

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 256*
Judiciary I Committee Substitute Adopted 3/31/09

Short Title: Clarify Local Government Evacuation Authority. (Public)

Sponsors:

Referred to:

February 23, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO
3 ORDER EVACUATIONS IN CERTAIN SITUATIONS, AND THAT THE
4 EMERGENCY MANAGEMENT IMMUNITY STATUTE APPLIES TO THEM, AS
5 RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY
6 PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 14-288.12(b) reads as rewritten:

9 "(b) The ordinances authorized by this section may permit prohibitions and restrictions:

- 10 (1) Of movements of people in public ~~places;~~places, including directing and
11 compelling the evacuation of all or part of the population from any stricken
12 or threatened area within the governing body's jurisdiction, to prescribe
13 routes, modes of transportation, and destinations in connection with
14 evacuation; and to control ingress and egress of a disaster area, the
15 movement of persons within the area, and the occupancy of public premises
16 therein;
17 (2) Of the operation of offices, business establishments, and other places to or
18 from which people may travel or at which they may congregate;
19 (3) Upon the possession, transportation, sale, purchase, and consumption of
20 alcoholic beverages;
21 (4) Upon the possession, transportation, sale, purchase, storage, and use of
22 dangerous weapons and substances, and gasoline; and
23 (5) Upon other activities or conditions the control of which may be reasonably
24 necessary to maintain order and protect lives or property during the state of
25 emergency.

26 The ordinances may delegate to the mayor of the municipality the authority to determine and
27 proclaim the existence of a state of emergency, and to impose those authorized prohibitions and
28 restrictions appropriate at a particular time."

29 **SECTION 2.** G.S. 166A-14(a) reads as rewritten:

30 "(a) All functions hereunder and all other activities relating to emergency management
31 as provided for in this Chapter or elsewhere in the General Statutes are hereby declared to be
32 governmental functions. Neither the State nor any political subdivision thereof, nor, except in
33 cases of willful misconduct, gross negligence or bad faith, any emergency management worker,
34 firm, partnership, association, or corporation complying with or reasonably attempting to
35 comply with this Article or any order, rule or regulation promulgated pursuant to the provisions
36 of this Article or pursuant to any ordinance relating to any emergency management measures



1 enacted by any political subdivision of the State, shall be liable for the death of or injury to
2 persons, or for damage to property as a result of any such activity."
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SECTION 3. This act is effective when it becomes law.