



# SENATE BILL 435: Terminations of States of Emergency.

2021-2022 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	June 29, 2022
<b>Introduced by:</b>	Sen. Edwards	<b>Prepared by:</b>	Erika Churchill and Billy Godwin, Staff Attorneys
<b>Analysis of:</b>	First Edition		

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**OVERVIEW:** *Senate Bill 435 would establish certain notice requirements when prohibitions or restrictions enacted during a local state of emergency expire or terminate.*

**CURRENT LAW:** The governing body of any city or county may enact ordinances designed to permit the imposition of prohibitions and restrictions within the emergency area during a locally declared state of emergency. This authority may be delegated by ordinance to the city's mayor or to the chair of the board of county commissioners of a county. The types of local ordinances include restrictions and prohibitions on any of the following:

- Movements of people in public places, including imposing a curfew; voluntary or mandatory evacuations; controlling ingress and egress of an emergency area; providing for the closure, within the emergency area, of streets, roads, highways, bridges, public vehicular areas under certain conditions.
- Operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.
- Possession, transportation, sale, purchase, and consumption of alcoholic beverages.
- Possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except on lawfully possessed firearms or ammunition.
- Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.
- Certain road closures.

The restrictions and prohibitions become effective in the emergency area immediately upon publication of the declaration unless the declaration sets a later time. Publication shall include at least (i) posting of a signed copy of the declaration conspicuously posted on the website of the city or county, if the city or county has a website, and (ii) submittal of notice and a signed copy of the declaration to the Department of Public Safety WebEOC critical incident management system. Publication may also consist of reports of the substance of the prohibitions and restrictions in the mass communications media serving the emergency area or other effective methods of disseminating the necessary information quickly. As soon as practicable, however, appropriate distribution of the full text of any declaration is to be made, but publication need not be in accordance with G.S. 1-597.

The restrictions and prohibitions expire when either (1) the prohibition or restriction is terminated by the official or entity that imposed it, or (2) the state of emergency terminates. A local state of emergency

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578

# Senate Bill 435

*Page 2*

expires when it is terminated by the official or governing body that made the declaration. There is no publication requirement for termination of the declaration (G.S. 166A-19.31).

**BILL ANALYSIS:** Senate Bill 435 would amend G.S. 166A-19.31 to add a publication requirement for expiration or termination of the restrictions and prohibitions. When restrictions or prohibitions have been imposed during a local state of emergency and the local state of emergency expires or terminates, the county or city would be required to do both of the following:

- (1) Post a notice of the expiration or termination of the prohibition or restriction on the county or city's website, if the county or city has one.
- (2) Submit a notice of expiration or termination of the prohibition or restriction to the Department of Public Safety WebEOC critical incident management system.

**EFFECTIVE DATE:** Effective when it becomes law and applies to prohibitions and restrictions imposed and states of emergency declared on or after that date.