

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 1009

Short Title: ABC Study Commission.

(Public)

Sponsors: Representative Gibson.

Referred to: Rules, Calendar, and Operations of the House.

April 10, 2003

A BILL TO BE ENTITLED

1 AN ACT TO CREATE THE ALCOHOLIC BEVERAGE CONTROL ISSUES STUDY
2 COMMISSION.
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Alcoholic Beverage Control Issues Study Commission. (a)
6 Study Commission Established. – There is established a Comprehensive Transportation
7 Issues Study Commission to report to the 2005 Session of the General Assembly.

8 **SECTION 2.** Membership. – The Study Commission shall be composed of
9 members as follows:

- 10 (1) The Chairs of the Alcohol Beverage Control Committee of the House
11 of Representatives and the Commerce Committee of the Senate.
12 (2) Five members of the House of Representatives.
13 (3) Five members of the Senate.
14 (4) Two commissioners from counties where the sale of alcoholic
15 beverages is permitted countywide appointed by the President Pro
16 Tempore of the Senate.
17 (5) Two commissioners from counties where the sale of alcoholic
18 beverages is prohibited countywide but where there are municipalities
19 where the sale of alcoholic beverages is permitted appointed by the
20 Speakers of the House of Representatives.
21 (6) Two members of local ABC boards appointed by the Speakers of the
22 House of Representatives.
23 (7) One member representing the wine industry in North Carolina
24 appointed by the President Pro Tempore of the Senate.
25 (8) One member representing the malt beverage industry in North
26 Carolina appointed by the President Pro Tempore of the Senate.
27 (9) Two members representing the spirituous liquor industry in North
28 Carolina appointed by the Speakers of the House of Representatives.

- 1 (10) The Chairman of the Alcoholic Beverage Control Commission, the
2 Secretary of Crime Control and Public Safety, and the Secretary of
3 Health and Human Services, or their designees shall serve as ex officio
4 members.

5 The appointing authorities shall make their appointments within 30 days of
6 the effective date of this act.

7 **SECTION 3.** Duties of the Commission. – The Commission shall study all
8 aspects of alcoholic beverage control in this State. The study shall include an
9 examination of all the following:

- 10 (1) Whether the current method of regulating the sale and distribution of
11 alcoholic beverages, and specifically the sale and distribution of
12 fortified wine and spirituous liquor, in North Carolina is the most
13 efficient and effective method as compared to different systems in
14 other states.
15 (2) Whether the current statutory and regulatory scheme contained in
16 Chapter 18B of the General Statutes is legally sufficient in light of
17 recent legal challenges and judicial decisions, and if so, whether or not
18 Chapter 18B should be recodified.
19 (3) The effectiveness of enforcement of alcoholic beverage control laws
20 and regulations.
21 (4) Any other matter relating to alcoholic beverage control in North
22 Carolina.

23 **SECTION 4.** Vacancies. – The appointing authority shall fill any vacancy
24 on the Study Commission.

25 **SECTION 5.** Cochairs. – The President Pro Tempore of the Senate and the
26 Speakers of the House of Representatives shall designate Cochairs of the Study
27 Commission. The Study Commission shall meet upon the call of the Cochairs. A
28 quorum of the Study Commission shall be a majority of the members.

29 **SECTION 6.** Expenses of Members. – Members of the Study Commission
30 shall receive per diem, subsistence, and travel allowances in accordance with G.S.
31 120-3.1, 138-5, or 138-6, as appropriate.

32 **SECTION 7.** Staff. – The Legislative Services Office shall assign
33 professional and clerical staff to assist the Study Commission in its work.

34 **SECTION 8.** Consultants. – The Study Commission may hire consultants to
35 examine specific issues and subjects related to the study, in accordance with G.S.
36 120-32.02.

37 **SECTION 9.** Meetings During Legislative Session. – The Study
38 Commission may meet during a regular or extra session of the General Assembly.

39 **SECTION 10.** Meeting Location. – The Study Commission may meet at
40 various locations around the State in order to promote greater public participation in its
41 deliberations. The Legislative Services Commission shall grant adequate meeting space
42 to the Study Commission in the State Legislative Building or the Legislative Office
43 Building.

1 **SECTION 11.** Report. – The Commission may make interim reports and
2 shall make a final report to the General Assembly no later than January 15, 2005.
3 Regardless of whether it has filed an interim or final report, the Commission shall
4 terminate on January 15, 2005. The final report shall include Commission
5 recommendations for legislation to implement recommendations made by the
6 Commission.

7 **SECTION 12.** Funding. – The Study Commission shall be funded from
8 funds available to the Joint Legislative Transportation Oversight Committee in
9 accordance with G.S. 120-70.52.

10 **SECTION 13.** This act is effective when it becomes law.