

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

2

SENATE BILL 1438  
State and Local Government Committee Substitute Adopted 6/8/10

Short Title: New Hanover ABC Board Membership. (Local)

Sponsors:

Referred to:

May 27, 2010

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE NEW HANOVER COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD MEMBERSHIP FROM THREE MEMBERS TO FIVE MEMBERS AND TO AUTHORIZE THE COUNTY COMMISSIONERS TO FILL VACANCIES ON THE ABC BOARD AND TO REMOVE ITS MEMBERS FOR CAUSE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 4 of Chapter 418 of the 1935 Session Laws reads as rewritten:

"Sec. 4. There is hereby created a County Liquor Commission to be known and designated as the New Hanover County Alcoholic Beverage Control Board. The Board shall consist of ~~three~~ five members, one of whom shall be chairman. The Board shall be appointed by the County Commissioners of New Hanover County, ~~and who~~ shall have the power to fill vacancies or remove from office any member for misconduct, incompetency or fraud. The members of this Board shall give bond for the faithful performance of their duties to the County of New Hanover in ~~the sum of ten thousand dollars each, and which bond, as to form and execution, shall be approved by the County Attorney.~~ Each member of the Board shall devote his full time to the performance of his official duties. The main office of the Board shall be located in the City of Wilmington, an amount not less than five thousand dollars (\$5,000), secured by a corporate surety, for the faithful performance of the Board member's duties. A public employees' blanket position bond in the required amount satisfies this requirement. The bond shall be made payable to the Board and shall be approved by the County Commissioners. The County Commissioners may exempt from this bond requirement any Board member who does not handle Board monies, and it may increase the amount of the required bond for any Board member who does handle Board monies."

**SECTION 2.** Section 7 of Chapter 418 of the 1935 Session Laws reads as rewritten:

"Sec. 7. The County Commissioners of New Hanover County in naming the Board shall designate the Chairman. The Chairman, when present, shall preside at all meetings and in his absence a member designated by the Chairman shall preside.

~~Two~~ Three members of the Board shall constitute a quorum and any action or order of the Board shall require the approval of at least ~~two~~ three members."

**SECTION 3.** Section 9 of Chapter 418 of the 1935 Session Laws reads as rewritten:

"Sec. 9 The Chairman shall receive a salary not in excess of three thousand six hundred (\$3,600) dollars per annum and each of the other members a salary not in excess of three thousand two hundred fifty (\$3,250) dollars per annum, payable monthly, and same to be fixed by the Board of County Commissioners of New Hanover County. They shall receive their



\* S 1 4 3 8 - V - 2 \*

1 actual expenses incurred in the performance of their official duties, said expenses, however, not  
2 to exceed the rates prescribed for expenses for members of the State Budget Commission. ~~The~~  
3 ~~three members of the Board shall hold office for a term of office in the manner herein set forth.~~  
4 ~~Two members of the Board shall hold office for two years and the third member of the Board~~  
5 ~~shall hold office for four years, to be determined amongst them by lot.~~Each of the three  
6 members appointed in May 2010 shall complete the initial term to which appointed, according  
7 to the minutes of the New Hanover County Commissioners. The fourth member shall be  
8 appointed to an initial one-year term, and the fifth member shall be appointed to an initial  
9 two-year term. Subsequent terms for all members shall be for three years. No member may  
10 serve more than six consecutive years.

11 No member of the Board may be sued civilly for doing or omitting to do any act in the  
12 performance of his duties as prescribed by this act, except by the County of New Hanover, and  
13 then in the courts. Such proceedings by the said County shall be instituted and conducted by the  
14 County Commissioners.

15 **Oath of Office.** Each member of the Board before entering upon the duties of ~~his~~ office  
16 shall file with the Chairman of the Board of County Commissioners of New Hanover County  
17 ~~his~~ the member's oath of office to support the Constitution and the laws of the United States  
18 and of the State of North Carolina."

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