

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**HOUSE BILL 2136
RATIFIED BILL**

AN ACT TO INCREASE THE NUMBER OF THE CITY OF HIGH POINT ABC BOARD MEMBERS FROM THREE TO FIVE AND TO ESTABLISH TERMS OF OFFICE FOR THE NEWLY APPOINTED MEMBERS.

The General Assembly of North Carolina enacts:

SECTION 1. Article VI of Chapter 501 of the 1979 Session Laws reads as rewritten:

"ARTICLE VI.

"ALCOHOLIC BEVERAGE CONTROL.

"Sec. 6.1. Membership; term of office; appointment; vacancy.

"Sec. 6.2. Powers and duties.

"Sec. 6.3. Distribution of profit.

"Sec. 6.1. Membership; term of office; appointment; vacancy. The City of High Point ~~Board of Alcoholic Control~~ Alcoholic Beverage Control Board shall be composed of a chairman and ~~two (2)~~ four (4) other members who shall be well known for their character, ability, and business acumen. The chairman and ~~two (2)~~ other members of the Board shall serve for terms of three (3) years each on a staggered basis, with the term of one (1) member expiring each ~~year~~ year except in those years when two members' terms will expire at the same time. All appointments to the Board, including appointments to fill vacancies, shall be made by the Mayor and City Council of High Point. Compensation of the members of the ~~board of alcoholic control~~ Alcoholic Beverage Control Board shall be fixed by the council. Any member appointed to the board must be a resident of the City of High Point and in the event any member, during the term of his appointment, shall move out of the corporate limits of the City of High Point it shall be the duty of the council to appoint a person to fill the vacancy.

"Sec. 6.2. Powers and duties. The Board shall have all the powers and duties imposed by State law on county boards of alcoholic control, shall be subject to the authority of the State ~~Board of Alcoholic Control~~ Alcoholic Beverage Control Commission to the same extent as are county ~~boards of alcoholic control~~ alcoholic beverage control boards, and shall operate all city alcoholic beverage control stores in accordance with State laws regulating the operation of county alcoholic beverage control stores. The Council of the City of High Point shall, upon its request, have the right to review any action taken by said Alcoholic Beverage Control Board and to either approve or disapprove the action.

"Sec. 6.3. Distribution of profit. The City of High Point ~~Board of Alcoholic Control~~ Alcoholic Beverage Control Board shall at the end of each quarterly period following the establishment of ~~liquor~~ alcoholic beverage control stores deduct the necessary expenses of the operation of such stores, and shall expend for law enforcement, education and rehabilitation purposes not less than five percent (5%) nor more than fifteen percent (15%) of the total profits, and shall retain a sufficient and proper working capital, the amount to be determined by the board; and the entire net profits derived from the operation of ~~liquor~~ alcoholic beverage control stores in the City of High Point shall be paid as follows:

a. Twenty percent (20%) of the net profits shall be apportioned and paid into the General Fund of Guilford County.

b. Eighty percent (80%) of the net profits shall be paid to the city collector of the City of High Point and may be used by the City of High Point for any public purposes."

SECTION 2. G.S. 18B-700(a) reads as rewritten:

"(a) Membership. – A local ABC board shall consist of ~~three~~ five members appointed for three-year terms, unless a different membership or term is provided by a local act enacted before the effective date of this Chapter, or unless the board is a board for a merged ABC system under G.S. 18B-703 and a different size membership has been provided for as part of the negotiated merger. One member of the initial board of a newly created ABC system shall be appointed for a three-year term, one member for a two-year term, and one member for a one-year term. As the terms of initial board members expire, their successors shall each be appointed for three-year terms. The appointing authority shall designate one member of the local board as chairman."

SECTION 3. Section 2 of this act applies to the City of High Point only.

SECTION 4. The Mayor and City Council of the City of High Point shall appoint additional members authorized by this act to serve initial terms that will be effective on July 1, 2006, or upon appointment, and will expire on November 15, 2009, and then for three-year terms thereafter. Members currently appointed to the Board shall continue to serve their term until it expires. In the event a member is removed or leaves the Board for any reason, the new member appointed to the Board shall fill the remainder of the unexpired term.

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

In the General Assembly read three times and ratified this the 10th day of July, 2006.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives