

Weekly Legislative Summary

This is one in a series of weekly summaries prepared by the legislative staff of the assistant of government on the work of the North Carolina General Assembly of 1961. It is confined to discussion of matters of general interest and major importance.

Organization
The 1961 Session of the General Assembly convened at 12 noon, Wednesday, February 8, and proceeded to organize, Lt. Governor H. Clod Philpott called the Senate to order, and that body then elected Senator Crew of Halifax as President pro tempore. Veteran S. Ray Byrly of Sanford was re-elected Principal Clerk.

The House was called to order by Secretary of State Thad Eure. The House elected Guilford's Joseph M. Hunt, Jr. as Speaker, and re-elected Mrs. Annie E. Cooper as Principal Clerk. Governor Sanford sat in the House as Speaker Hunt took the oath of office.

The Senate and House presented their usual contrasts on opening day. In the quiet Senate chamber Lieutenant Governor Philpott was extending the courtesies of the Senate at least once to everyone present in particular, and to citizens of some counties in general. In the House, before galleries packed tight enough to make a sardine shudder, the first fight of the session took place within minutes after Speaker Hunt mounted the dais.

Legislation Representation
The shadow of reapportionment and redistricting materialized quickly into a floor skirmish in the House on opening day. When Rep. Kerr objected to immediate consideration of a resolution directing the House Committee on Congressional Districts to begin an immediate study of Congressional redistricting and to hold hearings, to the end that a redistricting bill might be drafted. Despite charges and assurances that the resolution represents a departure from customary General Assembly procedure. Under the resolution (which passed without objection the second day of the session) committees could proceed to prepare bills which represent the original thinking of the committees rather than their reactions to specific proposals embodied in bills prepared elsewhere and referred to them.

One resolution and four bills dealing with representation in the General Assembly were introduced in the first few days of the session. SR 4, introduced by Sen. Currie, would have appropriate committees study state senatorial redistricting, to the end that a bill on this subject might be drafted. HB 1, introduced by Rep. Kemp, would re-appoint House seats according to the 1961 census, with the result that Mecklenburg, Cumberland, Alamance and Onslow counties would each gain one seat, and Buncombe, Johnston, Cabarrus and Pitt would each lose one seat. HB 39, introduced by Representatives Frink and Cohoon, would give each county one Senator, and would increase the House membership to 130, with 30 members instead of the present 29 being apportioned among the larger counties. SB 20, by Sen. Warren, and HB 29, by Rep. Kemp, would provide for automatic reapportionment of House seats after each decennial federal census; the present Constitutional formula would be applied by the Speaker of the House, without the necessity of action by the House or the General Assembly. The present Constitutional formula provides that aliens and Indians not taxed shall be excluded from the figures which

are the basis for representation. The 1960 census figures could not specify the aliens separately, and so far as can be ascertained, that happy freedom from taxation which characterized the Noble Redman in his savage state has vanished completely to the civilized certainties of death and taxes.

Budget
The Budget appropriations bills came in on the second day of the session, following Governor Sanford's budget message. The bills represent the work of the Hodges Administration. Governor Sanford expressed appreciation to the previous administration, and generally approved its recommendations, but made it clear that he will return shortly with additional recommendations, particularly in the field of public school appropriations. The Governor stated that he saw no justification for increasing the revenue estimate of the Advisory Budget Commission, and stated that he would recommend specific measures for obtaining the additional revenue which his subsequent appropriation recommendations would require.

The Budget would increase appropriations for current operations by 18%. 75.4% of General Fund appropriations would go to education; this represents a slight percentage decrease, but is an absolute increase of \$70 million. Teacher pay limits would be increased between \$350 and \$450 per annum, with comparable increases for administrative personnel and vocational teachers.

The Joint Appropriations and Finance Committees are experimenting with morning meetings this session. In the past these committees, which together comprise the entire membership of the General Assembly, have met in the afternoon, leaving the mornings to the other committees. Because the length of the daily General Assembly session is unpredictable, the starting time for the "money committee" meetings has had to be changed frequently, with resultant confusion and inconvenience to persons appearing before them. If the morning session plan does not work satisfactorily, the committees will revert to the afternoon sessions.

Senator Stikeleather of Buncombe and Representative Woodard of Wilson, are chairmen of the respective Committees on Appropriations; theirs will be the task of leading the committees in determining how much money each state activity shall get. Senator White and Representative Ficker, as chairmen of the Committees on Finance, will have the task of finding the money for their Appropriations colleagues to spend.

Small Loans
Three bills concerning the small loan business are now before the General Assembly. SB 9 freeszes small loan company applications under the N. C. Small Loans Act for 90 days in order to prevent persons from getting in under the wire via a "grandfather" clause. SB 9 has passed the Senate and is pending before the House Committee on Banks and Banking. Also before Banks and Banking are HB 15 and HB 17. HB 17, entitled "North Carolina Consumer Finance Act," the Banking Commission's bill, proposes that the Banking Commissioner be given powerful licensing authority as a primary means of regulating the small loans business. The applicant must show convenience and advantage to the community of his proposed activity; character such as to warrant the belief that the business will be

operated lawfully and fairly, and \$25,000 loanable assets available at the specified business location. Not more than one place of business may be operated under the same license, but more than one license may be issued to the same person. The Commissioner's powers under the N. C. Small Loans Act to suspend and revoke rights to do business, make investigations and bring actions on the relation of the State are preserved in the new legislation. Loans of less than \$800 where more than 6% interest is charged would come within the scope of HB 17. Charges up to \$22 on the first \$100 would be allowed. A lender would not be allowed to make loans to the same person from separate offices and would have to furnish the borrower a written statement of charges for the loan. Detailed insurance provisions are in the bill. HB 15 introduced by Rep. Braswell of Wayne, and also entitled the North Carolina Consumer Finance Act, differs from the Commission's bill in that it would allow up to \$25 per annum for the first \$100 in charges, and would allow the lender to make separate loans to the same borrower from different offices provided the office trade areas do not overlap. Both HB 15 and HB 17 contain a grandfather clause limited to those presently doing business and having \$25,000 loanable assets available at each business location.

Town Council Proceedings

February 14, 1961

The Town Council met this day in regular session at 8 P. M. Members present: Mayor John A. Mitchener, Jr., J. Edwin Bufflap, George A. Byrum, W. C. Bunch, Jr., C. A. Phillips, R. Elton Forehand and Luther C. Parks.

The meeting was called to order by Mayor Mitchener and he gave the invocation. The minutes of the January meetings were approved as read. Motion was made by R. Elton Forehand, seconded by J. Edwin Bufflap, and duly carried that the Tourist Committee from the Chamber of Commerce be given permission to place historical markers between the curbing and sidewalk at their discretion.

Motion was made by George A. Byrum, seconded by R. Elton Forehand, and duly carried that the following resolution be adopted:

At a meeting of the Council of the Town of Edenton, on the 14th day of February, 1961, the majority of the Council being present, it was moved, seconded and carried that the Town of Edenton, through its Town Council, join the Town of Plymouth and other Governmental and Political bodies in requesting the State Highway & Public Works Commission of North Carolina to cause to be constructed bridges and roads leading from the Town of Plymouth northwardly into Bertie County, to establish a bridge and roads system connecting the highways of Washington County with the U. S.

No. 17 at or near Midway Station in Bertie County, which lies between Windsor and Edenton, for that it will be an important step in the development of the local area. It would serve and create an important line of communication for through traffic traveling northwardly and southwardly. The foregoing resolution was unanimously adopted and it was ordered that a copy be sent to the State Highway & Public Works Commission, at Raleigh, North Carolina.

Upon motion of R. Elton Forehand, seconded by J. Edwin Bufflap and duly carried that a resolution was adopted at the regular meeting of the Board of Councilmen of the Town of Edenton, North Carolina held on Tuesday, February 14, 1961:

Whereas, it has come to the attention of this Board, that there is presently being constructed in the State of Virginia a bridge-tunnel across Chesapeake Bay from Norfolk to Kiptopeke, Virginia and

Whereas, upon completion of said bridge-tunnel, there to anticipate a substantial increase in the traffic on U. S. Highway No. 17 passing through Chowan County, and

Whereas, said U. S. Highway No. 17 is not now adequate, because of the various bottlenecks to efficiently handle the traffic now passing over it, much rather the anticipated increased flow, and

Whereas, the economy of Chowan County is presently in a very depressed condition because of recent losses of such facilities as the Naval Air Station, and

Whereas, the improvement of U. S. No. 17 would substantially assist the area in their economic recovery, and

Whereas, in the previous administration of the North Carolina Highway Commission U. S. Highway No. 17 did not receive a high enough priority, so available funds for improvement to meet the anticipated increased traffic flow on said highway because of the said bridge-tunnel and to assist in the economic

recovery of Chowan County. Therefore Be It Resolved, that the Mayor of this Board, John A. Mitchener, Jr., be given the authority and date to speak for this Board to the responsible officials of the North Carolina Highway Commission requesting of them further consideration of the improvement of U. S. Highway No. 17 in the very near future eliminating the "bottle-necks" now existing on said highway and possible expansion to a four-lane highway.

Motion was made by C. A. Phillips, seconded by R. Elton Forehand, and duly carried that Jesse L. Harrell be appointed to the Board of Trustees of Chowan Hospital for a period of three years.

Motion was made by George A. Byrum, seconded by R. Elton Forehand and duly carried that a letter be written to Merrill T. Evans extending congratulations on his appointment as Chairman of the State Highway Commission.

Motion was made by George A. Byrum, seconded by R. Elton Forehand, and duly carried that the Honorable Albert G. Byrum, the Chowan County representative to the General Assembly, introduce and encourage the passage of a resolution for the Amendment of Chapter 505 of the 1959 General Session Laws entitled "An Act to create a Peace Officers' Relief Fund for the County of Chowan," and that Section 6 and 9 of this resolution be amended as follows:

Section 6 be amended by striking out the words and figures "one dollar (\$1.00) in lines 5 and 6 of said section 6 and inserting the words and figures two dollars (\$2.00)" in lieu thereof.

Section 9 be amended by striking out that part of said section beginning with the word "ten" and inserting in lieu thereof the following: "not more than twenty (\$20.00) dollars per month for a secretary which sum shall be fixed within the discretion of the Executive Board who shall appoint the secretary of the association. Necessary office and stationery supplies shall be paid for out of the funds of the association."

Motion was made by George A. Byrum, seconded by L. C. Parks, and duly carried that the Board of Public Works pre-

sent a water and sewer assessment policy to the Board of Councilmen at their earliest convenience.

Motion was made by George A. Byrum, seconded by R. Elton Forehand and duly carried that Electric & Water Department bills in the amount of \$16,220.91 be paid.

Motion was made by C. A. Phillips, seconded by Luther C. Parks, and duly carried that Town of Edenton bills in the amount of \$2,350.03 be paid as follows:

The Chowan Herald, \$23.50; Gurr Oil Corporation, \$2.73; Wood's Speedometer Service, \$10.25; Bill Perry's, \$25.32; Twiddy Sign Service, \$10.00; R. J. Boyce, \$18.55; H. T. Mills, \$8.00; Nortolk & Carolina Tel. & Tel. Co., \$11.50; Ashley Welding & Machine Co., \$1.50; Bunch's Auto Parts, \$32.88; Bunch's Garage, \$4.30; Hughes-Parker Hardware Co., \$1.34; B. T. Crump Co., Inc., \$11.85; The Chowan Herald, \$18.80; Albemarle Motor Co., \$39.73; P & Q Super Market, \$4.41; W. F. Miller, \$25.00; Company, \$2.23; Gulf Oil Corporation, \$23.50; Gulf Oil Corporation, \$4.1; Albemarle Motor Co., \$8.17; Motorola C & E, Inc., \$60.00; Hughes-Parker Hdw. Co., \$2.44; Byrum Hdw. Co., \$1.79; Ricks Laundry & Cleaners, Inc., \$6.00; Natale Mach. & Tool Co., \$11.20; Bunch's Garage, \$14.78; S. A. Waite, \$22.00; The Norfolk & Carolina Tel. & Tel. Co., \$21.88; Ashley Welding & Machine Co., \$1.00; Volunteer Firemen, \$167.00; Ashley Welding & Machine Co., \$9.67; Gulf Oil Corporation, \$225.64; Texaco, Inc., \$226.20; Ack Ack Exterminating Co., \$15.00; M. G. Brown Co., \$10.27; Coastland Oil Co., \$86.15; Bunch's Auto Parts, \$7.50; Byrum Hardware Co., Inc., \$9.45; Bunch's Garage, \$103.39; Ashley Welding & Machine Co., \$47.51; Edenton Tractor & Implement Co., \$5.25; J. D. McCotter, Inc., \$24.00; Hughes-Parker Hdw. Co., \$12.33; Gulf Oil Products, \$16.34; Hobbs Implement Co., \$1.30; Edenton Auto Parts, \$93.45; Albemarle Motor Co., \$77.86; The Norfolk & Carolina Tel. & Tel. Co., \$9.25; John P. Imb., Edenton, N. C. \$300.00; R. Elton Forehand, \$124.92; The

American City, \$4.00; Mrs. Bertha Bunch, \$9.00; Celia D. Spivey, Assistant Clerk E&W Dept., \$250.00; W. E. Mills, \$25.00; Olive P. Dail, \$2.00.

There being no further business, the Board adjourned. CELIA D. SPIVEY, Assistant Clerk.

January 17, 1961
The Town Council met this

day in special session at 8 P. M. Members present: Mayor John A. Mitchener, Jr., J. Edwin Bufflap, George A. Byrum, Luther C. Parks, W. C. Bunch, Jr., C. A. Phillips and R. Elton Forehand.

Delinquent business items on the agenda were discussed and terminated. CELIA D. SPIVEY, Assistant Clerk.

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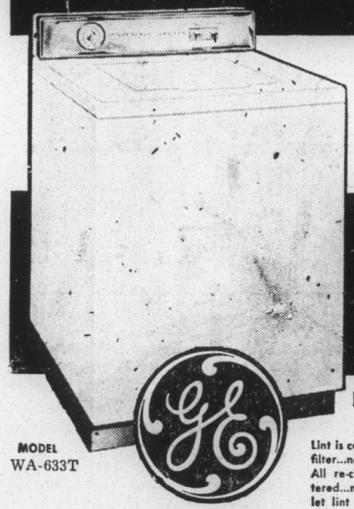
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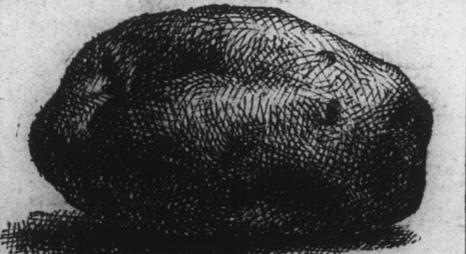
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