

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 606
Commerce Committee Substitute Adopted 4/14/99

Short Title: Tourism Resort ABC Permits.

(Public)

Sponsors:

Referred to:

March 29, 1999

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH TOURISM RESORTS AND TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS TO THESE ENTITIES AND TO PROHIBIT DISCRIMINATION BY ABC PERMITTEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-101 is amended by adding a new subdivision to read:

"(14b) 'Tourism resort' means:

a. Any restaurant and lodging facility owned and operated as a resort property offering food, beverage, lodging, and meeting facilities to travelers and tourists and featuring one or more golf courses or featuring tennis courts along with other recreational and sporting activities, or

b. A restaurant owned and operated as part of an equestrian center and that meets the requirements of sub-subdivision a. of this subdivision other than lodging."

Section 2. G.S. 18B-603(f) reads as rewritten:

"(f) Permits Not Dependent on Elections. – The Commission may issue the following kinds of permits without approval at an election:

- 1 (1) Special occasion permits;
- 2 (2) Limited special occasion permits;
- 3 (3) Brown-bagging permits for private clubs and congressionally chartered
- 4 veterans organizations;
- 5 (4) Culinary permits, except as restricted by subdivision (d)(5);
- 6 (5) Special one-time permits issued under G.S. 18B-1002;
- 7 (6) All permits listed in G.S. 18B-1100;
- 8 (7) On-premises malt beverage permits and on-premises unfortified wine
- 9 permits for a tourism ABC ~~establishment~~ establishment;
- 10 (8) On-premises malt beverage permits, on-premises unfortified wine
- 11 permits, on-premises fortified wine permits, and mixed beverage
- 12 permits for qualified establishments located within a tourism resort."

13 Section 3. G.S. 18B-404(b) reads as rewritten:

14 "(b) Issuance. – If mixed beverages sales have been approved for an establishment

15 ~~under the last paragraph of G.S. 18B-603(d)~~ G.S. 18B-603(d1) or under G.S. 18B-603(e),

16 the purchase-transportation permit for that establishment may be issued by the local

17 board of any city located in the same county as the establishment, provided the city has

18 approved the sale of mixed beverages. Otherwise a licensed establishment may obtain a

19 mixed beverages purchase-transportation permit only from the local board for the

20 jurisdiction in which it is located. If there is no ABC store within the establishment's

21 jurisdiction, then the mixed beverages permittee shall obtain a mixed beverages purchase-

22 transportation permit from the nearest or most convenient ABC store."

23 Section 4. G.S. 18B-305 is amended by adding a new subsection to read:

24 "(c) Notwithstanding subsection (b) of this section, no permittee may refuse to sell

25 alcoholic beverages to a person solely based on that person's race, religion, color,

26 national origin, sex, or disability."

27 Section 5. G.S. 18B-603(d) reads as rewritten:

28 "(d) Mixed Beverage Elections. – If a mixed beverage election is held under G.S.

29 18B-602(h) and the sale of mixed beverages is approved, the Commission may issue

30 permits to qualified persons and establishments in the jurisdiction that held the election as

31 follows:

- 32 (1) The Commission may issue mixed beverage permits.
- 33 (2) The Commission may issue on-premises malt beverage, unfortified
- 34 wine, and fortified wine permits for establishments with mixed beverage
- 35 permits, regardless of any other election or any local act concerning
- 36 sales of those kinds of alcoholic beverages.
- 37 (3) The Commission may issue off-premises malt beverage permits to any
- 38 establishment that meets the requirements under G.S. 18B-1001(2) in
- 39 any township which has voted to permit the sale of mixed beverages,
- 40 regardless of any other local act concerning sales of those kinds of
- 41 alcoholic beverages. The Commission may also issue off-premises
- 42 unfortified wine permits to any establishment that meets the
- 43 requirements under G.S. 18B-1001(4) in any township which has voted

1 to permit the sale of mixed beverages, regardless of any other local act
2 concerning sales of those kinds of alcoholic beverages.

3 (4) The Commission may issue brown-bagging permits for private clubs
4 and congressionally chartered veterans organizations but may no longer
5 issue and may not renew brown-bagging permits for restaurants, hotels,
6 and community theatres. A restaurant, hotel, or community theatre may
7 not be issued a mixed beverage permit under subdivision (1) until it
8 surrenders its brown-bagging permit.

9 (5) The Commission may continue to issue culinary permits for
10 establishments that do not have mixed beverage permits. An
11 establishment may not be issued a mixed beverage permit under
12 subdivision (1) until it surrenders its culinary permit.

13 (d1) Mixed Beverages Approved in Elections in at Least Three Cities.— In any
14 county in which the sale of mixed beverages has been approved in elections in at least
15 three cities that, combined, contain more than two-thirds the total county population as of
16 the most recent federal census, the county board of commissioners may by resolution
17 approve the sale of mixed beverages throughout the county, and the Commission may
18 issue permits as if mixed beverages had been approved in a county election.

19 (d2) County or City Mixed Beverage Elections and ABC Store Elections.— If a
20 county or city holds a mixed beverage election and an ABC store election at the same
21 time and the voters do not approve the establishment of an ABC store, the Commission
22 may not issue mixed beverages permits in that county or city."

23 Section 6. G.S. 18B-603(h) reads as rewritten:

24 "(h) Permits Based on Existing Permits. — In any county in which the sale of malt
25 beverage on and off premises, the sale of unfortified wine on and off premises, the sale of
26 mixed beverages, and the operation of an ABC system has been allowed in at least six
27 cities in the county, or in any county adjacent to that county in which an ABC system has
28 been allowed and which borders on the Atlantic Ocean, the Commission may issue
29 permits to sports clubs as defined in G.S. 18B-1000(8) throughout the county. The
30 Commission may issue the following permits:

- 31 (1) On and Off Premises Malt Beverage;
32 (2) On and Off Premises Unfortified Wine;
33 (3) On and Off Premises Fortified Wine; or
34 (4) Mixed Beverages.

35 The Commission may also issue on-premises malt beverage, unfortified wine,
36 fortified wine and mixed beverages permits to a sports club located in a county adjacent
37 to any county that has approved the sale of mixed beverages pursuant to ~~the last paragraph~~
38 ~~of G.S. 18B-603(d),~~ G.S. 18B-603(d1), if the county in which the sports club is located
39 borders another state and has at least one city that has approved the sale of mixed
40 beverages. Sports clubs holding mixed beverages permits shall purchase their spirituous
41 liquor at the nearest ABC system store that is located in the county.

42 The Commission may further issue on-premises malt beverage and on-premises
43 unfortified wine permits to a sports club located in a county bordering on another state

1 that is adjacent to any county in which permits were issued pursuant to this subsection
2 prior to August 1, 1993. The sports clubs must be located in the unincorporated areas of a
3 county, in which the sale of malt beverages and unfortified wine is not permitted, and
4 where there are six or more municipalities in that county where the sale of malt beverages
5 and unfortified wine is permitted."

6 Section 7. G.S. 18B-805(f) reads as rewritten:

7 "(f) Surcharge Profit Shared. – When, pursuant to ~~the last paragraph of G.S. 18B-~~
8 ~~603(d), G.S. 18B-603(d1),~~ spirituous liquor is bought at a city ABC store by a mixed
9 beverages permittee for premises located outside the city, the local board operating the
10 store at which the sale is made shall retain seventy-five percent (75%) of the local share
11 of both the mixed beverages surcharge required by G.S. 18B-804(b)(8) and the guest
12 room cabinet surcharge required by G.S. 18B-804(b)(9) and the remaining twenty-five
13 percent (25%) shall be divided equally among the local ABC boards for all other cities in
14 the county that have authorized the sale of mixed beverages.

15 When, pursuant to G.S. 18B-603(e), spirituous liquor is bought at a city ABC store by
16 a mixed beverages permittee for premises located at an airport outside the city, the local
17 share of both the mixed beverages surcharge required by G.S. 18B-804(b)(8) and the
18 guest room cabinet surcharge required by G.S. 18B-804(b)(9) shall be divided equally
19 among the local ABC boards for all cities in the county that have authorized the sale of
20 mixed beverages."

21 Section 8. This act is effective when it becomes law.