

Main Issues Before General Assembly By Charles Evans: Drinking Laws, Budget

In this legislative report, I would like to concentrate on two main issues before the 1983 General Assembly - the first being the proposals of Governor Hunt concerning changes in the laws dealing with the drinking drivers and the other being the work done on the proposed budget for the 1983-1985 biennium.

As many of you may already know, Governor James B. Hunt, Jr. appointed me to serve as a member of his special task force on the DUI laws almost a year ago and for the last several months the task force has worked on the proposals that were presented to the Governor in December. House Bill 1 and Senate Bill 1, introduced on the first day of the 1983 Legislative Session, embodied the basic proposals that were presented to him by the Special Task Force. In addition to serving as a member of the Task Force, I am also one of the three sponsors of the bill in the House of Representatives. Also, I am serving as co-chairman of the Judiciary III Committee which has the bill. I can tell you, first hand, that Governor Hunt has given a top priority position to this legislation. Last week I was invited to have lunch with the Governor at the Mansion to discuss the status and progress of the bill and will be having dinner with the Governor this week to further discuss the proposal. I very much appreciate Governor Hunt's interest in this legislation and agree with him wholeheartedly that it is a top priority and one that needs to be passed during this session of the Legislature.

Many of you have probably read something about the DUI proposals, but I would like to take this opportunity to briefly review with you the important parts of it. The bill would completely rewrite the laws dealing with driving under the influence offenses so that there would be one offense of driving with impaired faculties. It would repeal the laws dealing with driving under the influence, reckless and careless driving after drinking, and the violation of driving with a blood alcohol content of .10 or more. This means that it would be unlikely that an offender would be able to plead to a lesser offense and thereby avoid loss of his license or a jail sentence. One of the greatest criticisms of our present system is that offenders are able to keep their licenses and continue to drive. I think that the bill will eliminate this possibility and in fact will make more severe the punishment for an offender who has grossly aggravated circumstances involved. The most gross offenses will call for a mandatory minimum jail sentence of 14 days and a fine of up to two thousand dollars. Of course, the punishment for the less aggravated offenses would be less and would include a 24 hour jail sentence or 24 hours of community service or a 30 day loss of driving privileges or any combination of these three and a fine of up to one hundred dollars.

The present use of limited driving privileges for people convicted of driving under the influence would be very much restricted under the new proposal. Also, the limited driving privilege would not be available until after the offender had served his minimum sentence or loss of his license which, of course, is a drastic departure from the practice today.

Another important and somewhat controversial part of the proposal is to raise the buying and possessing age for malt beverages and wine to age 19 from the present age of 18. The Special Task Force, of which I was a member, recommended the age be increased to 19; however, the Governor's Crime Commission, which has also studied this issue detail, recommended that the age be increased to 21. I sense that there is substantial support among the members of the General Assembly to increase the minimum age, and many are saying that we should go to age 21.

Another element of the DUI bill is the part that creates civil liability before the

unlawful sale of alcohol to underaged or intoxicated persons. This recommendation would create a cause of action in favor of a party injured by the operation of a vehicle against the holder of a ABC Permit. It is dependent upon proof that an alcoholic beverage was unlawfully sold to the intoxicated or underaged person who caused the collision and proof that the selling of the alcohol caused the negligent motorist's intoxication. The sale to the intoxicated or underaged person creates a presumption of negligence, rebuttable by proving the permittee's "good practices" including the training of employees, enforcement techniques, inquiry about age, or degree of intoxication of the person. This proposal would create a basis for recovery of damages to the injured party or their relatives or family as well as encourage the sellers of the alcoholic beverages to be extremely careful by undertaking the "good practices" to eliminate the presumption of negligence.

One other important part of the proposal calls for a statute requiring an immediate ten-day administration revocation of the person's driver's license for operating a motor vehicle with a blood alcohol content .10 per cent or more. The license would be confiscated by the magistrate upon a finding of a probable cause that the arrest was proper, that the chemical test was performed correctly. Also, an individual who refuses the breathalyzer test will have his license summarily revoked by the magistrate. A hearing to contest the revocation is provided to be held by a magistrate and that decision is final. It is felt by many people who have studied this issue that an immediate revocation or suspension of the driver's license would have a great impression upon the offender and would mean that the license would be lost immediately and not several months after the offense actually occurred.

The recommendations also include extending the suspension time six to twelve months

for a person who refuses to take a breathalyzer examination. Another important part of the recommendation would make a person's license provisional until they pass the age of 18. That is - from 16 to 18, a person's license would be lost indefinitely if they are found driving with any trace of alcohol in their system. Until the person reaches the age of 18, he would be unable to reapply to obtain his driver's license. Many of the injuries and deaths that occur each year are caused by young people who, unfortunately, are drinking drivers and this provision would increase the punishment to those who are found driving with any trace of alcohol and hopefully will have the effect of making our young people realize how serious an offense this is.

There are many other recommendations included in the proposed DUI bill, but the ones mentioned above are the most talked-about and probably the most far-reaching. I will be happy to try to provide you with any additional information you might want about the DUI proposal, upon request.

The other subject that I want to discuss is the budget proposed by the Governor and the Advisory Budget Commission for the 1983-85 biennium. It is the most austere that has been proposed in several years and reflects the continuing recession in the national economy and the severe impact that it had had on the state's revenue collections. The Governor has recommended only one expansion item and that is to reinstate the merit salary increment and the annual salary step for teachers and state employees, but the proposed budget does contain significant continuation items in education, skill training, research, and other investments that will help build our economy and provide more jobs. Based on the current revenue projections for the rest of this current year ending on June 30, 1983, it is projected that it will be about one hundred and fifty million dollars shortfall, but the Governor has taken action to offset this shortfall. If it is not

made up by cutbacks in present budget and spending by the various state agencies, then that shortfall will have to be funded out of sources available during the coming year since North Carolina

operates on a balanced budget concept.

The proposal includes several items concerning our public schools and tend to concentrate in increasing the competence of our math and

science teachers by upgrading their qualifications. It is felt, by Governor Hunt and the Advisory Budget Commission, that this is the foundation for qualifying our own youth for many of the

new jobs that will be developing and becoming available in North Carolina.

There are several other proposals, of course, included in the Governor's recommendation, but these are the ma-

ior ones. I may have more to say about the budget in my next legislative report. Also, at that time, I will bring you up-to-date about other things that are happening in the 1983 session.

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NCNB Merges With Bank Of N.C.

(Editor's Note: The NCNB Corp. has recently merged with the Bank of North Carolina N.A. A branch of which is located here in Edenton.)

CHARLOTTE — NCNB Corp. reported a 24.3-percent increase in per-share earnings before securities transactions for the fourth quarter of 1982. Earnings were 92 cents, up 18 cents from the 74 cents earned in the comparable quarter of 1981.

Income before securities transactions for the quarter was \$22.2 million, up 26.7 percent from the \$17.5 million earned in the fourth quarter of 1981.

Per-share net income for the fourth quarter was 93 cents a share in 1982, compared to \$1.14 a share for the fourth quarter of 1981. Fourth quarter 1981 included an extraordinary gain of 49 cents a share from the exchange of common stock for long-term debt.

Per-share income before securities transactions for the 1982 was \$3.22, up 15.8 percent from the \$2.78 earned in 1981. Net income per share for the year was \$3.18, compared to the \$3.08 earned in 1981. Included in the determination of net income for 1982 and 1981 were net securities losses of \$9 million and \$4.7 million, respectively.

Consolidated income before securities losses for 1982 was \$77.0 million, up 22.5 percent from the \$62.8 million earned in 1981. Net income was \$76.1 million, compared to \$69.6 million in 1981.

The figures reflect the merger with Bancshares of North Carolina Inc., which was accounted for as a pooling of interests on Dec. 23, 1982, and the mergers with Gulfstream Banks Inc. and Exchange Bancorporation Inc., which were accounted for as purchases on Sept. 3 and Dec. 31, 1982, respectively.

"This excellent performance by NCNB occurred in a year in which many banking companies showed minor in-

creases or even decreases from the previous year," Thomas I. Storrs, chairman of NCNB Corp., said. "It was done despite a gradual but pervasive deterioration in our economy, and hence in commercial loan demand."

"In addition, NCNB accomplished a significant earnings growth while completing major mergers resulting in the addition of more than \$3 billion in corporate assets and the development of a major banking presence in Florida.

Storrs said improved earnings were the result of growth in earning assets, improved interest rate spreads as the result of sound balance sheet management and successful marketing of new consumer deposit forms, strong fee income, and large earnings on securities trading.

Total assets of NCNB Corp. and subsidiaries on Dec. 31, 1982 were \$11.5 billion, compared to \$8.1 billion on the same date in 1981. Total deposits were \$7.9 billion, as compared to \$5.6 billion in 1981. Total loans and leases (net of unearned income) were \$5.8 billion, compared to \$4.2 billion on Dec. 31, 1981.

Bids For Film

ELIZABETH CITY — Northeastern North Carolina Tomorrow is soliciting bids for the production of a regional film. The 12 minute film is to be used in the new Roanoke Island visitors center, various historical sites in the 16 county region, and for special programs.

Anyone interested in securing the specifications for bid should contact Northeastern North Carolina Tomorrow by writing NNCT, ECSU, Box 5-S, Elizabeth City, NC 27909; or by calling 919/335-3494. Written proposals must be in by February 14.

"Truth is within ourselves." Robert Browning