

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

**H**

**1**

**HOUSE BILL 221**

Short Title: Emer. Mgt./Powers/Beaufort/Craven/Onslow. (Local)

---

Sponsors: Representatives Kidwell, Cleveland, and Tyson (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

---

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

---

March 8, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO RESTRICT THE APPLICATION OF CERTAIN EMERGENCY  
3 MANAGEMENT ACT POWERS TO THE COUNTIES OF BEAUFORT, CRAVEN, AND  
4 ONSLOW.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Notwithstanding any provision of law, the powers conferred upon  
7 the Governor by G.S. 166A-19.30(c) during a gubernatorially or legislatively declared state of  
8 emergency shall not be exercised without a concurrence of the Council of State, pursuant to  
9 subsection (b) of this section, or by a majority vote of the Beaufort County Board of  
10 Commissioners for the application of powers to Beaufort County, by a majority vote of the  
11 Craven County Board of Commissioners for the application of powers to Craven County, or by  
12 a majority vote of the Onslow County Board of Commissioners for the application of powers to  
13 Onslow County.

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

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

28 **SECTION 2.** This act applies only to Beaufort, Craven, and Onslow Counties.

29 **SECTION 3.** This act is effective when it becomes law and applies to the exercise  
30 of power under a state of emergency declared by the Governor or North Carolina General  
31 Assembly existing on or after that date. Any power exercised under a state of emergency by the  
32 Governor existing on that date and applicable to Beaufort, Craven, and Onslow Counties shall  
33 expire two calendar days after this act becomes law, unless a concurrence of the Council of State  
34 is sought and received in accordance with this act, or by a majority vote of the Beaufort County



- 1 Board of Commissioners for the application of powers to Beaufort County, by a majority vote of
- 2 the Craven County Board of Commissioners for the application of powers to Craven County, or
- 3 by a majority vote of the Onslow County Board of Commissioners for the application of powers
- 4 to Onslow County.