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HIGHLIGHTS

1983 Legislative Session

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Prepared by:

General Research Division

ALCOHOL CONTROL

SB 1
Chapter 435 "Safe Roads Act". Effective October 1 this legislation will replace the driving under the influence statute and all related lesser offenses. The new driving while impaired statute will not be subject to plea bargaining. The minimum legal age for buying and consuming beer and wine will go to 19 from 18. Civil liability will be imposed on establishments that sell alcoholic beverages to underage customers who later become involved in accidents. Police may use roadblocks to screen for drunken drivers.

APPROPRIATIONS

SB 23
Chapter 761 1983-85 Current Operations Appropriation. Gives State employees a 5% cost-of-living increase retroactive to 7/1/83, among other appropriations.

CIVIL RIGHTS

SB 279
Chapter 522 Housing discrimination outlawed. Prohibits discrimination on basis of race, color, religion, sex, or national origin in certain types of real estate transactions.

CONSUMER PROTECTION

HB 545
Chapter 686 Consumer credit sale definition. Amends definition of sale in the Retail Installment Sales Act to include certain terminable lease agreements with option to buy after the making of a specified number of payments for no more than a nominal consideration.

HB 1093
Chapter 598 Car buyer remedy against manufacturer. Amends Uniform Commercial Code's definition of "seller", thus giving purchasers of unsatisfactory new autos certain rights and remedies in their dealings with the autos' manufacturers.

COURTS AND CRIMINAL PROCEDURE

SB 323
Chapter 678 Execution by drug. Gives persons sentenced to death (after a certain date) by execution the option of choosing either lethal injection or gas chamber for execution method.

HB 96
Chapter 701 Evidence law revision. Simplifies and codifies the North Carolina rules of evidence, patterning them after the federal rules of evidence.

HB 384
Chapter 571

120 Day Speedy Trial Period Made Permanent. Since the effective date of the speedy trial law (October 1, 1978), the time limit between arrest, service of criminal process, or indictment and the trial of the criminal defendant has, with some exceptions set out in the law, been 120 days. If the defendant is not brought to trial in accordance with this law, the charge must be dismissed. This time limit would have, under this law, been reduced to 90 days effective October 1, 1983; this act, however, makes the 120-day period permanent.

SB 165
Chapter 916

Child Sexual Performance Felonies. Creates the felony offenses of use of a child in a sexual performance and promoting a sexual performance by a child.

DOMESTIC LAW

SB 89
Chapter 367

Child Support Enforcement. Permits the court to order child support payments to be made to the clerk of court to be disbursed through that office to the party entitled to receive the payments. If records of the clerk show that a supporting spouse is delinquent in child support payments, the clerk issues a show cause order requiring the supporting spouse to appear before a district court judge at a civil contempt hearing. This procedure is automatic unless the recipient of the payments, with a district court judge's approval, requests that an order not be issued. From a list maintained by the clerk, the judge appoints an attorney to represent the dependent spouse at the contempt hearing if one is not already available.

SB 90
Chapter 367

Child Support Probation Condition. Authorizes the court to require a defendant to pay child support obligations as a condition of probation and to make these payments through the office of the clerk of court. If an arrearage accrues and remains unpaid for a specified time, the clerk is required to notify the district attorney of the arrearage. The district attorney then initiates proceedings for revocation of the defendant's probation.

HB 186
Chapter 527

Title IV D Services. Extends child support collection and paternity determination services heretofore provided to recipients of public assistance under Title IV-D of the Social Security Act to nonrecipients as well. The income of a party will not be taken into consideration in determining his eligibility to receive services under the IV-D program. These actions to establish and enforce a duty of support are brought in the name of the county or State agency on behalf of the recipient or nonrecipient client. A procedure is set forth by which the State may recover its costs.

SB 32
Chapter 33 Unemployment Compensation Assignment. Permits the responsible parent to make a voluntary assignment of unemployment compensation benefits to a child support enforcement agency to satisfy child support obligations. If the parent declines to make a voluntary assignment, the agency may garnish the unemployment benefits.

HB 791
Chapter 530 Support/Custody During Appeal. Permits the trial court to enforce orders for the payment of child support or providing for child custody during the pendency of an appeal of these orders. The orders are enforceable in the trial court by proceedings for civil contempt.

HB 413
Chapter 640 Equitable distribution of property definitions. Clarifies the definition of "marital property" covered by the Equitable Distribution Act to include property accrued between date of marriage and date of separation.

HB 414
Chapter 309 Equitable Distribution Injunction. Allows the court to enjoin the disposal of marital property pending institution of an equitable distribution action.

HB 1129
Chapter 758 Equitable Distribution of Pensions. Provides that vested pension and retirement rights are marital property subject to equitable distribution. The distributive award of the pension and retirement benefits may be payable (1) as a lump sum agreement, or (2) over a period of time in fixed amounts by agreement, or (3) as a prorated portion of the benefits at the time the member actually begins to receive the benefits. No payments may be made until the member begins to receive benefits; nor may the award exceed 50% of the cash benefits the member is entitled to receive. Chapter 811 (HB 1464) amends Chapter 758 to make it effective August 1, 1983, and applicable only when the action for absolute divorce is filed on or after that date.

EDUCATION

HB 1400
Chapter 770 Teacher Tenure. Makes approximately 17 clarifying amendments to the teacher tenure statute.

HB 796
Chapter 394 Teacher Tenure Exemption. Permits the Charlotte-Mecklenburg school system to utilize a six-year probation system before teachers gain career status.

HB 127
Chapter 247 Exceptional Children. Makes a series of clarifying amendments to laws relating to services for exceptional children.



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ELECTION LAWS

HB 1112 Expansion of Registration. Voter registration was
Chapter 854 expanded into most public libraries and drivers license
 examining stations.

ENERGY AND UTILITIES

SB 308 Energy Development Authority. The bill allows the
Chapter 652 establishment of an Energy Development Authority which
 would serve as the vehicle for projects which involve
 "cogeneration." Cogeneration, as it would apply in
 this context, would be the process whereby waste is
 burned as a means of disposing of it, but the heat
 generated would be used as energy, in this case for
 public buildings and other government operations. A
 significant part of this bill is that it authorizes
 municipalities and other state sanctioned service
 districts to adopt regulations which will require waste
 to go to a facility established under this legislation.
 This is to ensure that once a cogeneration plant is in
 place it will have an adequate flow of waste material
 to burn. The concept of controlling the "waste stream"
 generated the most public discussion when the bill was
 being considered.

HB 502 Unintended Property Tax Exemption. A loophole was
Chapter 643 closed in a 1982 law that would have allowed utilities
 to take advantage of a tax exemption for installing
 anti-pollution equipment.

GOVERNMENTAL POWERS

HB 53 Separation of Powers. A realignment of the powers of
Chapter 717 the three branches of state government was enacted with
 the focus on who has the authority to set salaries,
 make rules, and run government when lawmakers are not
 in session.

HB 524 Administrative Procedures Act. House Bill 524 (Chapter
Chapter 883 883) repeals all administrative rules effective July 1,
 1985 which have not been approved by the General
 Assembly. Senate Bill 313 (Chapter 923 repeals Chapter
 150A of the General Statutes (except those sections of
 Chapter 150A addressed in the original House Bill 524).
 House Joint Resolution 1345 (Resolution 51) creates the
 Administrative Procedure Act Study Committee which will
 report to the General Assembly by May 1, 1984 with any
 proposed changes to the Administrative Procedure Act.
 The Commission is to review reports to be filed by each
 agency and is to recommend to the 1985 General Assembly
 which rules should be approved by that body. (This is
 the approval process referenced in connection with
 House Bill 524). House Bill 810 (Chapter 927) replaces

the Administrative Rules Review Committee with the Governor's Administrative Rules Review Commission. House Bill 856 (Chapter 641) rewrites the definition of the rule. House Bill 1468 (Chapter 857) requires that the certification of need for a temporary rule be signed by the head of the promulgating agency (which would be the Governor in most instances).

HB 517
Chapter 913

State Auditor. The powers of the State Auditor were revised and defined.

HB 1240
Chapter 900

Legislative Confidentiality. Ensures the confidentiality of communications between legislators and staff members.

INSURANCE

HB 56
Chapter 763

Safe Driver Insurance Plan Changes. Under the Safe Driver Insurance Plan (SDIP), automobile insurance rates are increased for three years after an insured causes an accident or is convicted of a moving traffic violation. The amount of the rate increase (premium surcharge) depends on the severity of the accident or the type of violation. Effective January 1, 1984, the property damage dollar amount threshold for accidents is increased from \$200 to \$500; which means equal to or below that amount the rate increase is 10% and above that amount the rate increase is 40%. Also effective January 1, 1984, a speeding conviction will not result in a rate increase under certain conditions.

LABOR LAW

HB 684
Chapter 746

Involuntary servitude. Workers are now protected by a state anti-slavery law. The law makes it a felony to hold anyone in involuntary servitude.

HB 368
Chapter 833

Workers Compensation. Workers may now collect compensation benefits when they injure their backs in the routine performance of their jobs. Formerly they could recover such benefits only if they were injured in an unusual on-the-job accident.

MENTAL HEALTH

HB 118
Chapter 383

Single Portal of Entry. Authorizes the use of the single portal of entry and exit principle in rendering mental health services. Encourages area mental health, mental retardation, substance abuse programs to adopt a single portal of entry and exit principle whereby all admissions to, and discharges from the psychiatric hospitals and MR centers would flow through the area program.

HB 124
Chapter 638 Outpatient Involuntary Commitment. Expands the use of outpatient involuntary commitments for the mentally ill. Person need not be mentally ill and "dangerous to self or other", but must be mentally ill, and treatment must be necessary to prevent further disability which would predictably result in "dangerousness to self or others".

HB 273
Chapter 302 Emergency Admissions of Juveniles. Authorizes emergency admission of juveniles to treatment facilities. Allows that in an emergency situation, a minor who is mentally ill or inebriate and in need of treatment may be admitted to a treatment facility upon his own application.

MOTOR VEHICLES

HB 1061
Chapter 420 Car Towing. Prescribes notice and hearing requirements applicable to towing motor vehicles pursuant to certain statutes or the direction of a law enforcement officer. Seizures of vehicles for evidence in a criminal proceeding, or pursuant to a statute providing for a forfeiture, or pursuant to a levy under execution are not included in the coverage of the Article. The requirements ensure that person whose cars are towed receive due process.

SB 424
Chapter 704 Amends the Motor Vehicle Dealers and Manufacturers Licensing Law (regulating the conduct of motor vehicle manufacturers, distributors, and dealers) essentially by adding new prohibitions of conduct by manufacturers and distributors toward dealer franchises and by changing the law on the establishment of new dealerships in relevant market areas and the discontinuance of franchises.

PUBLIC HEALTH

SB 141
Chapter 891 Public Health Law Recodification and Revision. Creates additional legal remedies for the enforcement of public health statutes; restricts access to vital records; requires vaccination of cats against rabies; specifies disposal of impounded dogs; and inspection of septic tanks.

HB 814
Chapter 897 Nurse Midwives. Registered nurse midwives may now perform home or hospital births provided they are under a doctor's supervision and meet state standards.

TAXING AND FINANCE

HB 426
Chapter 908 One-half Percent Sales & Use Tax. Gives counties the option of levying an additional $\frac{1}{2}\%$ of local sales tax, with part of the revenue earmarked for school construction and water/sewer projects among other taxes.

HB 720
Chapter 855

In rem Tax Forclosures Notice. Requires tax collector when using in rem method of forclosing tax liens to mail notice of foreclosure to the current owner if different from name in which property is listed.

SB 647
Chapter 808

Tax Lien Sales. Deletes provisions for counties and cities to hold tax lien sales to private purchasers.

Prepared by:

John Young
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