

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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1

HOUSE BILL 549

Short Title: Beer and Wine Tax Distribution.

(Public)

Sponsors: Representatives Tucker; Barbee, Culp, Haire, and Holliman.

Referred to: Alcoholic Beverage Control.

March 12, 2001

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW A COUNTY OR A COUNTY AND A CITY TO SHARE IN
2 THE DISTRIBUTION OF BEER AND WINE TAX PROCEEDS IF SALES OF
3 THE BEVERAGES ARE AUTHORIZED ONLY IN A RESIDENTIAL PRIVATE
4 CLUB, SPORTS CLUB, OR CERTAIN INTERSTATE LOCATIONS WITHIN
5 THE CITY OR COUNTY.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 105-113.82 reads as rewritten:

9 **"§ 105-113.82. Distribution of part of beer and wine taxes.**

10 (a) Amount, Method. – The Secretary shall distribute annually the following
11 percentages of the net amount of excise taxes collected on the sale of malt beverages
12 and wine during the preceding 12-month period ending March 31, less the amount of
13 the net proceeds credited to the Department of Agriculture and Consumer Services
14 under G.S. 105-113.81A, to the counties and cities in which the retail sale of these
15 beverages is ~~authorized in the entire county or city:~~authorized:

- 16 (1) Of the tax on malt beverages levied under G.S. 105-113.80(a),
17 twenty-three and three-fourths percent (23 3/4%);
18 (2) Of the tax on unfortified wine levied under G.S. 105-113.80(b),
19 sixty-two percent (62%); and
20 (3) Of the tax on fortified wine levied under G.S. 105-113.80(b),
21 twenty-two percent (22%).

22 If malt beverages, unfortified wine, or fortified wine may be licensed to be sold at
23 retail in both a county and a city located in the county, both the county and city shall
24 receive a portion of the amount distributed, that portion to be determined on the basis of
25 population. If one of these beverages may be licensed to be sold at retail in a city
26 located in a county in which the sale of the beverage is otherwise prohibited, only the
27 city shall receive a portion of the amount distributed, that portion to be determined on

1 the basis of population. The amounts distributed under subdivisions (1), (2), and (3)
2 shall be computed separately.

3 (b) Repealed by Session Laws 2000, c. 173, s. 3, effective August 2, 2000.

4 (c) ~~Exception.~~ Exceptions. – Notwithstanding subsection ~~(a)~~, (a) of this section,
5 the following exceptions apply:

6 (1) ~~in~~In a county in which ABC stores have been established by petition, the
7 revenue shall be distributed as though the entire county had approved
8 the retail sale of a beverage whose retail sale is authorized in part of
9 the county.

10 (2) If a residential private club or a sports club has an ABC permit to sell
11 at retail malt beverages, unfortified wine, or fortified wine, then the
12 county and any city in which the club is located are allowed to share in
13 the distribution under subsection (a) of this section as if the sale of
14 these beverages were authorized in the entire county and city. The
15 terms 'residential private club' and 'sports club' have the meanings
16 provided in G.S. 18B-1000.

17 (3) If an establishment has an ABC permit to sell at retail malt beverages,
18 unfortified wine, or fortified wine pursuant to G.S. 18B-1006(m)(2),
19 then the county and any city in which the establishment is located are
20 allowed to share in the distribution under subsection (a) of this section
21 as if the sale of these beverages were authorized in the entire county
22 and city.

23 (d) Time. – The revenue shall be distributed to cities and counties within 60 days
24 after March 31 of each year.

25 (e) Population Estimates. – To determine the population of a city or county for
26 purposes of the distribution required by this section, the Secretary shall use the most
27 recent annual estimate of population certified by the State Planning Officer.

28 (f) City Defined. – As used in this section, the term "city" means a city as
29 defined in G.S. 153A-1(1) or an urban service district defined by the governing body of
30 a consolidated city-county.

31 (g) Use of Funds. – Funds distributed to a county or city under this section may
32 be used for any public purpose.

33 (h) Disqualification. – No municipality may receive any funds under this section
34 if it was incorporated with an effective date of on or after January 1, 2000, and is
35 disqualified from receiving funds under G.S. 136-41.2. No municipality may receive
36 any funds under this section, incorporated with an effective date on or after January 1,
37 2000, unless a majority of the mileage of its streets are open to the public. The previous
38 sentence becomes effective with respect to distribution of funds on or after July 1,
39 1999."

40 **SECTION 2.** This act becomes effective January 1, 2002.