

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**H**

**1**

**HOUSE BILL 1170**

Short Title: Pender County ABC Law. (Local)

---

Sponsors: Representative Justice (Primary Sponsor).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

---

Referred to: Commerce and Job Development Subcommittee on Alcoholic Beverage Control.

---

May 30, 2012

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PROCESS BY WHICH MEMBERS OF THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL ARE SELECTED; TO REMOVE THE REQUIREMENT THAT THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL LOCATE ONE OR MORE STORES IN THE TOWNS OF BURGAW AND ATKINSON; AND TO AMEND THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 4(c) of Chapter 50 of the 1963 Session Laws, as rewritten by Section 1 of Chapter 778 of the 1963 Session Laws, reads as rewritten:

"There shall be created a Pender County Board of Alcoholic Control to consist of five members. The Chairman shall be G. C. Edmonds, who shall serve as such and as a board member until July 1, 1965. The four other members shall be selected by ~~a majority vote in a joint meeting of the Board of County Commissioners of Pender County, the Pender County Board of Health, the Pender County Board of Education, and the Pender County Board of Public Welfare, and each member present shall have only one vote notwithstanding the fact that there may be instances in which some members are members of another board.~~ the Pender County Board of Commissioners. Two of said four Board members shall be chosen to serve for a period of three (3) years and two of said four members shall be chosen to serve for a period of two (2) years. All terms shall begin with the date of appointment and successors in office shall serve for a period of three (3) years, and be appointed in the same manner as herein provided. Upon the expiration of the term of G. C. Edmonds, his successor shall be chosen by the same selecting body, and in the same manner, as the four other members of the Board, and his successor shall serve for a three-year term. Vacancies in the Board shall be filled for the unexpired term by the aforesaid selecting body. The members of said Board shall be well known for their good character, ability and business judgment. Insofar as the provisions of this Section are inconsistent with the provisions of G. S. 18-41, the provisions of this Section are controlling in Pender County."

**SECTION 2.** Section 5 of Chapter 50 of the 1963 Session Laws reads as rewritten:

"**Sec. 5.** The Pender County Board of Alcoholic Control shall have all the powers and duties prescribed for County Boards of Alcoholic Control by G. S. 18-45, and shall be subject to the powers and authority of the State Board of Alcoholic Control to the same extent as are County Boards of Alcoholic Control set forth in G. S. 18-39. The Pender County Board of Alcoholic Control shall be subject to the provisions of Article 3, Chapter 18, of the General Statutes except to the extent that such provisions may be in conflict with the terms of this Act.



1 Wherever the word "County" Board of Alcoholic Control appears in said Article, it shall apply  
2 to and include the Pender County Board of Alcoholic Control; provided, however, that the  
3 board ~~shall locate one or more stores in the towns of Burgaw and Atkinson; provided further~~  
4 ~~that the board may locate one or more stores on Topsail Island, or any other location it may~~  
5 ~~deem advisable.~~ may locate, open, and close ABC stores within its jurisdiction pursuant to the  
6 provisions of G.S. 18B-801."

7 **SECTION 3.** Section 6 of Chapter 50 of the 1963 Session Laws, as rewritten by  
8 Section 1 of the 1973 Session Laws, reads as rewritten:

9 "Sec. 6. After deducting fifteen percent (15%) of total net profits to be expended for law  
10 enforcement and after providing for expenditure of a sum not less than two ~~per cent~~percent  
11 (2%) nor more than five ~~per cent~~percent (5%) of total future net profits, and current funds, to  
12 provide facilities, material for the care, education, rehabilitation, treatment of alcoholic, mental  
13 patients, for education of the general public on the excessive use of alcoholic beverages, or  
14 distribution to various Pender County Rescue Squads, at intervals and in amounts determined  
15 by the Pender County Board of Alcoholic Control, and after further payment to the general  
16 fund of Pender County of five ~~per cent~~percent (5%) of total net profits for use in mosquito  
17 control, the remaining total net profits from Alcoholic Beverage Control Stores shall, ~~on a~~  
18 ~~quarterly basis, pursuant to G.S. 18B-805(e), be paid over on a quarterly basis as follows:~~  
19 ~~Seventy five per cent (75%)~~ sixty-five percent (65%) to the general fund of Pender County, and  
20 the remaining ~~twenty five per cent (25%) to the respective municipalities in which Alcoholic~~  
21 ~~Beverage Control Stores are located, based on gross sales of each respective store.~~ thirty-five  
22 percent (35%) shall be distributed as follows:

- 23 (1) Seventy percent (70%) of the remaining thirty-five percent (35%) shall be  
24 distributed to the Town of Burgaw and the Town of Surf City as follows:  
25 a. Forty percent (40%) of the seventy percent (70%) to the Town of  
26 Burgaw.  
27 b. Sixty percent (60%) of the seventy percent (70%) to the Town of  
28 Surf City.  
29 (2) Thirty percent (30%) of the remaining thirty-five percent (35%) shall be  
30 distributed to each of the following municipalities according to each  
31 municipality's percentage of population within Pender County, as  
32 determined by the last decennial federal census:  
33 a. Town of Atkinson.  
34 b. Village of St. Helena.  
35 c. Town of Topsail Beach.  
36 d. Town of Watha."

37 **SECTION 4.** This act becomes effective July 1, 2012.