

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 256*
Judiciary I Committee Substitute Adopted 3/31/09
Third Edition Engrossed 4/7/09

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, and the
15 movement of persons within the area;
16 (2) Of the operation of offices, business establishments, and other places to or
17 from which people may travel or at which they may congregate;
18 (3) Upon the possession, transportation, sale, purchase, and consumption of
19 alcoholic beverages;
20 (4) Upon the possession, transportation, sale, purchase, storage, and use of
21 dangerous weapons and substances, and gasoline; and
22 (5) Upon other activities or conditions the control of which may be reasonably
23 necessary to maintain order and protect lives or property during the state of
24 emergency.

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

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

29 "(a) All functions hereunder and all other activities relating to emergency management
30 as provided for in this Chapter or elsewhere in the General Statutes are hereby declared to be
31 governmental functions. Neither the State nor any political subdivision thereof, nor, except in
32 cases of willful misconduct, gross negligence or bad faith, any emergency management worker,
33 firm, partnership, association, or corporation complying with or reasonably attempting to
34 comply with this Article or any order, rule or regulation promulgated pursuant to the provisions
35 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."
3 **SECTION 3.** This act is effective when it becomes law.