

2018 Legislative Summary: Emergency Management

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The North Carolina General Assembly adjourned the 2018 Short Session on June 29, 2018. Under the [adjournment resolution](#), the legislature will reconvene on November 27, 2018, during which time it may take up additional legislative business and reconvene again prior to the convening of the new 2019 legislative session. Legislation enacted during the 2018 Short Session affecting emergency management is summarized below. Unless otherwise indicated, all bills became effective July 1, 2018.

Enacted Legislation

Increased Disaster Recovery Funding

Section 5.6 of the 2018 Appropriations Act ([S.L. 2018-5](#)) appropriated \$60 million dollars to provide additional disaster recovery assistance to local governments and individuals impacted by Hurricane Matthew and other 2016 natural disasters. The funding is to be used for state match requirements for federal disaster assistance programs, risk management activities, infrastructure repair, contractual assistance to local governments for management and use of recovery funds, and housing assistance. The use of funds allocated to the Golden L.E.A.F. for local government residential infrastructure was expanded to

include construction of nonresidential buildings that serve the public and demolition of existing infrastructure.

Property Tax Penalties and Interest Waiver

Section 38.9 of the 2018 Appropriations Act ([S.L. 2018-5](#)) amended GS 105-395.1 to allow actions required of taxpayers related to property taxes (such as tax listing or tax payment) to be done on the next business day following the date required by law in emergency situations, thus applying the “weekend and holiday rule” when the tax office is closed due to a gubernatorially or locally declared emergency. For example, the statutory delinquency deadline for paying property taxes is January 6th; if January 6th falls on a business day and the tax office is closed due to a declared disaster, the deadline is extended to the next business day that the tax office reopens, and the taxpayer is not subject to any late penalties or interest during the extended period. The emergency extension also requires the taxpayer to certify in writing that the US Postal Service did not provide service to the taxpayer’s address on the deadline date. For more information, see Chris McLaughlin’s blog post [Let it Snow!?!? Interest and Inclement Weather](#).

Motor Fuel Tax Exemption for Joint Agencies

[S.L. 2018-39](#) amended GS 105-449.88 to exempt from excise tax motor fuel purchased by a joint agency formed under an interlocal agreement to provide fire protection, emergency services (including emergency management), or police protection.

Law Enforcement Mutual Assistance

[S.L. 2018-87](#) amended GS 160A-288 and 160A-288.2 to create a presumption that local law enforcement officials may render assistance to other local or state law enforcement agencies unless the law enforcement agency's local governing board (city council or county board of commissioners) adopts an ordinance specifically prohibiting or limiting such assistance. With this change, governing boards are no longer required to take affirmative action approving inter-agency assistance unless the governing board adopts an ordinance requiring such action.

Professional Land Surveyor Immunity

Section 5.6(l) of the 2018 Appropriations Act ([S.L. 2018-5](#)) amended GS 89C-19.1 to grant qualified immunity from liability for professional land surveyors who voluntarily provide land surveying services during a declared disaster (this statute already grants similar immunity for professional engineers). The immunity only applies to land surveying services rendered at the request of state or local officials within 45 days after the emergency or disaster is declared. The Governor is authorized to extend the 45-day immunity period by executive order. The immunity does not apply in cases of gross negligence, wanton conduct, intentional wrongdoing, or operation of a motor vehicle.

Modification to Certification Renewal for Transporting Essentials or Restoring Utilities

Section 7 of the Regulatory Reform Act of 2018 ([S.L. 2018-114](#)) amended GS 166A-19.70(c) to no longer require annual renewal of certification for individuals transporting essentials or restoring utilities during emergency declarations. Under this statute, the Division of Emergency Management certifies individuals who routinely transport essentials in commerce (such as food and fuel) and work on restoring utilities. Certified individuals can more easily access distressed areas by being exempt from curfews and other entry restrictions. The statute previously provided for annual renewal; this requirement was repealed, thus allowing the Division to offer the certification on a multi-year basis.

DOT Bidding Waiver for Bridge/Road Closure

Section 34.15 of the 2018 Appropriations Act ([S.L. 2018-5](#)) amended GS 136-28.1(e) to exempt the NC Department of Transportation from competitive bidding requirements for construction, maintenance or repair work on unanticipated bridge or road closures that result in detours of goods and services where the estimated cost is \$10 million dollars or less. This exemption only applies to NC DOT.

Indian Tribe Disaster Assistance Study

[S.L. 2018-46](#) directs the Legislative Research Commission (LRC) to study the legal status of state-recognized Indian Tribes to determine whether any statutory changes are needed to make the tribes eligible for economic development and disaster recovery grant funds awarded by nonprofit organizations and charitable foundations. The LRC is

required to report its findings and recommendations to the 2019 legislative session.