



# SENATE BILL 787: Stokes County/Local Acts - By Request.

2016-2017 General Assembly

<b>Committee:</b>	Senate State and Local Government	<b>Date:</b>	May 24, 2016
<b>Introduced by:</b>	Sen. Randleman	<b>Prepared by:</b>	Giles Perry
<b>Analysis of:</b>	First Edition		Committee Counsel

**SUMMARY: Senate Bill 787:**

- *Authorizes the Town of Walnut Cove in Stokes County to compel termination of an irrevocable trust established by the Town to fund special separation allowance benefits for their retired local law enforcement officers, if they have disbanded their law enforcement department.*
- *Authorizes Stokes County to regulate, restrict or prohibit possession or consumption of alcoholic beverages on or within 50 feet of navigable rivers in the County.*

**CURRENT LAW:** Under current law, retired local law enforcement officers who qualify are entitled to a special separation allowance benefit under G.S. 143-166.42. Municipalities are authorized by G.S. 159-30.2 to establish and fund an irrevocable trust for the purpose of paying this benefit.

G.S. 18B-300 authorizes a city or county by ordinance to regulate or prohibit the consumption of malt beverages and unfortified wine on property owned, occupied, or controlled by that city or county.

**BILL ANALYSIS:** Senate Bill makes two changes affecting Stokes County only:

**Section 1** of the bill authorizes the Town of Walnut Cove to compel the termination of an irrevocable trust established by the Town to fund special separation allowance benefits for their retired local law enforcement officers, if they have disbanded their law enforcement department. Remaining funds in the trust would be distributed to the Town, for use for any lawful purpose.

**Section 2** of the bill:

- authorizes Stokes County to enact an ordinance to regulate, restrict, or prohibit the possession or consumption of any alcoholic beverage on the waters of any navigable river in Stokes County, or within 50 feet of the banks of any navigable river in Stokes County, unless the possession or consumption is in a venue licensed and approved by the State.
- provides that any ordinance of this type shall not apply to: (i) the actions of a landowner, the landowner's lessee, or the landowner's or lessee's guests on the landowner's property if that property is adjacent to a navigable river or (ii) the waters in Stokes County that have been impounded to form Belews Lake, which is owned by Duke Energy Corporation.
- provides that any ordinance of this type shall be enforceable by law enforcement officers of the Wildlife Resources Commission, sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction.
- provides that a violation of an ordinance of this type is a Class 3 misdemeanor punishable by a fine of not less than fifty dollars (\$50.00), plus court costs.

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Legislative Analysis  
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**EFFECTIVE DATE:** Section 1 of this act is effective when it becomes law. Section 2 of this act becomes effective August 1, 2016, and applies to offenses committed on or after that date. The remainder of this act is effective when it becomes law.