GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

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HOUSE BILL 95 PROPOSED COMMITTEE SUBSTITUTE H95-PCS20174-SA-19

Short Title: T	Fribal Alcoholic Beverage Control.	(Public)	
Sponsors:			
Referred to:			
February 23, 2015			
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ALCOHOLI PERMITS A EASTERN CONTROL CERTAIN F The General Ass SEC	A BILL TO BE ENTITLED AUTHORIZE THE EASTERN BAND OF CHEROKEE I IC BEVERAGE CONTROL COMMISSION TO ISSUE AND COMMERCIAL ABC PERMITS AND TO CLAI BAND OF CHEROKEE INDIANS TRIBAL ALCOHO COMMISSION MAINTAINS EXCLUSIVE AUTHOR PERMITS. sembly of North Carolina enacts: TION 1. G.S. 18B-112 reads as rewritten: ribal alcoholic beverage control.	WINE SHIPPER RIFY THAT THE DLIC BEVERAGE	
(b) Compliance Required. – The Eastern Band of Cherokee Indians shall comply with the following provisions of this Chapter to the extent they apply to or can be made applicable to the tribe:			
(1)	The following provisions of Article 1. – General Provision	ns.	
	a. G.S. 18B-101(4), (7), (7c), (9), (10), (11),	(12), (12a), (13),	
	(14)(14a), (14b), and (15).		
	b. G.S. 18B-102.1.		
	c. G.S. 18B-104.		
	d. G.S. 18B-105, except that this section shall		
	establishment where gaming is permitted under a pursuant to federal law.	State compact and	
	e. G.S. 18B-109(b).		
	f. G.S. 18B-110.		
	g. G.S. 18B-111.		
	h. G.S. 18B-112.		
(2)	Article 1A. – Compensation for Injury Caused by S	Sales to Underage	
()	Persons, to the extent it applies to retail establishments or		
	beverage control commission if it operates ABC sto		
	permitted establishment, at retail pursuant to the provision	_	
(3)	Article 3 Sale, Possession, and Consumption, excep	t for G.S. 18B-308	
	and G.S. 18B-309.		
(4)	Article 4. – Transportation.		
(5)	Article 5. – Enforcement, except for G.S. 18B-500 and G.	S. 18B-501.	
(6)	Article 6 Elections, compliance with only G.S. 18B-	-603(f) and (g) are	
	<u>required.</u>		



- 1 (7) Article 9. Issuance of Permits, except for G.S. 18B-902(g) and (h) and G.S. 18B-906.
 3 (7)(8) Article 10. Retail Activity, except for G.S. 18B-1001.1, 18B-1001.2, and
 - (7)(8) Article 10. Retail Activity, except for G.S. 18B-1001.1, 18B-1001.2, and 18B-1001.3. Activity.
 - (9) Article 11. Commercial Activity, as clarified by the following:
 - a. The tribal alcoholic beverage control commission may issue commercial activity permits to any qualifying applicant that establishes a commercial business wholly on Indian Country lands and shall have sole enforcement authority over any permittee receiving a permit from the tribal alcoholic beverage control commission only to the extent the regulated conduct occurs on Indian Country lands.
 - b. The Eastern Band of Cherokee Indians shall recognize any permit issued by the North Carolina Alcoholic Beverage Control Commission allowing commercial activity in the same manner as if such permit was issued by the tribal alcoholic beverage control commission. The North Carolina Alcoholic Beverage Control Commission shall recognize any commercial activity permit issued by the tribal alcoholic beverage commission in the same manner as if the permit were issued by the North Carolina Alcoholic Beverage Control Commission.
 - c. The North Carolina Alcoholic Beverage Control Commission shall retain exclusive enforcement authority over all permits it issues to commercial activity permittees for violations of its rules or this Chapter.

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

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

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

- "(14a) "Tourism ABC establishment" means a restaurant or hotel that meets both of the following requirements:
 - a. Is located on property, a property line of which is located within 1.5 miles of the end of an entrance or exit ramp of a junction on a national scenic parkway designed to attract local, State, national, and international tourists between the State line and Milepost 460.469,

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1		provided that the Eastern Band of Cherokee Indians tribal alcoholic	
2		beverage control commission established under G.S. 18B-112 shall	
3		have exclusive authority to issue permits pursuant to this subdivision	
4		between Milepost 460 and the southern terminus of the national	
5		scenic byway at Milepost 469 for any restaurant or hotel that is	
6		located wholly on Indian Country lands.	
7	b.	Is located in a county in which the on-premises or off-premises sale	
8		of malt beverages or unfortified wine is authorized in at least one	
9		city."	
10	SECTION 3.	This act is effective when it becomes law.	

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