

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1143
Second Edition Engrossed 4/12/01

Short Title: Sports Club ABC Permits.

(Public)

Sponsors: Representative Committee on Alcoholic Beverage Control.

Referred to: Calendar pursuant to Rule 36(b).

April 10, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING THE ISSUANCE OF ABC PERMITS TO RESIDENTIAL PRIVATE CLUBS AND SPORTS CLUBS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 18B-1006(k) reads as rewritten:

"(k) Residential Private Club and Sports Club Permits. – The Commission may issue the permits listed in G.S. 18B-1001, without approval at an election, to a residential private club or a sports club. No permit may be issued to any residential private club or sports club that practices discrimination on the basis of race, gender or ethnicity. ~~club that is located in a county that meets the requirements set in any of the following subdivisions:~~

- (1) ~~Has a population of less than 45,000 by the last federal census, has at least three but not more than four cities that have approved the sale of malt beverages or unfortified wine, has only one city that has approved the on-premises sale of malt beverages, and has at least two cities that approved the operation of ABC stores before July 10, 1992.~~
- (2) ~~Borders a county that has called elections pursuant to G.S. 18B-600(f), and:~~
 - a. ~~Has not approved the issuance of permits, other than malt beverage permits, in unincorporated areas of the county, and has no more than three cities that approved the operation of ABC stores before July 10, 1992; or~~
 - b. ~~Both the county and the two cities within the county have approved the operation of ABC stores.~~
- (3) ~~Is bordered by four counties that have not approved the issuance of permits and have at least one city that has approved the operation of an ABC store.~~

- 1 (4) ~~Has not approved the issuance of permits, has at least three cities that~~
2 ~~have approved the issuance of only either off-premises malt beverage~~
3 ~~or both off-premises malt beverage and off-premises unfortified wine~~
4 ~~permits, and has only one city that, as of July 1, 1993, had approved~~
5 ~~the operation of an ABC store.~~
- 6 (5) ~~Has not approved the issuance of any permits, borders one of the two~~
7 ~~largest counties in the State with more than 940 square miles, has an~~
8 ~~interstate highway running through it, and has at least six cities that~~
9 ~~have approved the sale of some malt beverages and unfortified wine~~
10 ~~and four of which have approved ABC systems.~~
- 11 (6) ~~Borders a county that has approved the issuance of all permits and the~~
12 ~~operation of an ABC store, meets the county description of a special~~
13 ~~ABC area in G.S. 18B-101(13a)b., and, as of July 1, 1995, had at least~~
14 ~~five cities that had authorized the issuance of permits.~~
- 15 (7) ~~Borders two states and, as of July 1, 1995, had only one city that had~~
16 ~~approved the issuance of permits.~~
- 17 (8) ~~Has an 18 hole golf course; is in the coastal area as defined in G.S.~~
18 ~~113A-103, but only because it is adjacent to, adjoining, intersected by,~~
19 ~~or bounded by a coastal sound; which does not allow countywide sales~~
20 ~~of mixed beverages; which does not border another state; with a~~
21 ~~population of less than 15,000 according to the most recent decennial~~
22 ~~federal census; which does not have a city which has authorized the~~
23 ~~sale of mixed beverages; and which has least two cities with ABC~~
24 ~~systems.~~

25 The mixed beverages purchase-transportation permit authorized by G.S. 18B-404(b)
26 shall be issued by a local board operating a store located in the county."

27 **SECTION 1.1.** This act does not apply in Lincoln, Harnett, Davie, Graham,
28 Swain, Yancey, and McDowell Counties.

29 **SECTION 1.2.** In the event that a court of competent jurisdiction holds that
30 Section 1.1 of this act is unconstitutional or otherwise invalid, the invalidity does not
31 affect other provisions or applications of this act that can be given effect without the
32 invalid provisions or application, and to this end the provisions of Section 1.1 of this act
33 are severable from the remainder of this act.

34 **SECTION 1.3.** Section 1.1 of this act becomes effective 90 days after this
35 act becomes law, and does not affect the validity of any permit applied for before that
36 date.

37 **SECTION 1.4.** G.S. 18B-1006(k), as rewritten by Section 1 of this act, reads
38 as rewritten:

39 "(k) Residential Private Club and Sports Club Permits. –The Commission may
40 issue the permits listed in G.S. 18B-1001, without approval at an election, to a
41 residential private club or a sports club, except if the sale of mixed beverages is
42 not lawful within a jurisdiction and that locality has voted against the sale of mixed
43 beverages in a referendum conducted on or after September 1, 2001. If the issuance of
44 permits is prohibited by the exception in the previous sentence, the Commission may

1 renew existing permits and may continue to issue permits for a business location that
2 had previously held permits under this subsection.

3 The mixed beverages purchase-transportation permit authorized by G.S. 18B-404(b)
4 shall be issued by a local board operating a store located in the county."

5 **SECTION 2.** This act is effective when it becomes law.