



The Daily Bulletin: 2019-01-31

PUBLIC/SENATE BILLS

S 9 (2019-2020) [FEMALE GENITAL MUTILATION/CLARIFY PROHIBITION](#). Filed Jan 31 2019, *AN ACT TO CLARIFY THE PROHIBITION ON THE MUTILATION OF THE GENITALS OF A FEMALE UNDER THE AGE OF 18 YEARS*.

Enacts GS 14-28.1, making it a Class C felony to: (1) knowingly mutilate female genitalia of a minor, as described; (2) for a parent, guardian, or other person responsible for a minor to consent to female genitalia mutilation, as described; or (3) for a parent, guardian, or other person responsible for a minor to knowingly remove or cause or permit the removal of the minor from the State for the purpose of having the minor's female genitalia mutilated, as described. Excludes from the prohibition surgical operations necessary for the health of the person or for medical purposes connected to labor and delivery that are performed by a licensed medical practitioner or other licensed professional, as specified. Explicitly provides that it is not a defense that the person on whom the genital mutilation is performed believes the procedure to be a required custom or ritual, or that the person consented to the procedure. Provides a severability clause. Effective December 1, 2019, and applies to offenses committed on or after that date.

Intro. by Krawiec, Sawyer, Ballard.

[GS 14](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure](#)

S 10 (2019-2020) [REVISED SENATE PERMANENT RULES](#). Filed Jan 31 2019, *A SENATE RESOLUTION TO AMEND THE 2019 SENATE PERMANENT RULES*.

Revises the 2019 Senate Permanent rules, enacted in Senate Resolution 1, as follows.

Amends Rule 45.1, prohibiting a committee substitute from being considered in committee if not distributed to committee members by 6:00 PM the day prior to the meeting, unless a majority of members present and voting vote to consider the bill (previously, did not specify the time).

Amends Rule 59.2, adding a new requirement for the Chair, or the Chair's designee, of the Committee on Rules and Operation of the Senate to give the Senate Minority Leader at least 24 hours' notice that a vetoed bill may be considered by the Senate.

Intro. by Rabon.

[SENATE RES](#)

[View summary](#)

[Government, General Assembly](#)

S 11 (2019-2020) [ABC REGULATION AND REFORM](#). Filed Jan 31 2019, *AN ACT TO STRENGTHEN THE PERMITTING ENFORCEMENT AUTHORITY OF THE ABC COMMISSION AND TO MAKE OTHER CHANGES TO THE ABC LAWS*.

Amends GS 18B-104, which sets out the actions the ABC Commission (Commission) may take against a permittee for any violation of the ABC laws. Sunsets the period within which a permittee may be fined the maximum specified amounts for second and third violations to within three years of the first violation. Adds increased maximum fines that can be levied against permittees for violations involving acts of violence, controlled substances, or prostitution occurring on the licensed premises. Makes conforming changes. Adds new authority for the Commission to accept a penalty of up to \$10,000 from the permittee in any egregious case in which there are two or more violations within three years in which the Commission is entitled to suspend

or revoke a permit if: (1) the violations involve acts of violence occurring on the premises; or (2) the permittee or the permittee's agent or employee knowingly allow any violation of the controlled substances or prostitution statutes on the licensed premises. Also expands the actions available to the Commission in egregious cases to include imposing conditions on the operation hours of the permittee's business. Finally, prohibits the Commission from both accepting a compromise and revoking a permit, while allowing accepting a compromise and suspending the permit in the same case. Effective October 1, 2019.

Amends GS 18B-900, which sets out the requirements for ABC permit holders. Create a bright line rule requiring permit holders to be 21 years old, eliminating the exception whereby 19 year olds may be permit holders if they are business managers. Expands the requirements for a business to be issued an ABC permit, requiring the following persons to meet the statutory requirements: (1) the manager of an establishment operated by a corporation (previously, only managers of establishments operated by a corporation other than an establishment with only off-premises malt beverage, off-premises unfortified wine, or off-premises fortified wine permits), and (2) any manager or person otherwise responsible for the day-to-day operation of the business if none of the persons identified persons otherwise hold that role. Makes further technical changes. Makes language gender neutral.

Makes organizational and technical changes to GS 18B-901(c) regarding the factors the Commission is to consider in determining whether an applicant or the business location are suitable to hold an ABC permit.

Modifies GS 18B-904(e), authorizing the Commission to commence a contested case under GS Chapter 150B for the suspension or revocation of a permit issued by it after finding the location occupied by the permittee is no longer suitable or the operation of the business with an ABC permit at that location is detrimental to the neighborhood (currently, allows the Commission to suspend or revoke a permit after compliance with the provisions of GS Chapter 150B). Similarly, authorizes the Commission to commence a contested case under GS Chapter 150B for the suspension or revocation of a permit issued by it after finding evidence that the permittee or the permittee's employee has been found responsible for two or more violations on separate dates of knowingly allowing a violation of the gambling, disorderly conduct, prostitution, controlled substance, or felony criminal counterfeit trademarks laws statutorily prohibited, at a single ABC licensed premises within a 12-month period (currently, allows the Commission to suspend or revoke a permit after compliance with the provisions of GS 150B and without finding mitigating evidence or circumstances, notwithstanding GS 18B-906). Makes changes to the administrative procedure that must be followed when suspending or revoking a permit where the permittee is found to be in violation of GS 18B-309(c) concerning records of alcoholic beverage sales in Urban Redevelopment Areas, now permitting a permittee to commence a contested case under GS Chapter 150B for a reversal or modification of the order suspending or revoking the permit (after prior notice of the area's designation and the requirements the permittee must abide by in GS 18B-309(c)) within 30 days of receipt of the Commission's order (currently, allows the permittee to make written request to the Commission for a hearing within 30 days of receipt of the order, and after compliance with the provisions of GS 150B, requires the Commission to affirm, reverse, or modify its previous actions). Finally, mandates that the Commission summarily suspend or revoke permits issued by it, by order and without prior hearing (previously, immediately suspend permits) where ALE agents, local ABC Board officers, or local law enforcement agencies (previously, local law enforcement agencies not included) provided advance notice to the Commission Legal Division staff of the ongoing undercover operation and upon execution of a search warrant resulting from the operation, five or more persons are criminal charged with the specified violations. Adds new requirement for the Commission to notify all interested parties of the order and reasoning; specifies the order is effective until modified or vacated; and permits the permittee to commence a contested case under GS Chapter 150B for a reversal or modification of the order, within 30 days of receipt of the Commission's order.

Amends GS 18B-1000, containing the definitions to be used in GS Chapter 18B, as follows. Amends the definition of *private club* so it means an establishment that qualifies under Section 501(c) of the Internal Revenue Code of 1954, as amended, that has been in operation for a minimum of 12 months before applying for an ABC permit. Adds and defines the term *private bar* as an establishment that is organized and operated as a for-profit entity that is open only to member of the organization and their guests for the purpose of allowing its members and their guests to socialize and engage in recreation. Makes conforming changes to GS 18B-1001 (by adding private bars to those entities that may be issued an on-premises malt beverage permit, an on-premises unfortified wine permit, an on-premises fortified wine permit, a brown-bagging permit, a special occasion permit, and a mixed beverages permit). Amends GS 130A-248, concerning sanitation of establishments serving food or drink, by excluding public bars from regulation under Article 8 (Sanitation) of GS Chapter 130A. Amends GS 130A-250 by exempting private bars from Article 8, Part 6 concerning Regulation of Food and Lodging Facilities). Makes a conforming change to GS 130A-247 (by adding the term private bar to those defined for use in Article 8, Part 6). Permits issued to private clubs prior to

the effective date of this act are grandfathered and may remain in effect and eligible for renewal as a private bar or a private club, as applicable, notwithstanding Section 5 of this act.

Intro. by Wells.

GS 18B, GS 130A

[View summary](#)

**Alcoholic Beverage Control, Health and Human Services,
Health, Public Health**

LOCAL/HOUSE BILLS

H 17 (2019-2020) **LOCAL OPTION MEALS TAX/BRUNSWICK CO. MUNIS.** Filed Jan 31 2019, *AN ACT TO AUTHORIZE THE MUNICIPALITIES LOCATED IN BRUNSWICK COUNTY TO LEVY EITHER BY RESOLUTION OR BY REFERENDUM A PREPARED FOOD AND BEVERAGES TAX.*

Authorizes governing bodies of municipalities in Brunswick County to levy a prepared food and beverage tax of up to .5%, either by resolution and after 10 days of public notice and a public hearing, or after a referendum approves the tax, as specified. Directs retailers to collect the tax and either Brunswick County or the municipality to administer the tax. Provides for refunds to nonprofit or governmental entities of the tax paid by those entities. Directs proceeds of the tax to be used for beach nourishment or to construct and improve public infrastructure and facilities. Provides for repeal of the tax.

Intro. by Iler.

Brunswick

[View summary](#)

Government, Tax

LOCAL/SENATE BILLS

S 12 (2019-2020) **ALEXANDER COUNTY/SHERIFF VACANCIES.** Filed Jan 31 2019, *AN ACT RELATING TO VACANCIES IN THE OFFICE OF SHERIFF OF ALEXANDER COUNTY.*

Amends the scope of GS 162-5.1 so that it no longer applies to Alexander County. The statute provides that if there is a vacancy in the office of sheriff, the coroner of the county must execute all process directed to the sheriff until the board elects a new sheriff, and sets out additional requirements for filling the sheriff vacancy.

Intro. by Wells.

Alexander

[View summary](#)

Government, Public Safety and Emergency Management

S 13 (2019-2020) **42ND SENATORIAL DISTRICT LOCAL ACT-1.** Filed Jan 31 2019, *AN ACT RELATING TO THE 42ND SENATORIAL DISTRICT.*

Blank bill.

Intro. by Wells.

Alexander, Catawba

[View summary](#)

ACTIONS ON BILLS**PUBLIC BILLS****H 3: EMINENT DOMAIN.**

House: Passed 1st Reading

House: Ref to the Com on Judiciary, if favorable, Rules, Calendar, and Operations of the House

H 5: CLOSE THE MEDICAID COVERAGE GAP.

House: Passed 1st Reading

House: Ref to the Com on Health, if favorable, Appropriations, if favorable, Rules, Calendar, and Operations of the House

H 8: TRI-COUNTY CC/NEIGHBOR STATE IN-STATE TUITION.

House: Passed 1st Reading

House: Ref to the Com on Education - Community Colleges, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 10: REPEAL 2015 LAW RELATING TO MONUMENTS.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Judiciary, if favorable, Rules, Calendar, and Operations of the House

H 14: RECONSTITUTE VARIOUS BOARDS & COMMISSIONS.

House: Passed 1st Reading

House: Ref to the Com on Judiciary, if favorable, State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 16: 2019 HOUSE PERMANENT RULES.

House: Passed 1st Reading

House: Ref To Com On Rules, Calendar, and Operations of the House

S 3: CLOSE THE MEDICAID COVERAGE GAP.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 5: BUILDING NORTH CAROLINA'S FUTURE.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 6: DARE COUNTY/CC CONSTRUCTION FUNDS.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 7: BIPARTISAN ETHICS APPOINTMENTS.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

Senate: Reptd Fav

S 9: FEMALE GENITAL MUTILATION/CLARIFY PROHIBITION.

Senate: Filed

LOCAL BILLS**H 4: CLAREMONT DEANNEXATION.**

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

H 6: BURLINGTON AIRPORT/LEASE/CONTRACT AUTHORITY.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 7: GRAHAM COUNTY OCCUPANCY TAX.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

H 9: BESSEMER CITY CHARTER AMENDMENT.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 12: SCHOOL CALENDAR FLEXIBILITY/ALAMANCE COUNTY.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 13: SCHOOL CALENDAR FLEXIBILITY/CERTAIN SYSTEMS.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Rules, Calendar, and Operations of the House

H 15: LEXINGTON/DISSOLVE UTILITIES COMMISSION.

House: Passed 1st Reading

House: Ref to the Com on State and Local Government, if favorable, Rules, Calendar, and Operations of the House

H 17: LOCAL OPTION MEALS TAX/BRUNSWICK CO. MUNIS.

House: Filed

S 4: EXTEND TERMS OF 2 MEMBERS/COASTAL CAROLINA CC.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

S 8: AUTHORIZE TEACHER-GOV'T EMP'EE HOUSING/BERTIE.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

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