



SENATE BILL 115: Kickoff College Sports Act.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 28, 2021
Introduced by:	Sens. Johnson, Sawyer, McInnis	Prepared by:	Kara McCraw
Analysis of:	PCS to Second Edition S115-CSTC-28		Staff Attorney

OVERVIEW: The PCS for SB 115 would remove the contents of the 2nd Edition of the bill, and would replace those contents with language to authorize the operation of certain stadiums in Mecklenburg, Orange, Pitt, Wake, and Watauga Counties at 100% capacity.

CURRENT LAW: Executive Order 204, issued by Gov. Cooper on March 23, 2021, limits guests in spectator stands and viewing areas at a sporting facility, stadium, or arena to 50% of the stated fire capacity for each indoor and outdoor space controlled by the facility. These restrictions apply to educational institutions. Outdoor facilities with capacities greater than 10,000 must also limit crowding in concourses, ticket all events, and provide for socially distanced seating.

BILL ANALYSIS: The PCS for SB 115 would allow the following stadiums located in Mecklenburg County, Orange County, Pitt County, Wake County, and Watauga County to operate at 100% of the occupancy limits established pursuant to the North Carolina State Building Code:

- A stadium located on the campus or property of a constituent institution of The University of North Carolina or a private postsecondary institution.
- A stadium with a seating capacity of greater than 74,000.

The Governor would have the authority to close, restrict, or reduce operations of individual stadiums when necessary to protect the health and safety of athletes, staff, and attendees, but would not be authorized to order a statewide closure, restriction, or reduction in operation of these stadiums.

EFFECTIVE DATE: SB 115 would become effective when it becomes law.

BACKGROUND: This act may give rise to Constitutional considerations:

- Article II, Section 24(1)(a) of the North Carolina Constitution prohibits local acts relating to health, sanitation, and the abatement of nuisances and provides that such local acts are void. In March of 2020, the Governor began issuing Executive Orders to address the COVID-19 health pandemic. If Senate Bill 171 was determined to be within one of these categories, then it could be subject to a constitutional challenge.
- Article I, Section 6 of the North Carolina Constitution provides that the three branches of government's powers "shall be forever separate and distinct from each other." Whether or not a local act may override an Executive Order under the Emergency Management Act has not been explicitly addressed by the courts.

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