

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 1285
HOUSE BILL 1609

AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO
CONSTRUCT A WAREHOUSE AND TO PROVIDE FOR FUNDING OF THAT
PROJECT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-101 is amended by renumbering subdivisions (6) through (15) as (7) through (16), respectively, and adding a new subdivision (6) to read:

"(6) 'Bailment surcharge' means the charge imposed on each case of liquor shipped from a Commission warehouse as provided in G.S. 18B-208. This bailment surcharge is in addition to the bailment charge imposed by G.S. 18B-804(b)(2)."

Sec. 2. G.S. 18B-203(a) is amended by changing the period at the end of subdivision (13) to a semicolon and adding three new subdivisions to read:

"(14) Fix the amount of bailment charges and bailment surcharges to be assessed on liquor shipped from a Commission warehouse;
(15) Collect bailment charges and bailment surcharges from local boards;
(16) Notwithstanding any law to the contrary, enter into contracts for design and construction of a warehouse or warehouses and supervise work and materials used in the construction, as provided in G.S. 18B-204."

Sec. 3. G.S. 18B-204(a) is amended as follows:

(A) By deleting the phrase "warehouse, or" from subdivision (1) and substituting the phrase "warehouse;" .

(B) By changing the last period in subdivision (2) to a semicolon and inserting immediately after the semicolon the word "or".

(C) By adding a new subdivision to read:

"(3) By the construction of a warehouse."

Sec. 4. Chapter 18B is amended by adding a new section to read:

§ 18B-208. ABC Commission Bonds and Funds. — (a) Issuance of bonds. As a means of raising the funds needed from time to time in the design, acquisition, construction, equipping, maintenance and operation of a warehouse under G.S. 18B-204(a)(3), the Commission may, with the approval of the Governor after receiving the advice of the Advisory Budget Commission, at one time or from time to time issue negotiable revenue bonds of the Commission. The issuance of revenue bonds shall not directly or indirectly or contingently obligate the State to levy or to pledge any form of taxation or to make any appropriation for their payment. Revenue bonds issued pursuant to this subsection shall be repaid from the bailment surcharge as provided in subsection (b). These bonds and the income from them are exempt from all taxation within the State.

(b) Special Fund. A special fund in the Office of the State Treasurer, the ABC Commission Fund, is created. On and after November 1, 1982, all monies derived from the collection of bailment charges and bailment surcharges shall be deposited in the ABC Commission Fund for the use of the Commission. The ABC Commission Fund shall be subject to the provisions of the Executive Budget Act except that no unexpended surplus of this fund

shall revert to the General Fund. The Commission shall fix the level of the bailment surcharges at an amount calculated to cover operating expenses of the Commission and the retirement of bonds issued for construction of a Commission warehouse and offices. The Commission may impose a bailment surcharge only when revenue bonds issued under this section are outstanding.

All monies credited to the ABC Commission Fund shall be used to carry out the intent and purposes of the ABC law in accordance with plans approved by the North Carolina ABC Commission, and all these funds are appropriated, reserved, set aside, and made available until expended for the administration of the ABC law."

Sec. 5. G.S. 18-B-804(b) is amended by renumbering subdivisions (7) and (8) as (8) and (9), respectively, and adding a new subdivision (7) to read:

"(7) The bailment surcharge;".

Sec. 6. G.S. 18B-805(b)(3) and (f) are amended by deleting the phrase "G.S. 18B-804(b)(8)" each time it appears and substituting the phrase "G.S. 18B-804(b)(9)".

Sec. 7. This act shall become effective November 1, 1982.

In the General Assembly read three times and ratified, this the 22nd day of June, 1982.