

RULE ANALYSIS
Non-significant Rule Change

Agency: NC Alcoholic Beverage Control Commission
Contact: Robert A. Hamilton, Rulemaking Coordinator
bob@adminrule.com
919-779-0700 ext. 436
Date: November 18, 2010
Impact: State Government – Yes (minimal to no impact)
Local Government – No
Substantial Impact – No
Federal Impact - No

Rule: 04 NCAC 2T .0401 APPLICATION OF STANDARDS

Statutory Citation: G.S. 18b-206(a); 18B-207; 27C.F.R. 4.20; 4.21; 4.22; 4.23; 4.24; 4.25; 4.26; 4.27

Brief Summary:

The NC Alcoholic Beverage Control Commission is proposing to amend its rule (see proposed rule text in Appendix) regarding cost of public documents on file to reflect actual cost of copies and to establish cost using the technology now available in ABC Commission's office.

Impact:

The impact of this rule amendment on the public is insignificant in that the rule reduces the cost of paper copies and establishes a minimal charge based on actual cost of supplies and mailing (note that local governments are not subject to these fees). The proposed rule incorporates the estimated actual cost to the agency. The costs are simply being recovered. While there might be some revenue foregone by the Commission from not charging fees higher than the cost, this would be minimal. In FY 2008-09, the Commission received about \$7,000 for all duplication services, publications, and forms; however, rule .0401 alone was probably responsible for no more than \$1,000. Also, since the fee will be posted on the website, there might be some impact created in the future from changes in the fees; however, these impacts are likely to be minimal.

Appendix

04 NCAC 02T .0401 is proposed for amendment as follows:

04 NCAC 02T .0401 APPLICATION OF STANDARDS

All wines produced, imported, bottled, or offered for sale in this State shall meet the standards of identity prescribed as of April 1, 1986, in Subpart C, Part 4, Chapter 1, Title 27 of the Code of Federal Regulations which is incorporated herein by reference and includes subsequent amendments.

The Commission has a copy of those regulations available for inspection at the ~~address in this Rule.~~
Commission's principal office. Copies are available ~~at a cost of twenty five cents (\$.25) per page.~~ at the "actual cost" as defined in G.S. 132-6.2(b) for making the copies and the mailing cost if applicable. The Commission shall provide its "actual cost" on the Commission's website. Persons requesting copies of the above documents shall make payment by certified check, cashier's check or money order to the Commission prior to receiving any copies of the above documents.

~~North Carolina ABC Commission
3322 Garner Road
P.O. Box 26687
Raleigh, North Carolina 27611-6687~~

History Note: *Authority G.S. 18B-206(a); 18B-207; 27 C.F.R. ~~4.20 through 4.27;~~ 4.20; 4.21; 4.22; 4.23;
4.24; 4.25; 4.26; 4.27;
Eff. January 1, 1982;
*Amended Eff. April 1, 2011; July 1, 1992; May 1, 1984.**