

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 466
SENATE BILL 57

AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE
RESEARCH COMMISSION'S COMMITTEE ON ALCOHOLIC BEVERAGE
CONTROL AND TO MAKE OTHER CHANGES IN THE ABC LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-101 reads as rewritten:

"§ 18B-101. Definitions.

As used in this Chapter, unless the context requires otherwise:

- (1) 'ABC law' or 'ABC laws' means any statute or statutes in this Chapter or in Article 2C of Chapter 105, and the rules issued by the Commission under the authority of this Chapter.
- (2) 'ABC permit' or 'permits' means any written or printed authorization issued by the Commission pursuant to the provisions of this Chapter, other than a purchase-transportation permit. Unless the context clearly requires otherwise, as in the provisions concerning applications for permits, 'ABC permit' or 'permit' means a presently valid permit.
- (3) 'ABC system' means a local board and all ABC stores operated by it, its law-enforcement branch, and all its employees.
- (4) 'Alcoholic beverage' means any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including malt beverages, unfortified wine, fortified wine, spirituous liquor, and mixed beverages.
- (5) 'ALE Division' means the Alcohol Law Enforcement Division of the Department of Crime Control and Public Safety.
- (5a) 'Bailment surcharge' means the charge imposed on each case of liquor shipped from a Commission warehouse as provided in G.S. 18B-208. This bailment surcharge is in addition to the bailment charge imposed by G.S. 18B-804(b)(2).
- (6) 'Commission' means the North Carolina Alcoholic Beverage Control Commission established under G.S. 18B-200.
- (7) 'Fortified wine' means any wine made by fermentation from grapes, fruits, berries, rice, or honey, to which nothing has been added other than pure brandy made from the same type of grape, fruit, berry, rice, or honey that is contained in the base wine, and which has an alcoholic content of not more than twenty-four percent (24%) alcohol by volume.

- (8) 'Local board' means a city or county ABC board, or local board created pursuant to the provisions of G.S. 18B-703. A local board is an independent local political subdivision of the State. Nothing in this Chapter shall be construed as constituting a local board the agency of a city or county or of the Commission.
- (9) 'Malt beverage' means beer, lager, malt liquor, ale, porter, and any other brewed or fermented beverage containing at least one-half of one percent (0.5%), and not more than six percent (6%), alcohol by volume.
- (10) 'Mixed beverage' means either of the following:
 - a. A drink composed in whole or in part of spirituous liquor and served in a quantity less than the quantity contained in a closed package.
 - b. A premixed cocktail served from a closed package containing only one serving.
- (11) 'Nontaxpaid alcoholic beverage' means any alcoholic beverage upon which the taxes imposed by the United States, this State, or any other territorial jurisdiction in which the alcoholic beverage was purchased have not been paid.
- (12) 'Person' means an individual, firm, partnership, association, corporation, limited liability company, other organization or group, or other combination of individuals acting as a unit.
- (13) 'Sale' means any transfer, trade, exchange, or barter, in any manner or by any means, for consideration.
- (13a) 'Special ABC area' means an area that meets ~~all of the~~ following requirements:

Either:

 - a. 1. Has fewer than 500 permanent ~~residents-residents~~;
 - ~~b.~~ 2. Is located in a county that borders another state, that has at least one city that has approved the operation of an ABC store, and in which the sale of unfortified wine and malt beverages is permitted countywide or in at least two ~~cities-cities~~; and
 - ~~c.~~ 3. Contains more than 500 contiguous acres made up of privately-owned land and land owned by an association or a club that is exempt from income tax on its membership income under Article 4 of Chapter 105 of the General Statutes, has more than 200 members, was created for municipal and recreational purposes, and, for three or more years, has levied assessments or dues and provided municipal ~~services-services~~; or
 - b. 1. Has more than 500 permanent residents;
 - 2. Is located in a county;

- I. Where ABC stores have heretofore been established but in which the sale of mixed beverages has not been approved;
 - II. That borders on a county that has approved the sale of alcoholic beverages countywide and contains an international airport; and
 - III. Borders on a county where ABC stores have heretofore been established by petition pursuant to law; and
3. Contains more than 500 contiguous acres made up of privately owned land and land owned by an association or a club that is exempt from income tax on its membership income under Article 4 of Chapter 105 of the General Statutes, has more than 200 members, was created for municipal and recreational purposes, and, for three or more years, has levied assessments or dues and provided municipal services.
- (14) 'Spirituous liquor' or 'liquor' means distilled spirits or ethyl alcohol, including spirits of wine, whiskey, rum, brandy, gin and all other distilled spirits and mixtures of cordials, liqueur, and premixed cocktails, in closed containers for beverage use regardless of their dilution.
- (14a) 'Tourism ABC establishment' means a restaurant or hotel that meets both of the following requirements:
- a. Is located within 1.5 miles of the end of an entrance or exit ramp of a junction on a national scenic parkway designed to attract local, State, national, and international tourists between Milepost 305 and 460.
 - b. Is located in a county in which the on-premises sale of malt beverages or unfortified wine is authorized in at least one city.
- (15) 'Unfortified wine' means wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar, ~~and that has an alcoholic content of not more than seventeen percent (17%) alcohol by volume. sugar.~~

Sec. 2. G.S. 18B-500(a) reads as rewritten:

"(a) Appointment. – The Secretary of Crime Control and Public Safety shall appoint alcohol law-enforcement agents and other enforcement personnel. The Secretary of Crime Control and Public Safety may also appoint regular employees of the Commission as alcohol law-enforcement agents. Alcohol law-enforcement agents shall be designated as 'alcohol law-enforcement agents'."

Sec. 3. G.S. 18B-501(a) reads as rewritten:

"(a) Appointment. – Except as provided in subsection (f), each local board shall hire one or more ABC enforcement officers. Local ABC enforcement officers shall be

designated as 'ABC Officers'. The local board may designate one officer as the chief ABC officer for that board."

Sec. 4. G.S. 18B-501(f) reads as rewritten:

"(f) Contracts with Other Agencies. – Instead of hiring local ABC officers, a local board may contract to pay its enforcement funds to a sheriff's department, city police department, or other local law-enforcement agency for enforcement of the ABC laws within the law-enforcement agency's territorial jurisdiction. Enforcement agreements may be made with more than one agency at the same time. When such a contract for enforcement exists, the officers of the contracting law-enforcement agency shall have the same authority to inspect under G.S. 18B-502 that an ABC officer employed by that local board would have. If a city located in two or more counties approves the sale of some type of alcoholic beverage pursuant to the provisions of G.S. 18B-600(e4), and there are no local ABC boards established in the city and one of the counties in which the city is located, the local ABC board of any county in which the city is located may enter into an enforcement agreement with the city's police department for enforcement of the ABC laws within the entire city, including that portion of the city located in the county of the ABC board entering into the enforcement agreement."

Sec. 5. G.S. 18B-603(d) reads as rewritten:

"(d) Mixed Beverage Elections. – If a mixed beverage election is held under G.S. 18B-602(h) and the sale of mixed beverages is approved, the Commission may issue permits to qualified persons and establishments in the jurisdiction that held the election as follows:

- (1) The Commission may issue mixed beverage permits.
- (2) The Commission may issue on-premises malt beverage, unfortified wine, and fortified wine permits for establishments with mixed beverage permits, regardless of any other election or any local act concerning sales of those kinds of alcoholic beverages.
- (3) The Commission may issue off-premises malt beverage permits to any establishment that meets the requirements under G.S. 18B-1001(2) in any township which has voted to permit the sale of mixed beverages, regardless of any other local act concerning sales of those kinds of alcoholic beverages. The Commission may also issue off-premises unfortified wine permits to any establishment that meets the requirements under G.S. 18B-1001(4) in any township which has voted to permit the sale of mixed beverages, regardless of any other local act concerning sales of those kinds of alcoholic beverages.
- (4) The Commission may issue brown-bagging permits for private clubs and congressionally chartered veterans organizations but may no longer issue and may not renew brown-bagging permits for restaurants, hotels, and community theatres. A restaurant, hotel, or community theatre may not be issued a mixed beverage permit under subdivision (1) until it surrenders its brown-bagging permit.
- (5) The Commission may continue to issue culinary permits for establishments that do not have mixed beverage permits. An

establishment may not be issued a mixed beverage permit under subdivision (1) until it surrenders its culinary permit.

In any county in which the sale of mixed beverages has been approved in elections in at least three cities that, combined, contain more than two-thirds the total county population as of the most recent federal census, the county board of commissioners may by resolution approve the sale of mixed beverages throughout the county, and the Commission may issue permits as if mixed beverages had been approved in a county election.

If a county or city holds a mixed beverage election and an ABC store election at the same time and the voters do not approve the establishment of an ABC store, the Commission may not issue mixed beverages permits in that county or city."

Sec. 6. G.S. 18B-900(c) reads as rewritten:

"(c) Who Must Qualify; Exceptions. – For an ABC permit to be issued to and held for a business, each of the following persons associated with that business must qualify under subsection (a):

- (1) The owner of a sole proprietorship;
- (2) Each member of a firm, association or general partnership;
- (2a) Each general partner in a limited partnership;
- (2b) Each manager and any member with a twenty-five percent (25%) or greater interest in a limited liability company;
- (3) Each officer, director and owner of twenty-five percent (25%) or more of the stock of a corporation except that the requirement of subdivision (a)(1) does not apply to such an officer, director, or stockholder unless he is a manager or is otherwise responsible for the day-to-day operation of the business;
- (4) The manager of an establishment operated by a corporation other than an establishment with only off-premises malt beverage, off-premises unfortified wine, or off-premises fortified wine permits;
- (5) Any manager who has been empowered as attorney-in-fact for a nonresident individual or partnership."

Sec. 7. G.S. 18B-902(e) reads as rewritten:

"(e) Fee for Combined Applications. – If application is made at the same time for retail malt beverage, unfortified wine and fortified wine permits for a single business location, the total fee for those applications shall be two hundred dollars (\$200.00). If application is made at the same time for brown-bagging and special occasion permits for a single business location, the total fee for those applications shall be three hundred dollars (\$300.00). If application is made at the same time for wine and malt beverage importer permits, the total fee for those applications shall be one hundred fifty dollars (\$150.00). If application is made at the same time for wine and malt beverage wholesaler permits, the total fee for those applications shall be one hundred fifty dollars (\$150.00). ~~If application is made in the same year for vendor representative permits to represent more than one vendor, only one fee shall be paid.~~ If application is made at the same time for nonresident malt beverage vendor and nonresident wine vendor permits, the total fee for those applications shall be fifty dollars (\$50.00)."

Sec. 8. G.S. 18B-1000(8) reads as rewritten:

"(8) Sports club. – An establishment substantially engaged in the business of providing an 18-hole golf course, a two or more tennis court, courts, or both. The sports club can either be open to the general public or to members and their guests. To qualify as a sports club, an establishment's gross receipts for club activities shall be greater than its gross receipts for alcoholic beverages. This provision does not prohibit a sports club from operating a restaurant. Receipts for food shall be included in with the club activity fee."

Sec. 9. A sports club that has only one tennis court and does not have an 18-hole golf course must have at least two tennis courts by October 1, 1996, to continue to qualify for ABC permits as a sports club. The ABC Commission shall revoke any permits previously issued to a sports club that does not meet the definition of sports club, as amended by Section 8 of this act, as of October 1, 1996.

Sec. 10. G.S. 18B-1001 reads as rewritten:

"§ 18B-1001. Kinds of ABC permits; places eligible.

When the issuance of the permit is lawful in the jurisdiction in which the premises is located, the Commission may issue the following kinds of permits:

(1) On-Premises Malt Beverage Permit. – An on-premises malt beverage permit authorizes the retail sale of malt beverages for consumption on the premises and the retail sale of malt beverages in the manufacturer's original container for consumption off the premises. It also authorizes the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:

- a. Restaurants;
- b. Hotels;
- c. Eating establishments;
- d. Food businesses;
- e. Retail businesses;
- f. Private clubs;
- g. Convention centers;
- h. Community theatres.

The permit may also be issued to certain breweries as authorized by G.S. 18B-1104(7).

(2) Off-Premises Malt Beverage Permit. – An off-premises malt beverage permit authorizes the retail sale of malt beverages in the manufacturer's original container for consumption off the ~~premises~~. premises and it authorizes the holder of the permit to ship malt beverages in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:

- a. Restaurants;
- b. Hotels;
- c. Eating establishments;

- d. Food businesses;
 - e. Retail businesses.
- (3) On-Premises Unfortified Wine Permit. – An on-premises unfortified wine permit authorizes the retail sale of unfortified wine for consumption on the premises, either alone or mixed with other beverages, and the retail sale of unfortified wine in the manufacturer's original container for consumption off the premises. It also authorizes the holder of the permit to ship unfortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:
- a. Restaurants;
 - b. Hotels;
 - c. Eating establishments;
 - d. Private clubs;
 - e. Convention centers;
 - f. Cooking schools;
 - g. Community theatres~~[-]~~theatres;
 - h. Winery.
- (4) Off-Premises Unfortified Wine Permit. – An off-premises unfortified wine permit authorizes the retail sale of unfortified wine in the manufacturer's original container for consumption off the ~~premises~~. premises and it authorizes the holder of the permit to ship unfortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for retail businesses. The permit may also be issued for a winery for sale of its own unfortified wine.
- (5) On-Premises Fortified Wine Permit. – An on-premises fortified wine permit authorizes the retail sale of fortified wine for consumption on the premises, either alone or mixed with other beverages, and the retail sale of fortified wine in the manufacturer's original container for consumption off the premises. It also authorizes the holder of the permit to ship fortified wine in closed containers to individual purchasers inside and outside the State. The permit may be issued for any of the following:
- a. Restaurants;
 - b. Hotels;
 - c. Private clubs;
 - d. Community theatres~~[-]~~theatres;
 - e. Wineries;
 - f. Convention centers.
- (6) Off-Premises Fortified Wine Permit. – An off-premises fortified wine permit ~~shall authorize~~ authorizes the retail sale of fortified wine in the manufacturer's original container for consumption off the ~~premises~~. premises and it authorizes the holder of the permit to ship fortified wine in closed containers to individual purchasers inside and outside

the State. The permit may be issued for food businesses. The permit may also be issued for a winery for sale of its own fortified wine.

- (7) Brown-Bagging Permit. – A brown-bagging permit authorizes each individual patron of an establishment, with the permission of the permittee, to bring up to eight liters of fortified wine or spirituous liquor, or eight liters of the two combined, onto the premises and to consume those alcoholic beverages on the premises. The permit may be issued for any of the following:
 - a. Restaurants;
 - b. Hotels;
 - c. Private clubs;
 - d. Community theaters;
 - e. Congressionally-chartered veterans organizations.
- (8) Special Occasion Permit. – A special occasion permit authorizes the host of a reception, party or other special occasion, with the permission of the permittee, to bring fortified wine and spirituous liquor onto the premises of the business and to serve the same to his guests. The permit may be issued for any of the following:
 - a. Restaurants;
 - b. Hotels;
 - c. Eating establishments;
 - d. Private clubs;
 - e. Convention centers.
- (9) Limited Special Occasion Permit. – A limited special occasion permit authorizes the permittee to bring fortified wine and spirituous liquor onto the premises of a business, with the permission of the owner of that property, and to serve those alcoholic beverages to the permittee's guests at a reception, party, or other special occasion being held there. The permit may be issued to any individual other than the owner or possessor of the premises. An applicant for a limited special occasion permit shall have the written permission of the owner or possessor of the property on which the special occasion is to be held.
- (10) Mixed Beverages Permit. – A mixed beverages permit authorizes the retail sale of mixed beverages for consumption on the premises. The permit also authorizes a mixed beverages permittee to obtain a purchase-transportation permit under G.S. 18B-403 and 18B-404, and to use for culinary purposes spirituous liquor lawfully purchased for use in mixed beverages. The permit may be issued for any of the following:
 - a. Restaurants;
 - b. Hotels;
 - c. Private clubs;
 - d. Convention centers;
 - e. Community theatres;

- f. ~~Nonprofit and political organizations.~~ organizations; and
 - g. Political organizations.
- (11) Culinary Permit. – A culinary permit authorizes a permittee to possess up to 12 liters of either fortified wine or spirituous liquor, or 12 liters of the two combined, in the kitchen of a business and to use those alcoholic beverages for culinary purposes. The permit may be issued for either of the following:
- a. Restaurants;
 - b. Hotels.
 - c. Cooking schools.
- A culinary permit may also be issued to a catering service to allow the possession of the amount of fortified wine and spirituous liquor stated above at the business location of that service and at the cooking site. The permit shall also authorize the caterer to transport those alcoholic beverages to and from the business location and the cooking site, and use them in cooking.
- (12) Mixed Beverages Catering Permit. – A mixed beverages catering permit authorizes a hotel or a restaurant that has a mixed beverages permit to bring spirituous liquor onto the premises where the hotel or restaurant is catering food for an event and to serve the liquor to guests at the event.
- (13) Guest Room Cabinet Permit. – A guest room cabinet permit authorizes a hotel having a mixed beverages permit to sell to its room guests, from securely locked cabinets, malt beverages, unfortified wine, fortified wine, and spirituous liquor. A permittee shall designate and maintain at least ten percent (10%) of the permittee's guest rooms as rooms that do not have a guest room cabinet. A permittee may dispense alcoholic beverages from a guest room cabinet only in accordance with written policies and procedures filed with and approved by the Commission. A permittee shall provide a reasonable number of vending machines, coolers, or similar machines on premises for the sale of soft drinks to hotel guests.
- A guest room cabinet permit may be issued for any of the following:
- a. A hotel located in a county subject to G.S. 18B-600(f).
 - b. A hotel located in a county that has a population in excess of 150,000 by the last federal census."

Sec. 11. G.S. 18B-1006(i)(4) reads as rewritten:

- "(4) A boat shall have a home port in an area where issuance of any of the permits listed in subdivision (3) is legal, and all passengers shall enter the boat at the home port or at other ports listed on a preannounced itinerary. The boat's permits are valid during tours that leave and return to the boat's home port, and apply regardless of whether the boat crosses into an area where sales are not legal, if the boat docks only at

a port listed on the preannounced itinerary, except in an emergency; and".

Sec. 12. G.S. 18B-1006(k) reads as rewritten:

"(k) Residential Private Club and Sports Club Permits. – The Commission may issue the permits listed in G.S. 18B-1001, without approval at an election, to a residential private club or a sports club that is located in a county that meets the requirements set in any of the following subdivisions:

- (1) Has a population of less than 45,000 by the last federal census, has at least three but not more than four cities that have approved the sale of malt beverages or unfortified wine, has only one city that has approved the on-premises sale of malt beverages, and has at least two cities that approved the operation of ABC stores before July 10, 1992.
- (2) Borders a county that has called elections pursuant to G.S. 18B-600(f), and:
 - a. Has not approved the issuance of permits, other than malt beverage permits, in unincorporated areas of the county, and has no more than three cities that approved the operation of ABC stores before July 10, 1992; or
 - b. Both the county and the two cities within the county have approved the operation of ABC stores.
- (3) Is bordered by four counties that have not approved the issuance of permits and have at least one city that has approved the operation of an ABC store.
- (4) Has not approved the issuance of permits, has at least three cities that have approved the issuance of only either off-premises malt beverage or both off-premises malt beverage and off-premises unfortified wine permits, and has only one city that, as of July 1, 1993, had approved the operation of an ABC store.
- (5) Has not approved the issuance of any permits, borders one of the two largest counties in the State with more than 940 square miles, has an interstate highway running through it, and has at least six cities that have approved the sale of some malt beverages and unfortified wine and four of which have approved ABC systems.
- (6) Borders a county that has approved the issuance of all permits and the operation of an ABC store, meets the county description of a special ABC area in G.S. 18B-101(13a)b., and, as of July 1, 1995, had at least five cities that had authorized the issuance of permits.
- (7) Borders two states and, as of July 1, 1995, had only one city that had approved the issuance of permits.

The mixed beverages purchase-transportation permit authorized by G.S. 18B-404(b) shall be issued by a local board operating a store located in the county."

Sec. 12.1. G.S. 18B-1006 is amended by adding a new section to read:

"(l) Marina. – The Commission may issue the permits listed in G.S. 18B-1001, without approval at an election, to a restaurant operated as a part of a deep saltwater

marina. A 'deep saltwater marina' is a marina that meets all of the following requirements:

- (1) Is located in a county that borders the Atlantic Ocean and that has a beautification district which, as of July 1, 1995, had approved the issuance of all permits.
- (2) Either is located on the Atlantic Ocean or a sound.
- (3) Has at least 100 boat slips that are at least 40 feet in length."

Sec. 13. G.S. 18B-1007(b) reads as rewritten:

"(b) Handling Bottles. – It shall be unlawful for a mixed beverages permittee or the permittee's agent or employee to do any of the following:

- (1) Store any other spirituous liquor with liquor possessed for resale in mixed beverages or from a guest room cabinet.
- (2) Refill any spirituous liquor container having a mixed beverages tax stamp with any other alcoholic beverage, or add to the contents of such a container any other alcoholic beverage.
- (3) Transfer from one container to another a mixed beverages tax stamp.
- (4) Possess any container of spirituous liquor not bearing a mixed beverages tax stamp, except for containers being brought onto the premises by the host of a private function under a special occasion permit."

Sec. 14. G.S. 18B-1301 reads as rewritten:

"§ 18B-1301. Definitions.

- (1) 'Supplier' means a brewer, ~~fermenter, processor, bottler, packager or~~ importer of malt beverages, including anyone who holds a brewery, malt beverages importer or nonresident malt beverages vendor permit.
- (2) 'Wholesaler' means the holder of a malt beverages wholesaler permit."

Sec. 15. G.S. 18B-1303(a) reads as rewritten:

"(a) Filing. – It is unlawful for a supplier to provide malt beverages to a wholesaler unless ~~a distribution agreement has been filed with the Commission~~ has received notification from the supplier describing designating the brands of the supplier which the wholesaler is authorized to sell and the territory in which such sales may take place. If the supplier sells several brands, the agreement need not apply to all brands. No supplier may provide by a distribution agreement for the distribution of a brand to more than one wholesaler for the same territory. A wholesaler shall not distribute any brand of malt beverage to a retailer whose premises are located outside the territory specified in the wholesaler's distribution agreement for that brand. A wholesaler may, however, with the approval of the Commission distribute malt beverages outside his designated territory during periods of temporary service interruption when requested to do so by the supplier and the wholesaler whose service is interrupted."

Sec. 16. G.S. 105-113.68(a)(12) reads as rewritten:

- "(12) 'Unfortified wine' means wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar, ~~and that has an alcoholic content of not more than seventeen percent (17%) alcohol by volume. sugar."~~

Sec. 17. Section 6 of Chapter 734 of the 1969 Session Laws, as amended by Chapter 129 of the 1987 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 retaining sufficient and proper working capital, the amount thereof to be determined by the Town of Sunset Beach Board of Alcoholic Control, said board shall further expend an amount as necessary for law enforcement purposes of not less than five per cent (5%) nor more than ten per cent (10%) thereof, ~~to be determined by quarterly audit, which (10%).~~ This amount shall supplement and not supplant the amount usually budgeted for such purposes by the Town of Sunset Beach. 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 Brunswick 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 Brunswick County and be entitled to all the protection provided for said officer while acting in his own county.

Out of the net profits derived from the operation of said alcoholic beverage control stores, the Town of Sunset Beach Board of Alcoholic Control, shall, on a quarterly basis, pay over to the following named governing bodies, departments, boards, and agencies amounts equal to the percentages of the net profits which shall be expended by said governing bodies, departments, boards, and agencies for these purposes and none other as follows:

- (a) Fifteen per cent (15%) to be given to the Calabash Volunteer Rescue Squad, Inc.
- (b) Sixty-five per cent (65%) to be retained by the Town Board of Alcohol Control in a special fund until sufficient funds are available from this and other sources for the construction of a new building by the board and then this percentage of funds are to be distributed to the general fund of the Town of Sunset Beach.
- (c) Twenty per cent (20%) to go to the Board of Education of Brunswick County for use at the Union Primary School, the Shallotte School, Waccamaw Primary School, and West Brunswick High School."

Sec. 17.1. Section 6 of Chapter 519 of the 1959 Session Laws, as amended by Chapter 331 of the 1961 Session Laws, Chapter 376 of the 1971 Session Laws, and Chapter 474 of the 1975 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 retaining sufficient and proper working capital, the amount thereof to be determined by the Town of Shallotte Board of Alcoholic Control, said board shall further expend an amount as necessary for law enforcement purposes of not less than five per cent (5%) nor more than ten per cent (10%) thereof, ~~to be determined by quarterly audit, which (10%).~~ This amount shall supplement and not supplant the amount usually budgeted for such purposes by the Town of Shallotte. In the expenditure of said funds, the City 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 Brunswick 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 Brunswick County and be entitled to all the protection provided for said officer while acting in his own county.

Out of the net profits derived from the operation of said alcoholic beverage control stores, the Town of Shallotte Board of Alcoholic Control shall, on a quarterly basis, pay over to the following named governing bodies, departments, boards, and agencies amounts equal to the percentages of the net profits which shall be expended by said governing bodies, departments, boards, and agencies for these purposes and none other as follows:

- (a) 5% to Union Primary School
- (b) 5% to Shallotte Middle School
- (c) 10% to West Brunswick High School
- (d) 80% to the General Fund of the Town of Shallotte."

Sec. 18. This act becomes effective October 1, 1995.

In the General Assembly read three times and ratified this the 20th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives