

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

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**HOUSE BILL 423**

Short Title: Emer. Mgt./Powers/Yadkin/Iredell Counties. (Local)

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Sponsors: Representative McNeely.

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

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

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March 29, 2021

A BILL TO BE ENTITLED

AN ACT TO RESTRICT THE APPLICATION OF CERTAIN EMERGENCY  
MANAGEMENT ACT POWERS TO THE COUNTIES OF YADKIN AND IREDELL.

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 Yadkin County Board of Commissioners for the application of powers to Yadkin County, or by a majority vote of the Iredell County Board of Commissioners for the application of powers to Iredell County in accordance with this act.

**SECTION 1.(b)** To approve the application of powers to the appropriate county in accordance with Section 1(a) of this act, the county board of commissioners of that county shall adopt a resolution introduced by a member of the Board during a regular or special meeting of the Board conducted in accordance with Part 3 of Article 4 of Chapter 153A of the General Statutes which states those powers as exercised under G.S. 166-19.30(c) by the Governor apply to that county.

**SECTION 1.(c)** 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 1.(d)** Any person who resides within the jurisdiction of a county that brings an action for declaratory or injunctive relief arising from a case or controversy from the



1 application of this act to a county shall file such action and be heard in the superior court of the  
2 county in which the claim for relief arises.

3 **SECTION 2.** This act applies only to Yadkin and Iredell Counties.

4 **SECTION 3.** This act is effective when it becomes law and applies to the exercise  
5 of power as described in Section 1(a) of this act under a state of emergency declared by the  
6 Governor or North Carolina General Assembly existing on or after that date. Any power as  
7 described in Section 1(a) of this act exercised under a state of emergency by the Governor  
8 existing on that date and applicable to Yadkin and Iredell Counties shall expire two calendar days  
9 after this act becomes law, unless a concurrence of the Council of State is sought and received in  
10 accordance with this act, or by a majority vote of the Yadkin County Board of Commissioners  
11 for the application of powers to Yadkin County, or by a majority vote of the Iredell County Board  
12 of Commissioners for the application of powers to Iredell County.