



North Carolina Spirits Association

Legislative Report
July 10, 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: House Bill 258, Open Amusement Parks/ Arcades/ Venues; House Bill 652, 2nd Amendment Protection Act; House Bill 686, Freedom to Celebrate the Fourth of July; and House Bill 806, Open Exercise and Fitness Facilities. The Senate took up overrides on Senate Bill 105, Clarify Emergency Powers and Senate Bill 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 were overridden this week, 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 the House and Senate.

In addition to veto overrides, the General Assembly took action to allow citizens to continue wearing face masks in public. Legislation enacted earlier this year as part of the COVID-19 relief package temporarily suspended a law prohibiting wearing masks in public. The temporary relief from this law was set to end on August 1, 2020. Senate Bill 232 was enacted this week, and would allow masks to be worn in public for health and safety reasons, but individuals 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. Senate Bill 232 was ratified Wednesday and sent to Governor Cooper for his signature.

The legislature approved a bill this week to assist ABC permittees that have been forced to close due to Governor Cooper's COVID-19 restrictions. The bill allows ABC permittees who previously paid their ABC permit fees for the year to be reimbursed for fees paid; and grants a 90-day grace period to renew ABC permits and pay the permit fees after the restrictions are lifted.

The adjournment resolution provides that the Legislature will adjourn on July 11, 2020, and return to Raleigh on September 2, 2020. Upon the return in September, the session should be limited to appropriating federal COVID-19 funds and addressing state matching requirements, as well as considering nominations and confirmations to state boards and commissions. Upon adjournment in September, the adjournment resolution states the adjournment will be *sine die*, which means legislators will not return again for this biennium, unless called back by the Governor.

Governor Cooper's executive order establishing Phase II of his three-part reopening plan was set to expire at the end of June, and many hoped he would announce more re-openings 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 statewide 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. Governor Cooper contends the order is based on science and is necessary to help slow down the spread of the virus.

For more information about legislation described in the legislative reports, feel free to contact me at dferrell@nexsenpruet.com or (919) 573-7421. Information is also available on the General Assembly's website: www.ncleg.gov.

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