

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 374*

Short Title: GPAC/ABC Rule and Law Enforcement.

(Public)

Sponsors: (by request) Representatives Robinson, Barnes, Blue, Diamont, Hackney, Hensley, H. Hunter, G. Miller, and Nesbitt.

Referred to: Appropriations.

February 25, 1993

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT PERFORMANCE AUDIT COMMITTEE TO PHASE OUT THE ALCOHOL LAW ENFORCEMENT DIVISION AND TO TRANSFER THE ALCOHOL BEVERAGE LAW ENFORCEMENT AND REGULATORY FUNCTIONS.

The General Assembly of North Carolina enacts:

Section 1. (a) The Chairman of the North Carolina Alcoholic Beverage Commission, in conjunction with the Secretary of Crime Control and Public Safety and the Director of the State Bureau of Investigation, shall submit a plan, including necessary statutory changes, to the General Assembly, on or before May 1, 1993, providing for:

- (1) The phasing out of the Alcoholic Law Enforcement Division of the Department of Crime Control and Public Safety;
- (2) Transfer of primary liquor law enforcement to local ABC law enforcement agents and local law enforcement agents;
- (3) Transfer of primary responsibility for investigation of inter-county and inter-State alcohol related criminal activities to the State Bureau of Investigation;
- (4) Transfer of regulatory and public education responsibilities of the Alcohol Law Enforcement Division to the North Carolina Alcoholic Beverage Commission.

These transfers shall be implemented by the Governor on or before January 1, 1995.

1 (b) The regulatory staffing for the North Carolina Alcoholic Beverage
2 Commission required by the transfer in subdivision (a)(4) of this section shall consist of
3 no more than 55 regulators and 7 support staff. Existing Alcohol Law Enforcement
4 Division personnel shall be given preference in transferring to the North Carolina
5 Alcoholic Beverage Commission or taking enforcement positions with local ABC
6 boards.

7 Sec. 2. G.S. 18B-805(b) reads as rewritten:

8 "(b) Primary Distribution. – Before making any other distribution, a local board
9 shall first pay the following from its gross receipts:

- 10 (1) The board shall pay the expenses, including salaries, of operating the
11 local ABC system.
- 12 (2) Each month the local board shall pay to the Department of Revenue
13 the taxes due the Department. In addition to the taxes levied under
14 Chapter 105 of the General Statutes, the local board shall pay to the
15 Department one-half of both the mixed beverages surcharge required
16 by G.S. 18B-804(b)(8) and the guest room cabinet surcharge required
17 by G.S. 18B-804(b)(9).
- 18 (3) Each month the local board shall pay to the Department of Human
19 Resources ~~five percent (5%)~~ ten percent (10%) of both the mixed
20 beverages surcharge required by G.S. 18B-804(b)(8) and the guest
21 room cabinet surcharge required by G.S. 18B-804(b)(9). The
22 Department of Human Resources shall spend those funds for the
23 treatment of alcoholism or substance abuse, or for research or
24 education on alcohol or substance abuse.
- 25 (4) Each month the local board shall pay to the county commissioners of
26 the county where the charge is collected the proceeds from the bottle
27 charge required by G.S. 18B-804(b)(6), to be spent by the county
28 commissioners for the purposes stated in subsection (h) of this
29 section."

30 Sec. 3. There is appropriated from the General Fund to the State Alcoholic
31 Beverage Commission the sum of three million one hundred sixty-five thousand nine
32 hundred twenty-eight dollars (\$3,165,928) for the 1993-94 fiscal year and the sum of
33 three million ninety-eight thousand five hundred forty-four dollars (\$3,098,544) for the
34 1994-95 fiscal year to implement the transfers of functions mandated by this act.

35 Sec. 4. There is appropriated from the General Fund to the State Bureau of
36 Investigation the sum of two million eight hundred seven thousand five hundred twenty-
37 one dollars (\$2,807,521) for the 1993-94 fiscal year and the sum of two million seven
38 hundred forty-seven thousand seven hundred sixty-six dollars (\$2,747,766) for the
39 1994-95 fiscal year to implement the transfers of functions mandated by this act.

40 Sec. 5. The base budget of the Department of Crime Control and Public
41 Safety is reduced by five million nine hundred seventy-three thousand four hundred
42 forty-nine dollars (\$5,973,449) for the 1993-94 fiscal year and by five million eight
43 hundred forty-six thousand three hundred ten dollars (\$5,846,310) for the 1994-95 fiscal

1 year due to the decrease in personnel positions as a result of the transfers mandated by
2 this act.

3 Sec. 6. This act is effective upon ratification except for Sections 3, 4, and 5,
4 which shall become effective on July 1, 1993, but only if the transfer of the regulatory
5 and educational functions of the Alcohol Law Enforcement Division to the North
6 Carolina Alcoholic Beverage Commission has been completed.