

NC Legislative Update July 9, 2020

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07.09.2020

The General Assembly returned to Raleigh this week for a few days, primarily focusing on veto overrides. The House placed the following veto overrides on its calendar: HB 258 Open Amusement Parks/ Arcades/ Venues; HB 652 2nd Amendment Protection Act; HB 686 Freedom to Celebrate the Fourth of July; and HB 806 Open Exercise and Fitness Facilities. The Senate took up overrides on SB 105 Clarify Emergency Powers and SB 599 Open Skating Rinks/ Bowling Alleys. Although some of the bills initially passed with the necessary three-fifths vote to override a veto, none of the vetoes was overridden, with some Democrats choosing to uphold Governor Cooper's vetoes even if they voted for the original bill. To date, the legislature has not been able to override any vetoes since the Democrats won enough seats in 2018 to break the Republican supermajorities.

In addition to veto overrides, the General Assembly took action to allow citizens to continue wearing face masks. Legislation passed earlier in the year as part of a COVID-19 relief package that temporarily suspended a law prohibiting wearing masks in public. That suspension was set to end on August 1, 2020, and Senate Bill 232 would extend that indefinitely. The bill specifies that masks can be worn in public for health and safety reasons, but wearers are required to remove their mask if requested by a law enforcement officer. The bill also removes a controversial section of Senate Bill 168, which contained a request from the Department of Health and Human Services to make certain prison death investigations confidential. Governor Cooper vetoed Senate Bill 168 because of the provision.

The legislature also passed a bill to assist ABC permittees that have been forced to close due to Governor Cooper's COVID restrictions. The bill allows permittees who paid their permit fees for the year to be reimbursed and grants a 90-day grace period after the restrictions are lifted.

The adjournment resolution has the Legislature adjourning on July 11, 2020, and returning to Raleigh on September 2, 2020. Upon the return in September, the session will be limited to appropriating federal Covid-19 dollars and state matching requirements, as well as nominations and confirmations. So, the September session should be void of any policy bills.

Upon adjournment in September, the resolution states it will be sine die, which means legislators will not return for this biennium, unless called back by the Governor.

Phase II Extended

Governor Cooper's executive order establishing Phase II of his three-part reopening plan was set to expire at the end of last month, and many had hoped he would announce more reopenings and potentially put the state in Phase III. However, citing a rise in COVID-19 cases and hospitalizations, the Governor announced the state would stay in Phase II until the middle of July. Under Phase II, restaurants and personal care salons are open at limited capacity, while gyms, bars and various entertainment facilities remain closed. Governor Cooper's executive order extending Phase II also put a mandatory face covering order in place for public areas and situations where social distancing is not possible. Under the face-covering requirement, businesses can be given a citation for not enforcing the order amongst their patrons. Cooper contends the order is based on science and is necessary to help slow down the virus spread.

WRAL: Citing bad coronavirus trends, Cooper extends Phase 2 business closures, issues mask mandate

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