

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 1347

Short Title: Kannapolis ABC Store Election.

(Local)

Sponsors: Senator Hartsell.

Referred to: State Government, Local Government, and Veterans' Affairs.

May 27, 2004

A BILL TO BE ENTITLED

1 AN ACT AUTHORIZING THE CITY OF KANNAPOLIS TO HOLD A
2 REFERENDUM ON THE OPERATION OF ABC STORES AS PART OF THE
3 ROWAN COUNTY ABC SYSTEM, AND TO SPECIFY HOW PROFITS FROM
4 THOSE STORES SHALL BE DISTRIBUTED.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Notwithstanding any other provision of law, the City of
8 Kannapolis may hold an election on the establishment of ABC stores pursuant to
9 G.S. 18B-600(d). The call for the election, and the procedure for conducting it, shall be
10 in accordance with G.S. 18B-601. All registered voters in the City of Kannapolis shall
11 be eligible to vote in the election.

12 **SECTION 2.** If an election is called, the ballot shall state the proposition as
13 follows:

"[] FOR [] AGAINST

14 To permit the operation of ABC stores throughout Kannapolis by the Rowan
15 County ABC system."
16

17 **SECTION 3.** If an election is held pursuant to this act, and if a majority of
18 the voters voting in the election vote in favor of the operation of ABC stores in the City
19 of Kannapolis, then the stores shall be established and operated by the
20 Rowan/Kannapolis ABC Board as provided in Section 4 of this act.

21 **SECTION 4.** If an election is held pursuant to this act and the operation of
22 ABC stores in the City of Kannapolis is approved, the Rowan County ABC Board shall
23 be renamed the Rowan/Kannapolis ABC Board. The terms of the current members of
24 the Rowan County ABC Board shall not be affected by this act, and the Rowan County
25 Board of Commissioners shall continue to appoint three members for staggered,
26 three-year terms on the same schedule as is now followed.

27 **SECTION 5.** After the distribution of the portion of the gross receipts
28 required by G.S. 18B-805(a) through (d), the Rowan/Kannapolis ABC Board shall
29 distribute the remaining receipts as follows:

- 1 (1) Forty percent (40%) shall be paid to Rowan County.
- 2 (2) Twenty-two and one-half percent (22½%) shall be paid to the City of
- 3 Salisbury.
- 4 (3) Twenty-two and one-half percent (22½%) shall be paid to the City of
- 5 Kannapolis.
- 6 (4) The remaining fifteen percent (15%) shall be distributed to the other
- 7 incorporated municipalities in Rowan County with each municipality
- 8 receiving a percentage equal to the proportion of its census population
- 9 to the total census population of all of the municipalities receiving
- 10 funds under this subdivision.

11 **SECTION 6.** As provided in G.S. 18B-805(e), the governing bodies of the
12 entities receiving revenue from the Rowan/Kannapolis ABC Board may agree upon a
13 different distribution of those funds, subject to the following:

- 14 (1) If all the affected governmental entities agree, the distribution may be
- 15 altered in any manner they choose.
- 16 (2) Rowan County, the City of Salisbury, and the City of Kannapolis may
- 17 agree by themselves to a different division of eighty-five percent
- 18 (85%) of the distribution which goes to those three local governments.

19 **SECTION 7.(a)** If the operation of ABC stores in Kannapolis is approved
20 pursuant to this act, and the Rowan/Kannapolis ABC Board is established but
21 subsequently the City of Kannapolis votes against the operation of ABC stores, the
22 board shall be renamed the Rowan County ABC Board and shall operate ABC stores in
23 Rowan County, including the Rowan County portion of the City of Kannapolis, as it did
24 before the establishment of the additional stores in the City of Kannapolis started
25 pursuant to this act. Should that occur, the gross receipts from the operation of the ABC
26 stores, after the distributions required by G.S. 18B-805(a) through (d) shall be as
27 follows:

- 28 (1) Fifty percent (50%) shall be paid to Rowan County.
- 29 (2) Thirty percent (30%) shall be paid to the City of Salisbury.
- 30 (3) The remaining twenty percent (20%) shall be distributed to the other
- 31 incorporated municipalities in Rowan County with each municipality
- 32 receiving a percentage equal to the proportion of its census population
- 33 to the total census population of all of the municipalities receiving
- 34 funds under this subdivision.

35 **SECTION 7.(b)** The governmental entities receiving revenue from the
36 Rowan County ABC Board may spend those funds for any proper governmental
37 function. As provided in G.S. 18B-805(e), the governing bodies of those entities may
38 agree to a different distribution of the revenues.

39 **SECTION 8.** If the operation of ABC stores in the City of Kannapolis is
40 approved pursuant to this act, but subsequently Rowan County votes against the
41 operation of ABC stores, the board shall be renamed the Kannapolis ABC Board. The
42 Kannapolis ABC Board shall be appointed and shall operate as provided in Chapter 18B
43 of the General Statutes and shall be authorized to operate ABC stores in the entire City
44 of Kannapolis.

1 **SECTION 9.** Notwithstanding the provisions of G.S. 18B-603(c)(3) and any
2 similar provision of the General Statutes, a vote in favor of ABC stores in the City of
3 Kannapolis pursuant to this act shall not affect the issuance of ABC permits in any other
4 portion of Cabarrus or Rowan counties.

5 **SECTION 10.** Except as otherwise provided in this act, the operation of
6 ABC stores in Rowan County and the City of Kannapolis shall be governed by the
7 provisions of Chapter 18B of the General Statutes.

8 **SECTION 11.** The following acts are repealed:

9 (1) Chapter 585 of the Public-Local Laws of 1937.

10 (2) Chapter 650 of the Session Laws of 1947.

11 (3) Chapter 461 of the Session Laws of 1951.

12 (4) Chapter 830 of the Session Laws of 1955.

13 (5) Chapter 1093 of the Session Laws of 1959.

14 **SECTION 12.** This act is effective when it becomes law.