

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH10052-MLf-64A (02/04)

Short Title: Tribal Alcoholic Beverage Control. (Public)

Sponsors: Representatives West and Hager (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS TRIBAL
3 ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE WINE SHIPPER
4 PERMITS AND COMMERCIAL ABC PERMITS AND TO CLARIFY THAT THE
5 EASTERN BAND OF CHEROKEE INDIANS TRIBAL ALCOHOLIC BEVERAGE
6 CONTROL COMMISSION MAINTAINS EXCLUSIVE AUTHORITY TO ISSUE
7 CERTAIN PERMITS.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 18B-112 reads as rewritten:

10 "§ 18B-112. Tribal alcoholic beverage control.

11 ...

12 (b) Compliance Required. – The Eastern Band of Cherokee Indians shall comply with
13 the following provisions of this Chapter to the extent they apply to or can be made applicable to
14 the tribe:

15 (1) The following provisions of Article 1. – General Provisions.

- 16 a. G.S. 18B-101(4), (7), (7c), (9), (10), (11), (12), (12a), (13),
17 (14)(14a), (14b), and (15).
18 b. G.S. 18B-102.1.
19 c. G.S. 18B-104.
20 d. G.S. 18B-105, except that this section shall not apply to any
21 establishment where gaming is permitted under a State compact and
22 pursuant to federal law.
23 e. G.S. 18B-109(b).
24 f. G.S. 18B-110.
25 g. G.S. 18B-111.
26 h. G.S. 18B-112.

27 (2) Article 1A. – Compensation for Injury Caused by Sales to Underage
28 Persons, to the extent it applies to retail establishments or the tribal alcoholic
29 beverage control commission if it operates ABC stores, or any other
30 permitted establishment, at retail pursuant to the provisions of this section.

31 (3) Article 3. – Sale, Possession, and Consumption, except for G.S. 18B-308
32 and G.S. 18B-309.

33 (4) Article 4. – Transportation.

34 (5) Article 5. – Enforcement, except for G.S. 18B-500 and G.S. 18B-501.

35 (6) Article 6. – Elections, compliance with only G.S. 18B-603(f) and (g) are
36 required.



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1 (7) Article 9. – Issuance of Permits, except for G.S. 18B-902(g) and (h) and
2 G.S. 18B-906.

3 ~~(7)(8)~~ Article 10. – Retail Activity, except for G.S. 18B-1001.1, 18B-1001.2, and
4 18B-1001.3 Activity.

5 (9) Article 11. – Commercial Activity.

6 Any provision of Articles 12 and 13 of this Chapter which has not been made applicable to
7 the Eastern Band of Cherokee Indians by this section shall act as a bar to engaging in any
8 activity authorized by that Article or section.

9 ...

10 (d) Establishment of a Tribal Commission. – In accordance with the provisions of 18
11 U.S.C. § 1161, the Eastern Band of Cherokee Indians is authorized to establish a tribal
12 alcoholic beverage control commission to regulate the purchase, possession, consumption, sale,
13 and delivery of alcoholic beverages ~~at retail~~ on any land designated as Indian Country pursuant
14 to 18 U.S.C. § 1151 under the jurisdiction of the Eastern Band of Cherokee Indians. The tribal
15 commission shall have exclusive authority to issue ~~retail~~ ABC permits to retail and commercial
16 establishments located wholly on Indian Country lands under the jurisdiction of the Eastern
17 Band of Cherokee Indians and to regulate the purchase, possession, consumption, sale, and
18 delivery of alcoholic beverages at ~~retail~~ permitted outlets and premises. Permits issued by the
19 tribal commission pursuant to this section shall be deemed issued by the State for the purposes
20 of sales and delivery of beer and wine by wholesalers to the retail outlets located on Indian
21 Country lands. The fees generated by the tribal alcoholic beverage control commission for the
22 issuance of retail permits may be retained by the Eastern Band of Cherokee Indians to offset
23 costs of operating the tribal alcoholic beverage control commission.

24 "

25 **SECTION 2.** G.S. 18B-101(14a) reads as rewritten:

26 "(14a) "Tourism ABC establishment" means a restaurant or hotel that meets both of
27 the following requirements:

28 a. Is located on property, a property line of which is located within 1.5
29 miles of the end of an entrance or exit ramp of a junction on a
30 national scenic parkway designed to attract local, State, national, and
31 international tourists between the State line and Milepost ~~460~~ 460,
32 provided that the Eastern Band of Cherokee Indians tribal alcoholic
33 beverage control commission established under G.S. 18B-112 shall
34 maintain exclusive authority to issue permits pursuant to this
35 subdivision between Milepost 460 and the southern terminus of the
36 national scenic byway at Milepost 469.

37 b. Is located in a county in which the on-premises or off-premises sale
38 of malt beverages or unfortified wine is authorized in at least one
39 city."

40 **SECTION 3.** This act is effective when it becomes law.