



SENATE BILL 435: Terminations of States of Emergency.

2021-2022 General Assembly

Committee:		Date:	July 28, 2022
Introduced by:		Prepared by:	Erika Churchill and Billy Godwin, Staff Attorneys
Analysis of:	S.L. 2022-57		

OVERVIEW: *S.L. 2022-57 establishes certain notice requirements when prohibitions or restrictions enacted during a local state of emergency expire or terminate, effective July 8, 2022.*

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 local ordinances may include prohibitions and restrictions on all 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 or other areas ordinarily used for vehicular travel.
- 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.

The prohibitions and restrictions become effective in the emergency area immediately upon publication of the declaration unless the declaration sets a later time. Publication shall include at least both of the following:

- 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.
- Submittal of notice and a signed copy of the declaration to the Department of Public Safety WebEOC critical incident management system.

Publication may also include 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, appropriate distribution of the full text of the declaration is to be made, but that publication need not be in accordance with G.S. 1-597.

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The prohibitions and restrictions expire upon the earliest occurrence of the following:

- The prohibition or restriction is terminated by the official or entity that imposed it.
- The state of emergency terminates. A local state of emergency 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: S.L. 2022-57 adds a publication requirement for expiration or termination of the prohibitions and restrictions. When prohibitions or restrictions 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, as they currently do for imposition of the prohibitions or restrictions:

- (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 July 8, 2022, applying to prohibitions and restrictions imposed and states of emergency declared on or after that date.