



SENATE BILL 599: Open Skating Rinks/Bowling Alleys.

2019-2020 General Assembly

Committee:		Date:	October 12, 2020
Introduced by:	Sens. Edwards, Wells, Horner	Prepared by:	Amy Darden
Analysis of:	Ratified		Staff Attorney

OVERVIEW Senate Bill 599 would have done the following:

- *Authorized existing skating rinks and bowling alleys to open and resume operations, provided specific conditions were met.*
- *Temporarily allowed minor league baseball stadiums with existing food and beverage establishments to have outdoor seating up to ten percent (10%) of the permanent seating capacity of the stadium, provided certain conditions were met.*
- *Allowed the Governor, with a concurrence of the majority of the Council of State, to exercise emergency powers to reclose the skating rinks and bowling alleys opened by Senate Bill 599, provided the concurrence was documented and released.*
- *Required the Secretary of Health and Human Services or the Secretary of Environmental Quality to notify the Governor, obtained a concurrence of a majority of the Council of State, and released that concurrence before issuing an order of abatement related to COVID-19 that required closure of skating rinks and bowling alleys.*

Senate Bill 599 was ratified by the General Assembly on June 19, 2020, and vetoed by the Governor on July 2, 2020.

CURRENT LAW and BACKGROUND:

- On March 10, 2020, by Executive Order No. 116, Governor Cooper declared a State of Emergency to address COVID-19.
- On March 23, 2020, under Executive Order No. 120, Governor Cooper ordered entertainment facilities without a retail or dining component to close at 5:00 p.m. on March 25, 2020. Skating rinks and bowling alleys were among the listed businesses ordered to close. The Order was to remain in effect for 30 days.
- On April 23, 2020, Governor Cooper extended the restrictions in Executive Order No. 120 to remain in effect until 5:00 p.m. on May 8, 2020.
- On May 5, 2020, by Executive Order No. 138 (Phase One), Governor Cooper extended the closure of skating rinks and bowling alleys until 5:00 p.m. on May 22, 2020.
- On May 20, 2020, through Executive Order No. 141 (Phase Two), Governor Cooper ordered skating rinks and bowling alleys to remain closed until June 26th at 5:00 p.m.

Jeffrey Hudson
Director

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Legislative Analysis
Division
919-733-2578

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BILL ANALYSIS:

Section 1 of the bill would have allowed skating rinks and bowling alleys to open and resume operations if all the following conditions were met:

- In existence on March 10, 2020, or had valid certificate of occupancy and business licensed issued by that date;
- Indoor capacity, excluding employees, limited to 50% of the fire capacity;
- Employees must have answered a health questionnaire, have their temperature taken, and wear a face mask;
- Contactless check-in was available, with proper social distancing in the check-in area;
- Sanitation spray bottles, disinfectant wipes, and hand sanitizer comprised of at least 60% alcohol was available;
- Employees conducted frequent cleanings of high-touch areas and a deep cleaning of the entire establishment once per day;
- Social distancing of at least 6 feet for equipment and signage directing foot traffic;
- Personal hygiene areas and amenity services closed, except for toilets, lavatories, and lockers;
- Water fountains limited to filling water bottles only;
- Signage throughout about social distancing and sanitation requirements.

Section 2 would have allowed minor league baseball stadiums with an existing food and beverage establishment to temporarily provide outdoor food and drink service, with a seating capacity limited to fifty percent (50%) of the current indoor of the establishment, or 100 customers, whichever was less OR ten percent (10%) of the permanent seating capacity of the stadium, if:

- House Bill 594, 2019 Regular Session, became law; and
- The conditions provided in H594 were met.

Section 3 would have provided that the Governor can, with a concurrence of the majority of the Council of State, exercise powers granted under the Emergency Management Act in G.S. 166A-19.30(b) or (c) related to skating rinks and bowling alleys. Prior to exercising that authority, the Governor must have contacted the members of the Council of State to seek their concurrence or nonconcurrence to the potential exercise of this power. Once the Governor had obtained and released the concurrence, he can have exercised the powers granted under G.S. 166A-19.30(b) or (c).

Section 4 would have required that the Secretary of Health and Human Services or the Secretary of Environmental Quality seek a concurrence of the majority of the Council of State when exercising their power to declare properties in this State an imminent hazard, potentially closing a class of properties if the imminent hazard is related to COVID-19 with respect to skating rinks and bowling alleys opened by Senate Bill 599. Each response must have been documented and released, specifying concurrence, nonconcurrence, or no response provided by each Council of State member. Once the concurrence had been obtained and released, the Secretary can have exercised the powers granted under G.S. 103A-20.

EFFECTIVE DATE: Senate Bill 599 was ratified by the General Assembly on June 19, 2020, and vetoed by the Governor on July 2, 2020.