

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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HOUSE BILL 166*

Short Title: Emer. Mgt./Powers/Rutherford/Polk County. (Local)

Sponsors: Representative Rogers.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

March 1, 2021

A BILL TO BE ENTITLED

AN ACT TO RESTRICT THE APPLICATION OF CERTAIN EMERGENCY
MANAGEMENT ACT POWERS TO THE COUNTIES OF RUTHERFORD AND POLK.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding any provision of law, the powers conferred upon the Governor by G.S. 166A-19.30(c) during a gubernatorially or legislatively declared state of emergency shall not be exercised without a concurrence of the Council of State, pursuant to subsection (b) of this section, or by a majority vote of the Rutherford County Board of County Commissioners for the application of powers to Rutherford County, or by a majority vote of the Polk County Board of Commissioners for the application of powers to Polk County.

SECTION 1.(b) For the purposes of this act, the following definitions apply:

- (1) Concurrence of Council of State. – The consensus, within 48 hours of contact, of a majority of the Council of State prior to the Governor exercising a power or authority requiring a concurrence of the Council of State. The Governor shall document the contact and response of each Council of State member and shall release the concurrence, nonconcurrence, or no response provided by each member by name and position. If consensus is achieved, the release of information by the Governor shall be prior to, or simultaneously with, exercising the stated authority.
- (2) Council of State. – The Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, Commissioner of Insurance, or any interim officer or acting officer appointed in accordance with Section 7 of Article III of the State Constitution.

SECTION 2. This act applies only to Rutherford and Polk Counties.

SECTION 3. This act is effective when it becomes law and applies to the exercise of power under a state of emergency declared by the Governor or North Carolina General Assembly existing on or after that date. Any power exercised under a state of emergency by the Governor existing on that date and applicable to Rutherford and Polk Counties shall expire two calendar days after this act becomes law, unless a concurrence of the Council of State is sought and received in accordance with this act or approved by a majority of the members of the Rutherford County Board of Commissioners.

