

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 130

Local Government and Regional Affairs Committee Substitute Adopted 4/7/93

Short Title: Monroe ABC Distribution.

(Local)

Sponsors:

Referred to:

February 15, 1993

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE DISTRIBUTION OF THE PROFITS FROM THE CITY OF MONROE ABC SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Section 6 of Chapter 541 of the 1963 Session Laws reads as rewritten:

"Sec. 6. The City Board of Alcoholic Beverage Control shall have all the powers and duties prescribed for ~~County-Local ABC Boards of Alcoholic Control~~ by G.S. ~~18-45 18B-701~~ and shall be subject to the powers and authority of the ~~State Board of Alcoholic Control~~ North Carolina Alcoholic Beverage Commission to the same extent as are ~~County-Local ABC Boards of Alcoholic Control~~ set forth in ~~G.S. 18-39~~ G.S. 18B-203. The City of Monroe Board of Alcoholic Control and the operation of Municipal Alcoholic Beverage Control stores authorized under the provisions of this Act shall be subject to the provisions of ~~Article 3 of Chapter 18~~ Articles 7 and 8 of Chapter 18B of the General Statutes except to the extent that such provisions may be in conflict with this Act. Wherever the word '~~County~~' 'Local' ~~Board of Alcoholic Control~~ appears in said Article it shall apply to and include the City of Monroe Board of Alcoholic ~~control~~ Control. The City of Monroe Board of Alcoholic Control shall have authority to employ legal counsel and such other employees as it may deem necessary and fix their compensation. The per diem and subsistence allowance for the City of Monroe Board of Alcoholic Control shall be fixed by the governing body of the City of Monroe. The City of Monroe Board of Alcoholic Control shall have authority to issue purchase

1 transportation permits as provided in G.S. 18B-403 and shall be governed by and follow  
2 G.S. 18B-501 with respect to enforcement."

3           Sec. 2. Section 7 of Chapter 541 of the 1963 Session Laws, as amended by  
4 Chapter 165 of the 1965 Session Laws and Chapter 197 of the 1989 Session Laws, reads  
5 as rewritten:

6       "~~Sec. 7. Out of the gross profits derived from the operation of said Alcoholic~~  
7 ~~Beverage Control stores and after the payment of all costs and operating expenses, and~~  
8 ~~after obtaining sufficient and proper working capital, the amount thereof to be~~  
9 ~~determined by the City of Monroe Board of Alcoholic Beverage Control, said board~~  
10 ~~shall expend an amount for law enforcement purposes of not less than five per cent~~  
11 ~~(5%) nor more than 10 per cent (10%) thereof to be determined by quarterly audits,~~  
12 ~~which amount shall supplement and not supplant the amount usually budgeted for such~~  
13 ~~purposes by the City of Monroe. In the expenditure of said funds, the City Board of~~  
14 ~~Alcoholic Control shall employ one or more persons as law enforcement officer or~~  
15 ~~officers to be appointed by and directly responsible to the said board. The person or~~  
16 ~~persons so appointed shall, after taking the oath prescribed by law for peace officers,~~  
17 ~~have the same powers and authorities within the city limits of the City of Monroe as~~  
18 ~~other peace officers or the Board may contract for law enforcement pursuant to G.S.~~  
19 ~~18B-501(f). Any such person or persons so appointed, or any other peace officer while~~  
20 ~~in hot pursuit of anyone found to be violating the prohibition laws of this State, shall~~  
21 ~~have the right to go into any other county of the State and arrest such defendant therein~~  
22 ~~so long as such hot pursuit of such person shall continue, and the common law of hot~~  
23 ~~pursuit shall be applicable to said offenses and such officer or officers. Any law~~  
24 ~~enforcement officer appointed by the said Board of Alcoholic Control and any other~~  
25 ~~peace officer is hereby authorized, upon request of the sheriff or other lawful officer in~~  
26 ~~any other county, to go into such other county and assist in suppressing a violation of~~  
27 ~~the prohibition laws therein, and while so acting shall have such powers as a peace~~  
28 ~~officer as are granted to him in Union County and be entitled to all the protection~~  
29 ~~provided for said officer while acting in his own county.~~

30       In addition, the City of Monroe Board of Alcoholic Control is authorized, in its  
31 discretion, to expend for education as to the effects of the use of alcoholic beverages  
32 and for the rehabilitation of alcoholics not more than five per cent (5%) of its gross  
33 profits, to be determined by quarterly audits, but in no event shall a sum in excess of ten  
34 per cent (10%) of the gross profits be spent for the combined purposes of law  
35 enforcement, education and rehabilitation.

36       Out of the net profits derived from the operation of said Alcoholic Beverage Control  
37 stores, the City of Monroe Board of Alcoholic Beverage Control shall on a quarterly  
38 basis pay over to the following named governing bodies, departments, boards, and  
39 agencies amounts equal to the following percentages of the net profits which shall be  
40 expended by said governing bodies, departments, boards, and agencies for these  
41 purposes and none other as follows: The distribution of revenue made by the City of  
42 Monroe Board of Alcoholic Beverage Control shall be consistent with G.S. 18B-805.  
43 The schedule of other distributions of revenue authorized under G.S. 18B-805(e) shall  
44 be as follows:

- 1       (a)   Fifty ~~per cent~~percent (50%) to go to the general fund of the City of Monroe.  
2       (b)   Twenty-five ~~per cent~~percent (25%) to go to the general fund of Union  
3 County.  
4       (c)   ~~Twelve per cent (12%) to go to the Monroe School Board.~~  
5       (d)   ~~Twelve per cent (12%)~~Twenty-four percent (24%) to go to the Union County  
6 Board of Education.  
7       (e)   One ~~per cent~~percent (1%) to go to the Union County Library."  
8           Sec. 2. This act becomes effective July 1, 1993.