

"Long And Strong" Is Description Of Interesting Legislative Week

NOTE: This is the fifth of a series of weekly summaries prepared by the legislative staff of the Institute of Government on the work of the North Carolina General Assembly of 1965. It is confined to discussions of matters of general interest and major importance.

"Long and strong" was the token of an interesting legislative week, which witnessed the introduction of the two public bills of recent memory—the Uniform Commercial Code and the

Courts Commission proposal. The House this week debated and passed the original N.C. State name change bill and received a new name change proposal. Now expected sometime next week is the long awaited Governor's Budget Message.

SB 68 (HB 202), the proposals of the Courts Commission styled as "The Judicial Department Act of 1965", were introduced in both houses on Monday night. The primary thrust of this bill is to establish a new system of dis-

tribut courts throughout the State to replace approximately 200 inferior courts and some 1000 justices of the peace courts. Court reform has been topical in North Carolina for a decade; and the present proposal would implement the constitutional amendment adopted by popular vote in November 1962. A "Courts Commission" was created by the 1963 General Assembly to draft the implementing legislation. Senator Lindsay C. Warren, Jr., son and namesake of an early court reform opponent, was selected as its chairman. After bi-monthly Commission meetings extending over a period of 14 months, the work product, a 46-page report and 115-page bill, now stands un-

veiled.

On the civil side, the new district courts will primarily hear cases involving \$5,000 or less, plus domestic relations and juvenile matters. On the criminal side they will try misdemeanor offenses. Magistrates will be appointed as officers of the district courts to handle many of the same types of cases now heard by JP's. These magistrates, who will be supervised by the district judge, may hear civil actions involving \$300 or less and accept pleas of guilty involving minor misdemeanors.

The implementation of the bill would be phased over a period ending just ahead of the 1971 Constitutional deadline for complete activation. While the bill formally creates the district court division of the General Court of Justice on the first Monday in December, 1966, it only establishes district courts in six judicial districts on that date. Five more would be activated on the first Monday in December, 1970 and the remainder on the first Monday in December, 1968. Thus most of the counties would not be directly affected until 1969 and after. It is too early to predict the ultimate prospects of the bill or any of its parts, but public comment thus far has been largely favorable.

The massive Uniform Commercial Code was introduced Wednesday in both houses (SB 74, HB 218) after much spadework reflected in a voluminous Legislative Council report endorsing the Code. Introduction of this bill caps a mountain of study committee meetings, subcommittee meetings and reports, business and professional consultations, and individual efforts. The Code is heralded as the vehicle for two main objectives: improvement of the rules of law governing commercial transactions, and uniformity of laws among the states in order to facilitate commerce. Already enacted in 33 states, in North Carolina the Code would replace a series of longstanding uniform acts, dealing with negotiable instruments, warehouse receipts, bills of lading and stock transfers; as well as a piecemeal fabric of court-made common law, primarily in the law of sales; and other scattered statutes such as those applying to bank deposits and collections, secured transactions, and bulk transfers of goods. In replacing this assortment of existing law, the Code would not only consolidate and codify, but also make many innovations in the rules of the commercial game.

One major effect of the Code on our state, because of the resulting rapport with other states adopting it, would be to open up a wealth of interpretive literature and court cases in other states construing its various parts. It therefore would possess the dual virtue of making the law more definite and accessible for businessmen, while at the same time creating a new forage of terminology and authorities for grazing lawyers.

The monsoon season for motor vehicles introductions rolled relentlessly into mid-March. New bills this week included proposals to elaborate and clarify the drive-to-right rules (HB 227); to require annual license examinations, including road tests, for 65 and older drivers (HB 236); to tighten the anti-hitchhiking law and extend its coverage to various roadway solicitations (SB 88); to provide for revocation of licenses while driving under suspension or revocation (HB 221); to exempt from civil liability good samaritans who aid auto accident victims (SB 82); and to sanction blue warning lights as standard equipment for law enforcement vehicles (HB 200).

A "man-bites-dog" twist was added to the auto insurance law by a bill to protect motorists against insolvent carriers (HB 219, defining an "insured vehicle" as including insured vehicles

whose carriers are unable to make payments due to insolvency). A Departmental program bill prompted by civil rights demonstrations would make it unlawful to block traffic by standing, sitting or lying in the streets

(HB 222). The failure of a package bill tightening the driver license suspension law (see "R.I.P." below) led its backers to back up and start over again with two new bills breaking the original package in half, with modifications to meet earlier objections. (SB 78 and SB 84, by Belk and others.)

The big money news of the week was Governor Moore's press conference announcement on Thursday that he would deliver his budget message to the General Assembly next week. With the arrival of this message the Assembly can tackle in earnest its major budgetary assignment.

Two small separate appropriations bills came in this week. One would appropriate \$12,000 to C & D for construction of a spillway gate at Lake Waccamaw (HB 195 - SB 69), while the other would direct the State Board of Health to pay the cost of polio vaccine furnished locally to those unable to pay, from specific appropriations for that purpose rather than the Contingency and Emergency Fund (HB 213 - SB 72).

New tax law proposals launched this week were SB 80, to exempt from taxation certain retirement benefits received by retired federal employees who are ineligible for social security, and SB 75, to add boats to a list of "vehicles" that are accorded a preferential 1 1/2% sales tax rate. Both bills were introduced by Sen. Kemp.

HB 214, introduced by Rep. Vaughn and others, would make North Carolina a party to the Interstate Compact on Detainers, affecting prisoners involved in multistate charges. A frontal assault on vulgarity was launched by SB 86 (Sen. Whitehurst), to prohibit the use of vulgar or obscene language in public places, and SB 71 (Sen. Hollowell) aimed at distributors of obscene movies.

SB 85 (by Sens. Evans and Mc Lendon) would permit the State Board of Education to establish pilot public school kindergarten programs.

Mortal blows were dealt this week to:

—The anti-necking bill (HB 154, gibbeted by an unfavorable committee report.

—The bill to revoke driver licenses of speeders convicted of two or more offenses that take place within 12 months (SB 42) — gutted by floor amendments and re-referred to committee for proper burial.

HAPPY PEANUT WEEK (HR 204)

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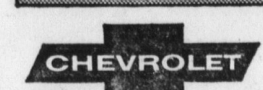
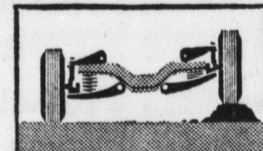
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