



NORTH CAROLINA GENERAL ASSEMBLY  
CONFERENCE REPORT  
House Bill 796

H796-CRRU-15 [v.1]

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[YES] Title Change

[YES] For Committee Substitute

To: The President of the Senate  
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 796, A BILL TO BE ENTITLED AN ACT TO MODIFY PROVISIONS RELATED TO THE SALES OF ALCOHOLIC BEVERAGES, Senate Rules and Operations of the Senate Committee Substitute Adopted 6/15/11, submit the following report:

The House concurs in the Senate Rules and Operations of the Senate Committee Substitute Adopted 6/15/11 with an amendment:

Delete the entire Senate Rules and Operations of the Senate Committee Substitute Adopted 6/15/11 and substitute the attached Proposed Conference Committee Substitute H796-PCCS9213.8-CR-17

The Senate agrees to that amendment.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: November <sup>th</sup> 27, 2011.

Conferees for the Senate

Conferees for the House of Representatives

*Tom Apodaca*

Tom Apodaca, Chair

*Tim D. Moffitt*

Tim D. Moffitt

*Andrew C. Brock*

Andrew C. Brock

Joe Hackney

Clark Jenkins

*Tim Moore*

Tim Moore

*House*

Submitted 11/27/11 pursuant Rule 44b referred to Rules  
ADOPTED \_\_\_\_\_ ( / ) Message Received \_\_\_\_\_  
ADOPTED \_\_\_\_\_ ( / ) Ordered Enrolled \_\_\_\_\_



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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 796

Senate Rules and Operations of the Senate Committee Substitute Adopted 6/15/11  
Proposed Conference Committee Substitute H796-PCCS90138-LB-17

Short Title: Breweries/Comm. Coll./Supp. Fund. Clarified.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW ALL PERMITTEES THAT HAVE BEEN ISSUED A BREWERY  
2 PERMIT BY THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL  
3 COMMISSION TO SELL AT RETAIL MALT BEVERAGES THAT HAVE BEEN  
4 MANUFACTURED AT THE BREWERY OR AT ANOTHER LOCATION OUT OF  
5 STATE BY THE SAME PERMITTEE ONLY ON THE PREMISES OF THE BREWERY  
6 AFTER RECEIVING THE PROPER PERMITS, TO CLARIFY THAT CERTAIN HIGH  
7 SCHOOL STUDENTS MAY BE PERMITTED TO TAKE NONCREDIT COURSES AT  
8 STATE COMMUNITY COLLEGES, AND TO AUTHORIZE THE DEPARTMENT OF  
9 PUBLIC INSTRUCTION TO ALLOT SMALL COUNTY SUPPLEMENTAL FUNDING  
10 TO THE CHEROKEE COUNTY SCHOOLS.  
11

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 18B-1104 reads as rewritten:

14 **"§ 18B-1104. Authorization of brewery permit.**

15 The holder of a brewery permit may:

16 ...

- 17 (7) In an area where the sale of any type of alcoholic beverage is authorized by  
18 law, sell the brewery's malt beverages or malt beverages manufactured by  
19 the permittee in some other state that have been approved by the  
20 Commission for sale in North Carolina only at the brewery upon receiving a  
21 permit under G.S. 18B-1001(1). ~~The brewery also may obtain a malt~~  
22 ~~beverage wholesaler permit to sell, deliver, and ship at wholesale only malt~~  
23 ~~beverages manufactured by the brewery. The authorization of this~~  
24 ~~subdivision applies to a brewery that sells, to consumers at the brewery, to~~  
25 ~~wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as~~  
26 ~~defined in G.S. 81A-9, of malt beverages produced by it per year. A brewery~~  
27 ~~not exceeding the sales quantity limitations in this subdivision may also sell~~  
28 ~~the malt beverages manufactured by the brewery at not more than three other~~  
29 ~~locations in the State, where the sale is legal, upon obtaining the appropriate~~  
30 ~~permits under G.S. 18B-1001. A brewery operating any additional retail~~  
31 ~~location pursuant to this subdivision shall also offer for sale at that location a~~  
32 ~~reasonable selection of competitive malt beverage products.~~



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(8) Obtain a malt beverage wholesaler permit to sell, deliver, and ship at wholesale only malt beverages manufactured by the brewery. The authorization of this subdivision applies to a brewery that sells, to consumers at the brewery, to wholesalers, to retailers, and to exporters, fewer than 25,000 barrels, as defined in G.S. 81A-9, of malt beverages produced by it per year. A brewery not exceeding the sales quantity limitations in this subdivision may also sell the malt beverages manufactured by the brewery at not more than three other locations in the State, where the sale is legal, upon obtaining the appropriate permits under G.S. 18B-1001. A brewery operating any additional retail location pursuant to this subdivision shall also offer for sale at that location a reasonable selection of competitive malt beverage products.

A sale or gift under subdivision (5) or (6) shall not be considered a retail or wholesale sale under the ABC laws."

**SECTION 2.** G.S. 115D-20(4), as amended by Section 7.1A(h) of S.L. 2011-145 and by Section 13(c) of S.L. 2011-391, reads as rewritten:

**"§ 115D-20. Powers and duties of trustees.**

The trustees of each institution shall constitute the local administrative board of such institution, with such powers and duties as are provided in this Chapter and as are delegated to it by the State Board of Community Colleges. The powers and duties of trustees shall include the following:

- ...
- (4) To apply the standards and requirements for admission and graduation of students and other standards established by the State Board of Community Colleges. Notwithstanding any law or administrative rule to the contrary, local community colleges are permitted to offer the following programs:
  - a. Subject to the approval of the State Board of Community Colleges, local community colleges may collaborate with local school administrative units to offer courses through the following programs:
    - 1. Cooperative innovative high school programs as provided by Part 9 of Article 16 of Chapter 115C of the General Statutes.
    - 2. Academic transition pathways for qualified junior and senior high school students that lead to a career technical education certificate or diploma.
    - 3. College transfer certificates requiring the successful completion of thirty semester credit hours of transfer courses, including English and mathematics, for qualified junior and senior high school students.
  - b. During the summer quarter, persons less than 16 years old may be permitted to take noncredit courses on a self-supporting basis, subject to rules of the State Board of Community Colleges.
  - c. High school students may be permitted to take noncredit courses in safe driving on a self-supporting basis during the academic year or the summer.
  - d. High school students 16 years and older may be permitted to take noncredit courses, except adult basic skills, subject to rules promulgated by the State Board of Community Colleges.

...."

**SECTION 3.** Notwithstanding Section 7.12(c) of S.L. 2011-145, the Department of Public Instruction is authorized to allot funds from the Small County Supplemental Funding

1 Allotment to the Cherokee County Schools for the 2011-2012 fiscal year. The amount allotted  
2 shall not exceed the allotment to the Cherokee County Schools for the 2010-2011 fiscal year.

3       **SECTION 4.** This act is effective when it becomes law.