

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 115

Committee Substitute Favorable 3/1/95

Senate Local Government and Regional Affairs Committee Substitute Adopted 4/5/95

Short Title: Halifax ABC Board Modifications.

(Local)

Sponsors:

Referred to:

February 7, 1995

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE APPOINTMENT OF THE HALIFAX ABC BOARD AND TO PROVIDE THAT DISTRIBUTION OF REVENUE SHALL BE ACCORDING TO GENERAL STATUTE.

Whereas, the 1959 Session of the General Assembly passed a local law providing for proposed alternative structures for a Halifax County Board of Alcoholic Control and provided that the voters of Halifax County could elect which structure would be implemented; and

Whereas, in an election in 1960, the electors of Halifax County approved the "Crew Proposal" in Chapter 1257 of the 1959 Session Laws; and

Whereas, at the regular meeting of the Halifax County Board of Commissioners on December 5, 1994, a motion was adopted providing the Board of County Commissioners make appointments, set compensations, etc.; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-700(a) reads as rewritten:

"(a) Membership. —A local ABC board shall consist of three members appointed for three year terms, unless a different membership or term is provided by a local act enacted before the effective date of this Chapter, or unless the board is a board for a

1 merged ABC system under G.S. 18B-703 and a different size membership has been  
2 provided for as part of the negotiated merger. One member of the initial board of a newly  
3 created ABC system shall be appointed for a three-year term, one member for a two-year  
4 term, and one member for a one-year term. The Halifax County Board of Alcoholic  
5 Control shall consist of three members appointed for three-year terms. The three  
6 members appointed prior to the effective date of this act shall complete their terms as  
7 appointed. As the terms of initial-board members expire, their successors shall each be  
8 appointed for three-year terms. The appointing authority shall designate one member of  
9 the local board as chairman."

10       Sec. 2. Section 4 of Chapter 1257 of the 1959 Session Laws, as amended by  
11 Chapter 448 of the 1977 Session Laws, reads as rewritten:

12       "Sec. 4. If a majority of the voters in said special election favor the Crew Proposal,  
13 then the following provisions of this Section shall be adopted for Halifax County and  
14 become effective following approval by the voters:

15       (a) Chapter 433 of the Session Laws of 1943, Chapter 558 of the Session Laws of  
16 1945, Chapter 33 of the Session Laws of 1947, Chapter 148 of the Session Laws of 1947,  
17 Chapter 824 of the Session Laws of 1947, Chapter 1114 of the Session Laws of 1949,  
18 Chapter 721 of the Session Laws of 1951, Chapter 1033 of the Session Laws of 1951 and  
19 all other laws and clauses of laws relating to the Halifax County Board of Alcoholic  
20 Control in conflict with Article III, of Chapter 18 of the General Statutes of North  
21 Carolina are hereby repealed.

22       (b) The present Alcoholic Beverage Control Board of Halifax County, and their  
23 agent or agents, shall turn over to the new Board of Alcoholic Control created by G.S.  
24 18-41, on or before July 1, 1960, all monies, bank credits, stocks of merchandise,  
25 equipment, equity in contracts, books of record, bills receivable, accounts payable and all  
26 other property and effects of any kind or nature used in or incident to the operation of the  
27 Alcoholic Beverage Control Board of Halifax County. On June 29 and June 30, 1960, all  
28 alcoholic beverage control stores in Halifax County shall be closed and an inventory of  
29 all stocks, property and other effects belonging to the Alcoholic Beverage Control Board  
30 of Halifax County shall be taken jointly by the outgoing and incoming Boards, or their  
31 agents. Such inventory shall be in writing and shall include the quantity and cost price of  
32 the stocks of merchandise and the number of articles and value of other property. The  
33 inventory herein provided for shall be available to the auditor who shall make a complete  
34 audit of the affairs of said Alcoholic Beverage Control System as on June 30, 1960. ~~The~~  
35 ~~profits heretofore accrued or hereafter accrued shall be distributed as follows:~~

36       ~~After necessary deductions are made to provide for a proper reserve and to provide for~~  
37 ~~operating expenses, all profits which accrue from the operation of the alcoholic beverage~~  
38 ~~control stores in Halifax County, commencing July 1, 1960, and quarterly thereafter, shall~~  
39 ~~be distributed in the following manner:~~

40       ~~(1) Not less than five per cent (5%) nor more than ten per cent (10%) of the total~~  
41 ~~profits shall be allocated to law enforcement and expended by the Halifax County Board~~  
42 ~~of Alcoholic Control in the manner and for the purposes set out in G.S. 18-45, as it~~  
43 ~~appears in the 1957 Cumulative Supplement to Volume 1C of the General Statutes.~~

1       (2) ~~Not more than five per cent (5%) of the total profits may be allocated for~~  
2 ~~education as to the use of alcoholic beverages and for the rehabilitation of alcoholics by~~  
3 ~~the Halifax County Board of Alcoholic Control in the manner and for the purposes set out~~  
4 ~~in G.S. 18-45, as it appears in the 1957 Cumulative Supplement to Volume 1C of the~~  
5 ~~General Statutes.~~

6       (4) ~~After subsections (1) and (2) of this Section have been complied with:~~

7       (a) ~~Twenty five per cent (25%) of the remaining profits shall be allocated and paid~~  
8 ~~to the several municipal corporations within Halifax County where alcoholic beverage~~  
9 ~~control stores are operated; such profits shall be allocated proportionately on the basis of~~  
10 ~~the ratio of profits derived from the operation of the store or stores in any one~~  
11 ~~municipality to the profits derived from the operation of all stores in all of the~~  
12 ~~municipalities in the county in which stores are operated; and~~

13       (b) ~~Seventy five percent (75%) of the profits shall be paid to the Board of~~  
14 ~~Commissioners of Halifax County; forty percent (40%) shall be used by the county~~  
15 ~~commissioners for general county purposes; sixty per cent (60%) of said seventy five per~~  
16 ~~cent (75%) shall be allocated by the county board of commissioners and distributed to the~~  
17 ~~Halifax County Board of Education, the Weldon City Administrative Unit and the~~  
18 ~~Roanoke Rapids City Administrative Unit proportionately on a per capita school~~  
19 ~~enrollment basis and expended by the governing boards of the several school units for~~  
20 ~~necessary expenses in their respective units.~~

21       (e) ~~The books and records of the Halifax County Board of Alcoholic Control shall~~  
22 ~~be audited quarterly by the auditor or auditing firm employed to do the regular county~~  
23 ~~auditing and said quarterly audits shall be made available to the Board of County~~  
24 ~~Commissioners of Halifax County and to the public for inspection and review.~~

25       (c1) Commencing July 1, 1995, the distribution of revenue and fiscal operations of  
26 the Halifax County Board of Alcoholic Control shall be conducted pursuant to the  
27 general law.

28       (d) ~~The Halifax County Board of Commissioners, the Halifax County Board of~~  
29 ~~Health and the Halifax County Board of Education shall hold a joint meeting within~~  
30 ~~fourteen (14) days after adoption of this proposal, and at such meeting they shall elect the~~  
31 ~~three members of the new Halifax County Board of Alcoholic Control in the manner~~  
32 ~~provided in G.S. 18-41 and shall arrange for the audit directed by this Section."~~

33       Sec. 3. This act applies to Halifax County only.

34       Sec. 4. This act is effective upon ratification.