



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:	Third Edition		Staff Attorney

OVERVIEW: *The 3rd Edition of SB 115 would authorize the operation of college stadiums in certain 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: SB 115 would allow stadiums located on the campus or property of a constituent institution of The University of North Carolina or a private postsecondary institution in Cumberland, Durham, Forsyth, Guilford, Harnett, Jackson, Mecklenburg, Orange, Pasquotank, Pitt, Robeson, Wake, and Watauga Counties to operate at 100% of the occupancy limits established pursuant to the North Carolina State Building Code:

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 115 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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