

Evans Report On Proposed Dram Shop Legislation

By Rep. Charles D. Evans

In this legislative report, I will be discussing various aspects of the proposed Dram Shop Legislation which is a part of the Governor's legislation on drinking drivers, a local bill establishing a boundary between Tyrrell and Washington counties, and some comments concerning some of the bills that have been introduced to raise additional revenue for the State and local governments.

First of all, I would like to mention that Liston Ramsey, the Speaker of the N.C. House, has reappointed me to one of the four House positions on the Legislative Ethics Committee to serve for another year. By the Speaker's appointment, I have been serving as the Chairman of the Legislative Ethics Committee last year, but because the Chairmanship rotates each year between the House and the Senate, it will be chaired this year by Senator Marshall Rauch who chaired it two years ago. I believe that the area of ethics and ethical conduct by legislators is most important. The impression that legislators give by their conduct often times is what our citizens make judgements from. The responsibility of this committee is to hear complaints raised about any

member of the General Assembly or to undertake investigations on its own of ethical problems that members of the committee are aware of or become informed about. It consists of four members of the House and four members of the Senate.

Much has been written in the last few days about the proposed Dram Shop Legislation which is a part of the Governor's proposed revision of the laws dealing with drinking drivers. You will recall that I briefly discussed the subject in my last legislative report. Since I have received a great deal of correspondence and inquiry about this proposal, I thought it would be good to tell you a little more about it. At the present time, it is a criminal offense to sell alcoholic beverages to a minor or to a person who is already intoxicated. What this proposal would do is to extend to that situation civil liability on the part of the owner or operator of the dispenser of the alcoholic beverage. It is intended to provide some relief, possibly, to those who have suffered because of a death or serious injury by a drinking driver or to the members of a family of a deceased person. Also involved in the proposal is a defense by the defendant

dispenser of the alcoholic beverage by what is called "good practices." That is - by showing that the establishment checks for identification and has trained its employees to detect an intoxicated person and generally operates a well-run establishment. This would encourage those businesses who are dispersing alcoholic beverages to take whatever additional efforts are necessary in order to be sure that they are not selling to a minor or to a person who is intoxicated.

Much of the opposition that has risen to this proposal comes from grocery stores, convenience stores, and restaurants who are serving alcoholic beverages. The grocery stores and convenience stores are arguing that they do not have enough time during the sales transaction involving alcoholic beverages in which to determine whether a person is intoxicated or not. They also complain that the use of false ID's to establish one's age is being used widely. Although I basically support the Dram Shop Proposal, I do believe that legitimate concerns have been raised. I will be involved, as a member of the Judiciary III Committee in the House, in hopefully solving some of these problems

and then coming up with a proposal that will be supported by most interested parties. There is a great deal of support from the public in general about the proposals and that is why so much attention is being placed on the DUI Proposals. It is time that something is done about this problem.

Regardless of the outcome of the debate on the Dram Shop Proposal, I am supporting change in the statutes which deals with the use of false identification for the purpose of purchasing alcoholic beverages. I am hopeful that this statute will be rewritten in our committee in order that it will include the use of all false identification by an underaged person in order to purchase alcoholic beverages and that the punishment will be appropriate to discourage our young people from doing this.

I have introduced this past week in the House a bill that will establish a boundary agreement between Washington and Tyrrell counties. For many years, apparently, there has been some confusion about a portion of the boundary line between the two counties. The boards of county commissioners of both counties have reached an agreement concerning this

and have requested that I introduce a bill to definitely establish the lines. Because of the fact that the counties are now involved in the tax listing for 1983, I have been requested to expedite this matter as much as possible. I am hopeful that this legislation can be passed during the next few days of the legislative session.

Another item that has created a lot of attention and one that many people are concerned about is the possibility of raising taxes in order to increase the revenue coming into the State. Recently, there was introduced in the Senate by Senator Kenneth Royal a proposal to increase the State sales tax from three per cent to four per cent and earmarking the additional revenues to be used for certain types of expenditures which I will mention below. A very interesting part of the proposal is to remove in steps the sales tax on food. Also involved in the proposal is an increase in the sales tax on aircraft, boats, and motor vehicles from 2 to 3 per cent and increase in the maximum tax on these items from \$120 to \$300. The revenues collected under the sales provisions would be distributed as follows: 1) community colleges for vocational and technical instructional equipment, 2) Department of Transportation to match federal highway aid, 3) Department of Administration for grants to local governments for water supply and waste-water treatment systems and for maintenance and repair of State facilities, 4) Department of Public Instruction for construction and renovation of public school facilities, 5) UNC Board of Governors for capital improvements and 6) any remaining unencumbered amount to be placed in a Public Works Reserve Fund to be appropriated only by the General Assembly. This pro-

posal is rather unique in its approach and I am sure it will receive considerable debate during the coming weeks of the Session.

As some of you may know, a very high-priority has been placed by our local government and its leaders on North Carolina (county commissioners and municipal elected officials) in finding additional revenues for use by the counties. In the last session of the General Assembly I introduced a local option sales tax bill which would increase by one per cent the availability of sales tax revenues if a county decided to institute that on the local level similar to the existing one per cent option sales tax. I believe that we will be hearing more about this subject in the coming weeks and would welcome any comments that you may have about this revenue problem that the State is facing. It seems to me that if the people of North Carolina want additional services provided, including maintenance and construction of highways system that we must find additional revenue. I would welcome any suggestions that you may have.



MAN-MADE MARSH—Seedlings planted in mid-April of last year were well on their way to becoming full-grown vegetation by early July. The photo was taken at the North Carolina State University research site near Aurora, N.C. (Photo courtesy of NCSU Department of Botany)

Virginia Pops Return To Elizabeth City

Albemarle area residents are in for a special musical treat when Walter Noona and his Virginia Pops Orchestra return to Sheep Auditorium in Elizabeth City on Friday, Feb. 11 at 8 P.M. The concert is being sponsored by the Pasquotank Arts Council with the assistance of the Elizabeth City Foundation.

The Virginia Pops organization was formed when the Norfolk Symphony and the Peninsula Symphony merged several years ago. The conductor of the Pops, Walter Noona, is a pianist of great renown. His piano is being shipped to Elizabeth City for this performance, since Noona will be performing as well as directing.

Student tickets are available for \$4 and adult tickets can be purchased for \$6. Tickets may be purchased at Hollowell & Blount in Edenton.

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ROANOKE RAPIDS

Vepco will pay about \$12.2-million in North Carolina state and local taxes in 1982. This includes \$9.9-million for taxes on gross receipts and about \$1.8-million for property taxes.

Of the 1982 property tax payments made on December 31, 1982, Northampton County's \$425,096 was the company's largest. Halifax County had the second largest bill at \$273,678. The Gaston and Roanoke Rapids hydroelectric facilities are located in the two counties.

Other counties receiving checks include Martin, \$99,940; Hertford, \$87,256;

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PUBLIC HEARING

The Edenton Town Council will meet on Monday, Feb. 21, 1983, at 8:00 P.M., in the Edenton Municipal Building at which time they will hold a public hearing on the following:

1. The Planning Board's proposal to rezone the area on Jackson Street between N.C. 32 and Freemason St. from R-20 Residential-Agricultural to R-6 Residential.
2. The Planning Board's proposal to rezone the area North of West Albemarle St. and those lots on the South side of W. Albemarle St. from R-10 Residential to R-6 Residential.
3. The Planning Board's proposal to amend Edenton's Zoning Ordinance by adding item 9) "Storage Warehouse and Mini-Storage" as a permitted use under Sec. 7-2.1 in the R-20 Residential-Agricultural Zone.

Ralph E. Parrish, Zoning Administrator

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