

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

**SESSION LAW 2005-5
HOUSE BILL 218**

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

The General Assembly of North Carolina enacts:

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

"Sec. 6. Out of the gross profits derived from the operation of said Alcoholic Beverage Control Stores and after the payment of all costs and operating expenses, and after obtaining sufficient and proper working capital, the amount thereof to be determined by the Town of Clinton Board of Alcoholic Beverage Control, said board shall further expend an amount necessary for law enforcement purposes and the treatment and hospitalization of persons addicted to alcohol of not less than five per cent (5%) nor more than fifteen per cent (15%) thereof, to be determined by quarterly audits, which amount shall supplement and not supplant the amount usually budgeted for such purposes by the Town of Clinton. In the expenditure of said funds, the Town Board of Alcoholic Control shall employ one or more persons as law enforcement officer or officers to be appointed by and directly responsible to the said board. The person or persons so appointed shall, after taking the oath prescribed by law for peace officers, have the same powers and authorities within Sampson County as other peace officers. And any such person or persons so appointed, or any other peace officer while in hot pursuit of anyone found to be violating the prohibition laws of this State, shall have the right to go into any other county of the State and arrest such defendant therein so long as such hot pursuit of such person shall continue, and the common law of hot pursuit shall be applicable to said offenses and such officer or officers. Any law enforcement officer appointed by the said board of Alcoholic Control and any other peace officer are hereby authorized, upon request of the sheriff or other Lawful officer in any other county, to go into such other county and assist in suppressing a violation of the prohibition laws therein, and while so acting shall have such powers as a peace officer as are granted to him in Sampson County and be entitled to all the protection provided for said officer while acting in his own county. Nothing contained in this act shall prevent the City Board of Alcoholic Control from entering into a contract with the City of Clinton, in the manner set forth in G.S. 18B-501(f), and all provisions of G.S. 18B-501(f) are incorporated into this section.

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

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

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

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

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

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

In the General Assembly read three times and ratified this the 4th day of April, 2005.

s/ Charlie S. Dannelly
Deputy President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives