

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 442

Short Title: Edgecombe ABC–Sell Beer/Wine.

(Local)

Sponsors: Representative Mavretic.

Referred to: Judiciary I.

March 18, 1993

A BILL TO BE ENTITLED

AN ACT TO PERMIT THE EDGECOMBE COUNTY ABC BOARD TO SELL BEER
AND UNFORTIFIED WINE.

The General Assembly of North Carolina enacts:

Section 1. G.S 18B-800 reads as rewritten:

"§ 18B-800. Sale of alcoholic beverages in ABC stores.

(a) Spirituous Liquor. – Except as provided in Article 10 of this Chapter, spirituous liquor may be sold only in ABC stores operated by local boards.

(b) Fortified Wine. – In addition to spirituous liquor, ABC stores may sell fortified wine.

(b1) Unfortified Wine and Malt Beverages. – In addition to spirituous liquor and fortified wine, ABC stores may sell unfortified wine and malt beverages.

(c) Commission Approval. – No ABC store may sell any alcoholic beverage which has not been approved by the Commission for sale in this State."

Sec. 2. G.S. 66-58(b) reads as rewritten:

"(b) The provisions of subsection (a) of this section shall not apply to:

(1) Counties and municipalities.

(2) The Department of Human Resources, the Department of Environment, Health, and Natural Resources, or the Department of Agriculture for the sale of serums, vaccines, and other like products.

(3) The Department of Administration, except that said agency shall not exceed the authority granted in the act creating the agency.

(4) The State hospitals for the insane.

(5) The Department of Human Resources.

- 1 (6) The North Carolina School for the Blind at Raleigh.
2 (7) The North Carolina Schools for the Deaf.
3 (8) The Greater University of North Carolina with regard to its utilities
4 and other services now operated by it nor to the sale of articles
5 produced incident to the operation of instructional departments,
6 articles incident to educational research, articles of merchandise
7 incident to classroom work, meals, books, or to articles of merchandise
8 not exceeding twenty-five cents (25¢) in value when sold to members
9 of the educational staff or staff auxiliary to education or to duly
10 enrolled students or occasionally to immediate members of the
11 families of members of the educational staff or of duly enrolled
12 students nor to the sale of meals or merchandise to persons attending
13 meetings or conventions as invited guests nor to the operation by The
14 University of North Carolina of an inn or hotel and dining and other
15 facilities usually connected with a hotel or inn, nor to the hospital and
16 Medical School of the University of North Carolina, nor to the
17 Coliseum of North Carolina State College, and the other schools and
18 colleges for higher education maintained or supported by the State, nor
19 to the comprehensive student health services or the comprehensive
20 student infirmaries maintained by the constituent institutions of The
21 University of North Carolina.
22 (9) The Department of Environment, Health, and Natural Resources,
23 except that said Department shall not construct, maintain, operate or
24 lease a hotel or tourist inn in any park over which it has jurisdiction.
25 The North Carolina Wildlife Resources Commission may sell wildlife
26 memorabilia as a service to members of the public interested in
27 wildlife conservation.
28 (10) Child-caring institutions or orphanages receiving State aid.
29 (11) Highlands School in Macon County.
30 (12) The North Carolina State Fair.
31 (13) Rural electric memberships corporations.
32 (13a) State Farm Operations Commission.
33 (13b) The Department of Agriculture with regard to its lessees at farmers'
34 markets operated by the Department.
35 (13c) The Western North Carolina Agricultural Center.
36 (14) Nothing herein contained shall be construed to prohibit the
37 engagement in any of the activities described in subsection (a) hereof
38 by a firm, corporation or person who or which is a lessee of space only
39 of the State of North Carolina or any of its departments or agencies;
40 provided such leases shall be awarded by the Department of
41 Administration to the highest bidder, as provided by law in the case of
42 State contracts and which lease shall be for a term of not less than one
43 year and not more than five years.

1 (15) The State Department of Correction is authorized to purchase and
2 install automobile license tag plant equipment for the purpose of
3 manufacturing license tags for the State and local governments and for
4 such other purposes as the Department may direct.

5 The Commissioner of Motor Vehicles, or such other authority as
6 may exercise the authority to purchase automobile license tags is
7 hereby directed to purchase from, and to contract with, the State
8 Department of Correction for the State automobile license tag
9 requirements from year to year.

10 The price to be paid to the State Department of Correction for such tags
11 shall be fixed and agreed upon by the Governor, the State Department
12 of Correction, and the Motor Vehicle Commissioner, or such authority
13 as may be authorized to purchase such supplies.

14 (16) Laundry services performed by the Department of Correction may be
15 provided only for agencies and instrumentalities of the State which are
16 supported by State funds and for county or municipally controlled and
17 supported hospitals presently being served by the Department of
18 Correction, or for which services have been contracted or applied for
19 in writing, as of May 22, 1973. In addition to the prior sentence,
20 laundry services performed by the Department of Correction may be
21 provided for the Governor Morehead School and the North Carolina
22 School for the Deaf.

23 Such services shall be limited to wet-washing, drying and ironing
24 of flatwear or flat goods such as towels, sheets and bedding, linens and
25 those uniforms prescribed for wear by such institutions and further
26 limited to only flat goods or apparel owned, distributed or controlled
27 entirely by such institutions and shall not include processing by any
28 dry-cleaning methods; provided, however, those garments and items
29 presently being serviced by wet-washing, drying and ironing may in
30 the future, at the election of the Department of Correction, be
31 processed by a dry-cleaning method.

32 (17) The North Carolina Air Cargo Airport Authority or a lessee of the
33 Authority.

34 (18) The activities and products of private enterprise carried on or
35 manufactured within a State prison facility pursuant to G.S. 148-70.

36 (19) Local ABC Boards when unfortified wine and malt beverages are sold
37 at local ABC stores that they operate."

38 Sec. 3. G.S. 66-58(c) reads as rewritten:

39 "(c) The provisions of subsection (a) shall not prohibit:

40 (1) The sale of products of experiment stations or test farms.

41 (2) The sale of learned journals, works of art, books or publications of the
42 Department of Cultural Resources or other agencies, or the Supreme
43 Court Reports or Session Laws of the General Assembly.

- 1 (3) The business operation of endowment funds established for the
2 purpose of producing income for educational purposes; for purposes of
3 this section, the phrase 'operation of endowment funds' shall include
4 the operation by public postsecondary educational institutions of
5 campus stores, the profits from which are used exclusively for
6 awarding scholarships to defray the expenses of students attending the
7 institution; provided, that the operation of such stores must be
8 approved by the board of trustees of the institution, and the
9 merchandise sold shall be limited to educational materials and
10 supplies, gift items and miscellaneous personal-use articles. Provided
11 further that sales at campus stores are limited to employees of the
12 institution and members of their immediate families, to duly enrolled
13 students and their immediate families, to other campus stores and to
14 other persons who are on campus other than for the purpose of
15 purchasing merchandise from campus stores. It is the intent of this
16 subdivision that campus stores be established and operated for the
17 purpose of assuring the availability of merchandise described in this
18 Article for sale to persons enumerated herein and not for the purpose
19 of competing with stores operated in the communities surrounding the
20 campuses of The University of North Carolina.
- 21 (4) The operation of lunch counters by the Department of Human
22 Resources as blind enterprises of the type operated on January 1, 1951,
23 in State buildings in the City of Raleigh.
- 24 (5) The operation of a snack bar and cafeteria in the State Legislative
25 Building.
- 26 (6) The maintenance by the prison system authorities of eating and
27 sleeping facilities at units of the State prison system for prisoners and
28 for members of the prison staff while on duty, or the maintenance by
29 the highway system authorities of eating and sleeping facilities for
30 working crews on highway construction or maintenance when actually
31 engaged in such work on parts of the highway system.
- 32 (7) The operation by penal, correctional or facilities operated by the
33 Department of Human Resources or by the State Department of
34 Agriculture, of dining rooms for the inmates or clients or members of
35 the staff while on duty and for the accommodation of persons visiting
36 such inmates or clients, and other bona fide visitors.
- 37 (8) The sale by the Department of Agriculture of livestock, poultry and
38 publications in keeping with its present livestock and farm program.
- 39 (9) The operation by the public schools of school cafeterias.
- 40 (10) Sale by any State correctional or other institution of farm, dairy,
41 livestock or poultry products raised or produced by it in its normal
42 operations as authorized by the act creating it.

- 1 (11) The sale of textbooks, library books, forms, bulletins, and instructional
2 supplies by the State Board of Education, State Department of Public
3 Instruction, and local school authorities.
- 4 (12) The sale of North Carolina flags by or through the auspices of the
5 Department of Administration, to the citizens of North Carolina.
- 6 (13) The operation by the Department of Correction of forestry
7 management programs on State-owned lands, including the sale on the
8 open market of timber cut as a part of such management program.
- 9 (14) The operation by the Department of Correction of facilities to
10 manufacture and produce traffic and street name signs for use on the
11 public streets and highways of the State.
- 12 (15) The operation by the Department of Correction of facilities to
13 manufacture and produce paint for use on the public streets and
14 highways of the State.
- 15 (16) The sales by local ABC stores of unfortified wine and malt beverages."
16 Sec. 4. This act applies only to the ABC stores operated by the Edgecombe
17 County ABC Board.
18 Sec. 5. This act is effective upon ratification.