

Weekly Legislative Summary

Mass Schedule At St. Ann's

Note: This is another of a series of weekly summaries prepared by the legislative staff of the Institute of Government of the North Carolina General Assembly of 1967. It is confined to discussions of matters of general interest and major importance.

Alcoholic Beverages

A long step has now been taken toward resolution of the divisive brown bagging issue. On Tuesday of this week a House committee substitute for the original brown bagging bill, SB 2, was reported to the House by the Committee on Propositions and Grievances. On Wednesday the principal floor debates were held, lasting over two hours, and the House passed the bill on second reading by a roll call vote of 74-41. Thursday brought third reading approval, 72-37, and the bill was sent to the Senate on Friday where it was referred to the Senate Committee on Propositions and Grievances. An earlier version of the bill had passed the Senate by overwhelming voice vote.

This issue — which has overhung the first two months proceedings of the 1967 General Assembly like a low-lying cloud — had its origin in a now-distant thunderclap emanating from the North Carolina Supreme Court. In November 1966 the Court ruled, notwithstanding long standing custom, that the prac-

tice of "brown bagging" hard liquor could not be squared with the letter of the State's alcoholic beverage laws. This General Assembly convened in February acutely aware that the questions raised by the court decision, so difficult to resolve in a legislative arena because of the intensity of convictions on both sides, must be disposed of before the major legislative business of 1967 could proceed. The bill that has now passed the House, twice metamorphosed from its original form, was introduced by Sen. Burney on opening day. As introduced it merely permitted possession and transportation of one-fifth of alcoholic beverages in "wet counties" (those with ABC stores) for personal consumption or consumption by family or guests. Four weeks later, without any intervening committee or floor action on SB 2, the second brown bagging bill of the session made its debut. This measure, introduced in the House only by Rep. Hill (HB 209), spelled out in much more detail the conditions and places where hard liquor would be permissible, including social clubs and restaurants which have beer/wine licenses and seating capacity of 50 or more. Another week passed and the Senate Committee on Propositions and Grievances reported to the Senate a substitute for SB 2, embodying much of the substance of the Hill bill, but differing in its less

stringent restrictions on storage of club members' bottles in lockers, and its more stringent restrictions of restaurants entitled to allow brown bagging. Like the original SB 2, the Senate committee substitute would have been applicable statewide, without distinction between wet and dry counties. A week after its report to the Senate floor, the substitute bill was passed by the Senate overwhelmingly without further change.

The Senate-passed bill was sent to the House Committee on Propositions and Grievances for study, where it languished for two weeks amid growing reports of intramural dissension. The logjam was broken when Chairman Eulliss secured the assistance of Wake County Rep. (and attorney) Sam Johnson, not a member of the committee, who completely rewrote the bill and carried the major burden of explanation in the House.

The debates in the House were of unusually high caliber on both sides, but did not appear to affect the outcome, which—judging from comments of opponents to the bill—was a foregone conclusion. One somewhat unexpected procedural development complicated floor handling of the bill. Because of license fee provisions that were added to the bill in House committee, its sponsors reluctantly agreed that the bill should be regarded as a roll call measure by virtue of the state constitutional requirements that the "yeas and nays" be recorded on every law imposing a "tax." (Roll calls are not otherwise required in the General Assembly unless requested by at least one-fifth of the members present—a device infrequently resorted to because of its unpopularity within the legislative fraternity.) A liberal interpretation of the roll call provision would have sustained the position that the fee provision of SB 2 is not a "tax" within the constitutional intentment, but the bill's supporters evidently decided not to risk the possibility of another adverse court decision.

The bill that passed the House, and now returns to the Senate for its concurrence, represents a substantial revision of earlier versions. Basically it seeks to limit public consumption of liquor to the wet areas and to impose a new set of state controls on brown bagging. In both wet and dry counties the bill would permit liquor consumption in private—in homes and lodgings, country clubs and social establishments. However, restaurants and other commercial places could allow brown bagging only in wet counties (those with county or municipal ABC stores). Moreover, possession and use of quantities of liquor in excess of one gallon for special occasions would be allowable only in wet counties. A permit system with annual fees ranging from

\$100 to \$300 would be established for restaurants, commercial places and social establishments, to be administered by the State ABC Board. Local acts marking off particular dry areas (such as perimeters around churches or schools) would be respected. Beyond all of these provisions, the bill clarifies the basic purposes of the sponsors and spells out many implications not previously made explicit.

Appropriations and Finance

Going relatively unnoticed in the excitement generated by House action on brown bagging, an important stage in the budget process was reached this week with the designation in each house of the Subcommittee on Appropriations. These key groups, comprising ten members of the Senate and 18 in the

House this year, will now go to work in earnest to shape the essentials of the appropriations that will be recommended by the parent Joint Appropriations Committee.

Miscellaneous

Both houses relaxed the heavy introduction rate of recent weeks (to sighs of relief from scribes and clerks), receding to a moderate 86 new bills. With the May 1st local bill deadline looming, however, this is too good to last. Notable unveilings of the week brought bills to adopt interstate compacts on education and libraries, to raise the usury limit for residential loans to 7 per cent, and to re-vamp the laws relating to veterans programs and the banking laws.

No post-mortems this week — nary a bill was formally killed.

Merry Hill News

By Mrs. Ethel Winborne
Mr. and Mrs. Willard Shoat and daughters, Nancy and Suzanne, of Dover, Del., and Mr. and Mrs. Jesse Hitt of Newport News were guests on Saturday of Mr. and Mrs. Frank Perry and Mrs. Sue Britt.

Mrs. Lou Minton returned home last week from Raleigh, where she had been spending several weeks with her granddaughter.

Mrs. Hilary Cobb and John Weaver White of Newport News visited Mrs. Cecil White Saturday.

Mrs. E. J. Pruden, Sr., Mrs. Bernard Williford and Mrs. D. A. Byrd spent Friday in Norfolk.

Mrs. J. W. Winborne spent Friday in Windsor with Mr. and Mrs. L. I. Bowen.

Mr. and Mrs. Ed Pierce visited Mr. and Mrs. Lee Griffin of Harrellsville on Sunday.

Mrs. Linwood Bunch and Jimmie Mitchell made a trip to Chapel Hill Wednesday.

Mrs. C. T. Baker is spending some time in Edenton with Mr. and Mrs. D. P. Mizell.

Mrs. Virgie Baker accompanied Mrs. C. T. Byrum and Mr. and Mrs. B. White of Windsor to Petersburg Saturday and attended the wedding of Miss Elaine Barber.

Mr. and Mrs. Harold Lupton of Edenton visited Mrs. Cecil White Sunday.

Mr. and Mrs. Wright

Williford spent Sunday with Mr. and Mrs. Bob Gray in Williamston.

Mr. and Mrs. E. H. Phelps returned home Tuesday after a two weeks visit to Porto Rico with their daughter and family, Mr. and Mrs. Woodrow Taylor and children.

Mrs. Milton Robertson and son Truitt of Colerain spent Tuesday with her mother, Mrs. L. C. White.

Mr. and Mrs. Tom Bissette, Mr. and Mrs. Homer Flowers and daughter of Sims, Mrs. Shirley Colombo of Edenton and A1/c Bobby Williams of Charleston Air Force Base were Sunday guests of Mr. and Mrs. J. B. Smithwick.

Mrs. C. W. Davenport and Miss Margaret Davenport visited Mrs. Martha Bright of Plymouth and Mr. and Mrs. Pruden Forehand of Edenton on Sunday.

Mr. and Mrs. Gilbert Williams and daughter Lynn and Mrs. Eva Rhea of Ahoskie and Marvin Cobb of New Bern visited Mrs. Georgia Cobb Sunday.

Mr. and Mrs. Ronald Outlaw and family of Hopewell were Sunday guests of Mr. and Mrs. Roy Baker.

Mrs. Marvin Davenport, Penny and Paula, Mrs. C. W. Davenport visited Mrs. Ray Ward of Winton on Wednesday.

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NOTICE!

If you have moved within the past two years from one ward to another, please check to be sure that you are properly registered, and if necessary, secure a transfer from your registrar. This will be necessary in order for you to be able to vote in the May 2, 1967 election.

E. L. HOLLOWELL, CHAIRMAN
Chowan County Board of Elections

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