



The Daily Bulletin: 2021-11-17

PUBLIC/HOUSE BILLS

H 165 (2021) **DOT LEGISLATIVE CHANGES.-AB** Filed Feb 25 2021, *AN ACT TO MAKE VARIOUS CHANGES TO THE TRANSPORTATION AND MOTOR VEHICLE LAWS OF THE STATE.*

Conference report to the 5th edition makes the following changes.

Deletes the previous content of Section 1, which amended GS 136-18(39a) to authorize the Department of Transportation (DOT) and the Turnpike Authority to enter into up to three agreements each with a private entity to finance transportation infrastructure in the State.

Section 1 now provides the following. Directs DOT to study right-of-way acquisition planning and procedures, including condemnation, for State highway system projects. Requires the study to examine current planning and acquisition procedures and evaluate the feasibility and associated costs with potential alternative procedural options to improve collaboration and address the concerns of impacted persons and entities, with a focus on projects that impact businesses or commercial properties. Directs DOT to report to the specified NCGA committee chairs and the division within 180 days of the date the act becomes law.

Deletes the previous content of Section 2, which amended Section 1.4 of SL 2019-251 to increase the annual cap on DOT payments for damages arising from DOT's recordation of a transportation corridor map under Article 2E of GS Chapter 136 (Map Act) in two phases, to \$300 million effective on the date the act becomes law, and to \$5 million effective July 1, 2022. Instead, repeals Section 1.4(a) of SL 2019-251, which caps DOT payments for damages arising from DOT's recordation of a transportation corridor map under Article 2E of GS Chapter 136 (Map Act) at \$150 million annually, excluding Turnpike projects.

Adds new Section 3.5, amending GS 136-189.11(d), which provides for the distribution of funds subject to the Transportation Investment Strategy Formula. Regarding the percentage of funds to be allocated to DOT divisions for division need projects, revises the funding for programs subject to alternate quantitative criteria which are requested from DOT in support of a time-critical job creation opportunity. Changes the criteria for such projects requested from DOT in support of a time-critical job creation opportunity, now requiring that: (1) DOT (was, the State) investment for all projects funded under the provision in any five-year period does not exceed \$100 million in the aggregate; (2) the amount of funding associated with a project under the provision does not exceed the lesser of \$10 million and the greater of \$10,000 per job created or 10% of the amount of private investment associated with the project (previously, only capped individual projects at \$10 million); and (3) DOT ensures that funding under the provision, when combined with any other grants, does not result in the costs of the project to the State outweighing its total benefits and determines that the funding is necessary for completion of the project in the State (previously, not required).

Adds new Section 11.5, authorizing the Division of Motor Vehicles (DMV) to amend, extend, or adopt emergency rules to modify road test requirements, with such rules expiring on the earlier of 30 days after Executive Order No. 116 is rescinded or December 31, 2022. Effective September 30, 2021.

Adds new Section 16, amending GS 20-109.1, regarding the surrender of titles to salvage vehicles. Now requires a vehicle owner who wanted to keep a salvage vehicle to execute the owner-retained salvage form with either a manual signature or an electronic signature which complies with Article 40, GS Chapter 66. Explicitly states that the owner's signature is not required to be notarized (currently, notarization is explicitly required). Additionally, adds a new provision providing immunity for the DMV from claims arising from an owner-retained salvage form submitted to the DMV with an unverified manual signature or an electronic signature pursuant to the statute.

Intro. by B. Jones, Iler, Shepard.

STUDY, UNCODIFIED, Wake, GS 20, GS 136, GS 143

[View summary](#)

Business and Commerce, Insurance, Courts/Judiciary, Civil, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Government, Public Safety and Emergency Management, State Agencies, Department of Transportation, Local Government, Health and Human Services, Health

H 259 (2021) **ELECTION INTEGRITY ACT**. Filed Mar 10 2021, *AN ACT TO REQUIRE THAT ALL VOTING SYSTEMS USED FOR ELECTIONS IN THIS STATE BE MANUFACTURED IN THE UNITED STATES OF AMERICA, TO CODIFY THE COMMON LAW REQUIREMENT OF UNITED STATES CITIZENSHIP TO QUALIFY AS A JUROR, TO ALLOW A CLERK OF COURT TO HEAR JURY EXCUSES IF SO DESIGNATED BY THE CHIEF DISTRICT COURT JUDGE, TO REQUIRE THAT THE NAMES AND ADDRESSES OF PERSONS REQUESTING TO BE EXCUSED FROM JURY DUTY BASED ON DISQUALIFICATION BE SHARED WITH THE STATE BOARD OF ELECTIONS IF THE DISQUALIFICATION IS DUE TO UNITED STATES CITIZENSHIP, AND TO PROVIDE REPORTING REQUIREMENTS FOR THE STATE BOARD OF ELECTIONS FOLLOWING A POST-ELECTION AUDIT FOR A GENERAL ELECTION.*

House committee substitute to the 2nd edition makes the following changes.

Changes the effective date and applicability of new GS 163-165.7(k), which requires the State Board of Elections to mandate that all voting systems used for elections be manufactured in the US by a company organized and doing business in the United States. Makes the new subsection effective January 1, 2022, applicable to the acquisition of new voting systems after that date, and now excludes the repair or maintenance of voting systems in use by a county on that date (was, effective on the date the act becomes law and applies to voting systems after that date).

Further amends GS 9-3, which provides for qualifications of prospective jurors, to make technical and clarifying changes; makes language gender neutral.

Modifies the proposed changes to GS 9-6, now authorizing the chief district court judge to designate (rather than delegate) the authority to receive, hear, and pass on applications for excuses from jury duty to the clerk of superior court, after consultation with and the consent of the clerk. Further amends GS 9-6.1, regarding requests to be excused from jury duty, to make conforming changes and additional technical changes.

Amends proposed GS 9-6.2, which requires the clerk of superior court to retain the name and address provided by each person who requests to be excused from jury duty on the basis of disqualification, along with the reason for that request, for the remainder of the biennium as described in GS 9-2. Adds to the information the clerk must retain of such individuals, the individual's date of birth or age. Adds clarification that this requirement only applies to persons who request to be excused from jury duty on the basis of disqualification under GS 9-3. More specifically requires the clerk to quarterly electronically report to the State Board of Elections requests to be excused under GS 9-6 or GS 9-6.1 that have been granted due to lack of US citizenship (was, reporting of persons disqualified due to lack of US citizenship). Now states that the records received and retained by the State Board of Elections are public records, subject to the provisions of GS 163-82.10 and GS 163-82.10B (previously, public records, notwithstanding the requirements of GS 20-43.2(c), except as prohibited by federal statute). Further, now requires the State Board of Elections to retain the electronic records for at least four years (was, for four years). Eliminates the authority to destroy the records when they are no longer public records.

Revises proposed subsection (c1) of GS 163-82.14 regarding list maintenance as follows. Directs the State Board of Elections, in its review and report of jury duty disqualifications based on US citizenship, to exclude a person's name from the report if determined that the individual is a US citizen (was, persons who since attained US citizenship). Now requires the State Board to furnish its investigation of a prospective juror who voted prior to becoming a US citizen to the relevant county board(s) of election, in addition to the district attorney for prosecution. Now states that the records received and retained are public records, subject to the provisions of GS 163-82.10 and GS 163-82.10B (previously, public records, notwithstanding the requirements of GS 20-43.2(c), except as prohibited by federal statute). Further, now requires the State Board of Elections (was, State Board and county boards) to retain the electronic records for at least four years (was, for four years). Eliminates the authority for the State Board of Elections to destroy the records when they are no longer public records. Makes technical and clarifying changes.

Adds to the proposed changes to GS 163-182.12A, regarding post-election audits. Adds new provisions to require the State Board of Elections to adopt rules establishing post-election audit processes to be used by counties following each election, including means of testing, assessing, and reporting the accuracy of the votes cast and counted. Requires county boards to report as required by the rules adopted by the State Board of Elections. Additionally directs that the State Board of Elections conduct a post-election audit of one-third of the counties following each general and municipal election, with counties required to provide the State Board full access to all documents, records, voting systems, and other necessary materials. Bars counties from being selected for auditing in two consecutive elections, and requires that at least one county with a population of above 375,000 persons is included in each post-election audit by the State Board of Elections. Expands the six previously proposed criteria for general election post-election audit reports to also require the State Board of Elections to include the described criteria in municipal election post-election audit reports. Revises the criteria by: (1) removing the inclusion of a summary of the types of post-election audits required by law and the requirements for conducting each of the audits; and (2) including the manner in which the public participated in the conduct of the post-election audits, including comments or referrals and observations (was, the ways in which the public was allowed to observe and comment on the conduct of post-election audits as authorized by law). Makes the changes effective July 1, 2023 (was, effective on the date the act becomes law).

Makes conforming changes to the act's long title.

Intro. by Kidwell, K. Hall, McNeely, Cleveland.

GS 9, GS 163

[View summary](#)

Courts/Judiciary, Court System, Government, Elections, State Agencies, State Board of Elections, Local Government, Immigration

H 978 (2021) [MODIFICATIONS TO 2021 APPOINTMENTS BILL](#). Filed Nov 17 2021, *AN ACT TO MAKE MODIFICATIONS TO APPOINTMENTS MADE IN THE 2021 APPOINTMENTS BILL AND TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE.*

Part I. modifies and adds to appointments to various public offices made in SL 2021-131 (2021 Appointments Bill).

Modifies appointments made upon recommendation of the President Pro Tempore of the Senate are as follows.

Changes the expiration of the term for the appointment of William Davis to the NC Board for Licensing of Soil Scientists to June 30, 2023 (was, June 30, 2024).

Changes the expiration of the term for the appointment of Michael Rusher to the NC Clean Water Management Trust Fund to July 1, 2024 (was, June 30, 2024).

Changes the expiration of the term for the appointment of Jennifer Kelvington to the NC Environmental Management Commission to July 31, 2023 (was, June 30, 2023).

Appoints Lavonda Daniels to the NC Housing Finance Agency Board of Directors for a term expiring June 30, 2023 (was, June 30, 2025).

Changes the expiration of the term for the appointment of Darrin Hockstra to the NC Landscape Contractors' Licensing Board to July 31, 2023 (was, June 30, 2024).

Changes the expiration of the term for the appointment of Nada Lawrimore to the Private Protective Services Board to July 1, 2024 (was, July 1, 2022).

Modifies appointments made upon recommendation of the Speaker of the House of Representatives are as follows.

Corrects the resident county named for William Gaffney, appointed to the NC Cemetery Commission.

Adds William Way, Jr. to the appointees to the NC Institute of Medicine Board of Directors for the previously specified term.

Corrects the date of expiration of the term for the appointment of Kurt Bland to the NC Irrigation Contractors' Licensing Board to September 30, 2024 (was, September 31, 2024).

Changes the date of expiration of the term for the appointment of Paul Coble to the Judicial Standards Commission as an alternate member to December 31, 2027 (was, June 30, 2027).

Appoints Donald Hall to replace the appointment of Glenn Buck, Jr. to the Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services for the previously specified term.

Changes the expiration of the term for the appointment of James Norman to the NC Sheriffs' Education and Training Standards Commission to August 31, 2024 (was, August 30, 2024).

Appoints Heather Ray to replace the appointment of Bobby Walker to the Well Contractors Certification Commission for the previously specified term.

Part II.

Appoints the specified persons to the following public offices upon the recommendation of the Speaker of the House of Representatives, with terms expiring as provided: the NC Addictions Specialist Practice Board; the Teachers' and State Employees' Retirement Board of Trustees; the Private Protection Services Board; the NC Innovation Council; the NC Turnpike Authority; and the University of North Carolina at Wilmington Board of Trustees.

Part III.

Appoints the specified persons to the following public offices upon the recommendation of the President Pro Tempore of the Senate, effective on the specified date, with terms expiring as provided: the NC Criminal Justice Information Network Governing Board; and the NC Innovation Council.

Intro. by Rules, Calendar, and Operations of the House.

UNCODIFIED

[View summary](#)

**Business and Commerce, Occupational Licensing,
Government, General Assembly**

PUBLIC/SENATE BILLS

S 219 (2021) [SURVEYOR LIC. & ED. REQ'S/CONSTR. CONTRACT REV'S. \(NEW\)](#) Filed Mar 9 2021, *AN ACT TO REVISE THE EDUCATION REQUIREMENTS FOR LICENSURE OF A PROFESSIONAL LAND SURVEYOR, TO MAKE VARIOUS TECHNICAL CHANGES, TO CLARIFY THE DESIGN-BUILD AND DESIGN-BUILD BRIDGING STATUTES, TO PROHIBIT WAIVER OF FUTURE CLAIMS FOR PROGRESS PAYMENTS ON CONSTRUCTION CONTRACTS, AND TO REQUIRE ATTORNEYS' FEES IN CERTAIN LIEN CLAIMS.*

House committee substitute to the 3rd edition makes the following changes.

Makes organizational changes to move the content of the act into Part I. and renumbering the Sections accordingly.

Further amends GS 89C-13 to eliminate certification as a land surveyor intern. Makes a conforming deletion to GS 89C-3, eliminating *land surveyor intern* as a defined term.

Deletes the proposed changes to the education, experience, and testing requirements of GS 89C-13(b) concerning licensure requirements for professional land surveyors. Instead amends the licensure requirements of the statute as follows. Now requires satisfaction of one of the following combinations of education and experience to be licensed as a professional land surveyor: (1) a Board-approved bachelor's of science in surveying or other equivalent curricula and at least two years of progressive practical experience under a practicing land surveyor (existing law requires only one year experience under a practicing professional land surveyor if the applicant has passed the first examination), successfully passing the first and second examinations (Fundamentals of Land Surveying, and Principles and Practice of Land Surveying, respectively) and other examinations required by the Board to determine and indicate the individual's competency to practice; (2) an associate

degree in surveying technology and at least five years of progressive practical experience under a practicing licensed professional land surveyor (existing law requires between four and eight years of experience, with three or four years under a practicing professional land surveyor, based on whether the applicant has passed the first examination by a certain date), successfully passing the first and second examinations and other examinations required by the Board to determine and indicate the individual's competency to practice; (3) graduation from a high school or completion of a high school equivalency certificate and at least nine years of progressive practical experience under a practicing professional land surveyor (existing law requires between seven and 16 years of practical experience, with between six and nine years of experience under a practicing professional land surveyor, based on whether the applicant has passed the first examination by a certain date), successfully passing the first and second examinations, and other examinations required by the Board to determine and indicate the individual's competency to practice; and (4) graduation from a high school or the completion of a high school equivalency certificate, completion of a Land Surveyor Apprenticeship, now defined in GS 89C-3, and at least seven years of progressive practical experience under a practicing professional land surveyor, successfully passing the first and second examinations and other examinations required by the Board to determine and indicate the individual's competency to practice (entirely new qualifications). Makes conforming changes.

Further amends GS 89C-10 to require the Board to review and promulgate rules establishing continuing education requirements for surveyor apprenticeships and encourage workforce development of the profession.

Changes the effective date of the proposed changes to GS Chapter 89C to December 1, 2021 (was, October 1, 2021), applicable to applications for licensure on or after that date.

Adds the following new content, organized as Part II. of the act.

Makes the following changes to GS 143-128.1A, which governs design-build contracts. Adds to the defined terms: *design professional*; *first-tier subcontractor*; *licensed contractor*; *licensed subcontractor*; and *unlicensed subcontractor*. Modifies the project team selection options for the statement a design-builder must include in its response to a governmental entity's request for qualifications as follows, with the governmental entity permitted to specify which option is to be used in a response. Requires either a list of the licensed contractors, licensed subcontractors, and design professionals (was, licensed design professionals) whom the design-builder proposes to use for the project's design and construction, or a list of the licensed contractors and design professionals whom the design-builder proposes to use for the project's design and construction and an outline of the strategy the design-builder plans to use for open subcontractor selection (was, open contractor and subcontractor selection) based on Article 8 (previously did not require a list in addition to the strategy outline option). In either case, now allows the design-builder to self-perform some or all of the work with employees of the design-builder. If using the first project team selection option, allows design-builders to enter into negotiated subcontracts to perform some or all of the work with subcontractors without bidding and whether or not identified on the list, and allows the list to include one or more unlicensed subcontractors the design-builder proposes to use. Also allows for the design-builder to accept bids for the selection of one or more of its first-tier subcontractors under the first option, with or without the use of negotiated subcontracts. Specifies that the required certification of the design-builder regarding the qualification of each design professional on the design-build team must be included in the response to the request for qualifications in subsection (c), as amended, no longer limiting the certification to licensed design professionals on the team only. Now requires the design builder to obtain written approval from the governmental entity prior to changing key personnel listed in either project team selection option (was, required of the first project team selection option only) after the contract has been awarded. Adds a definition for *key personnel* based on the project team selection option, with (1) licensed contractors, licensed subcontractors and design professionals identified in the response to the request for qualifications under the first option (subsubdivision (c)(8)a.) and (2) licensed contractors and design professionals identified in the response to the request for qualifications under the second option (subsubdivision (c)(8)b.).

Amends GS 143-128.1B concerning public design-build bridging contracts. Adds to the defined terms *costs of the subcontractor work*, *general conditions*, and *licensed contractor*. Prohibits requiring a design-builder to provide the *costs of the subcontractor work*, defined as the sum of all first-tier subcontract packages bid or proposed to be bid for all construction work under the statute, in the design criteria package. Makes conforming changes. Adds to the required contents of the design criteria package the list of general conditions, as defined, prepared by the governmental entity for which the design-builder is to provide a fixed fee; the form of the contract to be entered into by the successful design-builder to whom the project is awarded, allowing for the contract to include (at the governmental entity's discretion) multiple phases, termination for convenience and rights arising from the contract, and subsequent setting of guaranteed maximum prices; and a statement directing each design-builder to submit in its response to the request for qualifications an explanation of its proposed plan for its good-faith compliance with GS 143-128.2, regarding minority business participation. Now requires the governmental

entity's request for proposal to include a statement submitted in a separate sealed envelope, contemporaneously with the response to the RFP, the design builder's fixed fees, separately listed, and excluding the costs of the subcontractor work, for designing and constructing the project pursuant to the criteria of the governmental entity and terms and conditions set forth in the contract: the general conditions identified in the request for proposal, the general construction services not otherwise provided for, and the design-builder's design services necessary to complete the project. Concerning the required statement of project team selection and member qualification, refers to design professionals rather than licensed design professionals.

Amends GS 143-129 to exclude from the provisions of Article 8, Public Contracts, contracts by a public entity with a design-builder executed pursuant to GS 143-128.1A or GS 143-128.1B, or with a private developer executed pursuant to GS 143-128.1C.

Makes the above provisions applicable to contracts entered into, amended, or renewed on or after December 1, 2021.

Enacts new GS 22B-5 deeming void provisions in lien waivers, releases, construction agreements or design professional agreements which purport to require a promisor to submit a waiver or release of liens or claims as a condition of receiving an interim or progress payments due from a promise under a construction agreement or a design professional agreement, unless the provision is limited to the specific interim or progress payment actually received by the promisor in exchange for the lien waiver. Provides two exceptions. Applies to liens attached on or after December 1, 2021.

Amends GS 44A-35, which authorizes the presiding judge over a suit brought or defended under the provisions of Article 2 or 3 of the Chapter (governing statutory liens on real property and model payment and performance bonds) to allow a reasonable attorneys' fee to the attorney representing the prevailing party. Replaces the definition provided for prevailing party to now define the term as the party whose monetary position at the commencement of the trial, arbitration, or hearing is closest to the amount of the judgment or arbitration award, determined by the court or arbitrator based upon the principal amount in controversy between the parties as of the commencement of the trial, arbitration, or hearing resulting in a judgment or arbitration award, considering all relevant facts and circumstances (previously defined as the plaintiff or third party who obtains a judgment exceeding a specified threshold, with an alternate definition for offers of judgment). Now provides for the attorneys' fee to be taxed as part of the court costs with the final judgement or arbitration award. No longer provides for payment of the attorneys' fee by the losing party upon finding that there was an unreasonable refusal by the losing party to fully resolve the matter of the suit or the basis of the defense. Adds the following. Explicitly requires a court or arbitrator to determine the prevailing party as specified in the term's new definition, with parameters given for inclusion of offers or judgment or settlement offers for calculating the amount in controversy. Lists relevant facts and circumstances to be considered in determining the amount of reasonable attorneys' fees and expenses, and allows a party to submit evidence relating to an award of attorneys' fees by affidavit or declaration. Also allows the court to admit other evidence such as live or deposition testimony. Permits submission of expert testimony to support an award. Applies to any claim arising on or after December 1, 2021.

Changes the act's titles.

Intro. by McInnis.

[GS 22B](#), [GS 44A](#), [GS 89C](#), [GS 143](#)

[View summary](#)

[Business and Commerce](#), [Occupational Licensing](#), [Courts/Judiciary](#), [Civil](#), [Civil Law](#), [Development](#), [Land Use and Housing](#), [Building and Construction](#), [Property and Housing](#), [Government](#), [Local Government](#)

S 470 (2021) [NORTH CAROLINA REGULATORY SANDBOX ACT](#). Filed Apr 1 2021, *AN ACT TO ENACT THE NORTH CAROLINA REGULATORY SANDBOX ACT AND TO ESTABLISH THE NORTH CAROLINA INNOVATION COUNCIL*.

House committee substitute deletes the content of the 3rd edition and now provides the following.

Amends Section 1.3 of SL 2021-150 (ABC Omnibus Legislation), which directs the ABC Commission to adopt rules to determine how long a product purchased by an online order pursuant to GS 18B-800(c3), as enacted by SL 2021-150, may be set aside before being returned to inventory at an ABC store. Expands the directive to require the ABC Commission to also adopt rules as necessary to implement Part I. of SL 2021-150, which makes changes to GS Chapter 18B to provide for online

orders at ABC stores. Additionally, makes Part I. of SL 2021-150 effective January 1, 2022 (was, October 1, 2021), and apply to sales on or after that date.

Amends GS 18B-1105(a)(4), as amended by Section 2.2 of SL 2021-150, which defines *personalized labeling* for purposes of describing labels which distilleries may have on spirituous liquor they sell to touring visitors. No longer allows the inclusion of the name of any ABC Board or ABC store on whose behalf the bottle is purchased within the meaning of *personalized labeling*.

Amends GS 18B-1113.1, as enacted by Section 6.2 of SL 2021-150, which sets forth authorities of nonresident spirituous liquor vendor permittees. Removes the authority to sell spirituous liquor to their employees and certain brokerage, but maintains the authority to deliver and ship spirituous liquor approved for sale in the State to the permittee's employees and certain brokerage. Eliminates the definition provided for the term *brokerage*, which was defined to mean a business that brokers the sale of spirituous liquor on behalf of a distillery or liquor importer/bottler. Instead, adds and defines the term in the Chapter's defined terms set forth in GS 18B-101, now defining the term to mean a business that brokers the sale of spirituous liquor on behalf of the holder of a distillery permit issued under GS 18B-1105, a business located outside the State that is licensed or permitted to manufacture spirituous liquor in the jurisdiction where the business is located and whose products are lawfully sold in the State, or a liquor importer or bottler.

Amends GS 18B-1114.7, as amended by Section 6.2 of SL 2021-150, which details the criteria and authorities of a spirituous liquor special event permittee. Specifies that the permittee can provide at no cost (was, sell) spirituous liquor distilled or produced at the distillery in closed containers at trade shows, conventions, agricultural festivals, farmers markets, local fundraisers, and other similar ABC Commission-approved events. Adds that the permit must be issued in the name of the distillery, or if issued to a supplier representative, brokerage representative, or nonresident spirituous liquor vendor, in the name of the nonresident spirituous liquor vendor or the name of the business the supplier representative or brokerage representative represents. Repeals identical language regarding issuance enacted as GS 18B-1114.7(c)(1a) by Section 6.2 of SL 2021-150, regarding consumer tastings and permit issuance. Makes technical corrections.

Amends GS 18B-1105(d), as enacted by Section 9.3 of SL 2021-150, to specify that alcoholic beverages permitted to be sold or consumed on the licensed premises of a distillery applies to distilleries open to the public. Makes technical changes.

Adds to new GS 18B-603(d)(3a), as enacted by Section 13.1 of SL 2021-150, regarding permits the ABC Commission may issue following approval in a mixed beverages election, adding authority to issue on-premises fortified wine permits to establishments meeting the requirements for that permit under GS 18B-1005 (currently, authority was limited to issuing on-premises malt beverage permits and on-premises unfortified wine permits). Repeals existing subdivision (d)(2), which lists permits which may be issued following a mixed beverages election to mixed beverage permittees.

Amends GS 153A-145.9 and GS 160A-205.4, as enacted by Sections 20.1 and 20.2 of SL 2021-150, to authorize counties and cities to adopt an ordinance designating one or more social districts (was, limited to one). Makes conforming changes to GS 18B-904.1, as enacted Section 20.3 of SL 2021-150, which provides for the regulation of social districts.

Further amends GS 18B-904.1, which provides for the regulation of social districts, to include wine shop permittees in the definition given for a *permittee* under the statute. Additionally, modifies the definition given for a social district, now allowing for a social district to include both indoor and outdoor areas of business that are not ABC permittees, if the businesses allow guests to consume alcoholic beverages on their premises during the days and hours set by the local government (was, limited to outdoor areas). Adds a new provision to specify that the alcoholic beverage sale requirements under subsection (d) of the statute do not authorize the sale and delivery of alcoholic beverage drinks in excess of the limitation set in GS 18B-1010 (which sets limits of one or two drinks for a single patron based on the type of drink or location of sale). Adds to the requirements for alcoholic beverage consumption and possession under subsection (e) of the statute, specifying that consumption and possession must be during the days and hours set by the county or city and cannot exceed the hours for consumption authorized by GS 18B-1004. Now prohibits possession and consumption at one time alcoholic beverages in excess of the number of alcoholic beverages that can be sold and delivered by a retail permittee under GS 18B-1010 (previously, specified that subsection (e) did not authorize the sale and delivery of alcoholic beverages in excess of the limitation set forth in GS 18B-1010).

Amends GS 18B-904(h), as enacted by Section 21.3 of SL 2021-150, which authorizes and regulates the extension of licensed premises for on-premises consumption, to require the permittee to also provide the required written notification to the ABC

Commission in addition to the district office of the ALE Division and local law enforcement. Distinguishes that the prohibition from the extended area being used to increase the occupant load of the licensed premises is exclusive of the extended area.

Removes ice cream from the definition provided for *alcohol consumable* in GS 18B-101(4a), as enacted by Section 27.1 of SL 2021-150. Effective retroactively to September 10, 2021, and expiring on December 1, 2022.

Amends GS 18B-1006(i), as amended by Section 31.1 of SL 2021-150, which authorizes the ABC Commission to issue permits to boats that conduct regularly scheduled tours. Revises the conditions for which permits may be issued to tour boats to eliminate the requirement that a boat's gross receipts from sales of alcoholic beverages be no more than 25% of its total gross receipts. Specifies that a boat is required to offer food and non-alcoholic beverages for sale on each tour on which alcoholic beverages are served.

Amends Section 33.1 of SL 2021-150 to require the Department of Public Safety, in addition to the ABC Commission, to adopt rules or amend its rules consistent with SL 2021-150, with authority to use the procedures set forth in GS 150B-21.1.

Amends GS 18B-1119, which bars a supplier or its employees, agents, or affiliates from acquiring, possessing, or otherwise maintaining an ownership interest in a wholesaler except as expressly authorized in the Chapter. More specifically prohibits maintaining an ownership interest in its wholesaler (was, a wholesaler). Now defines supplier under the statute to mean a manufacturer, bottler, importer, or owner of one or more brands of malt beverages, unfortified wine, or fortified wine distributed by its wholesaler; excludes a wholesaler that either: (1) possesses a wine importer permit or a malt beverages importer permit; or (2) is an importer in another state, provided such malt beverages, unfortified wine, or fortified wine are transferred to it through an unaffiliated and independent third party.

Adds to the exemptions from the rulemaking provisions of Article 2A of the Administrative Procedure Act, as set out in GS 150B-1, the ABC Commission with respect to: (1) approval of alcoholic beverages to be sold in local ABC stores through the State warehouse and by special order pursuant to Article 8, GS Chapter 18B; and (2) setting prices of alcoholic beverages sold in local ABC stores under Article 8, GS Chapter 18B.

Amends GS 18B-1001.4 to require individuals delivering alcoholic beverages pursuant to a delivery service permit to complete a course conducted or approved by the ABC Commission (was, a course approved by the Commission only) related to the delivery of alcoholic beverages. Effective December 1, 2021, and applies to individuals successfully completing a course conducted or approved by the ABC Commission related to the delivery of alcoholic beverages on or after that date.

Amends GS 18B-1006.1 to permit recyclable spirituous liquor containers to be used for display purposes as provided by the ABC Commission, subject to the permittee notifying the Commission of such use. Requires that each container used for display purposes be stamped with a mixed beverages tax stamp, and recycling containers no longer used for display be recycled pursuant to the statute's existing provisions. Authorizes the ABC Commission to adopt rules or amend its rules consistent with these changes, with the Commission permitted to use the procedure set forth in GS 150B-21.1.

Changes the act's titles.

Intro. by Johnson, Hise.

[UNCODIFIED, GS 18B, GS 150B, GS 153A, GS 160A](#)

[View summary](#)

[Alcoholic Beverage Control, Government, APA/Rule Making, State Agencies, Department of Public Safety, Local Government](#)

S 724 (2021) [EXPAND ACCESS TO VOTING. \(NEW\)](#) Filed Jun 7 2021, *AN ACT TO EXPAND VOTER ACCESS BY ESTABLISHING A VOTING PORTAL FOR VISUALLY IMPAIRED VOTERS TO VOTE BY ABSENTEE BALLOT ONLINE AND ALLOWING FOR THE ONLINE SUBMISSION OF VOTER REGISTRATION APPLICATION FORMS.*

House committee substitute amends the 3rd edition as follows.

Deletes the contents of Part III. of the act, which states legislative intent to fund a program in the 2021-22 budget for the State Board of Elections to identify individuals who need photo ID to vote in person. Makes conforming changes to the act's titles.

Intro. by Newton, Daniel, Hise.

GS 163

[View summary](#)**Government, Elections, State Agencies, State Board of Elections**

S 725 (2021) **PROHIBIT PRIVATE MONEY IN ELECTIONS ADMIN.** Filed Jun 7 2021, *AN ACT TO PROHIBIT THE ACCEPTANCE OF PRIVATE MONEY FOR CONDUCTING ELECTIONS OR HIRING TEMPORARY ELECTIONS WORKERS.*

House committee substitute to the 1st edition changes the effective date of the act from July 1, 2021, to July 1, 2023.

Intro. by Hise, Daniel, Newton.

GS 163

[View summary](#)**Government, Elections, State Agencies, State Board of Elections, Local Government****ACTIONS ON BILLS****PUBLIC BILLS****H 91: ACCOUNTABILITY AND FAIR PLAY IN ATHLETICS. (NEW)***Senate: Conf Report Adopted**House: Conf Report Adopted**House: Ordered Enrolled***H 165: DOT LEGISLATIVE CHANGES.-AB***Senate: Conf Com Reported**Senate: Placed on Today's Calendar**Senate: Conf Report Adopted**House: Conf Report Adopted**House: Ordered Enrolled**House: Conf Report Adopted**House: Ordered Enrolled***H 259: ELECTION INTEGRITY ACT.***House: Reptd Fav Com Sub 2**House: Cal Pursuant Rule 36(b)**House: Placed On Cal For 11/18/2021***H 978: MODIFICATIONS TO 2021 APPOINTMENTS BILL.***House: Reptd Fav. For Introduction**House: Filed**House: Passed 1st Reading**House: Added to Calendar**House: Passed 1st Reading**House: Added to Calendar**House: Passed 2nd Reading**House: Passed 3rd Reading***S 105: 2021 APPROPRIATIONS ACT.**

Senate: Conf Report Adopted 3rd

House: Conf Report Adopted 2nd

S 219: SURVEYOR LIC. & ED. REQ'S/CONSTR. CONTRACT REV'IS. (NEW)

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

S 308: VARIOUS BUILDING CODE AMEND. (NEW)

Senate: Ratified

S 326: ELECTION DAY INTEGRITY ACT. (NEW)

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 11/18/2021

S 470: NORTH CAROLINA REGULATORY SANDBOX ACT.

House: Withdrawn From Com

House: Re-ref Com On Alcoholic Beverage Control

House: Withdrawn From Com

House: Re-ref Com On Alcoholic Beverage Control

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 11/18/2021

S 724: EXPAND ACCESS TO VOTING. (NEW)

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 11/18/2021

S 725: PROHIBIT PRIVATE MONEY IN ELECTIONS ADMIN.

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 11/18/2021

No local actions on bills

© 2021 School of Government The University of North Carolina at Chapel Hill

This work is copyrighted and subject to "fair use" as permitted by federal copyright law. No portion of this publication may be reproduced or transmitted in any form or by any means without the express written permission of the publisher. Distribution by third parties is prohibited. Prohibited distribution includes, but is not limited to, posting, e-mailing, faxing, archiving in a public database, installing on intranets or servers, and redistributing via a computer network or in printed form. Unauthorized use or reproduction may result in legal action against the unauthorized user.

[Print Version](#)