

State of North Carolina

ROY COOPER
GOVERNOR

October 17, 2019

EXECUTIVE ORDER NO. 110

**RENEWING THE STATE EMERGENCY RESPONSE COMMISSION AND
AMENDING ITS MEMBERSHIP**

WHEREAS, Congress enacted the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§ 11001 – 11050, to provide communities with the necessary resources to prepare for, respond to, mitigate, and address public health and safety emergencies (“the Act”); and

WHEREAS, 42 U.S.C. § 11001(a) requires the Governor of each state to appoint a State Emergency Response Commission to supervise and coordinate the activities of local emergency planning committees and receive and process public information requests under 42 U.S.C. § 11044, including Tier II information under 42 U.S.C. § 11022; and

WHEREAS, on April 20, 2017, the undersigned issued Exec. Order No. 6, 31 N.C. Reg. 2204-06 (May 15, 2017) (“Executive Order 6”), which establishes the North Carolina Emergency Response Commission (“the Commission”); and

WHEREAS, in addition to its duties under the Act, the Commission is charged with supporting the State’s Homeland Security Advisor, and coordinating stakeholder input to inform the preparation, implementation, and revision of the North Carolina Emergency Management Program; and

WHEREAS, the Commission is currently engaged in school safety planning efforts and would benefit from the addition of leadership from the North Carolina Center for Safer Schools (“CFSS”); and

WHEREAS, Executive Order 6 limits the Commission to fourteen (14) members and provides for the Commission’s termination on December 31, 2019; and

WHEREAS, additional action is necessary to enable the Commission to benefit from CFSS leadership and continue its vital emergency readiness work.

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED:**

Section 1. Membership

Unless otherwise provided herein, the Commission shall continue to serve consistent with Executive Order 6. The Secretary of the North Carolina Department of Public Safety (“the Secretary”) shall serve as the Commission’s Chair and the Governor’s Homeland Security Advisor. The Commission shall be comprised of at least fifteen (15) members, including the following individuals or their designees as approved by the Commission Chair:

- a. Director of Emergency Management, North Carolina Department of Public Safety, who shall serve as the Vice-Chair;
- b. Director of the State Bureau of Investigation, North Carolina Department of Public Safety;
- c. The Adjutant General of the North Carolina National Guard, North Carolina Department of Public Safety;
- d. Commander of the State Highway Patrol, North Carolina Department of Public Safety;
- e. Secretary of the North Carolina Department of Environmental Quality;
- f. Secretary of the North Carolina Department of Transportation;
- g. Chief of the Office of Emergency Medical Services, Division of Health Service Regulation, North Carolina Department of Health and Human Services;
- h. Assistant State Fire Marshal, Office of the State Fire Marshal, North Carolina Department of Insurance;
- i. State Chief Information Risk Officer, North Carolina Department of Information Technology;
- j. Director, Division of Public Health, North Carolina Department of Health and Human Services;
- k. Assistant Deputy Commissioner of Labor for Occupational Safety and Health, North Carolina Department of Labor;
- l. President of the North Carolina Community College System;
- m. Director of the Emergency Programs Division, North Carolina Department of Agriculture and Consumer Services; and
- n. The CFSS Executive Director, North Carolina Department of Public Instruction.

In addition to the foregoing, up to eight (8) members from local government, private industry, and the public may be appointed and serve two-year terms at the undersigned's pleasure. These members shall include the following:

- a. A Chief of Police;
- b. A Sheriff;
- c. A Fire Chief;
- d. A representative of emergency medical services in North Carolina;
- e. A representative of emergency managers in North Carolina;
- f. A representative of medium or large public assembly venues in North Carolina;
- g. A representative involved in the production, storage, or transportation of hazardous materials; and
- h. A private citizen of North Carolina.

Section 2. Duties

- a. The Commission is the State Emergency Response Commission as defined in the Act.
- b. The Commission will perform all the duties required under the Act and other advisory, administrative, regulatory, or legislative functions, which shall include the following:
 1. Designating emergency planning districts to facilitate the preparation and implementation of emergency plans as required under Section 11001(b) of the Act.
 2. Appointing local emergency planning committees as described under Section 11001(c) of the Act and supervising and coordinating their activities for each planning district.
 3. Establishing procedures for reviewing and processing public information requests under Section 11044 of the Act.
 4. Designating additional facilities that may be subject to the Act under Section 11002 of the Act.
 5. Reviewing the emergency plans submitted by the local emergency planning committees and recommending revisions to the plans that may be necessary to ensure their coordination with state plans and the emergency response plans of adjacent districts.
- c. The Commission will act in an advisory capacity to the Homeland Security Advisor to provide input regarding the activities of the North Carolina State Homeland Security Program and the Domestic Preparedness Regions. Specifically, the Commission will:
 - a. Review the State Homeland Security Strategy to ensure it is aligned with local, state, and federal priorities as required by the United States Department of Homeland Security (“DHS”), and that its goals and objectives are being met in accordance with program intent.
 - b. Review applications and subsequent allocations for state and regional homeland security projects funded by DHS grant programs.
 - c. Review plans for preventing, preparing for, responding to, and recovering from acts of terrorism and all hazards, whether man-made or natural.
- d. The Commission will act in an advisory capacity to provide coordinated stakeholder input to the Secretary and the Director of Emergency Management in the preparation, implementation, evaluation, and revision of the North Carolina Emergency Management Program. To that end, the Commission will do the following:
 - a. Increase state and local disaster and emergency response capabilities.
 - b. Coordinate training, education, technical assistance, and outreach activities.

Section 3. Administration

- a. The Department of Public Safety shall provide administrative support and staff to the Commission as necessary.
- b. Members of the Commission shall serve without compensation but may receive reimbursement for travel and subsistence expenses in accordance with state law and guidelines, and contingent upon the availability of funds.

Section 4. Effect and Duration

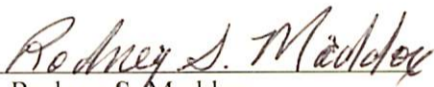
This Executive Order is effective immediately. It supersedes and replaces all other executive orders on this subject. It shall remain in effect until December 31, 2021, pursuant to N.C. Gen. Stat. § 147-16.2 or until rescinded.

IN WITNESS WHEREOF, I have hereunto signed by name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 17th day of October in the year of our Lord two thousand and nineteen.



Roy Cooper
Governor

ATTEST:



Rodney S. Maddox
Chief Deputy Secretary of State

