



Coronavirus:
Update and Discussion on Continuing Legal
and Practical Issues Related to COVID-19

 **BOND** SCHOENECK
& KING ATTORNEYS **A Bond Webinar Series**

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Introduction



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Leave Laws



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Business Shutdowns and Operations



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Executive Orders and Guidance – Continuous Updates and Revisions



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Executive Orders: Where are we?

- First confirmed NY COVID case – March 1
- Signed March 3, 2020
- Expires on April 30, 2021
- Simple majority vote by Legislature could override any Executive Order

STATE OF NEW YORK

7919

IN SENATE

March 2, 2020

Introduced by Sen. STEWART-COUSINS -- (at request of the Governor) --
read twice and ordered printed, and when printed to be committed to
the Committee on Rules

AN ACT to amend the executive law, in relation to issuing by the governor of any directive necessary to respond to a state disaster emergency; making an appropriation therefor; and providing for the repeal of certain provisions upon expiration thereof



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Executive Orders: Where are we?

§ 29-a. Suspension of other laws. 1. Subject to the state constitution, the federal constitution and federal statutes and regulations, the governor may by executive order temporarily suspend [~~specific provisions of~~] any statute, local law, ordinance, or orders, rules or regulations, or parts thereof, of any agency during a state disaster emergency, if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the disaster or if necessary to assist or aid in coping with such disaster. The governor, by executive order, may issue any directive during a state disaster emergency declared in the following instances: fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, disease outbreak, air contamination, terrorism, cyber event, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse. Any such directive must be necessary to cope with the disaster and may provide for procedures reasonably necessary to enforce such directive.



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Officials Have Vast Power on Covid-19 Measures—Except for Worship

- Limits on the Governor:
 1. Public acceptance
 2. Statutory limits
 - Must be necessary to cope with disaster, expires in 30 days
 3. Constitutional limits



Hermes Fernandez
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Executive Orders: Where are we?

- Hundreds of laws have been suspended or rewritten – everything from stopping commercial evictions, mandating face coverings in public, to allowing businesses to hold annual meetings virtually.
- 90 Executive Orders have been issued this year about COVID-19.
 - 26 were issued in all of 2019.



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Executive Orders: Where are we going?

- Expiration on April 30 – will it be extended?
- Will Legislature be willing to counteract?
- Legislature now has supermajority – can override a veto. Will it?



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The Virus – What We Know and What We Don't



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School Issues – Where We Have Been and Where We Are Going



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Executive Orders and Guidance – Continuous Updates and Revisions

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School Issues – Where We Have Been and Where We Are Going

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