

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 218
Committee Substitute Favorable 3/16/05

Short Title: Clinton ABC Net Proceeds Distribution.

(Local)

Sponsors:

Referred to:

February 14, 2005

A BILL TO BE ENTITLED

1 AN ACT TO ALTER THE DISTRIBUTION OF THE NET PROCEEDS FROM THE
2 SALE OF ALCOHOLIC BEVERAGES AT THE TOWN OF CLINTON
3 ALCOHOLIC BEVERAGE CONTROL STORES.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 6 of Chapter 1191 of the 1957 Session Laws, as
7 amended by Section 2 of the 1985 Session Laws, reads as rewritten:

8 "Sec. 6. Out of the gross profits derived from the operation of said Alcoholic
9 Beverage Control Stores and after the payment of all costs and operating expenses, and
10 after obtaining sufficient and proper working capital, the amount thereof to be
11 determined by the Town of Clinton Board of Alcoholic Beverage Control, said board
12 shall further expend an amount necessary for law enforcement purposes and the
13 treatment and hospitalization of persons addicted to alcohol of not less than five per cent
14 (5%) nor more than fifteen per cent (15%) thereof, to be determined by quarterly audits,
15 which amount shall supplement and not supplant the amount usually budgeted for such
16 purposes by the Town of Clinton. In the expenditure of said funds, the Town Board of
17 Alcoholic Control shall employ one or more persons as law enforcement officer or
18 officers to be appointed by and directly responsible to the said board. The person or
19 persons so appointed shall, after taking the oath prescribed by law for peace officers,
20 have the same powers and authorities within Sampson County as other peace officers.
21 And any such person or persons so appointed, or any other peace officer while in hot
22 pursuit of anyone found to be violating the prohibition laws of this State, shall have the
23 right to go into any other county of the State and arrest such defendant therein so long
24 as such hot pursuit of such person shall continue, and the common law of hot pursuit
25 shall be applicable to said offenses and such officer or officers. Any law enforcement
26 officer appointed by the said board of Alcoholic Control and any other peace officer are
27 hereby authorized, upon request of the sheriff or other Lawful officer in any other
28 county, to go into such other county and assist in suppressing a violation of the
29 prohibition laws therein, and while so acting shall have such powers as a peace officer

1 as are granted to him in Sampson County and be entitled to all the protection provided
2 for said officer while acting in his own county. Nothing contained in this act shall
3 prevent the City Board of Alcoholic Control from entering into a contract with the City
4 of Clinton, in the manner set forth in G.S. 18B-501(f), and all provisions of
5 G.S. 18B-501(f) are incorporated into this section.

6 Out of the net profits derived from the operation of said Alcoholic Beverage Control
7 Stores, the Town of Clinton Board of Alcoholic Beverage Control, shall, on a ~~quarterly~~
8 an annual basis, pay over to the following named governing bodies, boards and agencies
9 amounts equal to the percentages of the net profits which shall be expended by said
10 governing bodies, boards and agencies for the following purposes and none other:

11 (a) Twenty per cent (20%) to the Clinton City Board of Education as a
12 supplement to the current expense fund, including supplements to teachers' salaries.
13 Such amount shall supplement and not supplant the amount normally budgeted by the
14 City Board of Education and the Board of County Commissioners of Sampson County
15 for such purposes.

16 ~~(b) Twenty per cent (20%) to the Board of Trustees of the Sampson County~~
17 ~~Memorial Hospital Incorporated.~~

18 ~~(c) Five per cent (5%) for industrial and commercial development of the Town of~~
19 ~~Clinton and its vicinity and for this purpose the Board of Control may make direct~~
20 ~~grants to any nonprofit organization for said purposes, may expend said fund directly~~
21 ~~for said purposes or may accumulate said fund from year to year and expend said~~
22 ~~accumulated funds for said purposes at any time in its discretion. The word "vicinity" as~~
23 ~~used in this subparagraph shall be construed to mean any part of Sampson County.~~

24 ~~(d) Fifty five per cent (55%) to the general fund of the Town of Clinton, of~~
25 ~~which sum three percent (3%) shall be paid by said town to the Clinton Recreation~~
26 ~~Commission and two percent (2%) shall be expended by the board of commissioners of~~
27 ~~said town annually for the use and benefit of the Clinton Fire Department Eighty per~~
28 ~~cent (80%) to the General Fund of the Town of Clinton."~~

29 **SECTION 2.** This act is effective when it becomes law.