of Article 36A of Chapter 14 of the General Statutes
15 reads as rewritten:

16 "Article 36A.

17 ~~Riots and Civil Disorders.~~ Riots, Civil Disorders, and Emergencies."

18 **SECTION 1.(d)** Article 36A of Chapter 14 is amended by adding a new section to
19 read:

20 **"§ 14-288.20A. Violation of emergency prohibitions and restrictions.**

21 Any person who does any of the following is guilty of a Class 2 misdemeanor:

- 22 (1) Violates any provision of an ordinance or a declaration enacted or declared
23 pursuant to G.S. 166A-19.31.
- 24 (2) Violates any provision of a declaration or executive order issued pursuant to
25 G.S. 166A-19.30
- 26 (3) Willfully refuses to leave the building as directed in a Governor's order
27 issued pursuant to G.S. 166A-19.78."

28
29 **II. CONFORMING CHANGES**

30
31 **SECTION 2.(a)** G.S. 14-288.1 reads as rewritten:

32 **"§ 14-288.1. Definitions.**

33 Unless the context clearly requires otherwise, the ~~definitions in this section apply~~
34 throughout this Article; following definitions apply in this Article:

- 35 (1) ~~"Chairman of the board of county commissioners":~~ Chairman of the board of
36 county commissioners. – The chairman of the board of county
37 commissioners or, in case of his absence or disability, the person authorized
38 to act in his stead. Unless the governing body of the county has specified
39 who is to act in lieu of the chairman with respect to a particular power or
40 duty set out in this Article, the term "chairman of the board of county
41 commissioners" shall apply to the person generally authorized to act in lieu
42 of the chairman.
- 43 (2) ~~"Dangerous weapon or substance":~~ Dangerous weapon or substance. – Any
44 deadly weapon, ammunition, explosive, incendiary device, radioactive
45 material or device, as defined in G.S. 14-288.8(c)(5), or any instrument or
46 substance designed for a use that carries a threat of serious bodily injury or
47 destruction of property; or any instrument or substance that is capable of
48 being used to inflict serious bodily injury, when the circumstances indicate a
49 probability that such instrument or substance will be so used; or any part or
50 ingredient in any instrument or substance included above, when the

- 1 circumstances indicate a probability that such part or ingredient will be so
2 used.
- 3 (3) ~~"Declared state of emergency":~~Declared state of emergency. – A state of
4 emergency ~~as that term is defined in G.S. 166A-19.3 or a state of emergency~~
5 ~~found and proclaimed by the Governor under the authority of~~
6 ~~G.S. 14-288.15, by any mayor or other municipal official or officials under~~
7 ~~the authority of G.S. 14-288.12, by any chairman of the board of~~
8 ~~commissioners of any county or other county official or officials under the~~
9 ~~authority of G.S. 14-288.13, by any chairman of the board of county~~
10 ~~commissioners acting under the authority of G.S. 14-288.14, by declared by~~
11 any chief executive official or acting chief executive official of any county
12 or municipality acting under the authority of any other applicable statute or
13 provision of the common law to preserve the public peace in a state of
14 emergency, or by any executive official or military commanding officer of
15 the United States or the State of North Carolina who becomes primarily
16 responsible under applicable law for the preservation of the public peace
17 within any part of North Carolina.
- 18 (4) ~~"Disorderly conduct":~~Disorderly conduct. – As defined in G.S. 14-288.4(a).
- 19 (4a) Emergency. – As defined in G.S. 166A-19.3.
- 20 (5) ~~"Law enforcement officer":~~Law enforcement officer. – Any officer of the
21 State of North Carolina or any of its political subdivisions authorized to
22 make arrests; any other person authorized under the laws of North Carolina
23 to make arrests and either acting within his territorial jurisdiction or in an
24 area in which he has been lawfully called to duty by the Governor or any
25 mayor or chairman of the board of county commissioners; any member of
26 the armed forces of the United States, the North Carolina National Guard, or
27 the State defense militia called to duty in a state of emergency in North
28 Carolina and made responsible for enforcing the laws of North Carolina or
29 preserving the public peace; or any officer of the United States authorized to
30 make arrests without warrant and assigned to duties that include preserving
31 the public peace in North Carolina.
- 32 (6) ~~"Mayor":~~Mayor. – The mayor or other chief executive official of a
33 municipality or, in case of his absence or disability, the person authorized to
34 act in his stead. Unless the governing body of the municipality has specified
35 who is to act in lieu of the mayor with respect to a particular power or duty
36 set out in this Article, the word "mayor" shall apply to the person generally
37 authorized to act in lieu of the mayor.
- 38 (7) ~~"Municipality":~~Municipality. – Any active incorporated city or town, but not
39 including any sanitary district or other municipal corporation that is not a
40 city or town. An "active" municipality is one which has conducted the most
41 recent election required by its charter or the general law, whichever is
42 applicable, and which has the authority to enact general police-power
43 ordinances.
- 44 (8) ~~"Public disturbance":~~Public disturbance. – Any annoying, disturbing, or
45 alarming act or condition exceeding the bounds of social toleration normal
46 for the time and place in question which occurs in a public place or which
47 occurs in, affects persons in, or is likely to affect persons in a place to which
48 the public or a substantial group has access. The places covered by this
49 definition shall include, but not be limited to, highways, transport facilities,
50 schools, prisons, apartment houses, places of business or amusement, or any
51 neighborhood.

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

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

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

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

10 ...

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

13 ...

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

17 **SECTION 2.(c)** G.S. 14-288.7 is amended by adding a new subsection to read:

18 "(d) For purposes of this section, the term 'declared state of emergency' does not include
19 a legislatively or gubernatorially declared state of emergency, other than a Type L emergency,
20 as that term is defined in G.S. 166A-19.20."

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

22 "**§ 14-288.11. Warrants to inspect vehicles in riot areas or approaching municipalities**
23 **during emergencies.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 "**§ 14-288.18. Injunction to cope with emergencies at public and private educational**
12 **institutions.**

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

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

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

28 "**§ 20-118.4. Firefighting equipment exempt from size and weight restrictions while**
29 **transporting or moving heavy equipment in an emergency; permits.**

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

40"

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

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

43 If State or local authorities, acting pursuant to ~~Article 36A of Chapter 14 or Article 1 of~~
44 ~~Chapter 166A—Article 1A of Chapter 166A~~ of the General Statutes, order a mandatory
45 evacuation of an area that includes the residential property subject to a vacation rental, the
46 tenant under the vacation rental agreement, whether in possession of the property or not, shall
47 comply with the evacuation order. Upon compliance, the tenant shall be entitled to a refund
48 from the landlord of the rent, taxes, and any other payments made by the tenant pursuant to the
49 vacation rental agreement as a condition of the tenant's right to occupy the property prorated for
50 each night that the tenant is unable to occupy the property because of the mandatory evacuation
51 order. The tenant shall not be entitled to a refund if: (i) prior to the tenant taking possession of

1 the property, the tenant refused insurance offered by the landlord or real estate broker that
2 would have compensated the tenant for losses or damages resulting from loss of use of the
3 property due to a mandatory evacuation order; or (ii) the tenant purchased insurance offered by
4 the landlord or real estate broker. The insurance offered shall be provided by an insurance
5 company duly authorized by the North Carolina Department of Insurance, and the cost of the
6 insurance shall not exceed eight percent (8%) of the total amount charged for the vacation
7 rental to the tenant less the amount paid by the tenant for a security deposit."

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

9 "**§ 58-2-46. State of disaster; automatic stay of proof of loss requirements; premium and**
10 **debt deferrals; loss adjustments for separate windstorm policies.**

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

15 "...."

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

17 "**§ 58-2-47. Incident affecting operations of the Department; stay of deadlines and deemer**
18 **provisions.**

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

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

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

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

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

44 "(e) The Commissioner may permit an experienced adjuster, who regularly adjusts in
45 another state and who is licensed in the other state (if that state requires a license), to act as an
46 adjuster in this State without a North Carolina license only for an insurance company
47 authorized to do business in this State, for emergency insurance adjustment work, for a period
48 to be determined by the Commissioner, done for an employer who is an adjuster licensed by
49 this State or who is a regular employer of one or more adjusters licensed by this State; provided
50 that the employer shall furnish to the Commissioner a notice in writing immediately upon the
51 beginning of any such emergency insurance adjustment work. As used in this subsection,

1 "emergency insurance adjustment work" includes, but is not limited to, (i) adjusting of a single
2 loss or losses arising out of an event or catastrophe common to all of those losses or (ii)
3 adjusting losses in any area declared to be a state of disaster by the Governor under
4 ~~G.S. 166A-6~~ G.S. 166A-19.20 or by the President of the United States under applicable federal
5 law."

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

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

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

18 "**§ 58-44-75. Definitions.**

19 As used in this Part:

20 ...

21 (2) Disaster. ~~As defined in G.S. 166A-4(1).~~ As the term 'emergency' is defined
22 in G.S. 166A-19.3(5).

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

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

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

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

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

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

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

49 "**§ 122C-409. Community of Butner comprehensive emergency management plan.**

1 The Department of Crime Control and Public Safety shall establish an emergency
2 management agency as defined in ~~G.S. 166A-4(2)~~ G.S. 166A-19.3(8) for the Camp Butner
3 Reservation, and the Town of Butner."

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

5 **"§ 131D-7. Waiver of rules for certain adult care homes providing shelter or services**
6 **during disaster or emergency.**

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

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

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

24 **"§ 131E-84. Waiver of rules for hospitals that provide temporary shelter or temporary**
25 **services during a disaster or emergency.**

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

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

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

43 **"§ 131E-112. Waiver of rules for health care facilities that provide temporary shelter or**
44 **temporary services during a disaster or emergency.**

45 (a) The Division of Health Service Regulation may temporarily waive, during disasters
46 or emergencies declared in accordance with ~~Article 1~~ Article 1A of Chapter 166A of the
47 General Statutes, any rules of the Commission pertaining to facilities or home care agencies to
48 the extent necessary to allow the facility or home care agency to provide temporary shelter and
49 temporary services requested by the emergency management agency. The Division may
50 identify, in advance of a declared disaster or emergency, rules that may be waived, and the
51 extent the rules may be waived, upon a disaster or emergency being declared in accordance

1 with ~~Article 1~~ Article 1A of Chapter 166A of the General Statutes. The Division may also
2 waive rules under this subsection during a declared disaster or emergency upon the request of
3 an emergency management agency and may rescind the waiver if, after investigation, the
4 Division determines the waiver poses an unreasonable risk to the health, safety, or welfare of
5 any of the persons occupying the facility. The emergency management agency requesting
6 temporary shelter or temporary services shall notify the Division within 72 hours of the time
7 the preapproved waivers are deemed by the emergency management agency to apply.

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

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

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

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

17 **"§ 143C-5-2. Order of appropriations bills.**

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

22 (1) An appropriations bill to respond to a ~~disaster as defined by~~
23 ~~G.S. 166A-4(1)~~ an emergency as defined by G.S. 166A-19.3.

24 (2) An appropriations bill making adjustments to the current year budget.

25 (3) An appropriations bill authorizing continued operations at current funding
26 levels."

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

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

31 ...

32 (2) A purpose or program if the overexpenditure of the purpose or program is:

33 a. Required by a court or Industrial Commission order;

34 b. Authorized under ~~G.S. 166A-5(1)a.9.~~ G.S. 166A-19.40(a) of the
35 North Carolina Emergency Management Act; or

36 c. Required to call out the National Guard."

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

38 **"§ 166A-24. Immunity of Regional Response Team Personnel.**

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

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

43 "(f) Nothing contained in this section prohibits municipalities or counties from
44 application of their authority under G.S. 153A-129, 160A-189, 14-269, 14-269.2, 14-269.3,
45 14-269.4, 14-277.2, 14-415.11, 14-415.23, including prohibiting the possession of firearms in
46 public-owned buildings, on the grounds or parking areas of those buildings, or in public parks
47 or recreation areas, except nothing in this subsection shall prohibit a person from storing a
48 firearm within a motor vehicle while the vehicle is on these grounds or areas. Nothing
49 contained in this section prohibits municipalities or counties from exercising powers provided
50 by law in ~~declared~~ states of emergency declared under Article 1A of this ~~Chapter~~ Chapter 166A
51 of Chapter 166A of the General Statutes."

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

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

4 ...

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

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

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

16 ...

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

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

27 "**§ 18B-110. Emergency.**

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

30 (1) Order the closing of all ABC stores, and

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

33 The Governor's order shall apply in those portions of the State designated in the order, for
34 the duration of the state of emergency. Any order by the Governor under this section shall be
35 directed to the Chairman of the Commission and to the Secretary of Crime Control and Public
36 Safety."

37 **SECTION 2.(dd)** G.S. 70-13.1(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 upon an applicant's fitness to
40 conduct archaeological investigations under G.S. 70-13. The crimes include
41 the criminal offenses set forth in any of the following Articles of Chapter 14
42 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary
43 Substitutes; Article 5A, Endangering Executive and Legislative Officers and
44 Court Officers; Article 6, Homicide; Article 7A, Rape and Other Sex
45 Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article
46 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device
47 or Material; Article 14, Burglary and Other Housebreakings; Article 15,
48 Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article
49 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,
50 Obtaining Property or Services by False or Fraudulent Use of Credit Device
51 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article

1 19C, Financial Identity Fraud; Article 20, Frauds; Article 21, Forgery;
2 Article 26, Offenses Against Public Morality and Decency; Article 26A,
3 Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article
4 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses
5 Against the Public Peace; Article 36A, ~~Riots and Civil Disorders~~; Riots,
6 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article
7 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,
8 Computer-Related Crime. The crimes also include possession or sale of
9 drugs in violation of the North Carolina Controlled Substances Act, Article 5
10 of Chapter 90 of the General Statutes, and alcohol-related offenses such as
11 sale to underage persons in violation of G.S. 18B-302, or driving while
12 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5."

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

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

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

43 **"§ 90-12.5. Disasters and emergencies.**

44 In the event of an occurrence which the Governor of the State of North Carolina has
45 declared a disaster or when the Governor has declared a state of emergency, or in the event of
46 an occurrence for which a county or municipality has enacted an ordinance to deal with states
47 of emergency under ~~G.S. 14-288.12, 14-288.13, or 14-288.14~~, G.S. 166A-19.31, or to protect
48 the public health, safety, or welfare of its citizens under Article 22 of Chapter 130A of the
49 General Statutes, G.S. 160A-174(a) or G.S. 153A-121(a), as applicable, the Board may waive
50 the requirements of this Article in order to permit the provision of emergency health services to
51 the public."

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

2 "**§ 90-85.25. Disasters and emergencies.**

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

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

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

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

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

12 **SECTION 2.(jj)** G.S. 90-270.63(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 on an applicant's fitness for
15 licensure to practice marriage and family therapy. The crimes include the
16 criminal offenses set forth in any of the following Articles of Chapter 14 of
17 the General Statutes: Article 5, Counterfeiting and Issuing Monetary
18 Substitutes; Article 5A, Endangering Executive and Legislative Officers;
19 Article 6, Homicide; Article 7A, Rape and Other Sex Offenses; Article 8,
20 Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious
21 Injury or Damage by Use of Explosive or Incendiary Device or Material;
22 Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other
23 Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,
24 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,
25 Obtaining Property or Services by False or Fraudulent Use of Credit Device
26 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article
27 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public
28 Morality and Decency; Article 26A, Adult Establishments; Article 27,
29 Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct
30 in Public Office; Article 35, Offenses Against the Public Peace; Article 36A,
31 ~~Riots and Civil Disorders; Riots, Civil Disorders, and Emergencies;~~ Article
32 39, Protection of Minors; Article 40, Protection of the Family; Article 59,
33 Public Intoxication; and Article 60, Computer-Related Crime. The crimes
34 also include possession or sale of drugs in violation of the North Carolina
35 Controlled Substances Act in Article 5 of Chapter 90 of the General Statutes
36 and alcohol-related offenses, including sale to underage persons in violation
37 of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1
38 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this
39 subdivision, such crimes also include similar crimes under federal law or
40 under the laws of other states."

41 **SECTION 2.(kk)** G.S. 90-288.01(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 on an applicant's fitness for
44 licensure as a nursing home administrator. The crimes include the criminal
45 offenses set forth in any of the following Articles of Chapter 14 of the
46 General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes;
47 Article 5A, Endangering Executive and Legislative Officers; Article 6,
48 Homicide; Article 7A, Rape and Other Sex Offenses; Article 8, Assaults;
49 Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or
50 Damage by Use of Explosive or Incendiary Device or Material; Article 14,
51 Burglary and Other Housebreakings; Article 15, Arson and Other Burnings;

1 Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article
2 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services
3 by False or Fraudulent Use of Credit Device or Other Means; Article 19B,
4 Financial Transaction Card Crime Act; Article 20, Frauds; Article 21,
5 Forgery; Article 26, Offenses Against Public Morality and Decency; Article
6 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury;
7 Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35,
8 Offenses Against the Public Peace; Article 36A, ~~Riots and Civil Disorders;~~
9 Riots, Civil Disorders, and Emergencies; Article 39, Protection of Minors;
10 Article 40, Protection of the Family; Article 59, Public Intoxication; and
11 Article 60, Computer-Related Crime. The crimes also include possession or
12 sale of drugs in violation of the North Carolina Controlled Substances Act,
13 Article 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.(ii)** G.S. 90-345(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 professional counseling. 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.(mm)** G.S. 93E-2-11(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 registration to act as a real estate appraisal management company. The
49 crimes include the criminal offenses set forth in any of the following Articles
50 of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing
51 Monetary Substitutes; Article 5A, Endangering Executive and Legislative

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

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

24 "(2) "Criminal history" means a State or federal history of conviction of a crime,
25 whether a misdemeanor or felony, that bears upon a covered person's fitness
26 for employment in the Department of Health and Human Services or the
27 Department of Juvenile Justice and Delinquency Prevention. The crimes
28 include, but are not limited to, criminal offenses as set forth in any of the
29 following Articles of Chapter 14 of the General Statutes: Article 5,
30 Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering
31 Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape
32 and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and
33 Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or
34 Incendiary Device or Material; Article 14, Burglary and Other
35 Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny;
36 Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses
37 and Cheats; Article 19A, Obtaining Property or Services by False or
38 Fraudulent Use of Credit Device or Other Means; Article 19B, Financial
39 Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article
40 26, Offenses Against Public Morality and Decency; Article 26A, Adult
41 Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29,
42 Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses
43 Against the Public Peace; Article 36A, ~~Riots and Civil Disorders;~~ Riots,
44 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article
45 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,
46 Computer-Related Crime. The crimes also include possession or sale of
47 drugs in violation of the North Carolina Controlled Substances Act, Article 5
48 of Chapter 90 of the General Statutes, and alcohol-related offenses such as
49 sale to underage persons in violation of G.S. 18B-302, or driving while
50 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5."

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

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

27 **SECTION 2.(pp)** G.S. 114-19.23(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 Public Instruction. The crimes include,
31 but are not limited to, criminal offenses as set forth in any of the following
32 Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and
33 Issuing Monetary Substitutes; Article 5A, Endangering Executive and
34 Legislative Officers; Article 6, Homicide; Article 7A, Rape and Other Sex
35 Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article
36 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device
37 or Material; Article 14, Burglary and Other Housebreakings; Article 15,
38 Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article
39 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,
40 Obtaining Property or Services by False or Fraudulent Use of Credit Device
41 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article
42 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public
43 Morality and Decency; Article 26A, Adult Establishments; Article 27,
44 Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct
45 in Public Office; Article 35, Offenses Against the Public Peace; Article 36A,
46 ~~Riots and Civil Disorders;~~ Riots, Civil Disorders, and Emergencies; Article
47 39, Protection of Minors; Article 40, Protection of the Family; Article 59,
48 Public Intoxication; and Article 60, Computer-Related Crime. The crimes
49 also include possession or sale of drugs in violation of the North Carolina
50 Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes,
51 and alcohol-related offenses such as sale to underage persons in violation of

1 G.S. 18B-302, or driving while impaired violation of G.S. 20-138.1 through
2 G.S. 20-138.5."

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

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

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

32 "(1) "Criminal history" means a county, state, or federal criminal history of
33 conviction of a crime, whether a misdemeanor or a felony, that indicates the
34 employee (i) poses a threat to the physical safety of students or personnel, or
35 (ii) has demonstrated that he or she does not have the integrity or honesty to
36 fulfill his or her duties as public school personnel. Such crimes include the
37 following North Carolina crimes contained in any of the following Articles
38 of Chapter 14 of the General Statutes: Article 5A, Endangering Executive
39 and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Kindred
40 Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article
41 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device
42 or Material; Article 14, Burglary and Other Housebreakings; Article 15,
43 Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article
44 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A,
45 Obtaining Property or Services by False or Fraudulent Use of Credit Device
46 or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses
47 Against Public Morality and Decency; Article 26A, Adult Establishments;
48 Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31,
49 Misconduct in Public Office; Article 35, Offenses Against the Public Peace;
50 Article 36A, ~~Riots and Civil Disorders~~; Riots, Civil Disorders, and
51 Emergencies; Article 39, Protection of Minors; and Article 60,

1 Computer-Related Crime. Such crimes also include possession or sale of
2 drugs in violation of the North Carolina Controlled Substances Act, Article 5
3 of Chapter 90 of the General Statutes, and alcohol-related offenses such as
4 sale to underage persons in violation of G.S. 18B-302 or driving while
5 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to
6 the North Carolina crimes listed in this subparagraph, such crimes also
7 include similar crimes under federal law or under the laws of other states."

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

9 "(2) Criminal history. – A history of conviction of a state or federal crime,
10 whether a misdemeanor or felony, that bears upon an applicant's fitness to
11 conduct activities related to the surveillance, protection, preservation, and
12 archaeological recovery of property subject to the exclusive dominion and
13 control of the State under G.S. 121-22. The crimes include the criminal
14 offenses set forth in any of the following Articles of Chapter 14 of the
15 General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes;
16 Article 5A, Endangering Executive and Legislative Officers and Court
17 Officers; Article 6, Homicide; Article 7A, Rape and Other Sex Offenses;
18 Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13,
19 Malicious Injury or Damage by Use of Explosive or Incendiary Device or
20 Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson
21 and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,
22 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A,
23 Obtaining Property or Services by False or Fraudulent Use of Credit Device
24 or Other Means; Article 19B, Financial Transaction Card Crime Act; Article
25 19C, Financial Identity Fraud; Article 20, Frauds; Article 21, Forgery;
26 Article 26, Offenses Against Public Morality and Decency; Article 26A,
27 Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article
28 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses
29 Against the Public Peace; Article 36A, ~~Riots and Civil Disorders~~; Riots,
30 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article
31 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,
32 Computer-Related Crime. The crimes also include possession or sale of
33 drugs in violation of the North Carolina Controlled Substances Act, Article 5
34 of Chapter 90 of the General Statutes, and alcohol-related offenses such as
35 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.(tt)** G.S. 122C-80(e) reads as rewritten:

38 "(e) Relevant Offense. – As used in this section, "relevant offense" means a county,
39 state, or federal criminal history of conviction or pending indictment of a crime, whether a
40 misdemeanor or felony, that bears upon an individual's fitness to have responsibility for the
41 safety and well-being of persons needing mental health, developmental disabilities, or
42 substance abuse services. These crimes include the criminal offenses set forth in any of the
43 following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing
44 Monetary Substitutes; Article 5A, Endangering Executive and Legislative Officers; Article 6,
45 Homicide; Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10,
46 Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or
47 Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15,
48 Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18,
49 Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or
50 Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial
51 Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses

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

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

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

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

34 "(2) Criminal history. – A history of conviction of a state or federal crime,
35 whether a misdemeanor or felony, that bears on an applicant's fitness for
36 licensure under this Part. The crimes include the criminal offenses set forth
37 in any of the following Articles of Chapter 14 of the General Statutes:
38 Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A,
39 Endangering Executive and Legislative Officers; Article 6, Homicide;
40 Article 7A, Rape and Other Sex Offenses; Article 8, Assaults; Article 10,
41 Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use
42 of Explosive or Incendiary Device or Material; Article 14, Burglary and
43 Other Housebreakings; Article 15, Arson and Other Burnings; Article 16,
44 Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False
45 Pretenses and Cheats; Article 19A, Obtaining Property or Services by False
46 or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial
47 Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article
48 26, Offenses Against Public Morality and Decency; Article 26A, Adult
49 Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29,
50 Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses
51 Against the Public Peace; Article 36A, ~~Riots and Civil Disorders~~; Riots,

1 Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article
2 40, Protection of the Family; Article 59, Public Intoxication; and Article 60,
3 Computer-Related Crime. The crimes also include possession or sale of
4 drugs in violation of the North Carolina Controlled Substances Act in Article
5 5 of Chapter 90 of the General Statutes and alcohol-related offenses
6 including sale to underage persons in violation of G.S. 18B-302 or driving
7 while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In
8 addition to the North Carolina crimes listed in this subdivision, such crimes
9 also include similar crimes under federal law or under the laws of other
10 states."

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

12 **"§ 143-215.94II. Emergency proclamation; Governor's powers.**

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

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

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

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

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

32 "(1) "Criminal history" means a county, state, or federal criminal history of
33 conviction of a crime, whether a misdemeanor or a felony, that indicates the
34 employee (i) poses a threat to the physical safety of students or personnel, or
35 (ii) has demonstrated that he or she does not have the integrity or honesty to
36 fulfill his or her duties as school personnel. Such crimes include the
37 following North Carolina crimes contained in any of the following Articles
38 of Chapter 14 of the General Statutes: Article 5A, Endangering Executive
39 and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Kindred
40 Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article
41 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device
42 or Material; Article 14, Burglary and Other Housebreakings; Article 15,
43 Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article
44 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A,
45 Obtaining Property or Services by False or Fraudulent Use of Credit Device
46 or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses
47 Against Public Morality and Decency; Article 26A, Adult Establishments;
48 Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31,
49 Misconduct in Public Office; Article 35, Offenses Against the Public Peace;
50 Article 36A, ~~Riots and Civil Disorders; Riots, Civil Disorders, and~~
51 Emergencies; Article 39, Protection of Minors; and Article 60,

1 Computer-Related Crime. Such crimes also include possession or sale of
2 drugs in violation of the North Carolina Controlled Substances Act, Article 5
3 of Chapter 90 of the General Statutes, and alcohol-related offenses such as
4 sale to underage persons in violation of G.S. 18B-302 or driving while
5 impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to
6 the North Carolina crimes listed in this subdivision, such crimes also include
7 similar crimes under federal law or under the laws of other states."

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

9 **"§ 153A-129. Firearms.**

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

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

18 **"§ 160A-189. Firearms.**

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

25
26 **EFFECTIVE DATE**

27
28 **SECTION 3.** This act becomes effective October 1, 2011.