

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Public Safety – Division of Emergency Management

RULE CITATION: 14B NCAC 03 .0101

DEADLINE FOR RECEIPT: Tuesday, May 10, 2016

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please confirm the date of adoption of this amendment on the Submission for Permanent Rule form. You state that this Rule was adopted on April 16, 2016, which was a Saturday.

Please follow the formatting requirements of Rule 26 NCAC 02C .0108, namely:

- 1.5 line spacing;
- Start line numbers over at 1 for each page; and
- Page numbers centered at the bottom of the page

Please follow the requirements in Rule 26 NCAC 02C .0404 and properly phrase the Introductory Statement. You need to state the volume and issue and page of the publication in the NC Register, as well as the action taken. For example, "14B NCAC 03 .0101 is amended as published in 30:04 NCR 457-458 with changes as follows:"

In (a), line 4, shouldn't "Division of Emergency Management" be capitalized? It is in G.S. 166A-19.12.

On line 6, please capitalize "State"

On line 7, end the sentence after "areas." Begin the next sentence, "Each of the branches..." Please refer to Rule 26 NCAC 02C .0405(b)(2) to properly show the changes. For example:

"... geographical ~~areas, each~~ areas. Each of ~~which~~ the branches..."

On line 7, please properly insert a period after "manager" Thus:

"a branch ~~[manager]~~ manager."

On lines 7 and 8, I suggest rewriting the sentence as "Each branch shall consist of five geographical areas that shall be managed by an area coordinator."

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 26, 2016

End (a)(1) through (3), lines 16-18, with periods.

Please confirm the zip code of (a)(1). Is it 28502, or is it 28504? My check of the USPS website stated 28504.

In (b), line 19, "Division" should be capitalized.

On line 19, what are "normal business hours"? I note that this term is not defined elsewhere in the Chapter.

On line 20, what are "emergency and disaster"?

Also on line 20, delete "above" If you feel the need to have a reference here, state "The counties served by the above area branch offices set forth in Paragraph (a) of this Rule are as follows."

End lines 37-39 with semicolons.

End line 40 with a semicolon and "and"

End line 41 with a period.

End lines 43-45 with semicolons.

End line 46 with a semicolon and "and"

End line 47 with a period.

End lines 49-51 with semicolons.

On Page 2, end line 52 with a semicolon and "and"

End line 53 with a period.

Skip a line between the end of the Rule text on line 53 and the beginning of the History Note on line 54.

In the History Note, line 54, why are you citing to G.S. 143B-10?

On line 58, at the bottom of the History Note, you need to add an amended effective date, thusly:

History Note: Authority G.S. 143B-10; ~~143B-474; 166A-5; 143B-601; 166A-19.12;~~
Eff. December 1, 1979;
Amended Eff. July 1, 1983;
Transferred from 14A NCAC 04 .0101 Eff. June 1, 2013;
Amended Eff. June 1, 2016.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 26, 2016

1 14B NCAC 03 .0101 is proposed for amendment as follows:
2

3 **14B NCAC 03 .0101 LOCATION AND HOURS OF OPERATION**

4 (a) The headquarters for the division of emergency management is located in the ~~Administrative Building Joint~~
5 ~~Force Headquarters, 116 West Jones Street, Raleigh, N.C. 27611~~ 1636 Gold Star Drive, Raleigh, N.C. 27607. For
6 emergency management administration and operation, the state is divided into ~~six~~ three branches and fifteen
7 ~~geographical areas, each of which the branches is headed by an area coordinator. Each branch~~
8 ~~consists of five geographical areas which is managed by an area coordinator.~~ The addresses of the area coordinators
9 branch offices are as follows:

- 10 (1) ~~Area A - P.O. Box 962, Washington, N.C. 27889;~~
11 (2) ~~Area B - 116 West Jones Street, Raleigh, N.C. 27611;~~
12 (3) ~~Area C - P.O. Box 339, Wallace, N.C. 28466;~~
13 (4) ~~Area D - P.O. Box 1594, Asheboro, N.C. 27203;~~
14 (5) ~~Area E - P.O. Box 276, Lincolnton, N.C. 28092;~~
15 (6) ~~Area F - P.O. Box 7177, Asheville, N.C. 28807.~~
16 (1) Eastern Branch Office - 3802 Highway 58 North, Suite B, Kinston, N.C. 28502
17 (2) Central Branch Office - 401 Central Avenue, Butner, N.C. 27509
18 (3) Western Branch Office - 3305-15 16th Avenue SE, Conover, N.C. 28613

19 (b) The division and all area branch offices are open to the public for conducting business during normal business
20 hours and maintain operation during time of emergency and disaster. The counties served by the above area branch
21 offices are as follows:

- 22 (1) ~~Area A - Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin,~~
23 ~~Pasquotank, Perquimans, Pitt, Tyrrell, Washington;~~
24 (2) ~~Area B - Chatham, Durham, Edgecombe, Franklin, Granville, Halifax, Johnston, Lee, Nash,~~
25 ~~Northampton, Orange, Person, Vance, Wake, Warren, Wilson;~~
26 (3) ~~Area C - Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett,~~
27 ~~Hoke, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Robeson, Sampson, Scotland,~~
28 ~~Wayne;~~
29 (4) ~~Area D - Alamance, Anson, Caswell, Davidson, Davie, Forsyth, Guilford, Montgomery, Moore,~~
30 ~~Randolph, Richmond, Rockingham, Stokes, Surry, Yadkin;~~
31 (5) ~~Area E - Alexander, Alleghany, Ashe, Avery, Burke, Cabarrus, Caldwell, Catawba, Cleveland,~~
32 ~~Gaston, Iredell, Lincoln, Mecklenburg, Mitchell, Rowan, Stanly, Union, Watauga, Wilkes,~~
33 ~~Yancey;~~
34 (6) ~~Area F - Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison,~~
35 ~~McDowell, Polk, Rutherford, Swain, Transylvania.~~
36 (1) Eastern Branch—
37 Area 1- Camden, Chowan, Currituck, Dare, Gates, Hertford, Pasquotank, Perquimans,
38 Area 2- Beaufort, Bertie, Hyde, Martin, Pitt, Tyrrell, Washington,
39 Area 3- Carteret, Craven, Greene, Lenoir, Pamlico, Wayne,
40 Area 4- Cumberland, Duplin, Jones, Onslow, Pender, Sampson,
41 Area 5- Bladen, Brunswick, Columbus, Hoke, New Hanover, Robeson;
42 (2) Central Branch—
43 Area 6- Franklin, Granville, Halifax, Northampton, Person, Vance, Warren,
44 Area 7- Edgecombe, Harnett, Johnston, Nash, Wake, Wilson,
45 Area 8- Anson, Chatham, Lee, Montgomery, Moore, Richmond, Scotland,
46 Area 9- Caswell, Davie, Forsyth, Rockingham, Stokes, Surry, Yadkin,
47 Area 10- Alamance, Davidson, Durham, Guilford, Orange, Randolph;
48 (3) Western Branch—
49 Area 11- Alexander, Alleghany, Cabarrus, Iredell, Rowan, Stanly, Wilkes,
50 Area 12- Ashe, Avery, Caldwell, McDowell, Mitchell, Watauga, Yancey,
51 Area 13- Burke, Catawba, Cleveland, Gaston, Lincoln, Mecklenburg, Union,

52 Area 14- Buncombe, Cherokee, Graham, Haywood, Madison, Swain.
53 Area 15- Clay, Henderson, Jackson, Macon, Polk, Rutherford, Transylvania.
54 *History Note:* Authority G.S. 143B-10; ~~143B-474~~ 143B-601; ~~166A-5~~ 166A-19.12;
55 *Eff. December 1, 1979;*
56 *Amended Eff. July 1, 1983;*
57 *Transferred from 14A NCAC 04 .0101 Eff. June 1, 2013.*
58

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Public Safety – Division of Emergency Management

RULE CITATION: 14B NCAC 03 .0102

DEADLINE FOR RECEIPT: Tuesday, May 10, 2016

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please confirm the date of adoption of this amendment on the Submission for Permanent Rule form. You state that this Rule was adopted on April 16, 2016, which was a Saturday.

Please follow the formatting requirements of Rule 26 NCAC 02C .0108, namely:

- 1.5 line spacing; and
- Page numbers centered at the bottom of the page.

Please follow the requirements in Rule 26 NCAC 02C .0404 and properly phrase the Introductory Statement. You need to state the volume and issue and page of the publication in the NC Register, as well as the action taken.

Why do you need this Rule? What is in here that is not addressed by G.S. 166A-19.12, particularly 166A-19.12(1), (2), (5), (6), (7), (10), (13), and (14)?

Assuming you need to retain this Rule:

This is a very convoluted Paragraph with long sentences. Please consider breaking this down into Items to make this more easily read.

On line 4, capitalize "Division of Emergency Management"

On line 5, capitalize "State"

On line 5, strike "Toward this end," and begin the sentence with "The objectives"

On line 5, capitalize "Division"

On line 6, define "material"

On line 7, what do you mean by "afford" training? Do you mean "provide" or "create"?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 26, 2016

Please insert a comma after “personnel” Also, personnel of what? State and local governments?

On line 8, capitalize “Division’

On line 9, please insert a comma after “during”

On line 11, capitalize “State”

On line 12, capitalize “Division’

On line 15, insert a comma after “rehabilitation”

At the bottom of the History Note, you need to add an amended effective date.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 26, 2016

1 14B NCAC 03 .0102 is proposed for amendment as follows:
2

3 **14B NCAC 03 .0102 PURPOSES AND OBJECTIVES**

4 The purpose of the division of emergency management is to provide for the preservation of life and protection of
5 property of the citizens of the state during emergencies and disasters. Toward this end, the objectives of the division
6 are to obtain financial and material support for the state and local governments' emergency preparedness operations,
7 prepare plans and operations procedures for all hazards, afford training for all personnel and manage preparedness
8 programs of the federal government. In addition, the division provides coordination assistance for emergency
9 activities before, during and after emergencies and disasters at state and local levels to minimize the adverse effects
10 of any emergency or disaster. It also coordinates the emergency preparedness efforts of the political subdivisions of
11 the state, provides them with necessary guidance and assistance, determines that they comply with federal and state
12 regulations, and assists them in obtaining federal assistance. Further, the division performs the activities authorized
13 by the federal government and assigned by the Department of ~~Crime Control and~~ Public Safety in the post-disaster
14 functions of providing services and funds to governments and individuals for the accomplishment of recovery,
15 rehabilitation and reconstruction measures.

16
17 *History Note:* Authority G.S. ~~143B-474~~ 143B-601; ~~166A-2~~ 166A-19.1; ~~166A-5~~ 166A-19.12;
18 *Eff. December 1, 1979;*
19 *Transferred from 14A NCAC 04 .0102 Eff. June 1, 2013.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Public Safety – Division of Emergency Management

RULE CITATION: 14B NCAC 03 .0103

DEADLINE FOR RECEIPT: Tuesday, May 10, 2016

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please follow the formatting requirements of Rule 26 NCAC 02C .0108, namely:

- *1.5 line spacing.*

Please follow the requirements in Rule 26 NCAC 02C .0404 and properly phrase the Introductory Statement. You need to state the volume and issue and page of the publication in the NC Register, as well as the action taken.

End Items (1) through (4) on lines 5, 7, 9, and 10 with periods, not semicolons.

These Items are not in alphabetical order. It should be "Director" then "Division" then "DPS" Please put these in alphabetical order.

In current Item (3), line 8, capitalize "Division of Emergency Management"

In the History Note, why are you citing to G.S. 143B-10?

On line 15, at the bottom of the History Note, you need to add an amended effective date as "Amended Eff."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 26, 2016

1 14B NCAC 03 .0103 is proposed for amendment as follows:
2

3 **14B NCAC 03 .0103 DEFINITIONS**

4 As used in this Chapter, the following words shall mean:

- 5 (1) "~~CCPS~~" "DPS" shall mean the Department of ~~Crime Control and~~ Public Safety;
6 (2) "Division" shall mean the ~~division of emergency management~~ Division of Emergency
7 Management of the Department of ~~Crime Control and~~ Public Safety;
8 (3) "Director" shall mean the director of the division of emergency management of the Department of
9 ~~Crime Control and~~ Public Safety;
10 (4) "FEMA" shall mean the Federal Emergency Management Agency.
11

12 *History Note: Authority G.S. 143B-10; ~~143B-474~~ 143B-601; ~~166A-5~~ 166A-19.12;*
13 *Eff. December 1, 1979;*
14 *Transferred from 14A NCAC 04 .0103 Eff. June 1, 2013.*
15 *Eff. _____.*

RRC STAFF OPINION

Please Note: This communication is either: 1) only the recommendation of an RRC staff attorney as to action that the attorney believes the Commission should take on the cited rule at its next meeting; or 2) an opinion of that attorney as to some matter concerning that rule. The agency and members of the public are invited to submit their own comments and recommendations (according to RRC rules) to the Commission.

AGENCY: Department of Public Safety – Division of Emergency Management

RULE CITATION: 14B NCAC 03 .0104

RECOMMENDED ACTION:

- Approve, but note staff's comment
- X Object, based on:
 - Lack of statutory authority
 - Unclear or ambiguous
 - Unnecessary
- X Failure to comply with the APA
- Extend the period of review

COMMENT:

Staff recommends objection to this Rule based upon failure to comply with the APA, as the language contained in the Rule is not a rule.

G.S. 150B-2(8a) defines the term "rule" as follows:

(8a) "Rule" means any agency regulation, standard, or statement of general applicability that implements or interprets an enactment of the General Assembly or Congress or a regulation adopted by a federal agency or that describes the procedure or practice requirements of an agency. The term includes the establishment of a fee and the amendment or repeal of a prior rule. **The term does not include the following:**

The definition of "rule" expressly excludes the following:

- a. **Statements concerning only the internal management of an agency** or group of agencies within the same principal office or department enumerated in G.S. 143A-11 or 143B-6, including policies and procedures manuals, **if the statement does not directly or substantially affect the procedural or substantive rights or duties of a person not employed by the agency or group of agencies.**

The language contained within this Rule only addresses the internal organization of the Division of Emergency Management. The Rule does not appear to affect the rights of anyone who is not employed by the agency. Further, this Rule appears to only set internal policy and organization of the employees of the Division.

Amanda J. Reeder

Commission Counsel

Staff notes that this Rule was last amended in 1983, which predates G.S. 150B. G.S. 150B Article 2A only applies to rules, not internal policies. The Rules Review Commission only has authority to review rules under Article 2A. Therefore, staff does not believe that this language complies with the APA, because it is not a rule.

Therefore, staff recommends objection to this Rule for failure to comply with the APA.

*Amanda J. Reeder
Commission Counsel*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Public Safety – Division of Emergency Management

RULE CITATION: 14B NCAC 03 .0104

DEADLINE FOR RECEIPT: Tuesday, May 10, 2016

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- Start line numbers over at 1 for each page; and
- Page numbers centered at the bottom of the page

Please follow the requirements in Rule 26 NCAC 02C .0404 and properly phrase the Introductory Statement. You need to state the volume and issue and page of the publication in the NC Register, as well as the action taken.

Why do you need this Rule? See G.S. 150B-2(8a):

(8a) "Rule" means any agency regulation, standard, or statement of general applicability that implements or interprets an enactment of the General Assembly or Congress or a regulation adopted by a federal agency or that describes the procedure or practice requirements of an agency. The term includes the establishment of a fee and the amendment or repeal of a prior rule. **The term does not include the following:**

- a. **Statements concerning only the internal management of an agency or group of agencies within the same principal office or department enumerated in G.S. 143A-11 or 143B-6, including policies and procedures manuals, if the statement does not directly or substantially affect the procedural or substantive rights or duties of a person not employed by the agency or group of agencies.**

This Rule doesn't seem to have any use outside of the internal organization.

Assuming you need to retain this Rule:

In (a), line 4, capitalize "Division of Emergency Management."

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 26, 2016

On line 6, capitalize "Division"

On line 7, capitalize "State"

On line 7, capitalize "Director"

In (b), line 9, capitalize "Division"

In (b) and throughout the rest of the Rule, should the name of the sections be capitalized? And the use of "Section" in lieu of the full name?

On line 12, shouldn't "Deputy Director" be capitalized?

In (c), line 17, please insert a comma after "activations"

Also on line 17, should "Emergency Operations Center" be capitalized?

On line 18, please insert a comma after "assigns"

In (d), line 26, capitalize "Division of Emergency Management" or just state "Division"

On line 27, insert a comma after "implementation"

Alternatively, why not break this further down into Subparagraphs, stating, "This includes:

(1) research;

(2) development;...

On line 28, if you want to retain parenthesis, please state "such as hurricanes, tornadoes..." and delete "etc."

On line 29, please state "(such as dam failure..." using proper formatting pursuant to Rule 26 NCAC 02C .0405.

On line 32, I believe "short-term" and "long-term" are hyphenated, since they are modifying "plans"

In (e), line 37, capitalize "Division's"

On line 37, delete "but is not limited to the following;"

Break this Paragraph down further into Subparagraphs.

On line 39, state "non-fixed assets"

On line 39, define "minimal"

On lines 39 and 40, define "large scale"

On line 41, should "Section" be capitalized?

On line 41, "long-term" should be hyphenated.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 26, 2016

On line 42, how is “as needed” determined? Who makes this determination?

In (f), line 45, so that I understand, the function is “plans and coordinate recovery activities”? That is a function? Should it be “plan and coordinate” or “plans and coordinates”?

On line 47, what is “normalcy after a disaster”? Does your regulated public know?

On line 47, define “immediate”

On line 48, what are “essential services”? Does your regulated public know? Does it include electricity, telephone, and internet?

On line 51, define “necessary and appropriate”

In (g), lines 54-55, and Page 2, line 56, “Risk Management” is capitalized, but it’s not in the rest of the Paragraph.

On line 53, replace “plans, implements, and manage” with “planning, implementing, and managing”

On line 53, define “efficient and effective”

On Page 2, line 56, put the period on the inside of the quotation marks after “threats.”

On line 56, what do you mean by “works towards”?

On line 58, define “broad critical”

On lines 60 through 64, indent these Subparagraphs. You published these as indented in the NC Register, so you do not need to show it as a change.

Please end each Subparagraph with a semicolon, not commas. Since you published with commas, you’ll need to show this as a change.

On line 62, define “efficient”

On line 63, capitalize “State” and insert a comma after the term.

On line 64, state “the information...”

In (h), lines 67 and 69, capitalize “Division Director”

On line 67, capitalize “Division”

On line 69, HR will process monthly vehicle and telephone billing, or the administrative branch? State who is doing this.

On line 70, it appears you are missing a word or words. “During activation of the state emergency operations center provides support...”? What are you trying to say here?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 26, 2016

On line 72, "vendors" is misspelled.

On line 72, should "Department" and "Accounts Payable" be capitalized? Are you missing words here? Should it be "the Department's Accounts Payable,"?

On line 73, you switch your verb tenses from "-ing" (reviewing, processing) to "-s" (monitors, work). I prefer the use of "-ing," but you need to be consistent.

On line 74, capitalize "Department"

On line 74, please insert a comma after "center" and who collects and provides? State this in the Rule.

On line 76, capitalize "State"

On line 76, state who is responsible for submitting Division expenditures, and capitalize "Division"

In (i), line 79, define "knowledgeable"

On line 79, insert a comma after "events"

On line 80, define "timely" and "accurate"

On line 85, state "shall set up"

Also on line 85, strike the hyphen after "drills" and replace it with a comma.

On line 86, I take it the drill will only affect NC residents and be within the NC jurisdictional authority?

In (j), isn't this already addressed by Rule .0101? If not, wouldn't this information work better there?

On line 88, delete the comma after "who"

On line 89, insert a comma after "officials"

On line 91, state "coordination centers, and shall receive resource requests, deploy regional assets, and track State resources..."

What are "resource requests" and "regional assets"?

On line 98, at the bottom of the History Note, you need to add an amended effective date as "Amended Eff."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 26, 2016

1 14B NCAC 03 .0104 is proposed for amendment as follows:
2

3 **14B NCAC 03 .0104 ORGANIZATION**

4 (a) The division of emergency management is headed by a director who, under the direction of the ~~Deputy~~
5 ~~Secretary Commissioner of Law Enforcement~~ of the Department of ~~Crime Control and Public Safety~~, supervises and
6 controls the activities of the division and assists in the coordination of the emergency preparedness activities of all
7 state departments and agencies. The director provides assistance, guidance, and coordination to county and
8 municipal governments in developing and maintaining emergency plans and organizations.

9 (b) The division is subdivided into the ~~emergency preparedness operations section~~, the ~~emergency response~~
10 ~~planning and homeland security section~~, the ~~logistics section~~, the ~~recovery section~~, ~~risk management section~~, ~~public~~
11 ~~affairs office~~ and the ~~administrative support~~ branch. The ~~emergency preparedness operations section~~ is headed by
12 ~~the deputy director who supervises the assistant directors of the planning and homeland security section, logistics~~
13 ~~section, recovery section, and risk management sections, and the emergency response section are headed by an~~
14 ~~assistant director~~. The ~~administrative support~~ branch and ~~public affairs office~~ comes under the direction of the
15 director of the division of emergency management.

16 (c) The functions of the ~~emergency preparedness operations section~~ are to ~~manage delivery of State assistance and~~
17 ~~services in support of local governments. During emergency operations center (EOC) activations the operations~~
18 ~~section identifies, assigns and manages the resources needed to accomplish the incident objectives. Outside of EOC~~
19 ~~activation, the operations section coordinates emergency management activities among counties and local~~
20 ~~governments and plans and prepares for its duties during activations. The operations section consists of three field~~
21 ~~branch offices, the civil air patrol branch, and the EOC operations branch. plan and train in all aspects of emergency~~
22 ~~response to include radiological matters. It provides advice to local government officials and emergency~~
23 ~~management personnel on development of plans, facilities, and training of staff personnel and the general public.~~

24 (d) The function of the ~~administrative support branch~~ ~~planning and homeland security section~~ manages and
25 ~~coordinates all information and planning functions as they relate to disaster contingency planning and the homeland~~
26 ~~security grant program planning within the division of emergency management. This includes research,~~
27 ~~development, coordination, implementation and evaluation of plans and polices focused on natural disasters~~
28 ~~(hurricanes, tornadoes, flash floods, riverine flooding, storm surge, earthquakes, mudslides, etc.), hazardous~~
29 ~~materials, nuclear power plants, other radiological/nuclear events, other man-made/technological disasters (dam~~
30 ~~failure, airplane accidents, search and rescue events, large transportation accidents), weapons of mass destruction,~~
31 ~~acts of terrorism, and terrorist incidents. The planning and homeland security section coordinates preparation of both~~
32 ~~strategic (short and long term) and operational (emergency, disaster operations) plans. is to provide support to the~~
33 ~~division and to local governments in qualifying and applying for federal preparedness funds and programs.~~

34 (e) The functions of the ~~emergency response section~~ are to ~~develop and implement operating procedures for the~~
35 ~~state and local emergency operating centers; organize and train the state emergency response team; supervise the~~
36 ~~area coordinators' activities; and supervise the emergency response efforts of the division~~ ~~logistics section~~ are that
37 ~~they fulfill the division's daily logistics requirements. This includes but is not limited to the following; transportation~~
38 ~~and distribution (mail, vehicle pools, movement of large items); handling of surplus items and inventory control~~
39 ~~(both fixed assets and non); warehousing of goods and equipment (including minimal office supplies); large scale~~
40 ~~contracting; large scale purchasing; training and conference coordination, both internal and external; and exercise~~
41 ~~coordination, both internal and external. The section also conducts short and long term planning functions and~~
42 ~~assists facility managers as needed. During EOC activations, the section provides logistical support to the State~~
43 ~~Emergency Response Team (SERT). The logistics section has three branches: logistics operations, logistics supply,~~
44 ~~and training and exercise.~~

45 (f) The functions of the ~~recovery section~~ are ~~plans and coordinate recovery activities among citizens, local~~
46 ~~governments, and various State and Federal agencies with disaster-related primary and support responsibilities to~~
47 ~~ensure these entities return to normalcy after a disaster. The section provides immediate assistance to reduce or~~
48 ~~relieve human suffering and support the restoration of essential services, and it coordinates and directs those~~
49 ~~operations when local government resources are inadequate or exhausted. The recovery section requests and~~
50 ~~coordinates assistance from other states, the federal government, and private disaster relief organizations as~~
51 ~~necessary and appropriate. The recovery section has three branches: public assistance, hazard mitigation, and~~
52 ~~individual assistance.~~

53 (g) The functions of the ~~risk management section~~ are ~~plans, implements, and manage the efficient and effective~~
54 ~~acquisition, management, use, and dissemination of geospatial data, information, and information technology. Risk~~
55 ~~Management's primary mission is to accomplish the goal of a "prepared and resilient North Carolina from all~~

56 hazards and threats”. Risk Management works towards improving the preparedness, incident command, response
57 and recovery of North Carolina’s homeland security, law enforcement, and emergency management policy makers
58 and practitioners from hazards and threats. The risk management section provides three broad critical service
59 functions that support local, state and federal homeland security, emergency management, and law enforcement
60 efforts. These functions are: (1) identification, monitoring, and mapping of vulnerability and consequences from
61 hazards and threats on key infrastructure and key resources, (2) establishment and maintenance of key data exchange
62 and information technology infrastructure and applications for the efficient exchange of communication and data,
63 and (3) management of data acquisition, dissemination, maintenance, and exchange between local, state and federal
64 partners. Risk management consists of four branches: information technology branch, GIS data and manipulation
65 branch, flood warning branch, and floodplain mapping branch

66 (h) The administrative branch includes elements of human resources and finance. Both units fall under the
67 supervision of the division director. The executive officer for the division supervises both elements. Human
68 resources is responsible personnel services in include hiring, firing, promotions, demotions, reassignments, awards,
69 time keeping and maintaining the division personnel files. Additionally, processes the monthly vehicle and
70 telephone billing. During activation of the state emergency operations center provides support to the logistics
71 section in support of the State Emergency Response Team (SERT). Finance is responsible for processing invoices
72 from venders for payment and forwarding to department account payable, reviewing and approving procurement
73 transactions, monitors the application, submission and closeout of grants awarded to the division, works with the
74 department budget controller sections on issues. During activation of the state emergency operations center collects
75 and provides financial information to the State Emergency Response Team (SERT), Governor’s Office and other
76 state agencies. Responsible for submitting division expenditures to the Federal Emergency Management Agency
77 (FEMA) for federally declared disasters.

78 (i) The function of the public affairs office is to work to ensure the people of North Carolina are informed and
79 knowledgeable about programs, events and conditions affecting their safety and well-being. The staff works to
80 provide timely and accurate information to news media and to inform the general public of emergency action steps
81 to be taken during natural or man-made disasters. The members of the public affairs office respond to media
82 inquiries, write speeches and press releases, and produce educational materials. Public affairs staff members are
83 available for duty 24 hours a day, seven days a week assisting members of the news media either by phone or at the
84 scenes of incidents. When necessary, public affairs staff prepares and distribute news releases and arrange for news
85 conferences. The public affairs staff sets up a joint information center (JIC) for actual events and drills—to include
86 those relating to the three nuclear plants in North Carolina and one just beyond the border in South Carolina.

87 (j) The state is divided into ~~six~~ three branches and fifteen geographical areas, each branch is headed by a branch
88 manager and each area of which is headed by an area coordinator who, coordinates the state response to
89 emergencies, provides assistance and guidance to local officials and ~~coordinators~~ coordinates in planning and testing
90 plans for emergency services during times of disaster. During disasters, the branch offices serve as regional
91 coordination centers; receiving resource requests, deploying regional assets and tracking state resources to support
92 local government.

93

94 *History Note: Authority G.S. 143B-10; ~~143B-474~~ 143B-601; ~~166A-5~~ 166A-19.12;*
95 *Eff. December 1, 1979;*
96 *Amended Eff. July 1, 1983;*
97 *Transferred from 14A NCAC 04 .0104 Eff. June 1, 2013.*
98 *Eff. _____.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Department of Public Safety – Division of Emergency Management

RULE CITATION: 14B NCAC 03 .0202

DEADLINE FOR RECEIPT: Tuesday, May 10, 2016

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

Please follow the formatting requirements of Rule 26 NCAC 02C .0108, namely:

- *1.5 line spacing.*

Please follow the requirements in Rule 26 NCAC 02C .0404 and properly phrase the Introductory Statement. You need to state the volume and issue and page of the publication in the NC Register, as well as the action taken.

On line 4, capitalize "Division" both places.

On line 4, I take it the headquarters are on 1636 Gold Star Drive, as set forth in Rule .0101? And these form are not available on a website? They can only be obtained from the headquarters?

Please note, G.S. 150B-2(8a) states that the contents of forms must be in law or Rule.

On line 5, insert a comma after "units"

On line 6, capitalize "Division"

At the bottom of the History Note, you need to add an amended effective date as "Amended Eff."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 26, 2016

1 **14B NCAC 03 .0202 WHERE TO OBTAIN MANUALS/FORMS AND ASSISTANCE**

2 All forms and manuals used by the division may be obtained from the division ~~headquarter~~ headquarters.
3 Information and assistance are available to citizens, local government units and emergency management agencies
4 and others from the division office or any ~~area~~ branch office.

5

6 *History Note: Authority G.S. 143B-10; ~~143B-474~~ 143B-601; ~~166A-5~~ 166A-19.12;*

7 *Eff. December 1, 1979;*

8 *Transferred from 14A NCAC 04 .0202 Eff. June 1, 2013.*