

WEEKLY LEGISLATIVE SUMMARY

Note: This is one of a series of weekly summaries prepared by the legislative staff of the Institute of Government as the work of the North Carolina General Assembly of 1959. It is confined to discussions of matters of general interest and major importance.

The tempo picked up this week. Shortness of temper and longness of breath were observable in both houses. New appropriations bills, breaching the Governor's budget line, were introduced; additional tax measures were proposed; the revised Constitution drafted by the Constitutional Commission was introduced; and the Governor delivered a special message on the Constitution, with particular attention to the Judicial Article.

Constitution
The Constitutional revision bill brought a full load of grist to the legislative mill Monday night. Major changes proposed would (1) provide for redistricting of the Senate by the President and President pro tem of the Senate and the Speaker of the House, subject to amendment by the General Assembly; and would authorize the Speaker to reapportion the House according to the Constitutional formula; (2) establish machinery to enable the General Assembly to find that the Governor and other major elective officers are incapacitated, and that they have regained the capacity to perform their duties; (3) require that tax classifications and exemptions be uniform throughout the state; and (4) abandon the requirement that the State maintain a general and uniform system of free public schools.

Major interest was centered on the Commission's proposals as to the Judicial Article. The Commission would leave the Supreme and Superior Courts much as they now are, and would replace inferior courts with district courts whose judges would be selected as provided by law. The General Assembly could, upon recommendation of the Supreme Court, establish an intermediate Court of Appeals. Waiver of jury trial would be permitted in criminal cases other than those involving the most serious offenses.

Comparison with the Court Study Committee's proposals was immediate. Many proposals are identical. The fundamental difference between the two is that the Constitutional Commission's "General Court of Justice" is not a single court, but is a name for a system of separate courts; whereas the Court Committee's "General Court of Justice" is a single court. From this difference in basic concept, most of the differences in detail naturally flow. Under the Commission's concept of a uniform system of courts, it is the General Assembly which must make determinations as to jurisdiction of the courts, and to relationships among. Under the Court Committee's concept of a single (the technical term is "unified") court there is simply a question of which part of the single court can best handle particular matters and this determination, as well as administrative and procedural details governing movement of cases from one part of the court to another are problems of judicial administration to be handled by the administrative machinery of the court. Governor Hodges, in his address to the General Assembly, praised both the Commission and the Committee. He refrained from making an express choice between the differing philosophies of the two but did express his belief that

questions of procedure and administration are primarily matters of judicial administration best dealt with by the Supreme Court. He suggested a compromise whereby the Court would be granted the power, but the General Assembly would be empowered, by a 3/5 vote of both houses, to enact laws governing court administration and procedure.

Motor Vehicles
Intoxicated drivers may soon have to contend with the laws of science as well as of society. SB 20 would make chemical test evidence of blood alcohol admissible in prosecutions for driving under the influence. The Department of Motor Vehicles could suspend for a year the license of a driver who refused to submit to an analysis of blood, urine, breath or saliva. A driver who lives to run away from one officer may live to be arrested promptly by another under the provisions of SB 119; where the first officer notifies the second that the driver has committed an offense against the motor vehicle laws in the presence of the first officer, the second officer may arrest the driver without a warrant. SB 121 would set the maximum punishment for speeding at a \$500 fine, six months' imprisonment, or both. He who fails to blow his own horn while passing another may violate the motor vehicle laws, but under HB 223 his failure would not constitute negligence per se in a civil action.

North Carolina's driver licensing program, acclaimed the best in the nation last year, came in for consideration this week. HB 236 would require the issuance of a renewal license without examination (other than vision) to any driver without an accident during the previous 10 years of licensed driving. SB 123 would clarify present statutes by expressly authorizing the Department of Motor Vehicles to relicense after three years a driver whose license has been permanently revoked for driving after revocation; present provisions concerning relicensing after permanent revocation for drunken driving remain unchanged.

Local Government
Spurred on, perhaps, by the specter of State and local government units being compelled to switch to Volkswagen, etc., Rep. Snapp introduced HB 224 to permit units to pay up to \$2,500 (now \$2,000) per motor vehicle without the approval of the Governor and the Council of State. Possible relief for hard-pressed boards of education is contained in HB 263 to make it easier to obtain loans from the State Literary Fund. HB 268 would insure preservation of county records of permanent value by requiring that Department of Archives and History micro-film such records. An additional county official is provided by HB 269 which authorizes county commissioners to appoint a county fire marshal to coordinate all fire-fighting and fire prevention activities in the county. Long range planning and projects will be possible under HB 270 which permits counties to enter into continuing contracts provided sufficient funds are appropriated to meet the amounts payable under such contracts in the year in which the contracts are made. HB 271 would give to county commissioners the authority to establish office hours and workdays for various county offices. County and municipal chiefs as well as Indians could receive

MARY WORTH By Saunders and Ernst



workmen's compensation benefits under the provisions of HB 252.

Finances
The week began with an exchange of fire prompted by Rep. Umstead's bills (HB 200 and 201) for greater mental health outlays. It ended with a round of heavy artillery in the unveiling of Senator Jordan's pay boost bill (SB 141), to be financed by new liquor and soft drink levies. Sandwiched in between were bills to permit breadwinner wives to claim the \$2,000 family income tax exemption (HB 278); to repeal the wholesale sales tax and limit retail sales tax exemptions (HB 252); and to provide funds for additional special education teachers (SB 124) and to renovate juvenile training facilities at the McCain Sanatorium (SB 106).

Miscellaneous
The State Property Fire Insurance Fund would be called on to protect State property from leakage from without and State money from leakage from within under SB 138 and HB 282; the former would provide sprinkler leakage insurance, and the latter would establish a fidelity and surety section, all under the Fire Insurance Fund, which is a State-to-itself project. Farm trailers are finally catching up with farm trucks; HB 262 would license the trailers at one-half the usual fee (as farm trucks are already treated).

Fraud and deceit are always in haste. —N. G. Bohn.

Home Ec Teachers Meet At Plymouth

The Vocational Home Economics Teachers from the Albemarle District met Thursday afternoon at 3:30 o'clock in the New Home Economics Department at Plymouth.

Teachers were greeted by the hostesses, Miss Carolyn Brinkley and Miss Ann Lassiter. Punch, dainty sandwiches, cheese straws and cookies were served. The student teachers presided at the punch table. Miss Ann Lassiter discussed the Future Homemakers of America organizations, their benefits, opportunities and purposes. Club projects and ways of interpreting the FHA to the public were also suggested. Mrs. Mabel L. Hall, district home economics teacher supervisor, met with the group and gave suggestions to the teachers. She also listed the new state adopted text books which are suggested for classroom use.

Those attending were as follows: Mrs. Mabel L. Hall, field teacher trainer E. C. College, Greenville; Mrs. Frances Warren, Camden High School; Mrs. Marguerite Foster, Weeksville High School; Miss Carolyn Brinkley, Plymouth High School; Mrs. Mary Ann Combs, Columbia High School; Mrs. Margaret Bray, Moxock High School; Miss Frances Newby, Hertford High School; Miss Selma Herring, Elizabeth

City High School; Mrs. Evelyn Willey, Gatesville High School; Miss Ann Lassiter, Edenton High School; Mrs. Eleanor Tetterton, Creswell High School; Mrs. Beulah Gaylord, Roper High School; Mrs. Eleanor Cuthrell, Sunbury High School; Mrs. Helen Larabee, Central High School; also student teachers from East Carolina College; Miss Flora Boseman and Bettie Bonner Britt.

Good Sweet Potato Crop Needs Good Seed

Buyers are predicting that if farmers are to expect a reasonable price for their sweet potatoes this year, they must produce a high-yielding, quality crop. And the best way to produce such a crop, says F. J. W. McLaughlin, acting director of the N. C. Crop Improvement Association, is to start with good seed potatoes.

Use only certified seed if possible, McLaughlin said. Bed only seed 1 1/2 inches in diameter or over, and examine each potato for scurf. The Crop Improvement Association has just completed storage inspections of certified seed potatoes for sale.

McLaughlin reports about 36,000 bushels of Porta Rico and 16,000 bushels of Copper Skin Gold Rush are available.

Local agricultural agents or the Crop Improvement Association will furnish farmers with the names of certified seed producers upon request.

"All these potatoes have been found to conform with the high standards set for certified seed potatoes," McLaughlin said. "Farmers should make sure a

blue tag is attached to each basket." Some farmers make a practice of selling their best potatoes and saving the strings (less than 1 1/2 inches in diameter) for bedding. Experiments have shown that plans produced from strings averaged yielding 163 bushels per acre, where certified seed (1 1/2 inches and over) averaged 217 bushels per acre.

"This increase could mean the difference between a profit and loss on an acre of sweet potatoes," McLaughlin pointed out. "And where scurf potatoes are found to have scurf," McLaughlin concluded, "get some more seed; for trying to treat diseased potatoes is a waste of time and money."

LEGAL NOTICE

TOWN OF EDENTON—EDENTON, N. C.
The following motion was made and adopted at a regular meeting of the Town Council of the Town of Edenton, N. C., held on March 10, 1959:

Motion was made by George A. Byrum, Edenton, seconded by Luther C. Parks, and duly carried that the following resolution be adopted: **ASSESSMENT ROLL—ALBANIA STREET AND HICKS STREET** WHEREAS, under and by virtue of a resolution adopted by the Town Council of the Town of Edenton, dated September 10, 1957, published as required by law, and to which reference is hereby made, the Town of Edenton has provided, constructed, established and completed grading, curbing and guttering for said Town or part thereof, to wit: Albania Street, being between Dickerson Street and U. S. Highway 17 as set out and described in said resolution; AND WHEREAS, the Town Council of the Town of Edenton has computed and ascertained the total cost thereof;

NOW THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Edenton hereby makes an assessment of fifty per cent of the total cost of said improvements upon the lots abutting directly upon the street or portion of the street described, according to the extent of their respective frontage by an equal rate per foot of such frontage and in accordance with said resolution, and hereby makes out an assessment roll as follows:

- ALBANIA STREET—Property Owners North Side**
Lot No. 31—Owners, C. E. Pritchard and wife. Footage, 155.3; amount, \$579.68; total, \$579.68.
Lots 28, 29 and 30—Owners, B. G. Willis and wife. Footage, 150.0; amount, \$559.89; total, \$559.89.
Lots No. 32 of 27 and 28—Owner, E. G. Harrell. Footage, 90.0; amount, \$335.94; driveways, \$39.75; total, \$375.69.
Lot No. 26—Owner, J. S. Harrell and wife. Footage, 60.0; amount, \$223.96; total, \$223.96.
Lots No. 21 through 25—Owner, R. P. Baer, II, and wife. Footage, 300.0; amount, \$1,119.78; total, \$1,119.78.
Lots No. 19 and 20—Owner, H. M. Phthisis and wife. Footage, 120.00; amount, \$447.91; driveways, \$79.50; total, \$527.41.
Total footage, 875.3; amount, \$3,267.16; driveways, \$119.25; total, \$3,386.41.
- ALBANIA STREET—Property Owners South Side**
Lots No. 5 and 6—Owner, H. M. Phthisis and wife. Footage, 143; amount, \$533.76; total amount, \$533.76.
Lot No. 7—Owner, J. H. Allsbrook and wife. Footage, 63; amount, \$235.16; driveways, \$39.75; total amount, \$274.91.
Lots No. 8, 9 and 10—Owner, R. P. Baer, II, and wife. Footage, 189; amount, \$705.47; total amount, \$705.47.
Lot No. 11—Owner, J. H. Griffin and wife. Footage, 63; amount, \$235.16; total amount, \$235.16.
Lots No. 12 and 13—Owner, R. P. Baer, II, and wife. Footage, 126; amount, \$470.31; total amount, \$470.31.
Lots No. 14, 15, 16 and 17—Owner, F. L. Taylor and wife. Footage, 252; amount, \$940.61; total amount, \$940.61.
Lot No. 18—Owner, Ethel Haskett. Footage, 63; amount, \$235.16; total amount, \$235.16.
Total footage, 899; amount, \$3,355.63; driveways, \$39.75; total amount, \$3,395.38.

HICKS STREET
John Mitchener, Jr., footage, 300 ft.; amount, \$958.72; driveways, \$354.57; total amount, \$1,313.29.

Total assessment—Albania Street and Hicks Street \$8,095.08
BE IT FURTHER RESOLVED THAT THE FOREGOING ASSESSMENT ROLL be deposited in the office of the Town Clerk for inspection by parties interested, and that there be published in the same manner as the order on resolution authorizing such work, a notice of completion of the assessment rolls, setting forth a description in the general terms of the improvements fixing the time of the meeting of the Town Council for the hearing of allegation and objections in respect of the special assessment, said meeting to be held at the Municipal Building in Edenton, North Carolina, on April 14, 1959.
ERNEST P. KEHAYES, Mayor.
Attest: ERNEST J. WARD, JR., Clerk.

Notice Of Public Hearing

Pursuant to the authority vested in it by the General Statutes of North Carolina, the Board of Conservation and Development hereby serves notice of public hearing to be held in the Chowan County Court House, Edenton, North Carolina, Friday, March 27, 1959, at 10:30 A. M.

One matter to be heard will be amended regulations Nos. 4 and 12, under FOOD FISH.

Another matter to be heard is in regard to gill nets being set in Chowan River and that part of Albemarle Sound west of the Norfolk Southern railroad bridge.

Proponents and opponents of these proposals will be heard.

Wm. P. Saunders Director, Department Of Conservation & Development
C. G. Holland Fisheries Commissioner, Division Of Commercial Fisheries

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