

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 346\*

Short Title: Multicounty ABC Elections.

(Public)

Sponsors: Representatives Tallent, Hayes, Barbee, Gardner, and McCombs.

Referred to: Judiciary I.

February 25, 1993

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ALCOHOLIC BEVERAGE ELECTIONS IN CITIES  
LOCATED IN TWO OR MORE COUNTIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-600 is amended by adding a new subsection to read:

"(e3) Multicounty/City ABC Elections. If a city is located in two or more counties, the following provisions shall apply:

(1) The city may hold a malt beverage or unfortified wine election if any county in which a portion of the city is located has already held such an election, the vote in the last election of the particular type was against the sale of that type of alcoholic beverage, and the city has at least 500 registered voters.

(2) The city may hold a mixed beverage election if the city has at least 500 registered voters and a county in which a portion of the city is located has ABC stores.

(3) If an election is held by a city under this section, all of the city voters otherwise qualified may vote in the election. If the vote is for approval, alcoholic beverages may be sold on the basis of that approval and under the provisions of this Chapter. If the sale of mixed beverages is approved, the mixed beverage permittees shall purchase their liquor from the ABC stores located within the city that have been designated by the local boards for those purchases, with the profits being distributed in accordance with existing law applicable to ABC stores. Provided, however, after the applicable distributions have been

1                   made pursuant to G.S. 18B-805(b), (c), and (d), the mixed beverages  
2                   surchage required by G.S.18B-804(b)(8) and (9), shall be distributed  
3                   one-half to the general fund of the city where the mixed beverage  
4                   permittees are located and one-half to the local ABC boards from  
5                   whose stores liquor is purchased.

6           (4)   An unfavorable vote in a city alcoholic beverage election called  
7           pursuant to this subsection shall not affect the lawfulness of sale in that  
8           portion of the city that lies in any county in which the sale of that type  
9           of alcoholic beverage has been approved."

10           Sec. 2. G.S. 18B-501(f) reads as rewritten:

11           "(f)   Contracts with Other Agencies. – Instead of hiring local ABC officers, a local  
12   board may contract to pay its enforcement funds to a sheriff's department, city police  
13   department, or other local law-enforcement agency for enforcement of the ABC laws  
14   within the agency's territorial jurisdiction. Enforcement agreements may be made with  
15   more than one agency at the same time. When such a contract for enforcement exists,  
16   the officers of the contracting law-enforcement agency shall have the same authority to  
17   inspect under G.S. 18B-502 that an ABC officer employed by that local board would  
18   have. If a city located in two or more counties approves the sale of some type of  
19   alcoholic beverage pursuant to the provisions of G.S. 18B-600(e3), and there are no  
20   local ABC boards established in the city and one of the counties in which the city is  
21   located, the local ABC board of any county in which the city is located may enter into  
22   an enforcement agreement with the city's police department for enforcement of the ABC  
23   laws within the entire city, including that portion of the city located in the county of the  
24   ABC board entering into the enforcement agreement."

25           Sec. 3. This act is effective upon ratification.