

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 1059

Short Title: State of Em./Religious Occupancy Exempts. (Public)

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

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

May 2, 2020

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH A PROCESS FOR AN ISSUANCE OF A STATEWIDE STATE OF  
3 EMERGENCY BY THE GOVERNOR, TO ALLOW RELIGIOUS ORGANIZATIONS TO  
4 MEET IN BUILDINGS USED AS PLACES OF WORSHIP LOCATED INSIDE AN  
5 EMERGENCY AREA, AND TO APPROPRIATE FUNDS FOR THE PURCHASE OF  
6 PERSONAL PROTECTIVE EQUIPMENT.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 166A-19.20 reads as rewritten:

9 "**§ 166A-19.20. Gubernatorial or legislative declaration of state of emergency.**

10 (a) Declaration. – A state of emergency may be declared by the Governor or by a  
11 resolution of the General Assembly, if either of these finds that an emergency exists.

12 (a1) Statewide Declaration. – A statewide state of emergency declared by the Governor is  
13 effective if it complies with all of the following requirements:

14 (1) The Governor submits the proposed declaration of a statewide state of  
15 emergency to each member of the Council of State.

16 (2) The Council of State approves the proposed declaration of a statewide state of  
17 emergency by majority vote within 24 hours of receipt.

18 (b) Emergency Area. – An executive order or resolution declaring a state of emergency  
19 shall include a definition of the area constituting the emergency area. An executive order or  
20 resolution declaring a statewide state of emergency shall include a definition of greater than 67  
21 counties in the State constituting the emergency area.

22 (c) Expiration of States of Emergency. – A state of emergency declared pursuant to this  
23 section shall expire when it is rescinded by the authority that issued ~~it~~, except as provided in  
24 subsection (c1) of this section.

25 (c1) Expiration of Statewide States of Emergency. – A statewide state of emergency  
26 declared by the Governor pursuant to subsection (a1) of this section shall expire upon the earliest  
27 occurrence of any of the following:

28 (1) The eighth legislative day of the next regular or extra session after the date of  
29 issuance, unless it is approved by joint resolution adopted by a vote of a  
30 majority of all members of each house of the General Assembly.

31 (2) It is rescinded by the authority that issued it."

32 **SECTION 2.** G.S. 166A-19.30 is amended by adding a new subsection to read:

33 "(e) Exception. – Notwithstanding any provision of law to the contrary, the Governor shall  
34 not prohibit any religious organization or entity controlled by religious organizations from



1 meeting inside a building that is located inside an emergency area and used as a place of worship.  
2 The Governor may request religious organizations limit the occupancy of buildings that are  
3 located inside an emergency area and used as a place of worship to twenty percent (20%) of the  
4 maximum capacity allowed by the certificate of occupancy in accordance with the North Carolina  
5 State Building Code."

6 **SECTION 3.(a)** Of the funds received by the State of North Carolina during the  
7 2019-2020 fiscal year from the Coronavirus Relief Fund created by the Coronavirus Aid, Relief,  
8 and Economic Security Act of 2020, P.L. 116-136, the sum of fifty thousand dollars (\$50,000)  
9 in nonrecurring funds for the 2019-2020 fiscal year shall be used for the purchase of supplies and  
10 equipment necessary for life safety, health, and sanitation, such as ventilators, touch-free  
11 thermometers, gowns, disinfectant, and sanitizing wipes and the purchase of personal protective  
12 equipment that meets the federal standards and guidelines from the Centers for Disease Control  
13 and Prevention, such as surgical and respiratory masks and gloves, and is appropriated in equal  
14 amounts to the following entities:

- 15 (1) Department of Revenue.
- 16 (2) Department of Transportation, Division of Motor Vehicles.
- 17 (3) State Board of Elections.

18 **SECTION 3.(b)** Funds appropriated for the purposes described in this act that are  
19 unexpended or unencumbered on June 30, 2020, shall not revert to the General Fund, but shall  
20 remain available for the purposes authorized in this act and as provided under federal law.

21 **SECTION 3.(c)** This section is effective when it becomes law.

22 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes law  
23 and applies to all declarations issued on or after that date.